

# PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 2 November 2005 at the Town Hall, Royal Leamington Spa at 6.00 p.m.

**PRESENT:** Councillor Evans (Chair); Councillors Ashford, Mrs Blacklock, Ms De-Lara-Bond, and Mrs Knight.

Apologies for absence were received from Councillors Mrs Compton and Windybank.

## 582. DECLARATIONS OF INTEREST

### Minute Number 596 – 16 Avon Road, Whitnash

Councillors Ashford, Mrs Blacklock, Ms De-Lara-Bond, Evans and Mrs Knight all declared a personal interest when this matter was considered as it became apparent during the officers presentation that the objector to the application was a fellow Councillor.

### Minute Number 600 – 1-2 The Shopping Centre, St Margaret's Road, Whitnash

Councillors Ashford, Mrs Blacklock, Ms De-Lara-Bond, Evans and Mrs Knight all declared a personal interest because Warwick District Council was the land lord of the site.

### Minute Number 605 – ACT 128/12/04 – Table Top Properties – 21 Adelaide Road, Leamington Spa

Councillor Ms-De-Lara-Bond declared a personal and prejudicial interest because the owner of the property was a relative, and left the room while the matter was considered.

## 583. MINUTES

The minutes of the meeting held on 23 August, 21 September and 22 September 2005 were taken as read and signed by the Chair as a correct record.

## 584. 19 ASH DRIVE, KENILWORTH

The Committee considered an application from Mr and Mrs Akister for a proposed garden room

The Head of Planning and Engineering had recommended that the application be granted as he considered that the application complied with the following policies:

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

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

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

The following addressed the Committee on this item:

Councillor P Ryan

Town Council

## **PLANNING MINUTES (Continued)**

The Committee were in agreement with the Head of Planning and Engineering recommendations however they sought to include an additional condition that the building remains ancillary to the residential buildings.

**RESOLVED** that application W2005/1569 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, 4495/01, and specification contained therein, submitted on 16 September 2005, 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 Local Plan Policy ENV3;
- (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 ENV3 of the Warwick District Local Plan; and
- (4) The building remains ancillary to the residential buildings.

### **585. 40 CAESAR ROAD, KENILWORTH**

The Committee considered enforcement action to secure the removal of a 1.8m high fence fronting Fishpond's Road, and the Corner of Caesar Road.

The Head of Planning and Engineering had recommended that the application be refused as he considered it did not comply with the following policies:

(DW) ENV3 – Development Principles (Warwick District Local Plan 1995)  
DP1 – Layout and Design (Warwick District Local Plan 1996 – 2011 Revised Deposit Version).

**RESOLVED** that enforcement action requiring the removal of the fence with a compliance period 3 months, be authorised.

### **586. 26 KINGSWOOD CLOSE, LAPWORTH**

The Committee considered a retrospective application from Mr C Roe, for the change of use of land adjacent to No. 26 Kingswood Close, from agricultural land to garden land and retention of garden shed.

## **PLANNING MINUTES (Continued)**

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

(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)

(DW) C8 - Special Landscape Areas (Warwick District Local Plan 1995)

DAP1 - Protecting the Green Belt (Warwick District 1996 - 2011 First Deposit Version)

DAP3 - Protecting Special Landscape Areas (Warwick District 1996 - 2011 First Deposit Version)

**RESOLVED** that application W05/1068 be GRANTED subject to the following conditions:

- (1) The development hereby permitted relates strictly with the details shown on the approved drawings and specification contained therein, submitted with the District Planning Authority on 7 September 2005 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 Local Plan Policy ENV3; and
- (2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Class E, Part 1 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON:** To retain control over future development on the site in the interests of protecting the Green Belt in accordance with Policy ENV1 of the Warwick District Local Plan.

### **587. BARN, FERNWOOD FARM, ROUNCIL LANE, BEAUSALE.**

The Committee considered an application from Mr S Collier, for a barn conversion to a live/work unit.

The Head of Planning and Engineering considered the following policies relevant to the application.

(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)

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

(DW) ENV3A - Sustainable Development and Energy Conservation (Warwick District Local Plan 1995)

(DW) H9 - Open Countryside (Warwick District Local Plan 1995)

(DW) EMP4 - Employment Development in the Rural Areas of the District (Warwick District Local Plan 1995)

(DW) C1 - Conservation of the Landscape (Warwick District Local Plan 1995)

(DW) C2 - Diversification of the Rural Economy (Warwick District Local Plan 1995)

(DW) C3 - Criteria for the Conversion of Rural Buildings (Warwick District Local Plan 1995)

County Structure Plan Policy RA.4: Conversion of existing rural buildings.

