

# PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 9 October 2007 at the Town Hall, Royal Leamington Spa at 6.00 p.m.

**PRESENT:** Councillor MacKay (Chairman); Councillors Barrott, Mrs Blacklock, Mrs Bunker, Copping, Dhillon, Edwards, Mrs Higgins, Illingworth and Kinson.

Councillor Mrs Higgins substituted for Councillor Rhead.

## 508. DECLARATIONS OF INTEREST

### Minute Number 509 – W07/0437 – Quicks Site, Station Approach, Leamington Spa

Councillor Copping declared a personal and prejudicial interest because he had previously determined the application as a member of the Royal Leamington Spa Town Council and spoke publicly at the meeting in objection to this item. He left the room whilst the item was considered.

### Minute Number 510 – W06/1058 – Former Goods Yard, Station Approach, Leamington Spa

Councillor Copping declared a personal and prejudicial interest because he had previously determined the application as a member of the Royal Leamington Spa Town Council. He left the room whilst the item was considered.

The Head of Legal Services, Mr Simon Best, declared a personal and prejudicial interest because he had friends who lived in close proximity to the application site and left the room whilst the item was considered.

### Minute Number 511 – W07/0533 – 33 Fieldgate Lane, Kenilworth

Councillor Mrs Blacklock declared a personal and prejudicial interest because she was friends of the applicants and objectors and left the room whilst the item was considered.

Councillor Illingworth declared a personal interest because he was Ward Councillor for the application site and knew many people in the area, possible objectors.

### Minute Number 512 – W07/1134 – 15 Highland Road, Kenilworth

Councillor Mrs Bunker declared a personal interest because the application site was within her Ward.

### Minute Number 513 – W07/1248 – 17 Moorhill Road, Whitnash

Councillor Barrott declared a personal interest because the objector to the item was known to him as a work colleague.

Minute Number 514 – W07/1349 – 5-10 Sussex Court, Lyttleton Road, Warwick

Councillors Barrott, Mrs Blacklock, Mrs Bunker, Copping, Dhillon, Edwards, Mrs Higgins, Illingworth, Kinson and MacKay all declared personal interests because the application was made by Warwick District Council.

Minute Number 515 – W07/1417 – 11 Market Place, Warwick

Councillor Kinson declared a personal and prejudicial interest because the application site was within his Ward and he had previously made comments on the application in the press following an enforcement application. He left the room whilst the item was considered.

Councillors Dhillon and Mrs Higgins declared personal interests because the application site was within their Ward.

Minute Number 516 – W07/1418LB – The Tilted Wig, 11 Market Place, Warwick

Councillor Kinson declared a personal and prejudicial interest because the application site was within his Ward and he had previously made comments on the application in the press following an enforcement application. He left the room whilst the item was considered.

Councillors Dhillon and Mrs Higgins declared personal interests because the application site was within their Ward.

**509. QUICKS SITE, STATION APPROACH, ROYAL LEAMINGTON SPA**

The Committee considered an application from Penegon Netherlands BV & C/O Agent Miller Homes Ltd for a new residential development consisting of 122 dwelling units with associated highway works and construction of parking spaces.

The application was presented to Committee because an objection from Royal Leamington Spa Town Council had been received and because of a request from the Ward Councillor, Councillor Gifford.

The Head of Planning and Engineering had recommended that references to relevant policies were contained in the appeal decision on a previous application on this site (references W04/1281 and W05/0944). The Inspector in reporting on those appeals also referred to Regional Planning Guidance (RPG11), the Warwickshire Structure Plan (1996-2011), the Warwick District Local Plan 1995, the Warwick District Local Plan (Revised Deposit Draft 1996-2011), the Leamington Station Area Enhancement Study, the Development Brief, Old Leamington Town, Development Principles for the Station Area; the District Councils SPG on Distance Separation; the document Managing Housing Land Supply; Royal Leamington Spa - a design framework for a Historic Town; Conservation Area Statement; Guidance for developers on affordable housing, 2004.

Since the appeal decision on 12 July 2006, a revised PPS3 on Housing had been published, the Inspectors Report on the Warwick District Local Plan 1996-2011

## **PLANNING COMMITTEE MINUTES (Continued)**

had been received and the Local Plan had now been adopted by the District Council.

