

PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 12 December 2007 at the Town Hall, Royal Leamington Spa at 6.00 p.m.

PRESENT: Councillor MacKay (Chairman); Councillors Barrott, Mrs Blacklock, Mrs Bunker, Copping, Dhillon, Edwards, Illingworth, Mobbs and Kinson.

(Councillor Mobbs substituted for Councillor Rhead)

726. DECLARATIONS OF INTEREST

Minute Number 728 – W07/1566 – Tollgate House/Oakley Wood Kennells, Banbury Road, Bishops Tachbrook, Leamington Spa

Councillor Mrs Bunker declared a personal interest because she was honorary treasurer for the Kenilworth branch of the GDBA.

Minute Number 729 – W07/1643 – 13 The Square, Kenilworth

Councillor Mobbs declared a personal and prejudicial interest because he was a member of Kenilworth Town Council Planning Committee, and left the room while the item was discussed.

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

Minute Number 731 - Tree Preservation Order 353 - 16 Lansdowne Circus, Leamington Spa

Councillor Mrs Blacklock declared a personal interest because one of the objectors was a friend.

Minute Numbers 736 & 737 – W07/1515 & W07/1517 - 33 Warwick Street, Leamington Spa

Councillors Barrott, Mrs Blacklock, Mrs Bunker, Copping, Dhillon, Edwards, Illingworth, Kinson, MacKay and Mobbs all declared a personal interest because the owner of 45 Russell Street was a fellow Warwick District Councillor.

Minute Number 740 – 23 Holly Walk, Baginton

Councillor MacKay declared a personal interest because both the applicant and an objector had contacted him.

Minute Number 741 – 15 Highland Road, Kenilworth

Councillor Mobbs declared a personal and prejudicial interest because he was a member of Kenilworth Town Council Planning Committee, and left the room while the item was discussed.

PLANNING COMMITTEE MINUTES (Continued)

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

Minute Number 742 - W07/1786 – Mallards Reach, Barford Road, Barford, Warwick

Councillor Barrott declared a personal interest because he was a resident of the same village as the applicant.

Minute Number 743 – W07/1823 – 3 Garlick Drive, Kenilworth

Councillor Mobbs declared a personal and prejudicial interest because he was a member of Kenilworth Town Council Planning Committee, and left the room while the item was discussed.

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

Minute Number 744 - W07/1859 CA – Mallards Reach, Barford Road, Barford, Warwick

Councillor Barrott declared a personal interest because he was a resident of the same village as the applicant.

Minute Number 746 - Tree Preservation Order 358 - 3 Rawnsley Drive, Kenilworth

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

Minute Number 749 - Public Speaking at Planning Committee

Councillor Illingworth declared a personal interest because his wife was a member of Warwick District Towns Conservation Area Advisory Forum.

727. MINUTES

The minutes of the meetings held on 9 and 31 October 2007 having been printed and circulated were taken as read and signed by the Chairman as a correct record.

728. TOLLGATE HOUSE/OAKLEY WOOD KENNELS, BANBURY ROAD, BISHOPS TACHBROOK, LEAMINGTON SPA

The Committee considered an application from the Guide Dogs for the Blind Association for the re-development of the existing Dog Breeding Centre.

The application was submitted to the Committee because an objection had been received from Bishops Tachbrook Parish Council.

PLANNING COMMITTEE MINUTES (Continued)

The Committee had visited the site on 8 December 2007 because the Chairman had felt it would be beneficial to the Committee to visit the site before they determined the application.

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

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP10 - Flooding (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
RAP6 - Directing New Employment (Warwick District Local Plan 1996 - 2011)
Warwickshire Landscape Guidelines 1993.

In the opinion of the Head of Planning and Engineering, the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of landscape impact, neighbour amenity, traffic effects or harm to ecological interests which would justify a refusal of permission.

