

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 10 October 2006 at the Town Hall, Royal Leamington Spa at 6.00 p.m.

PRESENT: Councillor Tamlin (Chair), Councillors Ashford, Mrs Blacklock, Mrs Bunker, Mrs Compton, Kinson, Mrs Knight and MacKay.

An apology for absence was received from Councillor Ms De-Lara-Bond.

486. **DECLARATIONS OF INTEREST**

Minute Number 487 – 9 School Lane, Kenilworth

Councillors Ashford, Mrs Blacklock, Mrs Bunker, Mrs Compton, Kinson, Mrs Knight, Mackay and Tamlin declared personal interests because the land was owned by Warwick District Council.

Minute Number 488 – Homestead House (Plumbase Centre), Trinity Street, Leamington Spa

Councillor Mrs Blacklock declared a personal interest because one of the objectors was known to her.

Minute Number 489 – 40 New Street, Kenilworth

Councillor Mrs Blacklock declared a personal interest because the application site was within her ward.

Minute Number 490 – Car Park Russell Street, Leamington Spa

Councillors Ashford, Mrs Blacklock, Mrs Bunker, Kinson, Mrs Knight and MacKay declared personal interests in this item as the application site was on Council owned land.

Councillor Mrs Compton declared a personal and prejudicial interest because not only was the application on Council owned land but in addition she had been a member of the Car Parking Working Party which had recommended the submission of the application and therefore she left the room while the application was considered.

Councillor Tamlin declared a personal and prejudicial interest because not only was the application on Council owned land but in addition he had been the relevant portfolio holder at this Council when the scheme for the car park was drawn up and therefore left the room while the application was considered.

Minute Number 494 – 1 Guy's Cliffe Road, Leamington Spa

Councillor Tamlin declared a personal interest because he was a customer of the business.

Minute Number 496 – 2 Rawnsley Drive, Kenilworth

Councillor Mrs Bunker declared a personal interest because the application site was within her ward.

PLANNING COMMITTEE MINUTES (Continued)

Minute Number 497 – 14 Coventry Road, Baginton

Councillor MacKay declared a personal and prejudicial interest because the neighbours were known to him and had expressed their views to him on this application. Councillor MacKay left the room whilst the item was discussed.

Minute Number 498 – Shell Garage, 173 Warwick Road, Kenilworth

Councillor Mrs Blacklock declared a personal interest because she was a customer of the business.

Minute Number 499 – 74 Rowley Road, Whitnash

Councillors Ashford, Mrs Blacklock, Mrs Bunker, Mrs Compton, Kinson, Mrs Knight, Mackay and Tamlin declared personal interests in this item because land owned by Warwick District Council was in the vicinity of the application site.

Minute Number 501 – 5 Berrington Road, Sydenham Industrial Estate, Leamington Spa

Councillor Tamlin declared a personal interest because the supporters to the application were known to him.

Minute Number 505 – St Chads Church, Church Hill, Bishops Tachbrook

Councillor Tamlin declared a personal interest because he attended Parish Council meetings at the site.

487. 9 SCHOOL LANE, KENILWORTH

The Committee considered an application from Mr K Cockell for the erection of a car port and cycle and store room to serve proposed residential development.

This application was presented to the Committee due to an objection from Kenilworth Town Council having been received.

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

(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)

The following addressed the Committee:

Councillor P Ryan

Kenilworth Town Council (objecting)

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that application W06/1039 be GRANTED, subject to the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 313-20A and 313-21 and specification contained therein, submitted on 19 September and unless first agreed otherwise in writing by the District Planning Officer Authority. **REASON:** For the avoidance of doubt to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.

488. **HOMESTEAD HOUSE (PLUMBBASE CENTRE), TRINITY STREET, LEAMINGTON SPA**

The Committee considered an application from Miss Noone for the change of use to dance school.

The application was deferred at Planning Committee on 20 September 2006, to enable a site visit to take place on 7 October 2006 and to enable further comments to be sought from the Highways Authority.

Further comments were requested from the Highway Authority and these were reported verbally at the meeting.

