

# PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 28 January 2009 in the Town Hall, Royal Leamington Spa at 6.00pm.

**PRESENT:** Councillor MacKay (Chairman); Councillors Barrott, Mrs Blacklock, Davies, De-Lara-Bond, Dhillon, Edwards, Mrs Higgins and Illingworth.

(Councillor De-Lara-Bond substituted for Councillor Copping)

## 730. **DECLARATIONS OF INTEREST**

Minute Number 737 – W08/1357 – 133 Cape Road, The Cape, Warwick

Councillor Dhillon declared a personal because he was Ward Councillor for the application site.

Minute Number 731 – W08/1441 – Victoria Park Hotel, 10-12 Adelaide Road, Leamington Spa

Councillor Mrs Higgins declared a personal and prejudicial interest because she had friends who were neighbours to the application site.

Minute Number 740 – W08/1664 – Flat 1, 46 Russell Terrace, Leamington Spa

Councillors Barrott and Edwards declared personal interest because they were Ward Councillors for the application site.

Minute Number 741 – W08/1697 – Nuffield Health Warwickshire Hospital, Old Milverton Lane, Old Milverton, Leamington Spa

Councillor Mrs Blacklock declared a personal interest because a family member worked at the hospital.

## 731. **VICTORIA PARK HOTEL, 10-12 ADELAIDE ROAD, LEAMINGTON SPA**

The Committee considered a part retrospective application from Mr Wan for the construction of parking, reinstatement of front wall and gate, revise landscaping (variation to scheme approved for conversion to hotel).

The application had been requested to be presented to Committee by Councillor Gifford.

The Head of Planning considered the following policies to be relevant to the application:

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)

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

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

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

In the opinion of the Head of Planning, the development would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site is located. Furthermore, the proposal would not harm the living conditions of neighbouring dwellings and would be acceptable in terms of highway safety. The proposal was therefore considered to comply with the policies listed.

The following addressed the Committee:  
Councillor B Gifford      Ward Councillor (Objecting)

Following consideration of the officer's report and presentation, along with information set out within the addendum and the Ward Councillor who addressed the Committee. The Committee were of the opinion that the application should be refused against the recommendation in the report.

**RESOLVED** that application W08/1441 be REFUSED for the following reason:

Policy DAP 8 of the Warwick District Local Plan 1996-2011 requires development to preserve or enhance the special architectural and historic interest of the District's Conservation Areas.

The approved layout for the hotel conversion maintained the traditional treatment for the frontage of No. 10 Adelaide Road, including landscaped areas and a hedge to provide visual separation between the frontages of Nos. 10 and 12. The revised frontage layout that has been proposed would amalgamate the frontage of No. 10 with that of No. 12 to create a large contiguous car park to the front of the site. In the opinion of the District Planning Authority, this would cause serious harm to the character and appearance of the Conservation Area by reason of the loss of the traditional separation between the two frontages and the creation of a large, incongruous expanse of hard surfacing.

The development was thereby considered to be contrary to the aforementioned policy.

### **732. 56 BEDFORD STREET, LEAMINGTON SPA**

The Committee considered an application from Newcycle Investments for demolition of existing single storey retail unit. Construction of 84 bedroom hotel (incorporating restaurant and bar area) and retail unit.

The application was presented to Committee because more than 5 objections had been received and had regard to the refusal by the Planning Committee on 17 September 2008 of an earlier application for an 81 bedroom hotel on this site, reference W08/0926 and application W08/1547CA for the demolition of the existing building on this site.

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

The Head of Planning considered the following policies to be relevant to the application:

Government Advice on 'planning for town centres' is contained on PPS6 (a draft revision for this has been published).