The following people addressed the Committee:

Councillor Richard Brookes	Parish Councillor
Mr Charles Hammond	Objector
Mr R I Stuart	Applicant

Following consideration of the officer's report and presentation along with the submissions by the public addressing the Committee, the Committee were of the opinion that the application should be granted in line with the officer's recommendation.

RESOLVED that application W07/1566 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 18th September and 30th November (Drawings DNS 01,02,03 and 04) unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) no development shall take place until details of all external facing materials, including samples of the cladding, have been submitted to and approved by the District Planning Authority. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) the existing trees and shrubs specified as being retained on the layout plans shall be retained in accordance with BS 5837:2005 and shall not be felled, lopped, topped or pruned without the previous written consent of the District Planning Authority. Any trees removed without consent, or dying or being severely damaged or becoming seriously diseased within five years of planting, shall be replaced with trees of such size and species as may be agreed with the District Planning Authority. 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 DP1 of the Warwick District Local Plan 1996-2011;

- (5) the landscaping scheme submitted with the application 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 DP1 of the Warwick District Local Plan 1996-2011;
- (6) no development shall take place until the applicant has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the District Planning Authority. **REASON** : To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy DP4 of the Warwick District Local Plan 1996-2011;
- (7) notwithstanding the details shown on the submitted plans, no development shall be carried out on the site which is the subject of this permission, until details of all external light fittings and lighting columns 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 rural landscape and safeguard ecological interests , in accordance with policies DP1 and DAP3 of the Warwick District Local Plan 1996-2011;
- (8) the vehicular access to the site from Banbury Road (B4100) shall not be used until it has been provided with 6 metre kerbed radius turnouts on each side. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

- (9) the development shall be timetabled and carried out wholly in accordance with the detailed mitigation measures for the safeguarding of bats within the site, including exact measurements of buildings, as set out in the document 'Bat Mitigation Strategy report for Tollgate House, Bishop's Tachbrook' (section 3) prepared by CSA Environmental Planning (November 2007). **REASON:** To ensure protected species are not harmed by the development, in accordance with the objectives of policy DAP 3 of the Warwick District Local Plan 1996-2011;
- (10) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **REASON :** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (11) the development hereby permitted shall be used for the breeding and kennelling of Guide dogs and purposes ancillary thereto and for no other purpose. **REASON;** Since the scale of development hereby permitted is to meet the special requirements of the applicant and would not be permitted in this rural area other than in these circumstances; and
- (12) glazing with opaque section towards Tollgate Farm, to minimise overlooking.

729. 13 THE SQUARE, KENILWORTH

The Committee considered an application from Mark Jarvis Ltd for the change of use from A1 retail to A2 financial services (betting shop).

The application was submitted to the Committee because the officer's recommendation was to refuse the application, but there had been a number of letters of support received.

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

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

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

TCP4 - Primary Retail Frontages (Warwick District Local Plan 1996 - 2011)

The following people addressed the Committee:

Mr David Cox Applicant

Following consideration of the officer's report and presentation along with the submissions by the public addressing the Committee, a motion was proposed and duly seconded that the application should be granted contrary to the officer's recommendation because this application would bring investment into a retail outlet which had been vacant for 5 years. However, this was voted on and the motion was lost by 4 votes in favour and 5 against.

A motion was then proposed and duly seconded to refuse the application, in line with the officer's recommendation. This was agreed by 5 votes to 4 votes.

RESOLVED that application W07/1643 be REFUSED because Policy TCP4 of the Warwick District Local Plan 1996-2011 states (inter alia) that changes of use within Primary Retail Frontages from shops (Use Class A1) to financial and professional services (Use Class A2) be permitted unless more than 25% of the total length of the street frontage is in non A1 use, or if the proposal would consist of, or contribute towards, creating a continuous non A1 frontage of more than 16 metres.

