

PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 25 May 2005 at the Town Hall, Royal Leamington Spa at 6.00 p.m.

PRESENT: Councillors Mrs Blacklock, Crowther, Mrs Compton, Ms De-Lara-Bond, Gill, Kinson, Mrs Knight, MacKay and Windybank.

(Councillor Crowther substituted for Councillor Evans and Councillor Gill substituted for Councillor Ashford).

60. APPOINTMENT OF CHAIR

RESOLVED that Councillor Evans be appointed as Chair of the Committee for the ensuing year.

61. APPOINTMENT OF VICE CHAIR

RESOLVED that Councillor Ashford be appointed as Vice Chair of the Committee for the ensuing year.

62. APPOINTMENT OF CHAIR FOR THE MEETING

RESOLVED that, in the absence of Councillor Evans and Councillor Ashford, Councillor Mrs Compton be appointed Chairman for the meeting.

63. DECLARATIONS OF INTEREST

Minute Number 84 – W2005 /0425 – St. Mary’s Land, Hampton Street, Warwick

Councillors Mrs Blacklock, Mrs Compton, Ms De-Lara-Bond, Crowther, Gill, Mrs Knight, Kinson, MacKay and Windybank all declared a personal interest because the application is on Warwick District Council land.

Councillors Crowther and Gill declared prejudicial interests as members of the Executive and left the room whilst the item was discussed.

Minute Number 86 – W2004/1913 – Units 85-91 and adjacent land, Abbey End, Kenilworth

Councillors Mrs Blacklock, Mrs Compton, Ms De-Lara-Bond, Crowther, Gill, Mrs Knight, Kinson, MacKay and Windybank all declared a personal interest because the application is on Warwick District Council land.

PLANNING COMMITTEE MINUTES (Continued)

Councillors Crowther and Gill declared prejudicial interests as members of the Executive and left the room whilst the item was discussed.

Minute Number 78 – W2005/0414 – Land rear of 125 Warwick Road, Kenilworth

Councillor Mrs Blacklock declared a personal prejudicial interest because she was a member of Kenilworth Town Council when this application was considered and she left the room whilst the item was discussed.

Minute Number 77 – W2005/0501 – Rear of 12 Amherst Road, Kenilworth

Councillor Mrs Blacklock declared a personal prejudicial interest because she was a member of Kenilworth Town Council when this application was considered and left the room whilst the item was discussed.

Minute Number 80 – W2005/0482 & W2005/0483CA – 45 High Street, Kenilworth

Councillor Mrs Blacklock declared a personal prejudicial interest because she was a member of Kenilworth Town Council when this application was considered and left the room whilst the item was discussed.

Minute Number 66 W2004/2143 – Archway House & Droskyn, Kenilworth Road, Leamington Spa

Councillor Windybank declared a personal interest because a close neighbour to the application site was known to him.

Minute Number 79 W2005/0459 – 56 Glasshouse Lane, Kenilworth

Councillor MacKay declared a personal interest because there is a similar meeting room in Baginton which is part of his constituency.

Councillor Crowther declared a personal interest because he knew the applicant.

64. MINUTES OF THE PLANNING FORUM

RESOLVED that the minutes of the Planning Forum held on 9 February 2005 be noted.

65. WEIGHT TO ATTACH TO POLICY SC9 ON AFFORDABLE HOUSING IN THE WARWICK DISTRICT LOCAL PLAN (1996-2011) REVISED DEPOSIT VERSION

The Committee considered a report from the Head of Planning and Engineering advising members on how policy SC9 of the Local Plan should be implemented.

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that the approach outlined in paragraph 4.2 of the report be approved as a working approach to negotiate affordable housing at the present time.

66. ARCHWAY HOUSE & DROSKYN, KENILWORTH ROAD, LEAMINGTON SPA

The Committee considered an application From Milcel Ltd, for the demolition of existing dwellings, erection of a detached building containing 13 apartments on 3 and 4 floors, erection of a detached one and half storey dwelling to the rear, construction of new vehicular access.

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

National Statements of Planning Policy

Planning Policy Guidance Note 1: *General Principles*

Planning Policy Guidance Note 3: *Housing*

Planning Policy Guidance Note 13: *Transport*

Warwickshire Structure Plan 1996-2011

Policy GD.1 (overriding purpose)

Policy GD.3 (overall development strategy)

Policy GD.4 (strategic constraints)

Policy GD.5 (development location priorities)

Policy ER.1 (natural and cultural environmental assts)

Policy H.1 (provision of housing land)

Policy H.3 (greenfield land for housing)

Policy T.1 (transport objectives)

Policy T.4 (the impact of development on the transport system)

Policy T.5 (influencing transport choice)

Warwick District Local Plan 1995

Policy (DW) ENV3 (Development Principles)

Policy (DW) ENV3A (Sustainable Development and Energy Conservation)

Policy (DW) H5 (Infill development)

Policy (DW) H22 (Intensification of Residential Uses)

NB. Planning Committee on 28th January 2002 resolved that policies H22 (on housing density) and T7 (car parking) were not in conformity with the Warwickshire Structure Plan.