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)

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

SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)

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

UAP8 - Directing New Visitor Accommodation (Warwick District Local Plan 1996 - 2011)

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

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

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

In the opinion of the Head of Planning, the development achieved acceptable standards of layout and design and does not give rise to any harmful effects in terms of impact on the amenity of adjacent uses, traffic or impact on the setting of adjacent 'listed' buildings/character or appearance of the Conservation Area which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

The following addressed the Committee:

Councillor S Wheeler	Town Council (Objecting)
Mr M Baxter	Conservation Area Advisory Forum (Objecting)
Dr I R Smith	Objector
Mr A J Endean	Objector
Mr I Allington	Applicant
Councillor Pittarello	Objecting
Councillor J Dean	Ward Councillor (Objecting)

It was proposed and duly seconded that the application be granted in accordance with the recommendation within the report, however this motion was lost with 4 votes in favour and 5 against.

Following consideration of the Officers' report and presentation, along with information set out within the addendum and those who addressed the Committee, the Committee were of the opinion that the application should be refused against the recommendation in the report.

**RESOLVED** that application W08/1499 be REFUSED for the following reasons:

- (1) Policy D1 of the Warwick District Local Plan 1996-2011 states that development will only be permitted which positively contributes to the character and quality of its environment through

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

good layout and design, whilst Policy DP2 of that Plan states new development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses.

In the opinion of the District Planning Authority the proposed development would be seriously detrimental to the amenities of the adjacent primary school by reason of its close proximity to the school, its bulk and the consequent overbearing effect and loss of light to the school and playground.

The proposal would therefore be contrary to the aforementioned policies; and

- (2) Policy DP6 of the Warwick District Local Plan 1996-2011 states new development will only be permitted which does not cause harm to highway safety.

In the opinion of the District Planning Authority, notwithstanding any drop-off facility that may be feasible within the public highway, the operation of the proposed hotel which would not benefit from any on-site car parking facility and which would be sited adjacent to a primary school, would be likely to cause conflicting vehicular movements and congestion with school traffic displaced from the existing open car park site on which the hotel would be built, thereby having significant adverse safety implications for parents and children attending the adjacent primary school.

The proposal would therefore be contrary to the aforementioned policy.

### **733. 56 BEDFORD STREET, LEAMINGTON SPA**

The Committee considered an application from Newcycle Investments for demolition of existing single storey retail unit. The application was linked to W08/1499 for the construction of an 84 bedroom hotel (incorporating restaurant and bar area) and retail unit.

The application was presented to Committee because it relates to an application, W08/1499, for the redevelopment of this site. (Minute number 732).

The Head of Planning 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)

In the opinion of the Head of Planning, the proposed demolition (associated with the erection of a replacement building) would not result in harm to the

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

character or appearance of the Conservation Area and the proposal was considered to comply with the policies listed.

The following addressed the Committee:

Councillor S Wheeler	Town Council (Objecting)
Mr M Baxter	Conservation Area Advisory Forum (Objecting)
Dr I R Smith	Objector
Mr A J Endean	Objector
Mr I Allington	Applicant
Councillor Pittarello	Objecting
Councillor J Dean	Ward Councillor (Objecting)

Following consideration of the Officers' report and presentation, along with information set out within the addendum and those who addressed the Committee, the Committee were of the opinion that the application should be refused against the recommendation in the report.

**RESOLVED** that application W08/1547CA be REFUSED for the following reason:

Policy DAP9 of the Warwick District Local Plan 1996-2011 states that consent for total demolition of unlisted buildings will only be granted where the detailed design of the replacement can demonstrate that it will bring about a genuine qualitative improvement to the Conservation Area and to the setting of adjacent buildings. Given planning application W08/1499 has been refused planning permission, in the opinion of the District Planning Authority the demolition of this building in the absence of a clear commitment to build an acceptable replacement building would result in the creation of an unsightly gap site to the detriment of the character and appearance of the Conservation Area.  
The proposal would therefore be contrary to the aforementioned policy.

