

PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 10 March 2010 in the Town Hall, Royal Leamington Spa at 6.00pm.

PRESENT: Councillor MacKay (Chairman): Councillors Barrott, Mrs Blacklock, Mrs Bunker, Copping, Ms Dean, Mrs Higgins, Illingworth, Mobbs (substituting for Councillor Kinson) and Rhead.

An apology for absence was received from Councillor Kinson.

289. **DECLARATIONS OF INTEREST**

Minute Number 294 – W09/0781 – Oak Farm, Church Road, Baginton, Coventry

Councillor MacKay declared a personal interest because the application was in the Ward he represented.

Minute Numbers 292 & 293 – W09/0825 & W09/0826CA – 40 Russell Terrace, Leamington Spa

Councillor Barrott declared a personal interest because the application was in the Ward he represented.

Minute Number 295 – W09/1139 – 57 Crompton Street, Warwick

Councillor Mrs Higgins declared a personal interest because the application was in the Ward she represented.

Minute Numbers 296 & 297 – W09/1283 & W09/1284LB – 9 Clarendon Crescent, Leamington Spa

Councillor Copping declared a personal interest because he was a friend of the applicant.

Minute Number 291 – W09/1529LB – 86 Regent Street, Leamington Spa

Councillor Dean declared a personal interest because the application was in the Ward she represented and the applicant had contacted her.

Minute Numbers 300 & 301 – W09/1546 & W09/1547CA – The Black Horse, 18 Princes Street, Leamington Spa

Councillor Dean declared a personal interest because the application was in the Ward she represented and some neighbours of the applicant were known to her.

290. **MINUTES**

The minutes of the meeting held on 16 February 2010 were confirmed as a correct record and signed by the Chairman, subject to replacing 2 uses of the word "meter" with "metre" under minute 276, the date of the resumed meeting after minute 283 being amended to read Wednesday 17 February

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2010, and the addition of Councillor Mrs Higgins' name to the list of Councillors present at the resumed meeting.

At this point the Chairman informed everybody present that the meeting was being recorded on audio and video.

291. W09/1529 LB – 86 REGENT STREET, LEAMINGTON SPA

The Committee considered an application from Mr & Mrs Ahmadi for installation of an awning at fascia level (retrospective application).

This application was presented to Committee in order to request that enforcement action be taken.

A copy of the inspector's report had been circulated at the commencement of the meeting, along with an addendum detailing reasons for refusal of two related applications presented in September and October 2009 (applications W08/1048 and W08/1047/LB respectively), comments made by CAAF on the previous application and comments of support made in three visitors books which had been presented to the Planning Authority on 8 March 2010. The visitors books were made available to view at the meeting.

The case officer considered the following policies to be relevant to the application:

Design Advice on Shopfronts & Advertisements in Royal Leamington Spa (Supplementary Planning Guidance).

DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

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

The case officer was of the opinion that the awning on the property affected the character of the listed building and appearance of its surroundings. The terrace to which this property belonged comprised an architectural entity, with the front elevations being of identical design and tied together by a wrought iron balcony. The Inspector, in upholding the Listed Building Enforcement Notice, considered this unity to be an important feature of the terrace. Whilst the Council's Supplementary Planning Guidance allowed scope for diversity in the approach to shop-fronts where there was no formal architectural composition to the streetscene, it still required that works respect the overall form, proportions and scale of buildings. The Inspector found that the previous awnings did not achieve that objective, and the case officer was firmly of the view that the new awning at ground floor level did not overcome the reasons for upholding the Enforcement Notice.

Following consideration of the officer's report and presentation, and the information contained within the addendum, the Committee were of the opinion that the application should be refused and appropriate enforcement action authorised.

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that application W09/1529 LB be REFUSED and enforcement action authorised to secure the removal of the awning, for the following reasons:

Policy DAP4 of the Warwick District Local Plan 1996-2011 states that development will not be permitted which has an unacceptable adverse impact on a Listed Building. Policy DAP8 requires that development proposals protect and enhance the historic quality, character and appearance of Conservation Areas.