PPG7: Sustainable Development in Rural Areas.

## **PLANNING MINUTES (Continued)**

PPG2 : Green Belts.

The Planning Officer explained that the second reason for refusal should be amended to refer the amended floor plans submitted to the authority and considered by the Committee.

**RESOLVED** that application W2005/1248 be REFUSED for the following reasons:

- (1) Policy (DW) C3 of the Warwick District Local Plan and emerging policy RAP8 of the first deposit version of the Local Plan (1996-2011) sets out a number of criteria for the re-use or adaptation of existing rural buildings within the District and the policy specifically refers to the need for the proposed use to be accommodated without extensive rebuilding, alteration or extensions to the building. This reflects paragraph 3.8 of PPG2 "Green Belts" which refers to re-use of buildings in Green Belt Areas which are of "permanent" and "substantial" construction, capable of conversion without "major or complete reconstruction". In the present case, the creation of a live/work unit would require works of major reconstruction to a structure, which is considered to be contrary to both local development plan and national policy guidance; and
- (2) Policy RA.4 of the County Structure Plan states that the residential part of a live/work unit should be a subordinate part of a scheme for a business re-use. In the present case the business floor area was not the dominant element and to grant consent, therefore, would be contrary to the Development Plan.

### **588. 143 WHITEMOOR ROAD, KENILWORTH**

The Committee considered an application from Mr and Mrs R Troiolou for the erection of a ground and first floor front, side and rear extension.

The Head of Planning and Engineering considered that the application should be granted because it complied with the following policies:

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

The 45 Degree Guideline (Supplementary Planning Guidance)

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

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

**RESOLVED** that application W2005/1360 be GRANTED subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990;

- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) (nos. 6074-01A and 6074-03A), and specification contained therein, submitted on 14 October 2005 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 Local Plan Policy ENV3;
- (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 ENV3 of the Warwick District Local Plan;
- (4) The first floor window in the side elevation of the extension hereby permitted shall be top-opening and obscure glazed and retained as such at all times thereafter. **REASON** : To protect the amenity of the occupiers of nearby properties; and
- (5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission, shall be placed at any time in the side elevations of the extension. **REASON**: To retain control over future development so that the residential amenity of adjoining occupiers is protected.

**589. 14 LANDSDOWNE CIRCUS, ROYAL LEAMINGTON SPA**

The Committee considered an application from Mr and Mrs R Dover for the erection of a single storey extension after the demolition of a porch and wc.

The Head of Planning and Engineering considered that the application should be granted because the application complied with the following policies:

(DW) ENV12 - Protection of the Setting of Listed Buildings (Warwick District Local Plan 1995)

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

DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)

DAP9 - Restoration of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)

**RESOLVED** that application W2005/1426LB be GRANTED subject to the following conditions following reference of the application to the secretary of state:

- (1) The works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) 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) 1160/04d, and specification contained therein, submitted on 17th October 2005) 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 Local Plan Policy ENV3;
- (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 ENV3 of the Warwick District Local Plan;
- (4) No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995; and
- (5) All rainwater goods for the development hereby permitted shall be metal and no development on site shall take place until a sample of the rainwater goods has been submitted to and approved by the District Planning Authority. **REASON** : To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995.

**PLANNING MINUTES (Continued)**

**590. 22 PORTLAND PLACE WEST, ROYAL LEAMINGTON SPA**

The Committee considered an application from Mr J V Hockin, for the replacement of 2 garage doors with a roller shutter type, garage door.

The Head of Planning and Engineering had recommended that the application be approved subject to conditions as he considered that it complied with the following policies:

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

DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)

DAP9 - Restoration of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)

**RESOLVED** that application W2005/1434LB be granted subject to the following conditions:

- (1) The works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004; and
- (2) The development hereby permitted shall be carried out strictly in accordance with the details of the brochure, photos and the attached applicant's email , and specification contained therein, submitted on 24th August 2005 and 5th October 2005 respectively 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 Local Plan Policy ENV3.

**591. 15 HIGHLAND ROAD, KENILWORTH**

The Committee considered an application from Mr Tatman, for the erection of a ground floor extension after demolition of the existing extension.

This had been deferred at the last meeting to allow for a site visit to take place before the determination of the application.

The Head of Planning and Engineering recommended that the application be granted as he considered that it complied with the following policies:

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

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

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

The 45 Degree Guideline (Supplementary Planning Guidance)

**RESOLVED** that application W2005/1465 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 2504/6, and specification contained therein, submitted on 1st September 2005 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 Local Plan Policy ENV3; and
- (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 ENV3 of the Warwick District Local Plan.