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

Policy DP1 (Layout and Design)

Policy DP2 (Amenity)

Policy DP3 (Natural Environment)

Policy DP5 (Density)

Policy DP6 (Access)

Policy DP7 (Traffic Generation)

Policy DP8 (Parking)

Policy UAP1 (Directing New Housing Development).

Policy SCP1 (Securing a Greater Choice of Housing)

PLANNING COMMITTEE MINUTES (Continued)

Distance Separation (Supplementary Planning Guidance)
The 45 Degree Guideline (Supplementary Planning Guidance)

The following addressed the Committee on this application:

Mr G Wilson	Objector
Mr A Clarke	Applicant
Councillor Mrs E Goode	Ward Councillor.

After considering the report from the Head of Planning and Engineering and the representation from the Ward Councillor and members of the public, the Committee were of the opinion that the application should be refused as outlined below.

RESOLVED that application W2004/2143 be REFUSED for the following reasons:

(1) Overdevelopment by reason of:

- (a) the footprint and massing of the proposed new flats having an overbearing and unacceptable unneighbourly effect on the setting and outlook from Clive House and its garden to the north; and
- (b) the siting of the new house in the rear garden of Archway House being detrimental to the existing pattern of development and landscaped character of the locality.

(2) The introduction of a car park into the rear of the site will result in an unacceptable impact on the amenity of both future residents in the scheme and neighbours by reason of the likely resulting loss of amenity, in particular by reason of an increased level of noise and general disturbance. The car park will also adversely affect the outlook from the proposed flats and result in an inadequate amount of amenity space for the future residents of those flats.

67. ABBACOURT HOTEL, 40 KENILWORTH ROAD, LEAMINGTON SPA

The Committee considered an application from Court (Warwickshire) Ltd, for the part demolition of existing hotel. Extension and conversion to form 14 apartments.

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

PLANNING COMMITTEE MINUTES (Continued)

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP6 - Access (Warwick District Local Plan 1996 - 2011 First Deposit Version)
SPG - Distance Separations
(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)
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)
DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)
(DW) ENV7 - Demolition of Non-Listed Buildings within Conservation Areas (Warwick District Local Plan 1995)
PPS1 - Planning Sustainable Development (Government Guidance)
PPG3 - Housing (Government Guidance)
PPG15 - Planning and the Historic Environment (Government Guidance)
GD1 - Overriding Purpose (Warwickshire County Structure Plan 1996-2011)

GD3 - Overall Development Strategy (Warwickshire County Structure Plan 1996-2011)
H1 - Provision of Housing Land (Warwickshire County Structure Plan 1996-2011)

The following addressed the Committee on this item:

Mrs Delfas	Objector
Councillor Mrs E Goode	Ward Councillor.

RESOLVED that application W2005/0329 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 drawings 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 Local Plan Policy ENV3;

- (3) Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;
- (4) No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges, rainwater goods, bin stores cycle stores and the pedestrian access 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 an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan;
- (5) No more than one access for vehicles shall be made or maintained to the site from the highway Woodcote Road. **REASON**: In the interests of highway safety and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan 1995;
- (6) Access for vehicles to the site shall not be made or maintained from any highway other than Woodcote Road. **REASON**: In the interests of highway safety and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan 1995;
- (7) The development hereby permitted shall not be occupied until an access for vehicles has been proved to the site not less than 5.0 metres or greater than 6.0 metres in width at any point. **REASON**: In the interests of highway safety and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan 1995;

PLANNING COMMITTEE MINUTES (Continued)

- (8) The access to the site shall not be constructed in such a manner as to reduce effective capacity of any drain within the limits of the public highway. **REASON:** In the interests of highway safety and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan 1995;
- (9) The access to the site for vehicles shall not be used unless the highway verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan 1995;
- (10) The development hereby permitted shall not be occupied until all parts of the existing accesses within the public highway Kenilworth Road and highway Woodcote Road have been closed and the kerblines, footway and verge have been reinstated in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan 1995;
- (11) Prior to the commencement of the development hereby permitted, resurfacing details together with a schedule of works as to when this will take place, how far and how the balance of the road is to be treated, including details of highway drainage shall be submitted to and approved in writing by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** In the interests of highway safety and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan 1995;
- (12) The development hereby permitted shall not be occupied until turning areas have been provided and demarcated within the site so as to enable cars to leave and enter in a forward gear. **REASON:** In the interests of highway safety and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan 1995;

PLANNING COMMITTEE MINUTES (Continued)

- (13) The development hereby permitted shall not be occupied until space has been laid out and demarcated within the site for the parking of cars in accordance with details submitted and approved in writing by the District Planning Authority. **REASON:** In the interests of highway safety and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan 1995;
- (14) 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, in particular the Redwood located at the front of the site and those which are shown as being retained shall be dealt with in accordance with BS 5837:1991. 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;

PLANNING COMMITTEE MINUTES (Continued)

- (15) 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;
- (16) No development shall be carried out on the site which is subject of this permission until details of any proposed external street lighting has been submitted to and approved in writing by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such 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;
- (17) The drains in the cul-de-sac (Woodcote Road) are kept clear from debris during construction at all times in order to prevent flooding; and
- (18) The Head of Planning and Engineering to write to the applicant/agent to state the Planning Committee would welcome the bringing up of Woodcote Road along the southern frontage of the site to adoptable standards and the applicant seeking the adoption of the road by Warwickshire County Council.