The proposal is to change the use of the premises located within a Primary Retail Frontage from a shop (A1) to a betting shop (A2), in a frontage where the resulting proportion of non A1 uses would be 79%, and the length of non A1 frontage would be 22m. The proposed change of use does not comply with the criteria set out in policy TCP4, and it considered that the supporting information submitted is insufficient to justify a departure from this policy.

The development is thereby considered to be contrary to the aforementioned policies.

730. TREE PRESERVATION ORDER 347 - 36 COTEN END, WARWICK

The Committee considered a report that sought the confirmation of the provisional Tree Preservation Order 347, regarding one individual tree. The Order was made in response to a Conservation Notification request to remove the Copper Beach tree.

This item had been reported to the Planning Committee on 21 November 2007 and was deferred for a site visit on 8 December 2007.

The Tree Preservation Order took effect, on a provisional basis, on 5 September 2007 and continued in force on this basis for a further six months or until the Order was confirmed by the Council, whichever occurred first. Before the Council could decide whether the Order should be confirmed, residents living in the vicinity of the Order had a right to make representations, and many had done so.

The following people addressed the Committee:

Mr Warwick Objector

Following consideration of the officer's report and presentation, the Committee were of the opinion that the Tree Preservation Order should not be confirmed contrary to the officer's recommendation.

RECOMMENDED that Tree Preservation Order 347 be NOT CONFIRMED, as shown on the plan attached to the report, at 36 Coten End, Warwick.

731. TREE PRESERVATION ORDER 353 - 16 LANSDOWNE CIRCUS, LEAMINGTON SPA

The Committee considered a report that sought the confirmation of the provisional Tree Preservation Order (TPO) 353, regarding one individual tree.

The Tree Preservation Order had taken effect, on a provisional basis, on 26 September 2007 and continued in force on this basis for a further six months or until the Order was confirmed by the Council, whichever occurred first. Before the Council could decide whether the Order should be confirmed, residents living in the vicinity of the Order had a right to make representations, and many had done so.

The following people addressed the Committee:

Mr P Swann Objector
Councillor Crowther Ward Councillor

The Planning Officer also circulated some additional visual material to the Committee.

Following consideration of the officer's report and presentation along with the submissions by the public addressing the Committee, the Committee were of the opinion that the Tree Preservation Order should not be confirmed, contrary to the officer's recommendation.

RECOMMENDED that Tree Preservation Order 353 be NOT CONFIRMED, as shown on the plan attached to the report, at 16 Lansdowne Circus, Leamington Spa.

732. 491 TACHBROOK ROAD, WHITNASH

The Committee considered an application from Mr & Mrs Whitworth for demolition work to the rear, the erection of a ground floor side extension and a new first floor.

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

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

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

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

In the opinion of the Head of Planning and Engineering, the development respected the surrounding buildings in terms of scale, height, form and massing and did not adversely affect the amenity of nearby residents.

Mrs Daly had registered to speak at the meeting as an objector, but she did not attend.

The Committee considered the additional information on the application which had been circulated as part of the addendum.

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

RESOLVED that application W07/1722 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 (Drg Nos. 1768/2 and 1768/3, and specification contained therein, submitted on 15th October 2007 unless first agreed otherwise in writing by the District Planning Authority. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

(This item has been referred back to the Planning Committee in January 2008 to allow the objector to address the Committee)

733. SPINNEY FARM, BANBURY ROAD, BISHOPS TACHBROOK, LEAMINGTON SPA

The Committee considered an application from Mr Holton for the construction of an enclosure comprising of a base and 3 walls for the storage of manure.

The application was submitted to the Committee because an objection had been received from Bishops Tachbrook Parish Council.