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

(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).

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

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

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

SC7 - Directing Community Facilities (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

The following addressed the Committee:

Mrs M Arnold	Objector
Councillor Mrs Mellor	Supporter
Councillor B Crowther	Ward Councillor (objecting)

PLANNING COMMITTEE MINUTES (Continued)

Having considered the officers report and representations from members of the public, the Committee were of the opinion that the application should be refused because the proposal was unneighbourly by reason of the proposed excessive hours of operation and the likely resulting increase in noise and disturbance to residents in the locality, particularly having regard to the incorporation of a bar within the premises.

RESOLVED that application W06/1070 be REFUSED, because the proposal was unneighbourly by reason of the proposed excessive hours of operation and the likely resulting increase in noise and disturbance to residents in the locality, particularly having regard to the incorporation of a bar within the premises.

489. 40 NEW STREET, KENILWORTH

The Committee considered an application from Mr J Monk for the refurbishment of front elevation and yard, infilling of side windows and alterations to the rear elevation, insertion of rooflights (part retrospective application).

This application was deferred at Planning Committee on 22 August and 20 September 2006 due to amended plans not having been received in time.

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

(DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)
DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 Revised Deposit Version)

Kenilworth Town Council had registered to speak on this item but their representative could not attend due to illness. In their absence, they had submitted the content of their speech and this was included in the Officers addendum which had been circulated to all members of the Committee.

RESOLVED that application W06/1135LB 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;

PLANNING COMMITTEE MINUTES (Continued)

- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) (Drawing no. 1356-2C), and specification contained therein, submitted on 26 September 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 Policy ENV11 of the Warwick District Local Plan 1995.;
- (3) No development shall be carried out on the site which is the subject of this permission, until large scale details of windows (including a section showing the window reveal, heads and cill details), the front steps, front pediment and the new rear door 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) Samples of the stone to be used for the front steps, and the bricks to be used for blocking up the side windows 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 a high standard of design and appearance for this Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995.

490. **CAR PARK, RUSSELL STREET, LEAMINGTON SPA**

The Committee considered an application from Warwick District Council for the extension to existing multi storey car park.

Councillor Ashford took the Chair for this item because Councillor Tamlin had declared a personal and prejudicial interest and left the room.

The application was deferred at Planning Committee on 20 September 2006, to assess the feasibility of providing additional car parking whilst retaining the trees. The Officers report to the in the agenda was an amended version of the previous report, with the inclusion of information that had been circulated in the addendum report at the previous meeting, together with further information on the benefits of the proposals and the feasibility of retaining the trees.

PLANNING COMMITTEE MINUTES (Continued)

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

(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) TR6 - Provision of On-Street and Off-Street Parking within Town Centres (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).

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

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

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

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

The following addressed the Committee:

Mrs R Bennion

CAAF (objecting)

Mr I Coker

Supporter

RESOLVED that application W06/1145 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), and specification contained therein, submitted on 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) 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 ironwork, recessed panels, canopies, openings in the facades of the building, the glazed pedestrian entrance and the tower feature 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 lighting shall be fixed to the external walls or roof(s) of the building(s) hereby permitted, 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 Policies ENV3 & ENV6 of the Warwick District Local Plan; and
- (6) an approved landscaping scheme.

491. HILL FARM, LEWIS ROAD, RADFORD SEMELE, LEAMINGTON SPA

The Committee considered an application for the erection of a telecommunications base station, comprising of a 20m timber clad mono-pole style mast with three antennas and one 0.3m transmission dish inside a fenced compound with various electronic equipment for 02 (UK) Ltd.

The application was submitted to the Committee for determination because of, a request of Councillor Doody, an objection from the Parish Council, a petition and the number of individual objections received.

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

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

SC8 - Telecommunications (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

PLANNING COMMITTEE MINUTES (Continued)

PPG8 'Telecommunications' (Government Guidance).