68. 40 KENILWORTH ROAD, LEAMINGTON SPA

The Committee considered an application from Court (Warwickshire) Ltd, for the part demolition of existing hotel.

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

PLANNING COMMITTEE MINUTES (Continued)

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
(DW) ENV7 - Demolition of Non-Listed Buildings within 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 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)
DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 First Deposit Version).

The following addressed the Committee on this item:

Mrs Delfas	Objector
Councillor Mrs E Goode	Ward Councillor.

RESOLVED that application W2005/0331CA be GRANTED subject to the following conditions:

- (1) The works hereby permitted must be begun not later than the expiration of five years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990;
- (2) The demolition hereby permitted shall not be undertaken before a contract for the carrying out of works of redevelopment under W05/0329 has been made **REASON** : To ensure an appropriate replacement building within the Conservation Area and to satisfy the requirements of Policy ENV8 of the Warwick District Local Plan 1995; and

PLANNING COMMITTEE MINUTES (Continued)

- (3) 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.

69. 61 WEST STREET, WARWICK

The Committee considered an application from Mr G Middlebrook, for the conversion and extension of 4 bedroom terraced into two 2 bedroomed houses and conversion of workshop into 2 bedroomed dwelling.

Determination of this application had been deferred by the Committee on 3 May 2005 to allow a site visit to take place.

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

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

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

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

The 45 Degree Guideline (Supplementary Planning Guidance)

Distance Separation (Supplementary Planning Guidance)

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

(DW) ENV15 - Encouragement of full use of Listed Buildings (Warwick District Local Plan 1995)

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

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

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

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

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

(WTC) H1 General Housing Policies

PLANNING COMMITTEE MINUTES (Continued)

The following addressed the Committee on this item:

Mr J Turner Objector.

After considering the report from the Head of Planning and Engineering and the representation from the Ward Councillor and members of the public, the Committee were of the opinion that the application should be refused as outlined below.

RESOLVED that application W2004/0104 be REFUSED for the following reasons:

- (1) Overdevelopment of a restricted site of awkward configuration unlikely to provide adequate amenity to the occupants of the proposed dwellings and likely to be to the detriment of neighbours by reason of the general noise and disturbance resulting from the increased level of usage of the site; and
- (2) Unacceptable impact on the parking situation in this locality, in particular in West Street, due to the absence of off street parking situation

70. 61 WEST STREET, WARWICK

The Committee considered an application from Mr G Middlebrook, for the conversion and extension of 4 bedroomed terraced into two 2 bedroomed houses and conversion of workshop into 2 bedroomed dwelling.

Determination of this application had been deferred by the Committee on 3 May 2005 to allow a site visit to take place.

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

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

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

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

(DW) ENV15 - Encouragement of full use of Listed Buildings (Warwick District Local Plan 1995)

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

DP10 - Flooding (Warwick District Local Plan 1996 - 2011 First Deposit Version)

PLANNING COMMITTEE MINUTES (Continued)

The following addressed the Committee on this item:

Mr J Turner Objector

RESOLVED that application W2004/0179LB GRANTED subject to the following conditions:

- (1) The works hereby permitted must be begun not later than the expiration of five years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990;
- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings WEST02-1B, 3B, and 4B and specification contained therein, submitted on 18 March 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development to protect the character of the listed building;
- (3) All repair/construction work specified on the plans for the conversion works hereby permitted shall be carried out in reclaimed materials of the same type, texture and colour as the existing barn(s). **REASON** : To ensure that the rural character and appearance of the barn(s) is protected, in accordance with Policy C3 of the Warwick District Local Plan;
- (4) No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), rooflights, glazed areas, eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995; and

PLANNING COMMITTEE MINUTES (Continued)

- (5) This permission authorises the conversion of the existing house and the conversion (with extensions as shown on the approved drawings) of the barn to the rear. It does not authorise any demolition other than that expressly referred to on the approved plans. **REASON:** To define the terms under which permission is granted.

71. 10-12 ADELAIDE ROAD, LEAMINGTON SPA

The Committee considered an application from Mr R Wan for the change of use of 10 Adelaide Road to form additional hotel accommodation for the Victoria Park Hotel (12 Adelaide Road), closure of existing driveway opening to 10 Adelaide Road, erection of new rear boundary wall to 10 Adelaide Road, erection of new rear boundary wall to 10 Adelaide Road and installation of chair lift at front entrance.

Determination of this application had been deferred by the Committee on 3 May 2005 to allow a site visit to take place.