At the Executive meeting held on 23rd July 2007 it was agreed to seek funding from Advantage West Midlands for funding support to develop a planning brief for the wider station area, Leamington Spa.

The following people addressed the Committee:

Councillor R Copping	Town Councillor (Objecting)
Mr N Sharpe	Objector
Ms T Newby	Objector
Mr N Longstaff	Applicant
Councillor B Gifford	Ward Councillor (Objecting)

The Committee considered the additional information on the application which had been circulated as part of the addendum.

Following consideration of the officer's report and presentation along with the submissions by the public addressing the Committee, the Committee were of the opinion that the application should be refused against the officer's recommendation.

**RESOLVED** that application W07/0437 be REFUSED for the following reasons:

- (1) in the opinion of the District Planning Authority the erection of housing on the western portion of this site, in close proximity to the bus depot and adjacent to the railway line, would result in an unsatisfactory form of residential development which would fail to provide an acceptable environment for future residents, inconsistent with advice in PPS1 and contrary to Policies DP1 and DP2 in the Warwick District Local Plan 1996-2011; and
- (2) having regard to the proposed layout of housing on the western portion of the site adjacent to the bus depot, the District Council considers that future occupiers of the housing may seek to persuade the Council to serve a noise abatement notice against the operator of the bus depot because of the effects of noise from the bus depot, on their living conditions. Hence the District Council considers that there is a significant risk that this proposed development would lead to a restriction on the future operations of the bus depot which would hamper the ability of the operator to provide the bus services in the area. The proposal would thereby fail to harmonise with its surroundings, contrary to the requirements of Policy DP1 in the Warwick District Local Plan 1996-2011.

**510. FORMER GOODS YARD, STATION APPROACH, ROYAL LEAMINGTON SPA**

The Committee considered an application from BRB (Residuary) Ltd/Network Rail Ltd for an outline application for the erection of B1 development, new access road and associated car parking and landscaping (siting of building and access to be determined i.e. not reserved for future approval).

The application was presented to Committee due to a request from the Ward Councillor, Councillor Gifford.

The Head of Planning and Engineering had recommended that the application be granted in relation to the following policies:

DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

DP6 - Access (Warwick District Local Plan 1996 - 2011)

DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)

DP8 - Parking (Warwick District Local Plan 1996 - 2011)

DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

SPG: 'Development Principles for Station Area', 1999.

SSP1 - Employment Allocations; Station Goods Yard, Station Approach, Leamington Spa (Warwick District Local Plan 1996 - 2011)

SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)

UAP2 - Directing New Employment Development (Warwick District Local Plan 1996 - 2011)

The following people addressed the Committee:

Councillor B Gifford                      Ward Councillor (Objecting)

The Committee considered the additional information on the application which had been circulated as part of the addendum.

Following consideration of the officers report and presentation along with the submissions by the public addressing the Committee, the Committee were of the opinion that the application should be granted in line with the officer's recommendation.

**RESOLVED** that application W06/1058 be GRANTED subject to the satisfactory conclusion of a Section 106 legal agreement to secure the payment of monies as set out above and to the conditions listed below:

- (1) this permission is granted under the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 as amended, on an outline application for no more than 8047 sq.m of B1 floorspace and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-
  - (a) appearance
  - (b) landscaping
  - (c) scale

**REASON :** To comply with Section 92 of the Town and Country Planning Act 1990 as amended;
- (2) in the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the District Planning Authority not later than the expiration of three years beginning with the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 as amended;
- (3) the development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved. **REASON :** To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 as amended;
- (4) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing nos. 02126/015/K, 016H, 020D, 021B, 022D, 026B, 027A and 028D, and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (5) detailed drawings shall be submitted to and approved by the Local Planning Authority before any work is commenced to indicate the finished

site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved. **REASON** : To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

