

PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 14 March 2007 at the Town Hall, Royal Leamington Spa at 6.00 p.m.

PRESENT: Councillor Tamlin (Chair); Councillors Ashford, Mrs Blacklock, Mrs Compton, Ms De-Lara-Bond, Kinson, Mrs Knight and MacKay.

(An apology for absence was received from Councillor Mrs Bunker)

940. COUNCILLOR MRS BUNKER

It had been brought to the Committees attention that the reason for Councillor Mrs Bunkers' absence was that she had been taken ill and was in hospital. The Committee asked for their best wishes and that they hoped she had a speedy recovery to be recorded and passed on to Councillor Mrs Bunker.

941. DECLARATIONS OF INTEREST

Minute Number 943 – W05/0501 – Rear of 12 Amherst Road, Kenilworth

Councillor Mrs Blacklock declared a personal and prejudicial interest because several of the objectors to the application were known to her and had met on site to discuss the application. She left the room whilst the item was discussed.

Councillor Tamlin declared a personal interest in this item because an objector to the application was known to him.

Minute Number 944 – W06/1973 – 20 Fields Court, Warwick

Councillor Mrs Compton declared a personal interest because the objectors were known to her.

Minute Number 952 – W07/0138 – 14 Brome Hall Lane, Lapworth

Councillor Tamlin declared a personal interest in this item because the applicant was known to him.

Minute Number 956 – ENF/300/30/06 - Spinney Farm, Banbury Road, Bishops Tachbrook

Councillor Tamlin declared a personal interest because he had previously visited the site and had met the owner.

942. MINUTES

The Minutes of the meetings held on the 10 January, 31 January and 20 February 2007 having been printed and circulated were taken as read, subject to the correction to the minutes of 20 February 2007 made at Council on 7 March 2007, and signed by the Chair as a correct record.

943. REAR OF 12, AMHERST ROAD, KENILWORTH

The Committee considered a retrospective approval for minor amendments; for a level access paving area to rear, reorientation of front porch canopy, two new roof lights to front and rear, repositioning of one approved rear dormer and roof light and an alternative window design; to a previous application from Mr & Mrs Stott which was for the erection of a detached dwelling.

The minor amendment was presented to Committee due to the number of objections received and because of a request from Councillor Mrs Blacklock.

The dwelling was nearing completion and the proposed amendments, detailed in the report, were implemented on site and a request for approval as a minor amendment was retrospective.

The Head of Planning and Engineering had recommended that the amendment be approved because he felt that it complied with the following policies:
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

The following people addressed the Committee:

Mr A Botherway	Objector
Mr J Holland	Supporter

Following consideration of the officers' report and presentation and the public speakers that addressed the Committee, the Committee were of the opinion that the amendment should be approved.

RESOLVED that the minor amendments be APPROVED.

944. 20 FIELDS COURT, WARWICK

The Committee considered an application from Portcullis Property for demolition of a flat roofed single storey part of three bed bungalow and replacement with two storey extension on a larger foot print.

The application had been submitted to Committee for consideration because an objection had been received from Warwick Town Council.

The application was deferred at Committee on 20 February 2007, to enable a site visit to take place on 10 March 2007.

PLANNING COMMITTEE MINUTES (continued)

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

The Committee considered further information which was circulated in the addendum at the meeting.

The following people addressed the Committee

Councillor M Hooper	Town Council
Mr T Dawe	Objector
Mr Syrette	Supporter

Following consideration of the officers' report and presentation, addendum and the public speakers who addressed the Committee, it was proposed and duly seconded that the application be refused. A vote was taken and, due to a tied result, the Chair used his right to a casting vote and the motion was lost.

It was then proposed and duly seconded that the application be granted, subject to conditions. A vote was taken, and again was a tied result. The Chair used his right to a casting vote and the motion was won.

RESOLVED that application W06/1973 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) PO4,PO5,PO6,PO7,PO8,PO9, and specification contained therein, submitted on 21st December 2006 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3;

- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan; and
- (4) before any works for demolition are first commenced, a 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 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 ENV27 of the Warwick District Local Plan 1995.

945. 116 LILLINGTON ROAD, LEAMINGTON SPA

The Committee considered an application from Dr K Pandyr for the erection of a double garage.