**592. 54 MALLORY ROAD, BISHOPS TACHBROOK**

The Committee considered an application Mr S Uddin for the erection of a ground floor rear and side extension.

The Head of Planning and Engineering had recommended that the application be granted, as he considered that the application complied with the following policies:

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

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

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

The 45 Degree Guideline (Supplementary Planning Guidance)

The Committee accepted the officers recommendation but considered the reason for condition 4 should be amended to read "This permission authorises the erection of an extension to the existing dwelling and shall not be construed as permitting the erection of a separate dwelling unit. **REASON**: Since it is an inappropriate location for a separate dwelling".



**RESOLVED** that application W2005/1466 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 1857/2A and 1857/1B and specification contained therein, submitted on 31 August 2005 and 3 October 2005 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 Local Plan Policy ENV3;
- (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 ENV3 of the Warwick District Local Plan; and
- (4) This permission authorises the erection of an extension to the existing dwelling and shall not be construed as permitting the erection of a separate dwelling unit. **REASON** : Since it is an inappropriate location for a separate dwelling.

**593. 9 MOORHILL ROAD, WHITNASH**

The Committee considered an application from Ms S Eales for the erection of extensions at ground and first floor.

The Head of Planning and Engineering had recommended that the application be granted as he considered that it complied with the following policies.

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

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

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

**RESOLVED** that application W05/1472 be GRANTED subject to the following conditions.

- (1) The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990;

- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing (0518.02A), and specification contained therein, submitted on 4th October, 2005 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 Local Plan Policy ENV3; and
- (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 ENV3 of the Warwick District Local Plan.

**594. UNIT 1, MONTAGUE STORAGE, MONTAGUE ROAD, WARWICK**

The Committee considered an application from PL Carbodies for the change of use from storage to car body repair workshop (use class B2 and the installation of extract stacks

The Head of Planning and Engineering had recommended that the application be granted as he considered that it complied with the following policies:  
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

**RESOLVED** that application W2005/1502 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) (nos. SE2584-1A and SE2584-2A), and specification contained therein, submitted on 5 September 2005 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 Local Plan Policy ENV3;

- (3) The premises shall be used for car body repairs and for no other purpose including any other purpose in Class B2 of Part B of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). **REASON** : Other uses within this Use Class may not be appropriate in these premises by reason of the close proximity of the site to residential properties;
- (4) The change of use hereby permitted shall not be brought into use until the proposed fume extract outlets shown on the approved plans have been constructed to terminate at least 3 metres above the height of any structure within 15 metres, and with an efflux velocity provided of at least 10 metres per second. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan; and
- (5) The level of noise (see notes 1 and 3) from any plant and machinery used in connection with the proposed change of use, measured one metre from the nearest noise sensitive facade, shall not exceed the background level (see notes 2 and 3) by more than 3 dBA. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan.

**595. 29 CLARENDON SQUARE, LEAMINGTON SPA**

The Committee considered planning and listed building applications from Mr and Mrs J Langdell for the erection of a single storey conservatory at the rear of the main house with brick base housing a sunken spa bath.

The Head of Planning and Engineering had recommended that the application be refused and requested authorisation for enforcement action as he considered that it did not comply 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) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)

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

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)

DAP7 - Changes of Use of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

**RESOLVED** that application W2005/1505LB & W05/1511

- (1) be REFUSED because The proposal relates to a Listed Building that stands within a terrace of properties in the Conservation Area, wherein Policy (DW) ENV11 seeks to prevent development that would adversely affect their character. This is reflected in Policy DAP6 of the emerging Warwick District Local Plan 1996-2011 which states that proposals will not be permitted to alter or extend listed buildings which would adversely affect their historic integrity, character and setting;

The historic pattern of the listed buildings within this terrace predominantly consist of a nineteenth century villa with a projecting rear wing enclosing a rear yard area and a rear garden with development fronting Trinity Street;

It is considered that the proposal would be detrimental to the character, appearance and setting of the application site and neighbouring listed buildings in this terrace and the character and appearance of the Conservation Area, by reason of its elevated appearance on a substantial brick plinth incorporating a pair of rear french doors without any associated access stairs and the use of UPVC, resulting in an incongruous and unsympathetic addition on this Listed Building; and

- (2) Enforcement action to secure the removal of the UPVC conservatory with a compliance period of three months be authorised.

**596. 16 AVON ROAD, WHITNASH**

The Committee considered a retrospective application W05/1521 from Mr S Jasiok for the erection of a single storey detached garage in the rear garden.

The Planning Officer reported that subsequent to the production of the agenda the applicant had withdrawn their retrospective application and therefore the Committee now only needed to consider the recommendation from the Head of Planning and Engineering with regard to enforcement action.