The Council has also published Supplementary Planning Guidance (SPG) entitled 'Design Advice on Shopfronts & Advertisements in Royal Leamington Spa'.

The application site relates to a building which forms part of a Grade II listed terrace within the Royal Leamington Spa Conservation Area wherein particular care is taken for the enhancement and preservation of the character and appearance of buildings and the streetscene generally. In the opinion of the District Planning Authority, the proposed awning introduces an element which unbalances the architectural harmony of the group resulting in a cluttered appearance that materially detracts from the elegant simplicity of the Regency design of this group of buildings. In addition, the design and form of the awning represents an element of modern apparatus which does not reflect an historic form of shopfront.

The proposed signage would therefore fail to preserve the special architectural and historic interest of this listed terrace and conflicts with Local Plan Policies DAP4, DAP8, the Council's Design Advice Leaflet on Shopfronts and Advertisements and well established national guidance in PPG15.

292. W09/0825 – 40 RUSSELL TERRACE, LEAMINGTON SPA

The Committee considered an application from Mr Mark Hero for the erection of a building fronting Plymouth Place to provide garaging and a workshop at ground floor, storage at basement level and a granny annexe ancillary to no. 40 Russell Terrace at first floor (after demolition of the existing garage and boundary wall to Plymouth Place).

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

Mr M Frater addressed the committee, objecting to the application, particularly on grounds of parking.

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The case officer considered the following policies to be relevant to the application:

Vehicle Parking Standards (Supplementary Planning Document)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP10 - Flooding (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)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that, with the exception of the use of the flat and the length of the garage, the main elements of the proposed development represented minor changes that did not have significant implications for the assessment of the application. Therefore, in relation to the key issues of the impact on the character and appearance of the Conservation Area, and the impact on the living conditions of neighbouring dwellings, the proposals remained acceptable. Adoption of the Council's Parking Standards in 2007 represented a significant change in policy since the previous application was approved. Standards would require 2 spaces for the existing dwelling at 40 Russell Terrace and 1.5 spaces for a proposed 2 bedroom flat. The application proposed 2 spaces, but the applicant had confirmed that the proposed flat would form an annexe to the main house for the use of family and occasional friends visiting. Therefore the proposals would form a granny annexe, rather than a self-contained flat, and a condition was recommended to ensure this was the case. The internal layout had been amended to ensure that the garages were at least 5m in length. The proposed garage doors would slide horizontally to open and therefore not overhang the highway or be detrimental to highway safety. The proposal was therefore considered to comply with the policies listed.

Members noted that DP11 required the applicant to confirm how drainage problems would be handled, prior to building commencing, and requested that a condition be added to that effect.

Following consideration of the officer's report and presentation, and the representation made, the Committee were of the opinion that the application should be granted in accordance with the officer's recommendation, subject to an additional condition requiring the applicant

PLANNING COMMITTEE MINUTES (Continued)

to confirm how drainage problems would be handled, prior to building commencing.

RESOLVED that application W09/0825 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) A07/288/01B, A07/288/02A & A07/288/04, and specification contained therein, submitted on 3 July 2009, 4 December 2009 & 19 February 2010, 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;
- (4) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, rooflights, windows (including a section showing the window reveal, heads and cill details), eaves, verges, water drainage and rainwater goods at a scale of 1:5 (including details of materials) 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:** For the avoidance of doubt, and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan

PLANNING COMMITTEE MINUTES (Continued)

1996-2011;

- (5) all window frames and all doors shall be constructed in timber and shall be painted and not stained and set in a window reveal of not less than 75mm from the front face of the building. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (6) all rainwater goods for the development hereby permitted shall be metal. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (7) prior to the occupation of the first floor flat hereby permitted, the lower two panes of the rear first floor living room window shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **REASON:** To protect the privacy of users and occupiers of nearby properties and or the privacy of future users and occupiers of the development hereby permitted and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011;
- (8) the residential accommodation hereby permitted shall only be occupied by guests or relatives of the family occupying the main dwelling house. **REASON:** Since there is insufficient parking space for a separate dwelling, in accordance with the Council's Parking Standards and Policy DP8 of the Warwick District Local Plan;
- (9) 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), the garaging shown on the plans hereby approved shall be retained and kept available for such purposes and shall not be altered either internally or externally