The following addressed the Committee:

Councillor F Walsh	Parish Council (objecting)
Mrs B Wyatt	Objector
Mr A Deeming	Objector
Mrs L Beverley	Agent
Councillor M Doody	Ward Councillor

It was proposed and duly seconded that the application be refused. This motion was lost. It was then proposed and duly seconded to support the officers recommendation to grant and:

RESOLVED that application W06/1374 be GRANTED, subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of three years from the date of this permission.
REASON : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004; and
- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing numbers P/37275B/001/A, P/37275B/002/A and P/37275B/003/A and specification contained therein, submitted on 24 August 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.

492. 131-137 REGENT STREET, 40 KENILWORTH STREET, LEAMINGTON SPA

The Committee considered an application from Leamington Property Partnership for the refurbishment and part demolition of existing buildings together with extensions and a new building to provide a retail unit (Class A1), a restaurant (Class A3), a bar/grill and outdoor area (Class A4) and 9 no. studio, 1 and 2 bedroom apartments.

The application was deferred at Planning Committee on 21 September 2006, to obtain clearer larger scale plans and information on flats accommodation, floor areas, access routes, windows and likely bin areas. The report was an amended version of the previous report, and included further information on window-to-window distances from the existing dwellings in Park Street, refuse disposal, and the size and layout of the flats.

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

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) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)
(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)
(DW) S5 - Changes of Use Within Retail Areas (Warwick District Local Plan 1995)
TCP2 - Directing Retail Development (Warwick District 1996 - 2011 Revised Deposit Version)
TCP5 - Secondary Retail Areas (Warwick District 1996 - 2011 Revised Deposit Version)
TCP13 - Design of Shopfronts (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).
DP8 - Parking (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
Managing Housing Supply (Supplementary Planning Document).
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)
Design Advice on Shopfronts & Advertisements in Royal Leamington Spa (Supplementary Planning Guidance).
SC8a - Managing Housing Supply (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

RESOLVED that application W06/0638 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), and specification contained therein, submitted on 1st September 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;

PLANNING COMMITTEE MINUTES (Continued)

- (3) No development shall be carried out on the site which is the subject of this permission, until details of a fume extraction system 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 protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan;
- (4) Details of any air conditioning and ventilation systems including particulars of noise levels shall be submitted to and approved by the Local Planning Authority before any works commence on site. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan;
- (5) 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), shopfront joinery items, 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 an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan;
- (6) Details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON:** To ensure satisfactory provision is made for the disposal of storm water and foul sewage;

PLANNING COMMITTEE MINUTES (Continued)

- (7) 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;
- (8) All rainwater goods for the development hereby permitted shall be metal. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan;
- (9) None of the flats hereby permitted shall be occupied until details of a management agreement clause to deal with the storage and collection of refuse has been submitted to and approved in writing by the District Planning Authority. The approved clause shall be included within the management agreement for the development hereby permitted before any of the flats are first occupied and shall be retained and implemented in accordance with the approved details at all times thereafter unless agreed otherwise in writing by the District Planning Authority. **REASON:** To protect the amenities of the occupiers of the site and the character and appearance of the locality, in accordance with Policy ENV3 of the Warwick District Local Plan 1995;
- (10) The new shopfronts to Nos. 131-137 Regent Street, and all other window frames, shall be constructed in timber, and shall be painted and not stained, unless agreed otherwise in writing by the District Planning Authority. **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;
- (11) The use of the outdoor drinking area hereby permitted shall be limited to solely between the hours of 8.00am to 11.00pm on any day. **REASON:** To protect the amenity of this locality in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan 1995; and

PLANNING COMMITTEE MINUTES (Continued)

- (12) The bottom panes of the first and second floor windows in the west facing elevation of the extension to 131-137 Regent Street 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.

493. ADJOURNMENT OF MEETING

The Chair adjourned the meeting of the Planning Committee held on Tuesday 10 October 2006 to Thursday 12 October 2006 at 6.00 pm

(The meeting closed at 9:50pm)

RESUMPTION OF ADJOURNED PLANNING COMMITTEE MEETING

Minutes of the adjourned Planning Committee meeting held on Thursday 12 October 2006 at the Town Hall, Royal Leamington Spa at 6.00 pm.