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

PA15 - Agriculture and Farm Diversification (Regional Planning Guidance 11 - June 2004)

QE5 - Protection and Enhancement of the Historic Environment (Regional Planning Guidance 11 - June 2004)

QE6 - The Conservation, Enhancement and Restoration of the Region's Landscape (Regional Planning Guidance 11 - June 2004)

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

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

DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

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

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

In the opinion of the Head of Planning and Engineering, the nature of the development was such that it was broadly required for the agricultural functioning of the agricultural buildings that had been the subject of previous planning permissions/agricultural notification approvals. They were of an appropriate scale and location to harmonise with the existing Greys Mallory House listed building and the existing buildings adjacent to the application site which were within its curtilage. It also harmonised with the character and appearance of the Feldon Parklands countryside which the curtilage of the Greys Mallory House listed building, formed an integral part. Furthermore, provided that the junction of the access track with Banbury Road was altered to address existing highway safety problems, resulting from the intensification of use of an existing substandard junction by long vehicles, before works commenced, then the proposed development would not cause unacceptable harm to highway safety.

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

RESOLVED that application W07/0326 be GRANTED subject to the following conditions:

- (1) no development shall commence until the proposed scheme for junction improvements, including the setting back of gates and alterations to existing gate, piers and walls shown on the revised drawing no. 1024/P/003, that was submitted with the planning application reference W07/0330 is implemented in full.
REASON: Given the limited size of the agricultural holding, the management of manure associated with the manure storage enclosure may involve movements of long vehicles or vehicles with trailers in out of and into the sub-standard gated access junction with Banbury Road which unless improved in accordance with the revised drawing no. 1024/P/003 would be detrimental to highway safety and thereby conflict with policy DP6, of the Warwick District Local Plan 1996-2011; and

- (2) no development shall commence unless or until two weeks written notice of the start of works has been given to a qualified and licensed ecological clerk of works appointed by the applicant and agreed in writing by the District Planning Authority. The agreed ecological clerk of works shall supervise all of the building and engineering operations of the proposed development and the associated removal of the manure heap.**REASON:** To ensure that protected species are not harmed by the development in accordance with policy DAP3 of the Warwick District Local Plan 1996 - 2011.

734. SPINNEY FARM, BANBURY ROAD, BISHOPS TACHBROOK, LEAMINGTON SPA

The Committee considered an application from Mr Holton for the construction of a concrete access road and a concrete apron adjacent (north east of) existing barn (partly retrospective).

The application was submitted to the Committee because an objection had been received from Bishops Tachbrook Parish Council.

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

PA15 - Agriculture and Farm Diversification (Regional Planning Guidance 11 - June 2004)

QE5 - Protection and Enhancement of the Historic Environment (Regional Planning Guidance 11 - June 2004)

QE6 - The Conservation, Enhancement and Restoration of the Region's Landscape (Regional Planning Guidance 11 - June 2004)

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

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

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

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

In the opinion of the Head of Planning and Engineering, the nature of the development was such that it was broadly required for the agricultural functioning of the agricultural buildings that had been the subject of previous planning permissions/agricultural notification approvals. They were of an appropriate scale and location to harmonise with the existing Greys Mallory House listed building and the existing buildings adjacent to the application site which were within its curtilage. It also harmonised with the character and appearance of the Feldon Parklands countryside which the curtilage of the Greys Mallory House listed building, formed an integral part.

Furthermore, provided that the junction of the access track with Banbury Road was altered to address existing highway safety problems, resulting from the intensification of use of an existing substandard junction by long vehicles, then the retention of the application hard standings would not cause unacceptable harm to highway safety.

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

RESOLVED that application W07/0329 be GRANTED, unless, within 6 months of the date of this decision, the proposed scheme for junction improvements, including setting back of gates and alterations to existing gate piers and walls, shown on the revised drawing no. 1024/P/003, that is submitted with the planning application reference W07/0330, is implemented in full, all the hard standings hatched and cross hatched in red on drawing no. 1024/7/3 shall be removed. **REASON:** In the interests of highway safety and in parallel with similar conditions in respect of planning permissions for the Farrowing house, and sow and gilt pig pens.