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

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- (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) H13 - Loss of Existing Residential Accommodation and Development within Existing Residential Areas (Warwick District Local Plan 1995)
- (DW) TO4 - Change of Use to Hotels or Guest Houses (Warwick District Local Plan 1995)
- (DW) TO5 - Extension of Existing Hotels and Guest Houses (Warwick District Local Plan 1995)
- (DW) IMP2 - Meeting the Needs of People with Disabilities (Warwick District Local Plan 1995)
- Policy (LTC) H2 (General Housing Policies)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011 First Deposit Version)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)
- DP14 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011 First Deposit Version)
- UAP8 - Directing New Visitor Accommodation (Warwick District 1996 - 2011 First Deposit Version)
- TCP1 - Protecting and Enhancing the Town Centres (Warwick District 1996 - 2011 First Deposit Version)

PLANNING COMMITTEE MINUTES (Continued)

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

DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

The following addressed the Committee on this item:

Mrs J Dutson	Objector
Mr Pitt	Applicant
Cllr B Gifford	Ward Councillor.

After considering the report from the Head of Planning and Engineering and the representation from the Ward Councillor and members of the public, the Committee were of the opinion that the application should be refused as outlined below.

RESOLVED that application W2004/2088 be **REFUSED** for the following reasons:

- (1) Unneighbourly by reason of the loss of privacy and the general noise and disturbance resulting from the increased level of activity both within and around the application site which would be exacerbated, in particular, by reason of the application property being a semi-detached house, the balance of which, is in residential use, and, the difference in ground levels of the rear gardens of number 8 and 10 Adelaide Road; and
- (2) Detrimental effect on the character and appearance of the Conservation Area by reason of the unacceptable loss of a property in residential use and the resulting unacceptable consolidation of the non- residential uses in this section of Adelaide Road.

72. 29 AVENUE ROAD, LEAMINGTON SPA

The Committee considered an application from Avoncroft Homes Ltd, demolition of existing building and erection of 10 flats.

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

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- (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) H5 - Infilling within the Towns (Warwick District Local Plan 1995)

PLANNING COMMITTEE MINUTES (Continued)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP6 - Access (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP14 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011 First Deposit Version)
SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)
DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

The following addressed the Committee on this item:

Mr W McKay

Objector

RESOLVED that application W2005/0511 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 in accordance with the details shown on the approved drawings AVO 1621 PA 01 Revision A and AVO 1621 PA 100 Revision A, and specification contained therein, except as required by condition 8 below and 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 (DW) ENV3 1995;
- (3) Gates/doors provided at the entrance to the site shall not open outwards towards the public highway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995;

PLANNING COMMITTEE MINUTES (Continued)

- (4) Prior to the first occupation of the development hereby approved details of the size and surface treatment of a turning area to enable vehicles to enter and leave the public highway in a forward gear shall be submitted to and approved by the District Planning Authority. The development shall not be undertaken other than in accordance with such approved details and the approved turning area shall thereafter be kept available for that purpose. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995;
- (5) The development hereby permitted shall not be occupied until the proposed means of access has been constructed in strict compliance with details approved in writing by the District Planning Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (6) The development hereby permitted shall not be occupied before the verge crossing has been laid out to the satisfaction of the District Planning Authority, in consultation with the Highway Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995;
- (7) The proposed car parking area for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. **REASON** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995;
- (8) Notwithstanding the details in respect of roof lights shown on the submitted plans, the permission hereby granted shall not relate to the use of Velux rooflights. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy (DW) ENV8 of the Warwick District Local Plan 1995;

PLANNING COMMITTEE MINUTES (Continued)

- (9) Large scale details of doors, windows (including a section showing the window reveal, heads and cill details), dormer windows, rooflights, railings (including means of installation), eaves, verges and rainwater goods at a scale of 1:5 shall be submitted before these items are installed. 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 (DW) ENV8 of the Warwick District Local Plan 1995;
- (10) The bottom pane of each window in the western side elevation of the development hereby permitted shall be non-opening and obscure glazed and retained as such at all times thereafter. **REASON** : To protect the amenity of the occupiers of nearby properties;
- (11) All window frames shall be constructed in timber, painted and not stained, and 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 (DW) ENV8 of the Warwick District Local Plan 1995;
- (12) 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 an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy (DW) ENV8 of the Warwick District Local Plan 1995;
- (13) The roofing material for the development shall be natural slate, a sample of which has been submitted to and approved in writing by the District Planning Authority. The development shall be carried out in accordance with the approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy (DW) ENV8 of the Warwick District Local Plan 1995;

PLANNING COMMITTEE MINUTES (Continued)

- (14) All rainwater goods for the development hereby permitted shall be metal and no development on site shall take place until a sample of the rainwater goods has been submitted to and approved by the District Planning Authority. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy (DW) ENV8 of the Warwick District Local Plan 1995;
- (15) A landscaping scheme 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. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995;
- (16) Detailed drawings shall be submitted to and approved by the Local Planning Authority before any work is commenced to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved. **REASON** : To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995;
- (17) The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority. **REASON** : In the interests of fire safety; and

PLANNING COMMITTEE MINUTES (Continued)

- (18) No lighting shall be fixed to the external walls or roofs of the building hereby permitted, or on any open land within the application site without the written consent of the District Planning Authority. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.

73. LEAM STREET, LEAMINGTON SPA

The Committee considered an application from Mr & Mrs Ballinger for the demolition of existing garage block and erection of single dormer bungalow.

The following addressed the Committee on this Item.