PLANNING COMMITTEE MINUTES (Continued)

without the prior consent of the District Planning Authority. **REASON:** To ensure that there are adequate parking facilities to serve the development, in accordance with the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (10) 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 to the building hereby permitted which comes within Part 1, Classes A, B & E of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON:** This site is of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (11) the workshop hereby permitted shall be used solely for purposes incidental to the residential occupation of the dwelling house at 40 Russell Terrace and shall not be used for any commercial purposes whatsoever. **REASON:** To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011; and
- (12) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter 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.

293. W09/0826CA – 40 RUSSELL TERRACE, LEAMINGTON SPA

The Committee considered an application from Mr Mark Hero for the demolition of existing garage and boundary wall to Plymouth Place.

PLANNING COMMITTEE MINUTES (Continued)

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

The case officer considered the following policies to be relevant to the application:

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

DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that, as conservation area consent had been granted for demolition of the garage and boundary wall in 2002, the same decision should be made on the current application as there had been no material changes in circumstances relevant to consideration of the impact on the character and appearance of the Conservation Area. Therefore, subject to planning permission being granted for the erection of a suitable replacement building under the associated planning application no. W09/0825 (see previous item), the proposal was considered to comply with the policies listed.

Following consideration of the officer's report and presentation, and the representation made under the previous item, the Committee were of the opinion that the application should be granted in accordance with the officer's recommendation.

RESOLVED that application W09/0826CA 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 demolition hereby permitted shall not be undertaken before a contract for the carrying out of works of redevelopment under planning permission no. W09/0825 has been made. **REASON:** To avoid the creation of an unsightly gap within the Conservation Area, in order to satisfy the requirements of DAP8 of the Warwick District Local Plan 1996-2011.

(Councillor Rhead joined the meeting during the course of this item.)

294. **W09/0781 – OAK FARM, CHURCH ROAD, BAGINTON, COVENTRY**

The Committee considered an application from Mrs M Russell for the siting of a mobile home within an existing farmyard. This was a renewal of planning permission W06/1400.

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to the Committee in order to request that enforcement action be taken.

The report before the Committee summarised representations from Baginton Parish Council, WCC Ecology, Rhodes Rural Planning and Land Management, and The Old Rectory.

Mr J Clarke and Mrs M Russell addressed the Committee in support of the application, with particular reference to maintaining the security of the site and livestock.

The case officer considered the following policies to be relevant to the application:

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

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

DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)

RAP5 - Housing for Rural Workers (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the proposal was contrary to Local Plan Policy RAP5, in that the low functional needs of the business could be met from the applicant's existing dwelling, and national guidance in the form of PPS7. Advice given by the Council's current agricultural consultant was very different to that given by the then consultant when permission was first given in 2006. When temporary permissions had been granted, it was normal for a planning authority to assess whether a permanent permission was appropriate at renewal stage, rather than perpetuate a sequence of temporary permissions. The officer recognised the 'Human Rights' dimension to the case, in that the current occupier of the mobile home would have to find alternative accommodation. For that reason, a compliance period of 12 months was suggested.

Following consideration of the officer's report and presentation, and the representation made, the Committee were of the opinion that appropriate enforcement action should be authorised.

RESOLVED that application W09/0781 be REFUSED and enforcement action AUTHORISED directing at the removal of the mobile home within twelve months, for the following reasons:

District Wide Policy RAP5 in the Warwick District Local Plan 1996-2011 states that residential development for rural workers will not be permitted unless

- "there is a clear functional need for the person to be readily available on the site at most times;
- the worker is fully or primarily employed on the land to which the proposal relates;
- the unit and the agricultural activity is financially sound and has a clear prospect of remaining so; the dwelling sought is of an appropriate size commensurate with the established functional requirement; and

PLANNING COMMITTEE MINUTES (Continued)

- the functional need could not be met by an existing dwelling on the unit, or by other existing accommodation in the area."