**RESOLVED** that enforcement action to ensure the removal of the existing garage from the site with a period for compliance of three months, be approved.

**597. 27 DUGARD PLACE, BARFORD.**

The Committee considered an application from Mr and Mrs Goodbourn for the erection of one and two storey side and rear extensions following the removal of the existing conservatory; and the addition of a pitched roof over garages and porch.

## PLANNING MINUTES (Continued)

The Head of Planning and Engineering had recommended that the application be granted subject to conditions as he considered that it complied with the following policies:

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

The 45 Degree Guideline (Supplementary Planning Guidance)

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

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

**RESOLVED** that application W2005/1523 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) (05/50-03 and 05/50-04), and specification contained therein, submitted on 14 September 2005 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 Local Plan Policy ENV3;
- (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 ENV3 of the Warwick District Local Plan;
- (4) The first floor window 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
- (5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission, shall be placed at any time in the side elevations of the first floor bedroom extension. **REASON** : To retain control over future development so that the residential amenity of adjoining occupiers is protected.

## **PLANNING MINUTES (Continued)**

### **598. 55 KINGSWAY, LEAMINGTON SPA**

The Committee considered an application from Mr and Mrs Uppal for the erection of a front, side and rear extension.

The Head of Planning and Engineering considered that the application complied with the following policies:

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

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

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

Distance Separation (Supplementary Planning Guidance)

The 45 Degree Guideline (Supplementary Planning Guidance)

**RESOLVED** that application W2005/1557 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 1616/4, and specification contained therein, submitted on 15 September 2005 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 Policy (DW) ENV3 of the Warwick District Local Plan 1995; and
- (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 (DW) ENV3 of the Warwick District Local Plan 1995.

### **599. 2b BERTIE ROAD, KENILWORTH**

The Committee considered an application from Mr and Mrs Skinner for the erection of a two storey front extension and porch.

The Committee had previously undertaken a site visit for this application.

The Head of Planning and Engineering had recommended that the application be granted subject to conditions as he considered that it complied with the following policies:

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

The 45 Degree Guideline (Supplementary Planning Guidance)

**RESOLVED** that application W2005/1415 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; and
- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing no. 05/Skinner/06 Revised, and specification contained therein, received on 10th October 2005 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 Local Plan Policy ENV3.

**600. 1-2 THE SHOPPING CENTRE, ST MATGARET'S ROAD, LEAMINGTON SPA**

The Committee considered an application from Mr J K Passi seeking removal of condition three on Plannign Permission W20010203, use personal to the applicant.

The Head of Planning and Engineering had recommended that the application be granted subject to conditions

**RESOLVED** that application W2005/156 be GRANTED subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON :** To comply with Section 91 of the Town and Country Planning Act 1990;
- (2) The permission hereby granted shall relate to the Unit 1 in accordance with the details of the sub-division of Units 1 & 2 as shown on the amended plan 1739/1(A) deposited with the District Planning Authority on 30th April 2001. The Units 1 & 2 shall thereafter be operated in full accordance with such approved sub-division unless otherwise approved by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policy ENV3 of the Warwick District Local Plan 1995;

- (3) No development shall be carried out on the site which is the subject of this permission, until full details of the proposed fume extraction equipment have been submitted to and approved by the District Planning Authority. Such fume extraction equipment shall be installed in full accordance with such approved details prior to the use, hereby approved, of Unit 1 as a Class A3 unit commencing. **REASON:** To protect the amenity of the occupiers of nearby properties and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan 1995;
- (4) No development shall be carried out on the site which is the subject of this permission, until satisfactory details of a noise insulation scheme to minimise transmission of airborne and impact noise between the ground and first floor of these premises have been submitted to and approved by the District Planning Authority. Such installation shall be installed in full accordance with such approved details prior to the use of Unit 1 as a Class A3 unit commencing as hereby approved. **REASON:** To protect the amenity of the occupiers of nearby properties and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan 1995; and
- (5) The use of the premises for the purposes hereby permitted shall be restricted to between the hours of 08.00 a.m. and 11.00 p.m., Sundays to Thursdays, and 08.00 a.m. and 12.00 a.m. on Fridays and Saturdays. **REASON:** To protect the amenity of the occupiers of nearby properties and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan 1995.

**601. 104 LANDOR ROAD, WHITNASH**

The Committee considered an application from Mr and Mrs Varney for the erection of a two storey side and single storey rear extension.