Ms J Balcombe Objector

RESOLVED that application W2005/0513 be DEFERRED to allow for a site visit to be undertaken as the Committee felt it would be of significant benefit to them when considering the application.

74. 7 OAK TREE CLOSE, LEAMINGTON SPA

The Committee considered an application from Mr P Riman for the erection of a two storey extension.

The following addressed the Committee on this item:

Mrs Snell Objector

RESOLVED that application W2005/0557 be DEFERRED to allow for a site visit to be undertaken as the Committee felt it would be of significant benefit to them when considering the application.

75. ADJOURNMENT OF MEETING

The Chair adjourned the meeting of the Planning Committee held on Wednesday 25 May 2005 to Thursday 26 May 2005 at 6.00 pm

(The meeting ended at 10.10 pm)

PLANNING COMMITTEE MINUTES (Continued)

RESUMPTION OF ADJOURNED PLANNING COMMITTEE MEETING

Minutes of the adjourned Planning Committee meeting held on Thursday 26 May 2005 at the Town Hall, Royal Leamington Spa at 6.00 pm.

PRESENT: Councillor Mrs Compton (Chair), Councillors, Mrs Blacklock, Copping, Crowther, Ms De-Lara- Bond, Gill, Kinson, Mrs Knight and Windybank.

76. **LOWES BARN, NEW ROAD, LOWSONFORD**

The Committee considered an application from Mr & Mrs Lowe for the conversion of barn into office and storage space.

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

RAP8 - Converting Rural Buildings (Warwick District 1996 - 2011 First Deposit Version)

PPG7

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

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

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

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

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

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

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

The following addressed the Committee on this item:

Councillor L Caborn

Ward Councillor

RESOLVED that application W2005/0421 should 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) All repair/construction work specified on the plans for the conversion works hereby permitted shall be carried out in reclaimed materials of the same type, texture and colour as the existing barn. **REASON** : To ensure that the rural character and appearance of the barn is protected, in accordance with Policy C3 of the Warwick District Local Plan;

PLANNING COMMITTEE MINUTES (Continued)

- (3) A landscaping scheme 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.
REASON : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;
- (4) 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 Part 2, Part 3 or Part 8 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : To retain control over future development of the premises in the interests of residential amenity;
- (5) The premises shall be used only for the purposes included within Class B1a (office) and for office and storage use ancillary to purposes incidental to the residential use of the dwelling house and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). **REASON** : Other uses within this Use Class may not be appropriate in these premises by reason of its location in a rural area and its relationship to surrounding properties;
- (6) The home office on the first floor and large storage room on the ground floor as shown on plan "Proposed Layouts" submitted 17th March 2005 shall only be used for purposes incidental to the residential use of the dwelling house. **REASON** : To protect the amenities of the area, in accordance with Policy ENV3 of the Warwick District Local Plan; and

PLANNING COMMITTEE MINUTES (Continued)

- (7) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) "Proposed Layouts", "Proposed Elevations" and specification contained therein, submitted on 17th March 2005 unless first agreed otherwise in writing by the District Planning Authority.
REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.

77. REAR OF 12 AMHERST ROAD, KENILWORTH

The Committee considered an application from Applestone Homes Ltd for the erection of a detached dwelling.

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

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(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 addressed the Committee on this item:

Mr N Dale	Objector
Mr M Jones	Applicant

RESOLVED that application W2005/0501 be GRANTED subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990;
- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 10240, 10241, 10244, 10282 and specification contained therein, submitted on 30 March 2005 and 3 May 2005 (10282 only) 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;

PLANNING COMMITTEE MINUTES (Continued)

- (3) A landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:1991. 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
- (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 ENV3 of the Warwick District Local Plan.

78. LAND REAR OF 125 WARWICK ROAD, KENILWORTH

The Committee considered an application from B & B Homes for the erection of 4 no. 2 bedroomed town houses.

PLANNING COMMITTEE MINUTES (Continued)

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

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
The 45 Degree Guideline (Supplementary Planning Guidance)
Distance Separation (Supplementary Planning Guidance)
DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)
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 addressed the Committee on this item:

Councillor G Illingworth Town Council

RESOLVED that application W2005/0414 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) Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;
- (3) The windows in the rear elevation and the dormer windows on the front elevation of the houses hereby permitted shall be non-opening and obscure glazed and retained as such at all times thereafter. **REASON** : To protect the amenity of nearby properties, in accordance with policy ENV3 of the Warwick District Local Plan 1995;

PLANNING COMMITTEE MINUTES (Continued)

- (4) 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 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 Policy ENV3 of the Warwick District Local Plan;
- (5) The garage doors/gates for the dwellings hereby approved shall be electrically operated by remote control and this type of door/gate shall be used for all subsequent replacements. The equipment shall be maintained in full working order. **REASON** : So that vehicles do not have to wait on the highway whilst the doors are opened, to the detriment of highway safety, to ensure compliance with policy ENV3 of the Warwick District Local Plan 1995;
- (6) 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 Policy ENV3 of the Warwick District Local Plan;
- (7) The bin stores shown on the approved drawings shall be constructed as shown and shall thereafter be retained for this use. **REASON** :To ensure facilities are provided, so that bins are not stored on the highway, in compliance with policy ENV3 of the Warwick District Local Plan 1995; and
- (8) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 598.01B, 02A, 03B, and 04A and specification contained therein, submitted on 15 March 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.