735. WOODCOTE, LAPWORTH STREET, BUSHWOOD, LOWSONFORD

The Committee considered an application from Mr Butts for the erection of a replacement dwelling.

The application was submitted to the Committee at the request of Councillor Caborn.

The Committee had visited the site on 8 December 2007 because the Chairman had felt it would be beneficial to the Committee to visit the site before they determined the application.

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

DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
RAP3 - Replacement Dwellings (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning and Engineering, the existing dwelling was of limited design merit and did not add to the rural character of the area. The proposed replacement dwelling was considered to be an improvement in design terms and also paid greater respect to the rural setting. Also, the development did not prejudice the openness and rural character of this green belt area.

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

RESOLVED that application W07/1460 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) (no.s 1370.100A, 1370.101A and 1370.102A), and specification contained therein, submitted on 4 September 2007 unless first agreed otherwise in writing by the District Planning Authority.
REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced, notwithstanding the details of materials shown on the plans. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that

adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011; and

- (5) the existing dwelling shall be demolished in its entirety and all materials removed from the site within one calendar month of occupation of the replacement dwelling hereby permitted.

REASON : Since the new dwelling hereby permitted is as a replacement only, in accordance with policy RAP3 of the Warwick District Local Plan 1996-2011.

736. 33 WARWICK STREET, LEAMINGTON SPA

The Committee considered an application from DeBrus Marketing for the erection of a first and second floor rear extension, the construction of a two storey link to 45 Russell Street, the insertion of new windows, roof lights and patent glazing.

The application had been submitted to the Committee at the request of Councillor Mrs Knight. This application had been deferred by the Planning Committee on the 21 November 2007, to enable a site visit to take place on 8 December 2007.

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

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

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

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

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

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

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

In the opinion of the Head of Planning and Engineering, the proposed development did not adversely affect the historic integrity, character or setting of the listed building, was of an acceptable standard of design and detailing and preserved the character and appearance of the Conservation Area within which the property was situated.

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

RESOLVED that application W07/1515 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 numbers 930/10A, 930/11 and 930/12B and specification contained therein, submitted on 7 September 2007 unless first agreed otherwise in writing by the District Planning Authority. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details.
REASON : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), 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 DAP4 of the Warwick District Local Plan 1996-2011;

- (5) all rainwater goods for the development hereby permitted shall be metal. **REASON** : To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011; and
- (6) all new windows and doors shall be constructed in timber and painted, not stained. **REASON** : To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

737. 33 WARWICK STREET, LEAMINGTON SPA

The Committee considered an application from DeBrus Marketing for the erection of a first and second floor rear extension, the construction of a two storey link to 45 Russell Street, the insertion of new windows, roof lights and patent glazing.

The application had been submitted to the Committee at the request of Councillor Mrs Knight. This application had been deferred by the Planning Committee on the 21 November 2007, to enable a site visit to take place on 8 December 2007.

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

DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning and Engineering, the proposed development did not adversely affect the historic integrity, character or setting of the listed building and was of an acceptable standard of design and detailing.

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

RESOLVED that application W07/1517LB be GRANTED subject to the following conditions:

- (1) the works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing numbers 930/10A, 930/11 and 930/12B, and specification contained therein, submitted on 6 September 2007 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), 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 DAP4 of the Warwick District Local Plan 1996-2011;
- (5) all rainwater goods for the development hereby permitted shall be metal. **REASON** : To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011; and

- (6) all new windows and doors shall be constructed in timber and painted, not stained. **REASON :** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

738. THE ELMS, WASPERTON ROAD, WASPERTON

The Committee considered an application from N F J Thurley for an infill front porch on the north elevation with a door and screen.

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

The Head of Planning and Engineering considered policy DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011) to be relevant to the application.

In the opinion of the Head of Planning and Engineering, the proposed development did not adversely affect the historic integrity, character or setting of the listed building and was of an acceptable standard of design and detailing.