PRESENT: Councillor Tamlin (Chair); Councillors Mrs Blacklock, Mrs Bunker, Mrs Compton, Mrs Knight and Kinson.

Apologies for absence were received from Councillors Ashford, Ms De-Lara-Bond and MacKay

494. 1 GUYS CLIFFE ROAD, LEAMINGTON SPA

The Committee considered an application from Bell Electrical for the erection of an extension at ground and first floor.

The application had been submitted to the Committee for determination following an objection from the Town Council.

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

(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).

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that application W06/0737 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 number 23/3/06-02 and specification contained therein, submitted on 10 May 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) 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
- (4) No development shall be carried out on the site which is the subject of this permission, until large scale details of the 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 an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.

495. 8 ST MARYS TERRACE, LEAMINGTON SPA

The Committee considered an application from Mr Smith to construct a rear dormer and 2 roof lights.

The application had been submitted to the Committee for consideration and determination following an objection from the Town Council.

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

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) 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).

RESOLVED that application W06/1101 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 number 442-02C and specification contained therein, submitted on 5 July 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; and
- (3) No development shall be carried out on the site which is the subject of this permission, until large scale constructional details of the dormer window (including a section showing the window reveal, heads and cill details) and 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 an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.

496. **2 RAWNSLEY DRIVE, KENILWORTH**

The Committee considered an application from Mr Coulter for the erection of a two storey side extension including new garage and erection of a rear conservatory.

The application had been reported to the Committee as it conflicted with the Council's "Distance Separation Standards".

PLANNING COMMITTEE MINUTES (Continued)

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

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
Distance Separation (Supplementary Planning Guidance)
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 considering the officers report and presentation the officers recommendation was proposed and duly seconded but the proposal was lost. It was then proposed and duly seconded that the application be refused due to the detrimental impact the application would have on the street scene and openness of the area.

RESOLVED that application W06/1180 be refused because of the detrimental impact it would have on the street scene, especially the impact it would have on the openness of the area due to the proposal coming forward from the front of the current house.

497. 14 COVENTRY ROAD, BAGINTON, COVENTRY

The Committee considered an application for a covered way to side/rear of property from Mrs E Kursberg.

The application was presented to Committee due to an objection from the Parish Council having been received.

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

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

RESOLVED that application W06/1187 be GRANTED, subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of three years from the date of this permission.
REASON : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

PLANNING COMMITTEE MINUTES (Continued)

- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings (11A ,12A, 13A), and specification contained therein, submitted on 24th July, 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; 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.

498. SHELL GARAGE, 173 WARWICK ROAD, KENILWORTH

The Committee considered an application from Shell UK Ltd for the erection of replacement petrol filling station, ancillary shop and canopy.

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

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

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995).
UAP3 - Directing New Retail Development (Warwick District 1996 - 2011 Revised Deposit Version).
PPS6 Planning for Town Centres.

As part of the Planning Officers presentation he highlighted the response from the Environment Agency in the addendum which had been circulated. The Environment Agency had requested a Section 106 agreement before development starts to ensure ongoing pollution monitoring on the site.

Having considered the Officers report and presentation the Committee were of the opinion that the application should be granted subject to the addition of the Section106 agreement as set out in the addendum and condition four being amended to include reference to both the shop and fuel station being restricted to use between 07:00 and 23:00.

RESOLVED that application W06/1194 be GRANTED, subject to the completion of a Section 106 agreement to secure ongoing pollution monitoring at the application site and the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

PLANNING COMMITTEE MINUTES (Continued)

- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 355301-PLG-02, 355301-PLG-03, and specification contained therein, submitted on 17th July 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) No development shall be carried out on the site which is the subject of this permission, until full details of the external lighting scheme shall be submitted to and approved by the District Planning Authority. the information provided shall include a layout plan detailing the position and type of lighting, mounting heights, indication of light intrusion, glare and light above the horizontal. The development shall not be carried out other than in full accordance with such approved details. **REASON** :To protect the amenity of nearby residents
- (4) The use of the whole premises for the purposes of shop and fuel station hereby permitted shall be restricted to between the hours of 7.00am and 11.00pm. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan; and
- (5) Development shall not be commenced until there has been submitted to the District Planning Authority a survey report on the extent to which any part or the whole of the application site is contaminated by toxic or other noxious materials and on the remedial measures required to deal with the hazards. No development shall be commenced until all toxic or obnoxious materials have been removed or otherwise treated in accordance with details which have been approved in writing by the District Planning Authority. **REASON** : To protect the health and safety of future occupiers.