PLANNING COMMITTEE MINUTES (Continued)

79. 56 GLASSHOUSE LANE, KENILWORTH

The Committee considered an application from Avondale Gospel Hall Trust for a change of use from Residential (Class C3) to D1 (Places of Worship).

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

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) H23 - Relocation of Non-Conforming Uses (Warwick District Local Plan 1995)
SC7 - Supporting Community Facilities (Warwick District Local Plan 1996 - 2011 First Deposit Version)
(DW) H13 - Loss of Existing Residential Accommodation and Development within Existing Residential Areas (Warwick District Local Plan 1995)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version).

The following addressed the Committee on this item:

Councillor N Vincett	Town Council
Mr W Evans	Objector
Mr S Cox	Applicant
Councillor D Shilton	Ward Councillor
Councillor F Bunker	Ward Councillor

RESOLVED that application W2005/0459 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 use hereby permitted shall be for a place of worship within Class D1 of the Town and Country Planning (Use Classes) Order 1987 as amended which shall be carried on only by the Avonvale Gospel Trust and on the discontinuance of their occupancy of the site the use hereby permitted shall cease. **REASON** : Since permission for the development would not normally be granted other than in the special circumstances put forward by the applicant;
- (3) All meetings shall be held inside the house. **REASON** : To protect the amenity of the occupiers of nearby properties;

PLANNING COMMITTEE MINUTES (Continued)

- (4) There shall be no amplified music to be used in connection with any meetings. **REASON** : To protect the amenity of the occupiers of nearby properties; and
- (5) The garage and tarmac driveway to the property shall be retained at all times for the parking of vehicles.
REASON: In the interests of highway safety.

80. 45 HIGH STREET, KENILWORTH

The Committee considered an application from Mr & Mrs Green for the demolition of existing dwelling /garage and erection of new dwelling /garage. The following addressed the Committee on this item:

The following addressed the Committee on this item:

Councillor G Illingworth	Town Council
Mrs M Walton	Objector
Mr H Gilmore	Applicant / Agent

RESOLVED that application W2005/0482 be DEFERRED to allow for a site visit to be undertaken as the Committee felt it would be of significant benefit to them when considering the application.

81. 45 HIGH STREET, KENILWORTH

The Committee considered an application from Mr & Mrs Green for the demolition of existing dwelling /garage and erection of new dwelling /garage.

The following addressed the Committee on this item:

Councillor G Illingworth	Town Council
Mrs M Walton	Objector
Mr H Gilmore	Applicant / Agent

RESOLVED that application W2005/0483 CA be DEFERRED to allow for a site visit to be undertaken as the Committee felt it would be of significant benefit to them when considering the application.

82. HILLCREST, COVENTRY ROAD, CRACKLEY, KENILWORTH, CV8 2EE

The Committee considered an application from Parkridge Homes Limited for the erection of 24 houses and flats and ancillary works after demolition of existing car sales buildings.

PLANNING COMMITTEE MINUTES (Continued)

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

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(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)
SC9 - Affordable Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)
H1 - Provision of Housing Land (Warwickshire County Structure Plan 1996-2011)
H2 - Affordable Housing (Warwickshire County Structure Plan 1996-2011)
H3 - Greenfield Land for Housing (Warwickshire County Structure Plan 1996-2011)
GD3 - Overall Development Strategy (Warwickshire County Structure Plan 1996-2011)
Distance Separation (Supplementary Planning Guidance).

RESOLVED that application W2003/1645 be GRANTED subject to a legal agreement regarding County Council contributions, social housing provision, the implementation and maintenance of the flood alleviation works and any substantial change in affordable housing to be reported back to the Committee and 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 drawings 1792-001 Rev MM, 010 Rev A, 011 Rev B, 013 Rev A, 14 Rev B, 015 Rev A, 16 Rev D, and 17 Rev B and specification contained therein, submitted on 21 October 2003, 4 March 2004, 10 March 2005 and 13 May 2005, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3;

PLANNING COMMITTEE MINUTES (Continued)

- (3) The finished floor levels of the dwellings hereby approved should be set at a minimum of 400mm above the modelled 1 in 100 year flood level of 76.71 above Ordnance Datum as shown on drawing no. 1792-001 Rev MM. **REASON** : To ensure that safe dry access is available to future residents at all times and to protect the development from flooding in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (4) No development shall be carried out on the site which is the subject of this permission, until full engineered cross sections through the site including the balancing pond, brook, plots, and the site boundaries has 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 protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (5) 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;
- (6) No development shall be carried out on the site which is the subject of this permission, until satisfactory details of retaining walls and boundary treatment have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;

PLANNING COMMITTEE MINUTES (Continued)