- (6) a landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:2005. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (7) no development shall be carried out on the site which is the subject of this permission, until details of provision for storage of refuse have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect the amenities of occupiers of the site and the character and

appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (8) no materials, plant or equipment of any description including skips or containers, shall be stacked, stored or deposited on any open area of the site. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (9) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details.  
**REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (10) notwithstanding the details shown on the approved plans, no development shall be carried out on the site which is the subject of this permission, until satisfactory details of boundary treatment have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP11 and DP2 of the Warwick District Local Plan 1996-2011;
- (11) details of the air conditioning, ventilation and flue extraction systems including particulars of noise levels shall be submitted to and approved by the Local Planning Authority before any works commence on site. The development shall not be carried out otherwise than in full accordance with such approved details.  
**REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;
- (12) no external lighting or sound amplification or

tannoy system shall be installed on any external wall or roof of any building or within the open land comprised in the application site other than in accordance with details first submitted to and approved in writing by the District Planning Authority. **REASON :** To protect the amenity of the occupiers of nearby properties, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011;

- (13) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority. **REASON :** In the interests of fire safety;
- (14) details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON :** To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policy DP11 of the Warwick District Local Plan 1996-2011;
- (15) prior to the commencement of the development hereby permitted a plan to show the layout and surface treatment of car parking shall have been submitted to and approved by the District Planning Authority. The car parks shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. **REASON :** To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;
- (16) prior to the commencement of the development hereby permitted a plan to show the layout and surface treatment of cycle parking areas for use in association with the development shall have



been submitted to and approved by the District Planning Authority. The cycle parking area shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. **REASON :** To ensure that there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;

- (17) a Travel Plan comprising the following details shall be submitted to and approved in writing by the District Planning Authority, in consultation with the Highway Authority, within 3 months of the date of the first occupation each of the units hereby approved and should include the following:-
- (i) a target for the proportion of employees who will travel by means other than single car occupancy;
  - (ii) a strategy for achieving the target(s);
  - (iii) a management programme;
  - (iv) a process for monitoring the process towards achieving the target(s), and;
  - (v) measures should targets not be achieved.
- Thereafter the use of each unit shall operate in strict accordance with the approved Travel Plan, unless otherwise agreed in writing by the District Planning Authority, in consultation with the Highway Authority.
- REASON :** To satisfy the aims of PPG13 in reducing reliance on the use of private motor vehicles in order to promote sustainable transport choices to the site;
- (18) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **REASON :** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

- (19) no development approved by this permission shall be commenced until:
- a) A desk top study identifying previous site uses, potential contaminants and other relevant information and using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been undertaken and submitted in approval in writing by the District Planning Authority;
  - b) If deemed necessary as a result of the desk top study, a site investigation has been designed using the information obtained from the desk top study and any diagrammatical representations (Conceptual Model), and has been submitted to and approved in writing by the District Planning Authority
  - c) The site investigation has been undertaken in accordance with details approved and a risk assessment has been produced;
  - d) A method statement detailing the remediation requirements using the information obtained from the site investigation has been approved in writing by the District Planning Authority.

If during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the District Planning Authority shall be carried out until either:-

- a site investigation has been designed and undertaken in accordance with details approved in writing by the District Planning Authority, a risk assessment has been produced and a method statement detailing the remediation requirements using the information obtained from the site investigation has been approved by the District Planning Authority or;
- if the above has been previously undertaken, the developer has submitted and obtained written approval from the District Planning Authority for an addendum to the method statement detailing how this unsuspected contamination shall be dealt with.

All remediation works detailed in the method statement shall be undertaken and a report submitted to the District Planning Authority providing verification that the works have been

carried out in accordance with the approved details before the first occupation of any unit hereby permitted.

**REASON :** To ensure any contaminator on the side is fully and properly remediated in accordance with Policy DP9 in the Warwick District Local Plan 1996-2011;

- (20) any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund. **REASON :** To prevent pollution of the water environment in accordance with Policy D9 in the Warwick District Local Plan 1996-2011;
- (21) prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor. **REASON :** To prevent pollution of the water environment in accordance with Policy D9 in the Warwick District Local Plan 1996-2011;
- (22) inspection manholes shall be provided and clearly identified on foul and surface water drainage systems, in accordance with a scheme to be submitted to and approved by the Local Planning Authority. **REASON :** To enable discharges from individual premises or buildings

to be inspected and sampled to prevent pollution in accordance with Policy D9 in the Warwick District Local Plan 1996-2011;