The application was presented to Committee because an objection had been received from Royal Leamington Spa Town Council and a request by Councillor Mrs Goode.

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

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

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

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

The following people addressed the Committee:

Mr J Rowley Objector

Councillor R Copping Ward Councillor (objecting)

PLANNING COMMITTEE MINUTES (continued)

Following consideration of the officers' report and presentation and the public speakers who addressed the Committee, the Committee were of the opinion that the application should be refused, against the recommendation of the report. Their reasons for this were because of the obtrusive location of the garage, insufficient screening, the lack of harmony with the street scene and that it may create an unwelcome precedent for the district.

RESOLVED that application W07/0134 be REFUSED for the following reasons:

- (1) the obtrusive location of the garage, because it is so far in front of the property;
- (2) the screening of the garage is insufficient to screen the obtrusive nature of the garage and could not be guaranteed to be permanent;
- (3) the garage failed to harmonise with the street scene; and
- (4) the approval of this application would create an unwelcome precedent for the district.

946. **REAR OF 22 LLEWELLYN ROAD, LEAMINGTON SPA**

The Committee considered an outline application from Greywell Property Ltd for erection of a two storey, 24 bedrooled, student hall of residence.

The application was presented to the Committee because of the number of objections received and an objection from Royal Leamington Spa Town Council.

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

(DW) ENV27 - Ecological Development (Warwick District Local Plan 1995)

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

(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)

Distance Separation (Supplementary Planning Guidance)

ER.1 - Natural and Cultural Environmental Assets (Warwickshire Structure Plan 1996-2011).

T.1 - Transport Objectives (Warwickshire Structure Plan 1996-2011).

T.4 - The Impact of Development on the Transport System (Warwickshire Structure Plan 1996-2011).

T.5 - Influencing Transport Choice (Warwickshire Structure Plan 1996-2011).

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

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

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

DP5 - Density (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

PLANNING COMMITTEE MINUTES (continued)

DP6 - Access (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
DP8 - Parking (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
GD.1 - Overriding Purpose (Warwickshire Structure Plan 1996-2011).
GD.3 - Overall Development Strategy (Warwickshire Structure Plan 1996-2011).
SC8a - Managing Housing Supply (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
GD.4 - Strategic Constraints (Warwickshire Structure Plan 1996-2011).
GD.5 - Development Location Priorities (Warwickshire Structure Plan 1996-2011).
Managing Housing Supply (Supplementary Planning Document)

The Committee considered further information which was circulated in the addendum at the meeting.

The following addressed the Committee:

Mr D Burrige	Objector
Mr R Hopcraft	Applicant

Following consideration of the officers' report and presentation, addendum and the public speakers who addressed the Committee, the Committee were of the opinion that the application should be deferred in order for a site visit to take place.

RESOLVED that application W07/0056 be DEFERRED to allow for a site visit to take place because the Committee felt it would be of significant benefit to them when determining the application.

947. **LAND REAR OF BEAR HOUSE FARM MEWS, OLD WARWICK ROAD, LAPWORTH**

The Committee considered an application from Mr T Nicol for the erection of an agricultural storage building.

The application was submitted to the committee because an objection had been received from Lapworth Parish Council.

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

(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)
DAP1 - Protecting the Green Belt (Warwick District 1996 - 2011 Revised Deposit Version)

The following addressed the Committee:

Mr C Whereat	Objector
Mr T Nicol	Applicant

PLANNING COMMITTEE MINUTES (continued)

Following consideration of the officers' report and presentation and the public speakers who addressed the Committee, the Committee were of the opinion that the application should be GRANTED.

RESOLVED that W07/0135 be GRANTED, subject to the following conditions;

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004; and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the revised siting plan, submitted on 27th February 2007 unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.

948. **SAINSBURYS SUPERSTORE, SHIRES RETAIL PARK, TACHBROOK PARK DRIVE, WARWICK**

The Committee considered an application from Sainsbury's Supermarkets Ltd for an extension to the existing store and other associated works.

The applicant was submitted to the Committee because an objection had been received from Warwick Town Council.

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

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

(DW) S1 - Protection and Development of Town Centres (Warwick District Local Plan 1995)

(DW) S2 - Resistance to further Out-Of-Town Retailing (Warwick District Local Plan 1995)

T.1 - Transport Objectives (Warwickshire Structure Plan 1996-2011).