The Head of Planning and Engineering had recommended that the application be granted as he considered that it complies with the following policies:  
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
The 45 Degree Guideline (Supplementary Planning Guidance)



**RESOLVED** that application W05/1565 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 710 - 02, and specification contained therein, submitted on 13 September 2005 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 Policy (DW) ENV3 of the Warwick District Local Plan 1995; and
- (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 (DW) ENV3 of the Warwick District Local Plan 1995.

**602. 3 LAMBERT COURT, WEST STREET, WARWICK**

The Committee considered a retrospective application for the installation of UPVC windows to the front elevation.

The Head of Planning and Engineering recommended that the application be refused and requested authorisation for enforcement action because it did not comply with the following policies:

(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)

**RESOLVED** that

- (1) application W05/1565 be REFUSED because The site lies within a Conservation Area and it is considered that the development proposed would prejudice the Planning Authority's policy for the preservation and enhancement of the character and appearance of such areas by reason of the inappropriate dimensions and detailing of the windows, thereby conflicting with the objectives of Warwick District Local Plan policies (DW) ENV6 and (DW) ENV8 and emerging policy DAP10 of the first deposit version of the Local Plan (1996-2011);

## **PLANNING MINUTES (Continued)**

- (2) enforcement action to secure the removal of the UPVC windows and replaced to match the originals, be approved.

### **603. THE ORCHARD, SANDY LANE, BLACKDOWN, ROYAL LEAMINGTON SPA**

The Committee considered an application from Mr C Shea and Ms Timms for the erection of an extension to the rear of the existing bungalow.

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

(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)

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

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

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

RAP3 - Extensions to Dwellings (Warwick District 1996 - 2011 First Deposit Version)

DAP1 - Protecting the Green Belt (Warwick District 1996 - 2011 First Deposit Version)

(DW) H14 - Extensions to Dwellings in the Rural Area (Warwick District Local Plan 1995)

PPG2 - Green Belts (Government Guidance)

### **RESOLVED** that

- (1) application W05/1565 be GRANTED subject to the following conditions:

- (i) 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;
- (ii) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing number 846/1 and amended site location plan and specification contained therein, submitted on 12 September 2005 and 3 October 2005 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 Local Plan Policy ENV3;

- (iii) 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 ENV3 of the Warwick District Local Plan;
- (2) the existing Section 106 agreement be amended to allow the extension, the subject of planning permission W05/1539 to be built.

**604. LLWYN, WASPERTON ROAD, WASPERTON**

The Committee considered an application from Mr and Mrs Drury for the erection of a replacement dwelling with conservatory.

The Head of Planning and Engineering recommended that the application be granted as he considered that it complied with the following conditions:

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

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

(DW) H9 - Open Countryside (Warwick District Local Plan 1995)

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

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

RAP4 - Replacement Dwellings (Warwick District 1996 - 2011 First Deposit Version)

The Planning Officer reported at the meeting that subsequent to the production of the agenda the applicant had submitted revised plans for the position of the vehicular access and requested that an additional condition be included to refer to the amended plans to avoid any doubt.

**RESOLVED** that W05/1645 be GRANTED, as amended, 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) 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 ENV3 of the Warwick District Local Plan;

- (3) 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 ENV3 of the Warwick District Local Plan;
- (4) The development hereby permitted shall not commence unless and until two weeks notice in writing of the start of works shall have been given to the Warwickshire Museum as the nominated representative of the District Planning Authority. During the construction period the developer shall afford access at all reasonable times to representatives of the Museum and shall allow them to observe the excavations and record items of interest and finds. **REASON** : To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy ENV22 of the Warwick District Local Plan; and
- (5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Classes A, B, C, D or E of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : To retain control over future development of the premises in the interests of residential amenity.

**PLANNING MINUTES (Continued)**

**605. TABLE TOP PROPERTIES – 21 ADELAIDE ROAD, LEAMINGTON SPA**

The Committee considered a report from the Head of Planning and Engineering which requested authorisation for enforcement action with regard to the erection of an unauthorised erection of an additional garage to the rear of the property.

**RESOLVED** that enforcement action to ensure that the single storey extension to the garage is removed and the garage returned to the approved design and the boundary wall rebuilt with matching bricks with a period of compliance to be four months, be authorised

**606. APPEAL PERFORMANCE AND TRENDS – APRIL – SEPTEMBER 2005**

The Committee considered a report from the Head of Planning and Engineering updating them on the appeal and performance trends for April to September 2005.

**RESOLVED** that the report be noted.

**607. DEVELOPMENT CONTROL PERFORMANCE STATISTICS**

The Committee considered a report from the Head of Planning and Engineering updating them on the Development Control Performance Statistics for April to June 2005.

**RESOLVED** that the report be noted.

(The meeting ended at 8.40 pm)