499. 74 ROWLEY ROAD, WHITNASH, LEAMINGTON SPA

The Committee considered an application from Mr and Mrs N Chesterton for the erection of a two storey extension.

This application is being presented to Committee due to an objection from the Town Council having been received.

PLANNING COMMITTEE MINUTES (Continued)

The Head of Planning and Engineering recommended that the application be granted as he considered 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).

RESOLVED that application W06/1206 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 drawings, 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; 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.

500. 12 STATION ROAD, KENILWORTH

The Committee considered an application for an erection of 3 storey extension (after demolition of existing outbuildings) for Mr P Brown.

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

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

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
(DW) ENV3A - Sustainable Development and Energy Conservation (Warwick District Local Plan 1995).

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that application W06/1265 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) 0111/003 + /004A, and specification contained therein, submitted on 3 August and 6 October 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; 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.

501. **5 BERRINGTON ROAD, SYDENHAM INDUSTRIAL ESTATE, LEAMINGTON SPA**

The Committee considered an application for a proposed change of use to family entertainment centre comprising childrens soft play area, creche facility, breakfast club and after school club for Mr & Mrs Kang.

The application was presented to Committee due to a request in support by Councillor Gill and to five objection letters having been received.

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

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

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

(DW) EMP5 - Employment Development in Urban Areas (Warwick District Local Plan 1995)

SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

UAP9 - Directing New Leisure Development (Warwick District 1996 - 2011 Revised Deposit Version)

(DW) RL7 - Provision of Additional Indoor Sports and Recreation Facilities (Warwick District Local Plan 1995)

SC7 - Directing Community Facilities (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

PLANNING COMMITTEE MINUTES (Continued)

In his presentation to the Committee the Planning Officer amended condition 3 of the report so that it included reference to ensure that the car park, if approved) was there for perpetuity. He also proposed an additional condition the premises be used solely for the use described in the application and not for any other activities or purposes.

The Officers recommendation within the report, subject to the amendments outlined above was proposed and duly seconded. Before this was voted on an amendment was proposed that in addition to the original proposal an additional condition be added that activities relating to the family entertainment centre comprising of a soft play area, crèche facility, breakfast club and after school club be permitted but for indoors only.

RESOLVED that application W06/1265 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 drawings and specification contained therein, submitted on 9 August 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) Prior to the commencement of the use hereby permitted, a plan to show the layout and surface treatment of car parking spaces shall have been submitted to and approved by the District Planning Authority. The car park shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted and for perpetuity, in full accordance with the approved plan. **REASON** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan; and
- (4) the premises be used solely for the use described in the application and not for any other activities or purposes; and
- (5) uses hereby granted shall be carried out solely within the buildings and the outdoor area shall be used solely for car parking.

PLANNING COMMITTEE MINUTES (Continued)

502. 33 WHITNASH ROAD, WHITNASH, LEAMINGTON SPA

Application W06/1361 was withdrawn by the applicant and therefore not considered at the meeting.

503. 33 WHITNASH ROAD, WHITNASH, LEAMINGTON SPA

Application W06/1367LB was withdrawn by the applicant and therefore not considered at the meeting.

504. 35 TACHBROOK ROAD, LEAMINGTON SPA

The Committee considered an application from Mr J Wallis for the excavation of a front lightwell.

The report was presented to Committee to request enforcement action to be authorised.

The Head of Planning and Engineering thought the following policies were relevant to the report:

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).