- (23) before any of the development begins, written approval of the details of the following matters shall be obtained from the Local Planning Authority in consultation with the Highway Authority:-
  - a. completion of a satisfactory Stage 1/2 Road Safety Audit for the proposed junction improvements at Station Approach/Avenue Road and Adelaide Road/Avenue Road;
- (24) before the development is commenced, the further written approval of the Local Planning Authority in consultation of the Highway Authority shall be obtained for the design of the estate road layout serving the development including footways, cycleways, verges and footpaths. These details shall include large scale plans and sections showing the layout, vertical alignment, and surface water drainage details including the outfalls. **REASON** : To ensure a satisfactory standard of site layout in accordance with Policies DP1 and DP2 in the Warwick District Local Plan 1996-2011;
- (25) the construction of the estate road serving the development including footways, cycleways, verges and footpaths shall not be other than in accordance with the standard specification of the Highway Authority. **REASON**: To ensure a satisfactory standard of site layout in accordance with Policies DP1 and DP2 in the Warwick District Local Plan 1996-2011;
- (26) prior to commencement of any works on the site the Applicant/Developer shall install a mechanical wheel wash adjacent to the site access for the purpose of ensuring that mud and debris will not be deposited on the highway as result of construction traffic leaving the site. Details of the wheel wash (including type, method of operation and control of use) shall be approved in writing by the District Planning Authority in consultation with the Highways Authority. **REASON**: To ensure highway safety in accordance with the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011; and

- (27) the development shall not be occupied until the public highways at Station Approach, Avenue Road and Adelaide Road have been improved so as to provide for traffic signal junctions in general accordance with the details shown on Drawing No. 02126.015.K and in strict accordance with a subsequent detailed scheme and stage 1/2 Road Safety Audit for those junctions first submitted to and approved in writing by the District Planning Authority.

**REASON :** To secure a satisfactory means of site access in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.

NOTE: The applicant is advised that in the submission of reserved matters the District Planning Authority will be seeking a scheme which incorporates buildings not exceeding 2 storeys in height adjoining the northern boundary of the site.

**511. 33 FIELDGATE LANE, KENILWORTH**

The Committee considered an application from Mr & Mrs R Kendall for the erection of single and two storey side, front and rear extensions following demolition of garage.

The minor amendment to the application was presented to Committee due to the number of objections received.

The Head of Planning and Engineering had recommended that the application be approved because he felt that it complied with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Post Inquiry Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Post Inquiry Version).

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 Post Inquiry Version)

The following people addressed the Committee:

Mr M Hornbrook                      Objector

The Committee considered the additional information on the application which had been circulated as part of the addendum.

Following consideration of the officers report and presentation along with the submissions by the public addressing the Committee, the Committee were of the opinion that the application should be approved in line with the officer's recommendation.

**RESOLVED** that the proposed amendments to application W07/0533 be APPROVED, subject to satisfactory samples of the tiles.

**512. 15 HIGHLAND ROAD, KENILWORTH**

The Committee considered an application from Mr Tatman for the erection of two storey front extension and insertion of two side roof lights.

The application was presented to Committee following a request by Councillor Shilton.

The Head of Planning and Engineering had recommended that the application be refused in relation to the following policies:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

The 45 Degree Guideline (Supplementary Planning Guidance)

The following people addressed the Committee:

Councillor D Shilton              Ward Councillor (Supporting)

The Committee considered the additional information on the application which had been circulated as part of the addendum.

Following consideration of the officer's report and presentation along with the submissions by the public addressing the Committee, the Committee were of the opinion that the application should be refused in line with the officer's recommendation.

**RESOLVED** that application W07/1134 be REFUSED for the following reasons:

- (1) Policy DP1 of the Warwick District Local Plan 1996-2011 requires all development proposals to achieve a high standard of design and harmonise with their surroundings. It is considered that the proposed development, due to its design, very considerable size and projection from the front of the house, would be seriously injurious to the visual amenities of the area by creating an incongruous feature in relation to the adjoining buildings and the street scene generally, thereby conflicting with local plan policy; and
- (2) Policy DP2 of the Warwick District Local Plan 1996-2011 requires all development proposals to protect the amenities of adjoining residents. In the opinion of the District Planning Authority, the extension proposed would constitute an unneighbourly form of development in relation to no. 17 Highland Road, which is a bungalow, by

reason of the overbearing appearance of the proposed extensions viewed from that property.