Government Guidance in the form of PPS7 "Sustainable Development in Rural Areas" Annex A makes provision for applications of this nature to be assessed and the above policy reflects these tests.

The site relates to an established equine and agricultural business located within the designated Green Belt where there are buildings used for stabling and storage. The land is also used in connection with a caravan storage business. In the opinion of the District Planning Authority, it is not considered that there is a continued functional need for there to be an occupied mobile home on the site. Whilst security is a consideration it is not the predominant issue and does not relate to the functional welfare of the enterprise. It is not considered that the applicant has demonstrated that it is essential for a worker to be present on site and alarm and CCTV systems have been installed which are routed to the main house which is located approximately 200m away from the site via a footpath.

The proposal therefore is considered to be contrary to the aforementioned Local Plan Policy and to National Guidance in the form of PPS7.

295. W09/1139 – 57 CROMPTON STREET, WARWICK

The Committee considered an application from Mr Sukhjit Sandher for change of use and conversion of an existing workshop and garage to a dwelling.

The application was presented to the Committee due to the number of objections that had been received.

The case officer considered the following policies to be relevant to the application:

Vehicle Parking Standards (Supplementary Planning Document)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)

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The case officer was of the opinion that no significant loss of privacy would occur to neighbours, as direct overlooking would be prevented by boundary walls and fences. As no increase in the height of the building was proposed there would be no greater visual impact on surrounding dwellings than existing. Security to the rear of surrounding houses would likely be increased by the proposal, which would lead to increased surveillance from the occupants and their visitors. The forecourt to the proposed dwelling would be bounded on two sides by garden walls and by a fenced drying area at the front. These would have a significant enclosing visual impact on the yard, and give a limited outlook for this single aspect dwelling. Since the Council had no amenity space standards, the case officer agreed with the Inspector's comments on a recent appeal that it would be a matter for the developer and future occupants to consider. The only external change to the building would be the insertion of windows and doors which would be difficult to see from public viewpoints on Hampton Road, and so there would be very little change to surrounding character. Alterations would be visible from the upper floors of surrounding houses but would not harm their amenity. The removal of permitted development rights by condition would ensure that any future building alterations were subject to the planning process and neighbour consultation. No parking provision could be made for the development, and while concerns had been noted, the officer supported the Inspector's conclusion that the site's proximity to the town centre and good public transport, and the availability of parking in the area and on the racecourse, outweighed concerns. The officer felt that it would be more beneficial to find a compliant use for the site rather than perpetuate the existing non-conforming use. The applicant had provided a sustainability statement detailing why configuration of the site precluded the use of renewables, aside from air source heat pumps, and was willing to submit further details following approval. This seemed reasonable, and a condition was recommended requiring a full scheme to be submitted. The proposal was therefore considered to comply with the policies listed.

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

RESOLVED that application W09/1139 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) (2009-1396-3 and 2009-1396-2 received on 14 September 2009; 2009-1396-4A received on 19 November 2009), and specification contained therein, unless first agreed

PLANNING COMMITTEE MINUTES (Continued)

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) 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, has been submitted to and approved in writing by the District Planning Authority. 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;
- (4) 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; 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 Parts 1 and 2 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON:** This site is of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

296. W09/1283 – 9 CLARENDON CRESCENT, LEAMINGTON SPA

The Committee considered an application from Mr I Dove for the proposed demolition of an existing single storey side extension and rear conservatory, and erection of a new side extension at ground floor and basement level, with alterations at second floor level of the existing main house.

The application was presented to the Committee as the applicant was a former District Councillor.

The case officer considered the following policies to be relevant to the application:

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- PPG15 - Planning and the Historic Environment

Whilst noting contrasting views expressed by CAAF, the case officer considered this to be an acceptable extension to an important 'listed' building which would be a positive addition to the streetscene and the setting of both this part of the Conservation Area and the adjoining area of public open space, Stamford Gardens. The proposal was therefore considered to comply with the policies listed.