TC.1 - Town Centre Uses (Warwickshire Structure Plan 1996-2011).

TC.2 - Hierarchy of Town Centres (Warwickshire Structure Plan 1996-2011).

TC.3 - Personal Services Sector (Warwickshire Structure Plan 1996-2011).

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

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

DP6 - Access (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

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

PLANNING COMMITTEE MINUTES (continued)

DP8 - Parking (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

GD.1 - Overriding Purpose (Warwickshire Structure Plan 1996-2011).

GD.3 - Overall Development Strategy (Warwickshire Structure Plan 1996-2011).

UAP3 - Directing New Retail Development (Warwick District 1996 - 2011 Revised Deposit Version)

Following consideration of the officers' report and presentation the Committee were of the opinion that the application should be GRANTED.

RESOLVED that application W04/1484 be GRANTED subject to the following conditions;

- (1) The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990;
- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing SAIL 1094/1A, CHQ.02.5065-03, -19A, -20/A, 401-01A, 02D, -06D, -07B and specification contained therein, submitted on 11 August 2004 and 10 September 2004 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3;
- (3) No development shall be carried out on the site which is the subject of this permission, until details of a green travel plan for staff 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 encourage the use of sustainable means of transport in accordance with GD.1 of the Warwickshire Structure Plan 1996-2011;

- (4) 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 ENV3 of the Warwick District Local Plan; and
- (5) The maximum net floorspace of the extension (the subject of this permission) at any time shall not exceed 1575 sq.m and the maximum net floorspace of it that shall be used for the sale of comparison goods shall not exceed 1260 sq.m at any time. **REASON** : To ensure compliance with the terms of the application and to ensure that any proposals for additional floorspace are given proper consideration in accordance with policies in force at the time.

949. 27 EDMONDCOTE ROAD, LEAMINGTON SPA

The Committee considered an application from Newbold Buildings Limited for the erection of a two storey side extension.

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

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

Following consideration of the officers' report and presentation the Committee were of the opinion that the application should be granted.

RESOLVED that application W07/0021 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) 577-02, and specification contained therein, submitted on 8th January 2007 unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3;
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan; and
- (4) this permission authorises the erection of an extension to the existing dwelling and shall not be construed as permitting the erection of a separate dwelling unit. **REASON:** Since there is insufficient parking and amenity space for a separate dwelling.

950. 21 WASPERTON ROAD, WASPERTON, WARWICK

The Committee considered an application from Mr R & Dr F Humphries for erection of a replacement dwelling as per application W06/1504 but with an amended design for replacement of garage doors with windows.

The application had been submitted to the Committee for determination because an objection had been received from Barford, Sherbourne and Wasperton Joint Parish Council.

The Head of Planning and Engineering had recommended that the application be granted because he felt that it complied with the relevant policies listed below:
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

PLANNING COMMITTEE MINUTES (continued)

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

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

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

(DW) ENV22 - Evaluation of the Archaeological Effects of Development Proposals (Warwick District Local Plan 1995)

(DW) ENV27 - Ecological Development (Warwick District Local Plan 1995)

Following consideration of the officers' report and presentation to the Committee, the Committee were of the opinion that the application should be granted.

RESOLVED that application W07/0071 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) D322/10 G, D322/15 J notwithstanding the amendment to the front elevation shown on Planned new front elevation , D322/12 H notwithstanding the amendment shown on Proposed Internal Layout, D322/13 G, and specification contained therein, submitted on 21st September 2006, 29th January 2007, 30th January 2007 and 15th January 2007 respectively unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3;
- (3) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;

- (4) a landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:2005. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan; and
- (5) no development shall take place until the applicant has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the District Planning Authority. **REASON:** To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy ENV22 of the Warwick District Local Plan.

951. 14 VICTORIA ROAD, LEAMINGTON SPA

The Committee considered an application from Mr R Digby requesting a variation of condition of planning permission W05/1039, for removal of condition 4, stating that a lightwell grill must be installed.

The application was submitted to Committee because Royal Leamington Spa Town Council had objected because they considered the applicant should abide by the requirements of Condition 4.

PLANNING COMMITTEE MINUTES (continued)

The Head of Planning and Engineering had recommended that the application be granted because he felt that it complied with the following policies
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)
DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)

This application was for the removal of Condition 4 which stated that 'No development shall be carried out on the site which is the subject of this permission, until details of a lightwell 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.'