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

RESOLVED that application W07/1554 LB be GRANTED subject to the following conditions:

- (1) the works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON :** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings unnumbered, and specification contained therein, submitted on 10th September 2007 unless first agreed otherwise in writing by the District Planning Authority. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and

- (3) no development shall be carried out on the site which is the subject of this permission, until large scale details of the new door, screens and opening reveal 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 DAP4 of the Warwick District Local Plan 1996-2011.

739. 34 & 34A EMSCOTE ROAD, WARWICK

The Committee considered an application from Mr R.S Hayer for alterations and extensions to flats on the ground and first floor.

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

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

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

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

The 45 Degree Guideline (Supplementary Planning Guidance)

In the opinion of the Head of Planning and Engineering, the development respected the surrounding buildings in terms of scale, height, form and massing and did not adversely affect the amenity of nearby residents.

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

RESOLVED that application W07/1575 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 LA/07/36ER/A01/RevA, LA/07/36ER/A02RevA, LA/07/36ER/A03/RevA , and specification contained therein, submitted on 26th September 2007, 1st November 2007 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

740. 23 HOLLY WALK, BAGINTON, COVENTRY

The Committee considered an application from P Dunphy for the erection of single storey rear extension.

The application was submitted to the Committee because an objection had been received from Baginton Parish Council and a number of objections had been received from neighbours.

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

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

In the opinion of the Head of Planning and Engineering, the proposed development was of an acceptable standard of design which would harmonise with the design and appearance of the main dwelling and its surroundings. It did not result in an unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy.

The Committee considered the additional information on the application which had been circulated as part of the addendum.

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

RESOLVED that application W07/1766 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 22nd October 2007 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and
- (4) Notwithstanding the details in respect of position of the eaves and guttering shown on the submitted plans, no development shall be carried out on the site which is the subject of this permission, until large scale details of the eaves 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: For the avoidance of doubt to protect the amenity of the occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.

741. 15 HIGHLAND ROAD, KENILWORTH

The Committee considered an application from Mr M Tatman for the erection of a two storey front extension, an extension to basement garage/store and construction of a new front dormer.

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

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

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

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

In the opinion of the Head of Planning and Engineering, the development respected surrounding buildings in terms of scale, height, form and massing and did not adversely affect the amenity of nearby residents.

A motion was proposed and duly seconded that the application be granted in line with the officers recommendation. This was voted on and the motion was lost by 7 votes to 2 votes.

A motion was then proposed and duly seconded to refuse the application, contrary to the officers recommendation, because the it would constitute an unneighbourly form of development in relation to no. 17 Highland Road which was a bungalow, by reason of the overbearing appearance of the proposed extensions viewed from the property, Its design, very considerable size and projection from the front of the house, would be seriously injurious to the visual amenities of the area by creating an incongruous feature in relation to the adjoining buildings and the street scene generally. This was voted on and agreed by 7 votes to 2 votes.

RESOLVED that application W07/1785 be REFUSED for the following reasons:

- (1) it would constitute an unneighbourly form of development in relation to no. 17 Highland Road which is a bungalow, by reason of the overbearing appearance of the proposed extensions viewed from the property; and
- (2) its design, very considerable size and projection from the front of the house, would be seriously injurious to the visual amenities of the area by creating an incongruous feature in relation to the adjoining buildings and the street scene generally.

742. MALLARDS REACH, BARFORD ROAD, BARFORD, WARWICK

This item was withdrawn from the agenda.

743. 3 GARLICK DRIVE, KENILWORTH

The Committee considered an application from Mr M Jordan for the erection of a rear two storey extension and front garage extension.

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

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

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

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

In the opinion of the Head of Planning and Engineering, the development respected the surrounding buildings in terms of scale, height, form and massing and did not adversely affect the amenity of nearby residents.