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

RESOLVED that application W09/1283 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 nos. 09, 10, 11, 12, 13, 14, 15, 16, 17 and 18, and

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specification contained therein, submitted on 22nd October 2009 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) no development shall be carried out on the site which is the subject of this permission, until large scale details of verandah, balcony (including railings), stairs (both internal and external), retaining and screen walls, rooflights, roof construction, parapets, doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) 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:** For the avoidance of doubt, and to ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;
- (4) notwithstanding the details contained in the submitted application, 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;
- (5) before the construction of any external wall hereby permitted is first commenced, sample panels 1 metre square of the proposed render and random stone wall shall be constructed and approved in writing by the District Planning Authority. The approved panels shall be retained on-site until the completion of the building which shall be constructed strictly in accordance with the details of the approved panels. **REASON:** To protect the character and appearance of both the Conservation Area and the Listed Building in accordance with Policies DAP4 and DAP8 in the Warwick District

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Local Plan 1996-2011;

- (6) 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, has been submitted to and approved in writing by the District Planning Authority. 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;
- (7) 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 there is insufficient parking and amenity space for a separate dwelling and to satisfy Policy DP1 of the Warwick District Local Plan 1996-2011;
- (8) before any tree required to be felled to undertake this development is first felled, a survey of the tree by a qualified bat surveyor shall be undertaken to demonstrate the presence, absence or usage of the premises by bats. In the event that the survey demonstrates the presence or usage of the premises by bats, a report recommending mitigation measures to ensure any bats will be protected shall be submitted to and approved in writing by the District Planning Authority before the felling works are commenced. The approved mitigation measures shall be wholly implemented strictly as approved. **REASON:** To ensure the protection of bats and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (9) in the event that the works of demolition hereby permitted are not undertaken by the 31st January 2011, a further survey of the premises by a qualified bat surveyor shall be undertaken to demonstrate the presence, absence or usage of the premises by bats. In the event that the survey demonstrates the

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presence or usage of the premises by bats, a report recommending mitigation measures to ensure any bats will be protected during the demolition works shall be submitted to and approved in writing by the District Planning Authority before the demolition works are commenced. The approved mitigation measures shall be wholly implemented strictly as approved. **REASON:** To ensure the protection of bats and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011; and

- (10) no works for the demolition of any building required to be demolished to undertake this development shall be commenced until and unless two weeks notice has been given to a qualified bat worker appointed by the applicant who shall then be present on site to supervise all works for the removal of any roof hereby permitted. Should bats be found during this operation, then work must cease until Natural England are consulted for further advice. **REASON:** To ensure the protection of bats and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011.

297. W09/1284 LB – 9 CLARENDON CRESCENT, LEAMINGTON SPA

The Committee considered an application from Mr I Dove for the proposed demolition of an existing single storey side extension and rear conservatory, and erection of a new side extension at ground floor and basement level, with alterations at second floor level of the existing main house.

The application was presented to the Committee as the applicant was a former District Councillor.

The case officer considered the following policies to be relevant to the application:

DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)

PPG15 - Planning and the Historic Environment

The case officer was of the opinion that alterations to the second floor were wholly acceptable and that the elements of the buildings to be demolished did not have particular historical or architectural merit.

The key issue was therefore whether the proposed extension would sit comfortably alongside the 'listed' building whilst preserving or enhancing the character/appearance of the Conservation Area. In this instance the

PLANNING COMMITTEE MINUTES (Continued)

proposal would achieve the restoration/completion of the traditional rear veranda on the garden elevation of No. 9 Clarendon Crescent, whilst introducing an extension of contemporary design. The extension would draw on elements of the existing character and appearance of the existing building, including the use of traditional materials and curved bay features, yet expressing these in a modern form incorporating a new curving roof. The officer felt that the applicant's architects had successfully demonstrated that the proposed design would be an appropriate architectural composition which, in both its scale and design, would be a successful addition to the 'listed' building and this part of the Conservation Area.