**513. 17 MOORHILL ROAD, WHITNASH**

The Committee considered an application from Mr B S Gill for the erection of single storey rear and side extensions, rear and side dormers and replacement garage and store.

The application was presented to Committee because an objection from Whitnash Town Council had been received.

The Head of Planning and Engineering had recommended that the application be granted in line with the following policies:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011).

The following people addressed the Committee:

Mrs J Murphy                      Objector

Mr S Hadland                     Agent/Supporter

The Committee considered the additional information on the application which had been circulated as part of the addendum.

Following consideration of the officer's report and presentation along with the submissions by the public addressing the Committee, the Committee were of the opinion that the application should be granted in line with the officer's recommendation.

**RESOLVED** that application W07/1248 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing as amended 20A, and specification contained therein, submitted on 9th August 2007 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) the side facing dormer in the side elevation of the extension hereby permitted shall be non-opening and obscure glazed and retained as such at all times thereafter. **REASON** : To protect the amenity of the occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011;
- (5) the existing prefabricated building at the rear of 17 Moorhill Road shall be demolished in its entirety or reduced in length to provide a gap of not less than 2.3 metres between itself and the kitchen extension as hereby approved.  
**REASON:** To protect the amenities of the adjoining properties in accordance with the requirements of policies DP1 And DP2 of the Warwick District Local Plan 1996-2011; and
- (6) the new brick store shall be used solely as a store ancillary to the residential use of this property and shall not be used at any time for any other purpose whatsoever. **REASON:** To protect the amenity of adjacent properties in accordance with the requirements of policy DP2 of the Warwick District Local Plan 1996-2011).

**514. 5-10 SUSSEX COURT, LYTTLETON ROAD, WARWICK**

The Committee considered an application from Warwick District Council for the change of use of ground floor store area serving council flats to community office facility.

The application which was a Council application was brought before the Committee as the Delegation Agreement only covered "routine minor developments" if the Council is applicant.

The Head of Planning and Engineering had recommended that the application be granted in line with the following policies:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

SC7 - Directing Community Facilities (Warwick District Local Plan 1996 - 2011)

DP6 - Access (Warwick District Local Plan 1996 - 2011).



Following consideration of the officer's report and presentation, the Committee were of the opinion that the application should be granted in line with the officer's recommendation.

**RESOLVED** that application W07/1349 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) PS/SC/02, and specification contained therein, submitted on 10 August 2007 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) the premises shall be used only as a community housing facility in accordance with the list of uses included in the Design and Access Statement and for no other purpose. **Reason:** Since any other office use would be contrary to the policies of the Warwick District Local Plan 1996-2011.

**515. 11 MARKET PLACE, WARWICK**

The Committee considered a retrospective application from Ms M Price for the display of hand painted murals.

The application was presented to Committee in view of the planning history on the site.

The Head of Planning and Engineering had recommended that the application be refused in line with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV9 - Design Guidance for New Development within Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)

## **PLANNING COMMITTEE MINUTES (Continued)**

(DW) ENV20 - Advertising Control (Warwick District Local Plan 1995)  
DAP10 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011 Post Inquiry Version)  
DAP6 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011 Post Inquiry Version)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Post Inquiry Version)  
Supplementary guidance: "Design Advice on Shopfronts and Advertisements"

The Committee considered the additional information on the application which had been circulated as part of the addendum.

Following consideration of the officer's report and presentation, the Committee were of the opinion that the application should be granted contrary to the officer's recommendation.

**RESOLVED** that application W07/1417 be GRANTED because the drawings are well drawn and witty which adds to the character of the streetscene and to the appearance of Warwick and hence are not considered harmful either to the character or appearance of the Conservation Area or that of this Listed Building.