- (7) A landscaping scheme 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.
REASON : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;
- (8) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water should not be passed through the interceptor. **REASON** : To prevent pollution of the Water Environment in accordance with Policy ENV3 of the Warwick District Local Plan;
- (9) No development approved by this permission shall be commenced until:
- (a) A site investigation has been designed using information obtained from the desk top study and any diagrammatical representations (Conceptual Model), and has been submitted and approved in writing by the District Planning Authority;
 - (b) The site investigation has been undertaken in accordance with details approved and a risk assessment has been produced;
 - (c) A method statement detailing the remediation requirements using the information obtained from the site investigation has been approved in writing by the District Planning Authority. **REASON** : To ensure that the development complies with the approved details in the interests of protection of controlled waters and policy ENV3 of the Warwick District Local Plan;
- (10) If during development, contamination not previously identified is found to be present at the site, no further

PLANNING COMMITTEE MINUTES (Continued)

development (unless otherwise agreed in writing with the District Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the District Planning Authority for an addendum to the method statement detailing how this unsuspected contamination shall be dealt with. **REASON** : To ensure that the development complies with the approved details in the interests of protection of controlled waters and policy ENV3 of the Warwick District Local Plan;

- (11) All remediation works detailed in the method statement shall be undertaken and a report submitted to the District Planning Authority providing verification that the works have been carried out in accordance with the approved details. **REASON**: To ensure that the development complies with the approved details in the interests of protection of controlled waters and policy ENV3 of the Warwick District Local Plan;
- (12) The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority. **REASON** : In the interests of fire safety;
- (13) The vehicular access to the site shall not be used until visibility splays have been provided to the public highway carriageway with an 'x' distance of 4.5 metres and 'y' distances of 90 metres. No structure, erection, trees or shrubs exceeding 0.6 metres in height above the adjoining highway carriageway shall be placed, allowed to grow or be maintained within the visibility splays so defined. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (14) The development shall not be commenced until an access for vehicles has been provided to the site not less than 5.0 metres or greater than 5.0 metres in width at any point, 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 ENV3 of the Warwick District Local Plan;

PLANNING COMMITTEE MINUTES (Continued)

- (15) The vehicular access to the site shall not be used in connection with the development until it has been surfaced with a bound macadam material for a distance of 10.0 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the Local Planning Authority. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (16) The gradient of the vehicular access shall not be steeper at any point than 1 in 10 at any point. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (17) 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 ENV3 of the Warwick District Local Plan;
- (18) 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 residential plots on the site are of a restricted size and configuration and is in close proximity to other dwellings and are situated within the floodplain of the adjacent watercourse. 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 Policy ENV3 of the Warwick District Local Plan; and

PLANNING COMMITTEE MINUTES (Continued)

- (19) There shall be no raising of ground levels on the site as a result of this development over that shown on the approved site plan 1792-001 Rev MM and engineering cross sections. **REASON** : This site is situated within the floodplain of the adjacent watercourse. 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 Policy ENV3 of the Warwick District Local Plan.

83. LAND REAR OF HILLCREST, COVENTRY ROAD, CRACKLEY, KENILWORTH

The Committee considered an application from Parkridge Homes Limited for construction of a surface water balancing pond to serve proposed residential development at Crackley Hill.

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

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- (DW) C8 - Special Landscape Areas (Warwick District Local Plan 1995)
- (DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)

RESOLVED that application W2004/1980 be GRANTED subject to a legal agreement regarding the implementation and maintenance of the flood alleviation works, and 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; and
- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing 1792-001 Rev MM, submitted Flood Alleviation Scheme and specification contained therein, submitted on 13 May 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.

PLANNING COMMITTEE MINUTES (Continued)

84. ST MARY'S LAND, HAMPTON STREET, WARWICK

The Committee considered an application from Warwick District Council for improvements to existing car park; creation of a public pay & display car park.

RESOLVED that application W2005/0425 be DEFERRED to allow for a site visit to be undertaken as the Committee felt it would be of significant benefit to them when considering the application and to allow for further justification to be received from the applicant as to the need for extra car parking.

85. LAND ADJACENT, STRATFORD ROAD, WARWICK, CV34 6RA

The Committee considered an application from Taylor Woodrow Developments Limited for construction of a single carriageway link road accessed from the A429 to the existing south west Warwick development spine road.

RESOLVED that application W2004/2253 be DEFERRED so that the comments received from the Warwick Society can be forwarded to the Warwickshire County Council's Highways Authority for their full comments and response.

86. UNITS 85 TO 91 AND ADJACENT LAND, ABBEY END, KENILWORTH

The Committee considered an application, including amended plans, from Grevayne Properties (Abbey End) Ltd for the construction of retail units and 24 flats together with parking spaces, car ports and associated work following demolition of existing buildings.