### **734. 20 BEVERLEY ROAD, LEAMINGTON SPA**

The Committee considered an application from Mr C Evans for the erection of a two storey front, rear and side extensions, single storey side and rear extensions

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

The Head of Planning considered the following policies to be relevant to the application:

The 45 Degree Guideline (Supplementary Planning Guidance)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

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

Residential Design Guide (Supplementary Planning Guidance - April 2008)

In the opinion of the Head of Planning, the development respected the surrounding buildings in terms of scale, height, form and massing and does not adversely affect the amenity of nearby residents. The proposal was therefore considered to comply with the policies listed.

The following addressed the Committee:

Mr G Squires	Objector
Mr C Evans	Applicant
Councillor B Gifford	Ward Councillor (Objecting)

Following consideration of the Officers' report and presentation, along with information set out within the addendum and those who addressed the Committee, the Committee were of the opinion that the application should be granted in line with the recommendation in the report.

**RESOLVED** that application W08/1609 be GRANTED subject to the 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 Sheet 2 of 2, and specification contained therein, submitted on 25th November 2008 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.

### **735. 9 STUART CLOSE, WARWICK**

The Committee considered an application from Mr M Phillips for the erection of a 2 metre high fence on side boundary.

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

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

The Head of Planning considered the following policies to be relevant to the application:

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)

In the opinion of the Head of Planning, the development would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site is located. Furthermore, the proposal would not adversely affect the amenity of nearby residents. The proposal is therefore considered to comply with the policies listed.

The following addressed the Committee:

Dr V Hyland                      Objector

Ms E Myles                      Objector

Following consideration of the Officers' report and presentation, along with information set out within the addendum and those who addressed the Committee, the Committee were of the opinion that the application should be refused against the recommendation in the report.

**RESOLVED** that application W08/1640 be REFUSED because for the following reason:

Policy DP1 of the Warwick District Local Plan 1996-2011 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Policy DAP 8 of the Warwick District Local Plan 1996-2011 requires development to preserve or enhance the special architectural and historic interest of the District's Conservation Areas.

It was considered that the proposed fence would introduce an incongruous feature to the street scene and the development is thereby considered to be contrary to the aforementioned policies.

### **736. 291 CROMWELL LANE, BURTON GREEN, KENILWORTH**

The Committee considered an application from Mr P Priest for the erection of a single storey side extension and alteration to roof of front porch (resubmission of application W/08/1347).

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

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

The Head of Planning considered the following policy to be relevant to the application:

RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)

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)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

In the opinion of the Head of Planning, the development respected the surrounding buildings in terms of scale, height, form and massing and did not adversely affect the amenity of nearby residents. The development did not prejudice the openness and rural character of this green belt area and was considered not to materially prejudice the policies listed.

The following addressed the Committee:

Mr Humphreys      Objector

Following consideration of the Officers' report and presentation, along with information set out within the addendum and the objector who addressed the Committee, the Committee were of the opinion that the application should be granted in line with the recommendation in the report

**RESOLVED** that application W08/1694 be GRANTED subject to the following conditions and an advisory note attached to the planning permission to state that the applicant is strongly requested to use obscure glazed glass in the ground floor side window to the existing kitchen extension:

- (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 1819.3, and specification contained therein, submitted on 12th December, 2008 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the



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

requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and

- (4) the applicant is advised that to ensure no bats are endangered during destructive works, roofing material should be removed carefully by hand, and **in the presence of a licensed ecologist**. Should any bats be detected during this operation, all work on the building cease and Natural England contacted for advice. Bats **and** their roost sites are protected the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act are also deemed a European Protected Species.  
**REASON** : To ensure that protected species are not harmed by this development.

### **737. 133 CAPE ROAD, THE CAPE, WARWICK**

The Committee considered a retrospective application from Mr G Sabanadesan for the installation of a roller shutter at the front entrance.

The application was submitted to Committee in order to request approval for enforcement action.

The Head of Planning 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)

DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)

Warwick District Council Policy on Shopfront Security

The application was deferred at the meeting held on 7 January 2009 to negotiate with the applicants on the possibility of installing an internal security shutter or painting the existing structure.