### **516. TILTED WIG, 11 MARKET PLACE, WARWICK**

The Committee considered a retrospective application from Ms M Price for the display of hand painted murals.

The application was presented to Committee in view of the planning history on the site.

The Head of Planning and Engineering had recommended that the application be refused in line with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)  
(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)  
(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)  
(DW) ENV9 - Design Guidance for New Development within Conservation Areas (Warwick District Local Plan 1995)  
(DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)  
(DW) ENV20 - Advertising Control (Warwick District Local Plan 1995)  
DAP10 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011 Post Inquiry Version)  
Supplementary guidance: "Design Advice on Shopfronts and Advertisements"  
DAP6 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011 Post Inquiry Version)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Post Inquiry Version)

The Committee considered the additional information on the application which had been circulated as part of the addendum.

Following consideration of the officer's report and presentation, the Committee were of the opinion that the application should be granted in line with the officer's recommendation.

**RESOLVED** that application W07/1417 be GRANTED because the drawings are well drawn and witty which adds to the character of the streetscene and to the appearance of Warwick and hence are not considered harmful either to the character or appearance of the Conservation Area or that of this Listed Building.

**517. LAND ADJACENT TO 103 TAYLOR AVENUE, LILLINGTON, ROYAL LEAMINGTON SPA**

The Committee considered an application from Dhesi Estates for the erection of a two storey rear extension and open front porch.

The application was presented to Committee because an objection from Royal Leamington Spa Town Council had been received.

The Head of Planning and Engineering had recommended that the application be granted because he felt that it complied with the following policies:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

The 45 Degree Guideline (Supplementary Planning Guidance).

Following consideration of the officer's report and presentation, the Committee were of the opinion that the application should be granted in line with the officer's recommendation subject to the addition of condition 4.

**RESOLVED** that application W07/1450 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing numbers 103ATA.LS.P1 and 103ATA.LS.P2 BR1 and specification contained therein, submitted on 29 August 2007 and 12 September 2007 unless first agreed otherwise in writing by the District

Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and
- (4) the removal of Permitted Development rights for future extensions.

**518. 6 VICTORIA STREET, ROYAL LEAMINGTON SPA**

The Committee considered a report requesting authority to serve a notice under Section 215 Town & Country Planning Act 1990 in relation to the condition of the above property.

The Head of Planning and Engineering had recommended the matter be presented to Committee to request that enforcement action be authorised in relation to the following policies:

In the Warwick District Local Plan 1996 – 2011 policy is to safeguard the amenity of the area. The property is also within the Conservation Area.

Following consideration of the officer's report and presentation, the Committee were of the opinion that enforcement action be authorised in line with the officer's recommendation.

**RESOLVED** that the service of a Section 215 Notice be **AUTHORISED** on application ENF 282/24/05 to protect the character and appearance of this part of the Leamington Spa Conservation Area with a compliance period of six months.

**519. THE PUNCHBOWL HOTEL, 1 THE BUTTS, WARWICK**

The Committee considered a report requesting enforcement action be authorised for hand painted lettering to brickwork at first floor level to front elevation on the above property.

## **PLANNING COMMITTEE MINUTES (Continued)**

The Head of Planning and Engineering had recommended the matter be presented to Committee to request that enforcement action be authorised in relation to the following policies:

DP1 – Layout and Design Warwick District Local Plan 1996-2011

DAP6 – Protection of Listed Buildings Warwick District Local Plan 1996-2011

DAP10 – Protection of Conservation Areas (Warwick District Local Plan 1996-2011).

Supplementary guidance: “Design Advice on Shopfronts and Advertisements”

Following consideration of the officer’s report and presentation, the Committee were of the opinion that enforcement action be authorised in line with the officer’s recommendation.

**RESOLVED** that enforcement action be authorised for application ENF 039/05/07 requiring the removal of the hand painted writing with a compliance period of 2 months.

### **520. WARWICK DISTRICT PLANNING FORUM**

The Committee considered the minutes of the Planning Forum meeting held on 24 September 2007.

**RESOLVED** that the minutes of the Planning Forum held on 24 September 2007 be noted with a comment that Mrs L Bromley is a Warwick Town Councillor.

(The meeting ended at 10:15pm)