ENV6 – Protection of Conservation Areas (Warwick District Local Plan 1995)

ENV8 – New development with Conservation Areas (Warwick District Local Plan 1995)

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

RESOLVED that enforcement action ENF 71/7/05 be authorised to infill the excavated lightwell and return the garden to its former use within 4 calendar months.

505. ST CHADS CHURCH, CHURCH HILL, BISHOPS TACHBROOK

The Committee considered the confirmation of a provisional Tree Preservation Order (TPO) 304 for two cedar trees and five lime trees located within the grounds of the church to the north west of the existing building.

This order was submitted to the Committee due to the objection received from Bishops Tachbrook Parish Council.

A planning application (W06/0753) for the erection of a single storey church hall within the grounds of the church to the north west of the existing building was submitted to Warwick District Council in May 2006. A group of five Lime trees were sited close to the proposed building. Two of these were shown to be removed on the plans submitted whilst the remaining three were shown as being retained. However, this was considered to be unrealistic given the unacceptable encroachment into the required root protection zone that would be necessary. It was also doubtful as to whether the proposed scheme could reasonably be implemented without damage to trees further away. In particular, two Cedars close to the church. The site was situated within the

PLANNING COMMITTEE MINUTES (Continued)

Bishops Tachbrook Conservation Area and although the planning application was withdrawn, because the plans showed two of the Limes removed, it could be argued that the submission of the plan constitutes notice under Section 211 of the Town & Country Planning Act 1990 to carry out the works. The Council's, Strategy Officer (Arboriculture) visited the site and recommended that the trees are worthy of a TPO. In this case It was considered expedient for a TPO to be placed upon all five Lime trees and the two Cedar trees.

RESOLVED that TPO304 be confirmed, to ensure that the Lime and Cedar trees continue to make a positive contribution to the visual amenity of this part of the Bishops Tachbrook Conservation Area and that any future works to the trees are able to be fully controlled.

506. RANMORE, SANDY LANE, BLACKDOWN, LEAMINGTON SPA

The Committee considered the confirmation of a provisional Tree Preservation Order 307 for 1 Beech tree located within the front garden of 'Ranmore', Sandy Lane, Blackdown, Leamington Spa.

This order came before the Committee due to an objection received from the resident of 'Ranmore'.

The Beech tree was located within the front garden of 'Ranmore' close to the road frontage. The tree was a mature specimen which was clearly visible from extended views along Sandy Lane. The tree by reason of its height, size, shape and prominent position close to the highway made a significant positive contribution to the rural and landscape character of Sandy Lane. In the interest of protecting the visual amenity of this part of Blackdown, it was considered appropriate to ensure that the tree was retained and to have control over works which may affect the future health and amenity value of the tree.

RESOLVED that TPO307 be confirmed to ensure that the Beech tree continues to make a positive contribution to the visual amenity of this part of Blackdown and that any future works to the tree are able to be fully controlled.

507. GUIDANCE NOTE ON THE OPERATION OF THE PLANNING COMMITTEE

The Committee received guidance notes from Planning and Engineering to assist members and officers with operational procedures at Planning Committee.

RECOMMENDED that the guidance notes on the operation of the Planning Committee be adopted (as set out at Appendix A); subject to the following amendments:

- (1) Section Two of Preliminary Matters be amended to state that were information relating to an application is contained within the addendum that this will be considered before the officers presentation to the Committee; and

PLANNING COMMITTEE MINUTES (Continued)

- (2) in section four member discussion an additional paragraph be added to read “During the course of debate, Members will look to avoid repetition and will endeavour to add new points to the discussion”

508. **PLANNING FORUM MINUTES, 25 SEPTEMBER 2006**

The Committee received the minutes of the Planning Forum held on 25 September 2006 for information

RESOLVED that the minutes be noted

(The meeting ended at 9.00pm)

Minute Number 507

Guidance note on the operation of Planning Committee

Purpose of guidance:

- To provide a structure to enable members to secure all the information required to determine applications and make a full and effective contribution to the decision
- To ensure clarity for the public in the operation of Committee
- To ensure consistency in consideration of all applications
- To assist members in the manner in which they present views and arrive at their decisions
- To ensure the different roles of members and officers are clear and apparent to all attending committee

Members Role in Planning

Members' over-riding duty is to the whole community, not just to the people in their Ward and, taking into account of the need to make decisions impartially, they should not improperly favour, or appear to favour, any person, business, group or locality.