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

RESOLVED that application W07/1823 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 amended drawing 02 A, and specification contained therein, submitted on 30th November, 2007 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and

- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

744. MALLARDS REACH, BARFORD ROAD, BARFORD, WARWICK

This item was withdrawn from the agenda.

745. CATESBY COTTAGE, CATESBY LANE, LAPWORTH

The Committee considered a report requesting that enforcement action be authorised for the retention of an outbuilding/annex at Catesby Cottage.

In June 2007, following complaints, investigations established that whilst planning permission had been granted for the construction of a garage, with store and study over, the buildings internal layout was not as had been approved and included a kitchen/dining area, bathrooms, bedrooms and some external changes to elevational details; fenestration.

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

DP1 - Layout and Design, Warwick District Local Plan 1996 - 2011

DP2 – Amenity, Warwick District Local Plan 1996 - 2011

DAP1 – Protecting the Green Belt, Warwick District Local Plan 1996 - 2011

Following consideration of the officer's report and presentation, the Committee were of the opinion that the enforcement action should be authorised in line with the officer's recommendation.

RESOLVED that enforcement action ENF 244/24/07 be authorised requiring that the building be modified so as to comply with the structure for which planning permission was granted and used for the permitted garage, store and study purposes.

746. TREE PRESERVATION ORDER 358 - 3 RAWNSLEY DRIVE, KENILWORTH

This item was withdrawn from the agenda.

747. TREE PRESERVATION ORDER 356 - 21 & 23 LEYES LANE AND 1 HODNET CLOSE, KENILWORTH

This item was withdrawn from the agenda.

748. TREE PRESERVATION ORDER 355 - 7 WISLEY GROVE, KENILWORTH

This item was withdrawn from the agenda.

749. PUBLIC SPEAKING AT PLANNING COMMITTEE

The Committee considered a report from Members' Services on the arrangements for public speaking at Planning Committee, in relation to matters other than Planning applications.

The Planning Committee adopted a procedure in April 2004 for allowing members of the public to address them. This was reviewed in December 2004, with some minor amendments and was amended again in June 2006 to permit Warwick District Towns Conservation Area Advisory Forum to address the Committee, as a separate category for a 12 month trial period. A copy of the current procedure was attached as appendix 1, to the report.

When the agenda for this meeting was published, an objector to the confirmation of a Tree Preservation Order had requested to speak. Whilst considering this request, previous decisions of the Planning Committee were looked at, and at no point did either the procedure for speaking at Planning Committee or any other decisions on the procedure, specifically state it was solely for planning applications. For this reason, the objector was allowed to speak, on this occasion, at the discretion of the Chair.

Whilst there was no doubt that the intention of the Committee when establishing this procedure, had been to only allow speakers to address them on planning applications, in the opinion of the Council's Monitoring Officer, the procedure was open to challenge.

It had also become apparent that the 12 month trial period to allow Warwick District Towns Conservation Area Advisory Forum to have their own category for speaking had now expired, and had not been reconsidered by the Committee to confirm if they wished this to become a permanent arrangement.

During the discussions on these matters the Chairman, Councillor MacKay, highlighted that currently under the functions delegated to Planning Committee, they could only confirm Tree Preservation Orders, where objections had been received. If the Committee wished for the Tree Preservation Order not be confirmed, this had to be a recommendation to Council.

RESOLVED that the public speaking procedure continue in its present form, and a further report be submitted to the next meeting of the Committee in January 2008, including suggestions on how the confirmation of Tree Preservations Orders could be dealt with.

RECOMMENDED that

- (1) Warwick District Towns Conservation Area Advisory Forum continue to have its own category for public speaking at Planning Committee; and
- (2) the delegation to Planning Committee be amended to read to 'determine Tree Preservation Orders if any objections are received'.

(This item was considered as a matter of urgency because the present public speaking procedure for Planning Committee was open to challenge and needed to be considered for amendment as soon as possible)

(The meeting ended at 10:15pm)