When approval for the original application was given it was felt that there would be a requirement from Building Regulations that a grille be placed over the new lightwell. The insertion of a lightwell to the front of the property was completed and passed by Building Regulations without a lightwell grille as part of the scheme.

Considering this the Planning officers felt it was reasonable that this condition should be removed.

Following consideration of the officers' report and presentation to the Committee, the Committee were of the opinion that the application should be granted.

RESOLVED that application W07/0114 be GRANTED allowing the removal of condition 4 on application W05/1039 which stated that 'No development shall be carried out on the site which is the subject of this permission, until details of a lightwell 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.'

952. **14 BROME HALL LANE, LAPWORTH**

The Committee considered an application from Mr T Rudge for the erection of a single garage extension to front of property.

The application was presented to Committee for determination because an objection had been received from Lapworth Parish Council.

PLANNING COMMITTEE MINUTES (continued)

The Committee had visited the application site on 10 March 2007 because the Chair of the Committee had decided that it would be of significant benefit to the Committee to visit the site before determining the application.

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

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

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

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

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

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

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

After consideration of the officers' report and presentation the Committee were of the opinion that the application should be granted.

RESOLVED that application W07/0138 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) 256D/2006, and specification contained therein, submitted on 30 January 2007 unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3; and
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

953. 17 LITTLETON CLOSE, KENILWORTH

The Committee considered a retrospective application from Mr M Fleming for the erection of a fence.

The application was presented to Committee because enforcement action was requested by officers due to the impact of the fencing on the character and appearance of Littleton Close.

The Head of Planning and Engineering believed the following policies to be relevant to the application:

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

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

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

The Committee considered additional information that was circulated at the meeting in the officers addendum.

After considering the officers' report and presentation, along with information contained within the addendum, the Committee were of the opinion that the application should be refused and that enforcement action be authorised to ensure the fence is dismantled and the materials removed from the site within two months.

RESOLVED that

- (1) application W07/0143 be REFUSED because In the opinion of the District Planning Authority, the proposed fencing has a detrimental impact on the street scene and is seriously injurious to the visual amenities of the area by reason of its close proximity to the boundary which erodes the openness and landscaped character associated with the dwellings fronting onto Littleton Close. The proposal would therefore be contrary to policy (DW) ENV3 of the Warwick District Local Plan 1995 and emerging policy DP1 of the second deposit version of the Local Plan (1996-2011), which require all development proposals to harmonise with their surroundings in terms of design; and
- (2) enforcement action be authorised to ensure the fence is dismantled and all materials are removed from the site within two months.

954. 26 GROVE STREET, LEAMINGTON SPA

The Committee considered a Listed Building application from ADG Limited for installation of three, conservation type, Velux roof lights and alterations to the access gate fronting onto New Brook Street.

PLANNING COMMITTEE MINUTES (continued)

The application had been submitted for determination at Committee because an objection had been received from Royal Leamington Spa Town Council.

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

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

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

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

After consideration of the officers' report and presentation, the Committee were of the opinion that the application should be granted.

RESOLVED that application W07/0203 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 number 1145-002 and 1145-003 and specification contained therein, submitted on 2 February 2007 unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3;
- (3) no development shall be carried out on the site which is the subject of this permission, until large scale details of the timber door and conservation style rooflights at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995; and

- (4) the timber door to the rear access shall be painted, not stained. **REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995.

955. LOWER GROUND FLOOR, 29 PORTLAND STREET, LEAMINGTON SPA

The Committee considered a report with regard to the display of an unauthorised sign.

The matter was submitted to Committee as it was recommended that enforcement action be authorised.

The property was a grade II listed building within the Leamington Spa Conservation Area. It was the basement part of a regency building on a prominent corner of Regent Street and Portland Place.

In September 2005 it was brought to the attention of the enforcement section that a sign had been installed above the entrance to a shop on the lower ground floor of this Grade II listed building.

Following discussions with the owner of the property an application had been submitted and approved for a smaller sign than had been erected on the property.