Members must act as independent arbiters of the case and issues before them and make planning decisions openly and impartially, with sound judgment and for justifiable reasons.

Prior to attending Committee

Members:

- Will have read the report in full and considered what the main issues are
- Will not have prejudged the application prior to hearing the officer presentation, public speaking and the subsequent debate
- If any points of factual information or advice are required, members will, as far as possible, contact Officers beforehand so that the information can be supplied either in advance or at the meeting, thereby avoiding unnecessary deferrals
- Members may request individual briefings from Planning Officers on applications at any time after their registration

Officers:

- Will have ensured that the reports to Committee provide a comprehensive assessment of the policy issues and material considerations relating to the case and will contain a recommendation
- Will ensure that all potential speakers will have been contacted
- Will provide members with any necessary additional information or advice to assist prior to the meeting

Committee meeting process

1- Chair of Committee introduction

- Commencement of meeting with an explanation of the role of the Chair.
- Introduction of members/officers/emergency procedure
- Explanation of process – i.e. – presentation, member discussion, proposal, voting
- Explanation that it will be made clear when a decision has been made and what it means

2-: Preliminary Matters

1- Declarations of interest – members to advise on interests in accordance with the code of conduct. Legal advice may be provided to members if necessary

2 – Consideration of submissions received after the publication of the Agenda placed before members at the start of the Committee. Members will be advised of the content of the additional submissions and be advised to read them immediately before the officers presentation.

3 Presentation and Public Speaking

1- Officer presentation on each application – summary of main points only as full details will be incorporated in the written report– use of powerpoint presentation for visual presentations of plans, drawings, layouts, elevations and other illustrative material which was not included in the report

2 - Recommendation from officer – All reports will have a recommendation. This will be clearly stated at end of the presentation

3– Public speaking to take place where requested

4 – Ward Councillor speaking to take place where requested

4 Member Discussion

1- The Chair will invite questions of fact/clarification from members to officers– no submission of views at this stage. Officers will respond to queries with factual information

2 - When all information received – member discussion. The discussion phase will be guided by the following principles:

Members shall consider planning matters only. They will consider the relationship of the proposal to the Local, Regional and National planning policy framework, including all relevant site specific and general supplementary planning guidance and best practice guidance which will have been set out in the report. The impact of proposals on neighbours and the local community will be considered within the framework of planning guidance and local standards

Members must set aside their role as local councillor and act as independent arbiters of the case and issues before them, in the manner of a board of inquiry

Decisions must be made on the totality of the relevant planning information before the Committee, derived from the report, the officer presentation, any site visit and relevant Planning considerations arising from public and Ward Councillor speaking at Committee. Members must consider carefully the degree of importance to be given to each relevant planning matter before concluding on the proposal

At the discretion of the Chair, Officers will respond to additional requests for factual information or clarification which would facilitate Members in making their decision

During the course of debate, Members will look to avoid repetition and will endeavour to add new points to the discussion

Officers may also, at the discretion of the Chair, put forward factual information where that may be necessary to ensure a decision is made in full possession of all relevant facts

Contrary Recommendations

As the decision makers at Committee, Members have the authority to make a proposal which is contrary to Officers' recommendation. Such a proposal must be accompanied by sound planning reasons. The Officers will assist Members in the wording of the reasons and will be invited to advise against any which they can demonstrate to be insubstantial. If the contrary proposal is passed, the wording of the reasons will be finalised by the Head of Planning and Engineering.

If required, the press and public may be excluded to permit the giving of sensitive planning and legal advice

All applications

If members consider it appropriate to add a further condition to a recommendation for approval, they may do so, provided that the opportunity is provided to officers to make any comment on the implications and appropriateness of such a condition

The Chair will make it clear upon which motion/amendment the vote is to be taken

The vote will be taken

The chair will state the decision of the Committee on the application following the vote