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

RESOLVED that application W09/1284 LB 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;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing nos. 09, 10, 11, 12, 13, 14, 15, 16, 17 and 18, and specification contained therein, submitted on 22nd October 2009 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 DAP4 and DAP7 of the Warwick District Local Plan 1996-2011;
- (3) no development shall be carried out on the site which is the subject of this permission, until large scale details of veranda, balcony (including railings), stairs (both internal and external), retaining and screen walls, rooflights, roof construction, parapets, doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) 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:** For the avoidance of doubt, and to ensure a high

PLANNING COMMITTEE MINUTES (Continued)

standard of design and appearance for this Listed Building, and to satisfy Policies DAP4 and DAP7 of the Warwick District Local Plan 1996-2011;

- (4) notwithstanding the details contained in the submitted application, 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 Policies DAP4 and DAP7 of the Warwick District Local Plan 1996-2011; and
- (5) before the construction of any external wall hereby permitted is first commenced, sample panels 1 metre square of the proposed render and random stone wall shall be constructed and approved in writing by the District Planning Authority. The approved panels shall be retained on-site until the completion of the building which shall be constructed strictly in accordance with the details of the approved panels. **REASON:** To protect the character and appearance of both the Conservation Area and the Listed Building in accordance with Policies DAP4 and DAP7 in the Warwick District Local Plan 1996-2011.

298. W09/1478 – 41 NORTHUMBERLAND ROAD, LEAMINGTON SPA

The Committee considered an application from Mr H Rivera for the erection of a two storey side and rear extension after demolition of the existing detached garage.

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

The case officer considered the following policies to be relevant to the application:

The 45 Degree Guideline (Supplementary Planning Guidance)

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

DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

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

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

Residential Design Guide (Supplementary Planning Guidance - April 2008)

PLANNING COMMITTEE MINUTES (Continued)

The case officer was of the opinion that the proposal would preserve the character and appearance of the conservation area. It had been the subject of detailed pre-application negotiations with the Council's Conservation Architect, who was of the view that the proposal had been improved by the retention of the original window style and the general appearance of the house. However, the Conservation Architect still had reservations over the bulk of the extension. An arboricultural report with a full tree survey of the site had been submitted with the application.

Members felt the proposal was not sympathetic to the street scene and far too big, echoing the concerns of the Conservation Architect and the Warwick District Towns Conservation Area Advisory Forum (CAAF).

Following consideration of the officer's report and presentation the Committee were of the opinion that the application should be refused contrary to the officer's recommendation, on the grounds the proposed extension was overlarge, with unacceptable mass and bulk and did not comply with council policy.

Members attached significant weight to the reservations of the Council's Conservation Architect set out in the report, the views of the CAAF and the officer's "on balance" recommendation. It was considered that further negotiation to reduce the scale of the extensions was warranted. The extensions were considered to be very substantial in scale and mass such that a virtually solid line of development across the plot would be apparent in the street scene, eroding the gap to the neighbouring property (No. 43) and upsetting the rhythm of this group of properties within this part of the Conservation Area, which has a generally spacious character, and where there is a statutory duty to preserve its character and appearance.

RESOLVED that application W09/1478 be REFUSED on the grounds that the proposal was overlarge, with unacceptable mass and bulk, being contrary to policies DP1, DAP8 and DAP9.

(The above decision is a summary of the reasons for refusal and under delegated powers the Group Leader Development Control is entitled to formulate and issue decision notices following consideration by the Planning Committee in accordance with the resolution of the Planning Committee.)

299. W09/1502 – 57 ROSELAND ROAD, KENILWORTH

The Committee considered an application from Mr Sidhu for front, side and rear ground floor extensions to the existing shop, and a first floor side and rear extension to form 2 additional dwellings.