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

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- (DW) S3 - Additional Retail Development in Town Centres (Warwick District Local Plan 1995)
- (DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)
- SC9 - Affordable Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
- UAP3 - Directing New Retail Development (Warwick District 1996 - 2011 First Deposit Version)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
- TCP1 - Protecting and Enhancing the Town Centres (Warwick District 1996 - 2011 First Deposit Version)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that application W2004/1913 be GRANTED after the completion of a legal agreement to secure contributions to County Council services and affordable housing, 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) Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;
- (3) A scheme for the sound insulation of the proposed residential accommodation to reduce the impact of noise from retail activity on the ground floor shall be submitted to the District Planning Authority for approval. The scheme shall be fully implemented in accordance with the approved details before the use, the subject of this consent, commences. The works and scheme shall thereafter be maintained in accordance with the approved details. No alterations to the structure, roof, doors, windows or external facades shall be undertaken without the prior approval of the District Planning Authority. The means of ventilation/air conditioning to the ground floor retail units shall be specified in the scheme. **REASON** : To protect the amenities of adjoining residents, in accordance with Policy ENV3 of the Warwick District Local Plan 1995;
- (4) The hours of use for vehicle movements (such as loading/unloading etc.) related to retail activity at this site shall be restricted to between 7.30 am. - 6.00 p.m. Monday to Friday and Saturday 7.30 a.m. - 1.00 p.m., with no vehicle movement Sundays or Bank Holidays. **REASON** : To protect the amenities of adjoining residents, in accordance with Policy ENV3 of the Warwick District Local Plan 1995;

PLANNING COMMITTEE MINUTES (Continued)

- (5) No development shall be carried out on the site which is the subject of this permission, until details of secure cycle storage 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 forms of transport; and
- (6) No development shall be carried out on the site which is the subject of this permission, until details of the proposed car ports 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 protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

87. 'DARSONS TRANSPORT' SITE, 23 – 25 MILLERS ROAD, WARWICK

The Committee considered a report from the Head of Planning and Engineering regarding the unauthorised change of use from transport depot to a mixed use transport depot with storage and display of vehicles for sale.

The Head of Planning and Engineering considered the following policies to be relevant to this matter:

Development plan policies relevant to the decision are (DW) ENV3 – Development principles (WDLP 1995), DP2 – Amenity (WDLP 1996 – 2011 FDD), (DW) EMP7 – Retail occupation of industrial and warehouse premises (WDLP 1995), (DW) EMP5 – Employment development within urban areas (WDLP 1995) and SC2 – Protecting employment land and buildings (WDLP 1996 – 2011 FDD)

RESOLVED that due to the detrimental impact on highway safety by reason of the lack of adequate site facilities and the use being detrimental to the visual amenity of the area, enforcement action be authorised to ensure that the car storage and sales area be removed and returned to the original car parking use with a period for compliance of six months.

PLANNING COMMITTEE MINUTES (Continued)

88. 15 HIDCOTE CLOSE, SYDENHAM, LEAMINGTON SPA

The Committee considered a report from the Head of Planning and Engineering which sort enforcement action regarding the unauthorised erection of a rear extension.

RESOLVED that enforcement action be authorised to ensure that both parts of the unauthorised development are removed with a period of compliance to be two months.

89. ICON HOUSE, 12-14 JURY STREET, WARWICK

The Committee considered an application from Shaila Man for a restaurant sign and 1 no projecting sign to front elevation.

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

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

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

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

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

RESOLVED that application W05/0306 be GRANTED subject to 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.

90. ICON HOUSE, 12-14 JURY STREET, WARWICK

The Committee considered an application from Shaila Man for a restaurant sign and 1 no projecting sign to front elevation.

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

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

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

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

PLANNING COMMITTEE MINUTES (Continued)

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

RESOLVED that application W05/0307 LB be GRANTED subject to the works hereby permitted must be begun not later than the expiration of five years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

91. 26 HOLYOAKE GROVE, WHITNASH, LEAMINGTON SPA

The Committee considered an application from Mr T Sheridan, for the erection of a two storey extension to side of existing dwelling to form new kitchen and bedroom.

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

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

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

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

RESOLVED that application W2005/0451 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 drawings (drawings 002 and 003), and specification contained therein, submitted on 23rd March, 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3; and
- (3) All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

PLANNING COMMITTEE MINUTES (Continued)

92. GARAGES ADJACENT TO 58 LOWER CAPE, THE CAPE, WARWICK

The Committee considered an application from Mr P Farley for the erection of a dwelling following demolition of existing garages.

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

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

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

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

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

RESOLVED that application W2005/0526 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 drawings 487-02a and 03a, and specification contained therein, submitted on 12 May 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3;
- (3) Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan; and

PLANNING COMMITTEE MINUTES (Continued)

- (4) 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 Policy ENV3 of the Warwick District Local Plan;

93. 20 ARLINGTON AVENUE, LEAMINGTON SPA

The Committee considered an application from Mr and Mrs Salter for the erection of ground and first floor extensions and loft conversion; installation of three dormer windows.

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

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
The 45 Degree Guideline (Supplementary Planning Guidance)

RESOLVED that application W2005/0547 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 amended approved drawing 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 Local Plan Policy ENV3;

PLANNING COMMITTEE MINUTES (Continued)

- (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.

94. HIGH HEDGES LEGISLATION

The Committee received a report from the Head of Planning and Engineering which provided information for Planning Committee members on the likely impact of High Hedges Legislation which was due to come into effect on 1st June as set out in the attached report to the Executive for 13th June 2005. Members were requested to note the contents of the report and to indicate whether they had any comments to be forwarded to the Executive.

RESOLVED that the report be noted.

(Meeting ended 9.25 pm)