It was proposed and duly seconded that the application be granted. The motion was voted with 4 votes in favour and 4 against. The Chair used the casting vote in favour of the officer's recommendation as set out within the report.

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

**RESOLVED** that application W08/1357 be REFUSED for the following reason:

- (1) policies DP1 and DP2 of the Warwick District Local Plan 1996-2011 state that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Furthermore, development will not be permitted which has an

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

unacceptable adverse impact on the amenity of nearby uses and residents. In the present case, the structure is a metal box containing a roller shutter door which stands on the main road frontage and does not respect the character or materials of the building and, therefore, is an alien and inappropriate element which detracts from the street scene and the established character of the area. The development is thereby considered to be contrary to the aforementioned policies; and

- (2) Enforcement action be AUTHORISED to have the structure removed.

### **738. 22 COTEN END, WARWICK**

The Committee considered an application from Sainsbury's for a proposed external refrigeration plant to rear elevation.

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

The Head of Planning 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)

In the opinion of the Head of Planning, the development achieved acceptable standards of layout and design and does not give rise to any harmful effects in terms of visual or noise impact which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

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

**RESOLVED** that application W08/1489 be GRANTED.

### **739. 232 WARWICK ROAD, KENILWORTH**

The Committee considered a retrospective application from Mr Lee for the erection of a glass house in the front garden.

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

The Head of Planning 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)

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

In the opinion of the Head of Planning, the development respected surrounding buildings in terms of scale, height, form and massing and does not adversely affect the amenity of nearby residents. The proposal was therefore considered to comply with the policies listed.

Following consideration of the Officers' report and presentation, along with information set out within the addendum, the Committee were of the opinion that the application should be granted in line with the recommendation in the report.

**RESOLVED** that application W08/11592 be GRANTED subject to the conditions:

- (1) the development hereby permitted shall be retained strictly in accordance with the details shown on the approved drawings Diagram 1, and specification contained therein, submitted on 8th December, 2008 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
- (2) The development hereby permitted shall be screened by a trellis, trees, shrubs or a hedge, details of which shall be submitted to the District Planning Authority within one month of the date of this decision. Such planting shall be completed within the first planting season following the approval of the scheme and any trees, shrubs or section of hedge removed, dying, being severely damaged or becoming seriously diseased shall be replaced as previously approved. The screening and trellis shall thereafter be retained whilst the glass house remains on the site. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

### **740. FLAT 1, 46 RUSSELL TERRACE, LEAMINGTON SPA**

The Committee considered an application from Ms R Collier for a proposed cellar conversion and construction of new lightwell at front (resubmission of application W08/0883).

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

The Head of Planning 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)

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

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

In the opinion of the Head of Planning, the development would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site was located. Furthermore, the proposal would not adversely affect the amenity of nearby residents. The proposal was therefore considered to comply with the policies listed.

Following consideration of the Officers' report and presentation, along with information set out within the addendum, the Committee were of the opinion that the application should be granted in line with the recommendation in the report.

**RESOLVED** that application W08/1664 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 08/35-03A, and specification contained therein, submitted on 5th December 2008 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 all new windows and the grille 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 an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011; and

All new window frames shall be constructed in timber, painted and not stained, and the proposed new window in the front lightwell shall

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

be of a sliding sash type set in reveals of 75mm from the 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.

### **741. NUFFIELD HEALTH WARWICKSHIRE HOSPITAL, OLD MILVERTON LANE, OLD MILVERTON, LEAMINGTON SPA**

The Committee considered an application from Nuffield Health Warwickshire Hospital for the demolition of existing lodge and erection of rear extension to hospital at lower ground and ground floors, together with other improvements including a new canopy to hospital entrance, replacement windows and improvements to site access and car parking layout and alterations to landscaping.

The application was reported to Committee because it represented a departure from the Development Plan. Granting permission would represent a departure from Green Belt policy.