The Head of Planning and Engineering believed the following policies to be relevant to this case:

[DW] ENV 3 Development Principles [Warwick District Local Plan 1995]

[DW] ENV 6 Protection and Enhancement of Conservation Areas [Warwick District Local Plan 1995]

[DW] ENV 11 Protection of the Character of Listed Buildings [Warwick District Local Plan 1995]

[DW] ENV 20 Advertising Control [Warwick District Local Plan 1995]

DP1 Layout and Design [Warwick District Local Plan 1996 – 2011 Revised Deposit Version]

DAP 6 Protection of Listed Buildings [Warwick District Local Plan 1996-2011 Revised deposit Version]

DAP 10 Protection of Conservation Areas [Warwick District Local Plan 1996-2011 Revised Deposit Version]

After consideration of the officers' report and presentation the Committee were of the opinion that the enforcement action be authorised.

RESOLVED that Listed Building Enforcement requiring the sign to be removed and the fascia made good, the period for compliance to be two months, be **AUTHORISED**.

956. SPINNEY FARM, BANBURY ROAD, BISHOPS TACHBROOK

The Committee considered a report regarding the alleged unauthorised use of land as a mixed use of part agriculture and part residential with the associated stationing of a caravan; and the alleged unauthorised erection of two floor building described as a pig farrowing house and two blocks of buildings with associated feed yards used for pig fattening.

An enforcement report was submitted to committee on 11 January 2007, when it was deferred to allow further discussion between the site owners and the Council's agricultural advisers. An update was submitted to Committee on 1 February 2007 to advise of progress in assessment of the various issues. A further report was presented to Committee on 20 February 2007, when it was deferred to allow for a site visit to take place on 10 March 2007.

The report provided updated information relating to key consultees setting out their original comments and further views received or clarified since the previous Committee meeting.

The Head of Planning and Engineering believed the following policies to be relevant to this case:

Planning Policy Guidance Note 7: Sustainable Development in Rural Areas
Regional Planning Guidance for West Midlands, 2004.

PA15: Agriculture and farm diversification

QE8: Forestry and Woodlands

Warwickshire Structure Plan, 1996-2011. Adopted 2001.

RA3: Housing and Industrial Development & Hierarchy of Settlements

ER1: Natural and Cultural Environmental Assets

ER4: Protection and Enhancement of the Landscape

Warwick District Local Plan, 1989 – 2001, Adopted 1995

(DW) ENV3: General Principles

(DW) ENV12: Setting of Listed Buildings

(DW) ENV27: Nature Conservation/ tree protection

(DW) H9: Open Countryside settlement policy

(DW) H10: Agricultural Workers' Dwellings

(DW) C1: General Countryside Policy

Warwick District Local Plan: 1996-2011, Revised Deposit Version, 2005

DP1: Layout and Design.

DP3: Natural and Historic Environment and Landscape

RAP1: Development Within Rural Areas

RAP2: Directing New Housing

RAP6: Housing for Rural Workers

DAP6: Protection of Listed Buildings

After consideration of the officers' report and presentation the Committee were of the opinion that the enforcement action be authorised.

RESOLVED that enforcement action with a compliance period of six months, be APPROVED, for the following actions:

PLANNING COMMITTEE MINUTES (continued)

- (1) with regard to the pig farrowing building:
 - (a) the brick and metal tile building used for pig farrowing, be removed in its entirety, from the land;
 - (b) all materials arising from the works undertaken in (a) above be removed from the site;
- (2) with regard to the fattening buildings in Half Moon Plantation;
 - (a) the range of block buildings and associated feed yards used for pig fattening, together with the concrete and hard core access road be dismantled and removed from the land in its entirety by the following method;
 - (i) Dismantling and removal work under the canopy of trees shall be done using hand tools and the use of heavy plant outside the canopies of the trees shall be restricted to small wheel JCB type excavators;
 - (ii) Dismantling and removal work should start at the most southerly extent of the concrete paths and the most easterly extent of the woodland fattening shed and move back towards the junction with the access drive;
 - (b) all materials arising from works undertaken in (a) above, be removed from the land;
 - (c) the use of associated land for storage of solid waste and the deposition of waste material from excavation of foundations ceases and remove all materials and waste products from the land;
- (2) with regard to the residential use;
 - (a) the use of the land for residential purposes ceases;
 - (b) caravan stationed on the land be removed; and
 - (c) fence panels partly enclosing compound surrounding the caravan, be removed.

(The meeting ended at 10.25pm)