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

The case officer considered the following policies to be relevant to the application:

Vehicle Parking Standards (Supplementary Planning Document)

PLANNING COMMITTEE MINUTES (Continued)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)

The case officer was of the opinion that, overall, the proposals would have an acceptable impact on the external appearance of the premises and the street scene as a whole. The building was already larger than those in the adjoining terrace. The increased height, along with the corner position of the plot meant that the building would form a landmark in the street scene. In terms of neighbour impact, the proposed extensions complied with the 45 degree rule. The further ground floor extension proposed close to the side boundary would be excavated below ground level to ensure that the flat roof was no higher than the height of a permitted development boundary wall. No side facing windows were proposed to overlook the neighbour. County Highways had been consulted and had raised no objections, subject to achievable conditions, so there were no grounds for refusal on a highway safety basis. The level of provision for car parking spaces was well below the maximum standard, but given that this was a local shop serving local needs, it could be anticipated that a large proportion of customers would visit on foot. Since the Highway Authority had not raised objections and, given that the Council was trying to support local facilities such as shops, the officer considered that an objection on grounds of inadequate parking provision could not be sustained. The siting of external equipment of the type mentioned by Environmental Health would require planning permission. It was intended to install an air source heat pump to generate renewable energy on the site, and the location of this would be subject to subsequent approval by a condition. A condition could be imposed requiring the details of the disposal of surface water to be agreed.

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

RESOLVED that application W09/1502 be GRANTED in accordance with 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) (1550-02L received 10 February 2010), and specification contained therein, unless first agreed otherwise in writing by the District

PLANNING COMMITTEE MINUTES (Continued)

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) the development hereby permitted shall not be commenced unless and until details of the location and specification of the air source heat pump detailed in the OG Energy statement submitted with the application have been submitted to and approved in writing by the District Planning Authority. 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;
- (4) details of the means of disposal of storm water 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 to satisfy Policy DP11 of the Warwick District Local Plan 1996-2011;
- (5) prior to the occupation of the development hereby approved, the pedestrian crossing adjacent to number 57 should have wooden bollards installed in accordance with a scheme to be submitted to and agreed in writing by the District Planning Authority. **REASON:** To ensure that this crossing is not used by cars, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;
- (6) the development hereby permitted shall not be commenced until the existing vehicular access to the front of the site from Roseland Road has been widened to 7 metres (i.e. to the edge of the applicants boundary, as measured from the near edge of the public highway carriageway). **REASON:** In the interests of highway safety, in accordance with the requirements of Policy

PLANNING COMMITTEE MINUTES (Continued)

DP6 of the Warwick District Local Plan 1996-2011;

- (7) the parking area hereby permitted shall be surfaced, with a permeable material and available for use prior to the 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;
- (8) 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;
- (9) the development hereby permitted shall not be brought into use unless there is available vehicular turning space within the site so that vehicles are able to enter and leave the public highway in a forward gear. Such area shall thereafter be kept available for that purpose. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011; and
- (10) the development hereby permitted shall not be brought into use until the gates to the rear access of the development have been removed. **REASON:** To enable vehicles to access the parking spaces without blocking the public highway, in the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.

300. W09/1546 – THE BLACK HORSE, 18 PRINCES STREET, LEAMINGTON SPA

The Committee considered an application from Mr S Panaich for partial demolition of the existing public house, and redevelopment of the site to provide 4 new houses and 2 flats within the original pub building.

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

The case officer considered the following policies to be relevant to the application:

PLANNING COMMITTEE MINUTES (Continued)

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

DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

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

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

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

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

PPG15 - Planning and the historic environment.

Warwick District Council 'Vehicle Parking Standards'

The case officer was of the opinion that this amended scheme would be an acceptable part redevelopment of this site for residential use, which would enhance the street scene whilst not resulting in unacceptable harm either to neighbours amenity or the local parking situation. The proposal was therefore considered to comply with the policies listed.

Following consideration of the officer's report and presentation, and the information contained within the addendum, the Committee were of the opinion that the application should be granted in accordance with the officer's recommendation, subject to the addition of a condition requiring approval of the colour of the rendering by the conservation architect.