The Head of Planning considered the following policy to be relevant to the application:

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

DP1 - Layout and Design (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)

In the opinion of the Head of Planning, the applicant demonstrated very special circumstances to justify this inappropriate development within the Green Belt. Furthermore, it was considered that the proposals would have an acceptable impact on the rural character of the area and on highway safety. The proposals were therefore considered to comply with the policies listed.

Following consideration of the Officers' report and presentation, along with information set out within the addendum, the Committee were of the opinion that the application should be granted in line with the recommendation in the report.

**RESOLVED** that application W08/1697 be GRANTED following referral to the Secretary of State as a departure from the Development Plan and subject to the following conditions and any other highway conditions requested by Warwickshire County Council:

- (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

## PLANNING COMMITTEE MINUTES (Continued)

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) 1794-P-00-201, 1794-P-00-203, 1794-P-00-206, 1794-P-00-207, 1794-P-00-208, 1794-P-00-210, 1794-P-00-211, 1794-P-00-212, 1794-P-00-213, 1794-P-00-214, 1794-P-00-216 & L473.01, and specification contained therein, submitted on 12 December 2008, 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) 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 by the 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) 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) the existing trees and shrubs that are shown to be retained on the approved plans shall be retained in accordance with BS 5837:2005 and shall not be felled, lopped, topped or pruned without the previous written consent of the District Planning Authority. Any trees removed without consent, or dying or being severely damaged or becoming seriously diseased within five years of planting, shall be replaced with trees of such size and species as may be agreed with

## PLANNING COMMITTEE MINUTES (Continued)

- the District Planning Authority. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (6) no work of any kind shall be begun on the site until details of a protective fence around the Cedar tree shown as being retained on the approved plans, has been erected in accordance with details that shall have been submitted to and approved in writing by the District Planning Authority. The approved protective fence shall be retained in position for the duration of the construction works hereby permitted. Within the approved fenced area there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no site huts, no fires lit and no excavation of trenches for drains, service runs or for any other reason. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (7) the development hereby permitted shall not be commenced unless and until details of the means of construction of the retaining wall alongside the proposed extension have been submitted to and approved in writing by the District Planning Authority. The retaining wall shall be constructed in strict accordance with the approved details. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (8) the landscaping scheme submitted as part of the application hereby permitted shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted. 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. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (9) the existing lodge house that is shown to be removed on the approved plans shall be demolished within 2 months of the completion of the extension hereby permitted. **REASON** : To preserve the openness of

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

the Green Belt, in accordance with Policy DAP1 of the Warwick District Local Plan;

- (10) a Travel Plan comprising the following details shall be submitted to and approved in writing by the District Planning Authority, in consultation with the Highway Authority, within 3 months of the date of the first occupation of the development hereby approved and should include the following:-
- (i) a target for the proportion of employees and patients who will travel by means other than single car occupancy;
  - (ii) a strategy for achieving the target(s);
  - (iii) management programme;
  - (iv) a process for monitoring the process towards achieving the target(s), and;
  - (v) measures should targets not be achieved.
- Thereafter the use of the site shall operate in strict accordance with the approved Travel Plan, unless otherwise agreed in writing by the District Planning Authority, in consultation with the Highway Authority.
- REASON:** To satisfy the aims of PPG13 in reducing reliance on the use of private motor vehicles in order to promote sustainable transport choices to the site; and
- (11) No development shall be carried out unless and until details of the alterations to the vehicular accesses have been submitted to and approved in writing by the District Planning Authority. The access alterations shall be completed in strict accordance with the approved details. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.

### **742. APPEAL PERFORMANCE QUARTER 3 – 2008/09**

The Committee considered a report from Planning which set out appeal performance for quarter 3 for 2008/09.

Appeal performance was a Service Plan Indicator. Performance for Quarter 3 of 2008-2009 for section 78 appeals showed a 64% dismissal rate compared to a national average of 66%. The cumulative figure for the year was a 62% dismissal rate. The table attached to the report gave details of all the appeal decisions received for Quarter 2.

**RESOLVED** that the report and its contents be noted.

(The meeting ended at 10.05pm)