RESOLVED that application W09/1546 be GRANTED in accordance with 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 nos. 0846-30, 31 and 32B, 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;
- (3) no development shall be carried out on the site which is the subject of this permission, until large scale details of conservation rooflights, bin stores, rear boundary walls/gates, doors, door heads, windows (including a section showing the window reveal, heads and cill

PLANNING COMMITTEE MINUTES (Continued)

details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) 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: For the avoidance of doubt, and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;

- (4) samples of all external facing materials to be used for the construction of the development hereby permitted, including the colour of the rendering, 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;
- (5) the roofing material for the development shall be natural slate. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (6) all door and window frames shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (7) 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, has been submitted to and approved in writing by the District Planning Authority. 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

PLANNING COMMITTEE MINUTES (Continued)

generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

- (8) prior to the occupation of the development hereby permitted, the western facing first floor bathroom window to the new two storey house fronting Comyn Street shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times. **REASON:** To protect the privacy of users and occupiers of nearby properties and or the privacy of future users and occupiers of the development hereby permitted and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011;
- (9) 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 Parts 1 and 2 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON:** This site is of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (10) the proposed car parking area for the development hereby permitted shall be laid out and available for use before any dwelling hereby permitted is first occupied and shall thereafter be retained available at all times for the parking of vehicles visiting the site. **REASON:** To ensure adequate parking is provided in accordance with the requirements of Policy DP8 in the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

301. W09/1547 CA – THE BLACK HORSE, 18 PRINCES STREET, LEAMINGTON SPA

The Committee considered an application from Mr S Panaich for partial demolition of the existing public house, and redevelopment of the site to provide 4 new houses and 2 flats within the original pub building.

The application was presented to the Committee as the associated planning application W09/1546 was reported elsewhere on the agenda (see previous minute).

The case officer considered the following policies to be relevant to the application:

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

DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

PPG15 - Planning and the Historic Environment

The case officer was of the opinion that the buildings which were proposed to be demolished made little contribution to the historic street scene, having been much altered over time. Hence, whilst the general presumption in the relevant policies was in favour of retaining buildings which made a positive contribution to the character or appearance of the Conservation Area, in this instance it was considered that the demolition of the buildings and their replacement by a traditionally designed brick terrace of 3 residential properties would represent an enhancement to the amenity of the locality. However, to avoid the creation of an unsightly gap in the present built up frontage, the officer considered that any grant of consent should be subject to a planning condition that demolition should only take place when a contract had been let for the construction of the proposed replacement buildings, the subject of planning application W09/1546 (see previous minute).

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

RESOLVED that application W09/1547 CA 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 demolition hereby permitted shall not be undertaken before a contract for the carrying out of works of redevelopment under planning permission W09/1546 has been made.

PLANNING COMMITTEE MINUTES (Continued)

REASON: To avoid the creation of an unsightly gap within the Conservation Area, in order to satisfy the requirements of DAP8 of the Warwick District Local Plan 1996-2011.

302. W10/0037 – 1a OSWALD ROAD, LEAMINGTON SPA

The Committee considered an application from Mr Jarnail Kang for the erection of a two storey side extension and single rear extension. This was a resubmission of application W/09/0553.

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

The case officer considered the following policies to be relevant to the application:

The 45 Degree Guideline (Supplementary Planning Guidance)
Distance Separation (Supplementary Planning Guidance)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Residential Design Guide (Supplementary Planning Guidance - April 2008)

The case officer was of the opinion that the proposed two-storey extension would constitute a subservient form of development and would not cause such demonstrable harm to the established scene as would justify refusal. Whilst a smaller dining room window would be preferred, in the context of the property as a whole, with its strong two storey bay feature and an overall design approach for the extension that was complementary to the character of the existing dwelling, the scheme would be acceptable on design grounds. The proposal had been amended to comply with usual design guide requirements, achieving an acceptable overall appearance that would not cause such harm to the established scene adjacent to the Leamington Spa Conservation Area as to justify refusal. The application as proposed met the 45 degree guideline subject of the Supplementary Planning Guidance, having an acceptable impact on the living conditions of the neighbouring property. The proposal was therefore considered to comply with the policies listed.

RESOLVED that application W10/0037 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;

PLANNING COMMITTEE MINUTES (Continued)

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s), and specification contained therein, submitted on 14th January 2010 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) 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.

(The meeting ended at 9.00 pm)