

# PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 2 August 2006 at the Town Hall, Royal Leamington Spa at 6.00 p.m.

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

## 290 DECLARATIONS OF INTEREST

Minute Number 291 – W2006/0309 Oldwich Lane East (formerly Honiley Airfield), Wroxhall

Councillor Mrs Blacklock declared a personal interest because she had previously received hospitality from the applicant at an official function.

Councillor Mrs Compton declared a personal and prejudicial interest because she was involved in her capacity as Ward Councillor and on the legal advice of the Monitoring Officer and she left the room while the item was considered.

Minute Number 294 – W2006/0799 Sintra, Lapworth Street, Lawsonford

Councillor Mrs Knight declared a personal interest because the neighbour to the application was known to her.

Minute Number 295 – W2006/0889 40 West Street, Warwick

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

Minute Number 297 – W2006/1041 Land at Green Lane, Shrewley

Councillor Mrs Bunker declared a personal interest because she had taught the children of the applicant.

Minute Number 299 – W2006/0891 Wyslade Farm, Oakley Wood Road, Bishops Tachbrook

Councillor Tamlin declared a personal interest because the objector was known to him.

Minute Number 305 & 306 – W2006/0995 & 0996LB 120 Parade, Leamington Spa

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

Minute Number 308 – TPO 299 2 Rosemary Hill, Kenilworth

Councillor Mrs Blacklock declared a personal and prejudicial interest because she was involved in her capacity as Ward Councillor and she left the room while the item was considered.

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

### **291 OLDWICH LANE EAST (FORMER HONILEY AIRFIELD), WROXALL**

The Committee considered an application from the Fulcrum Partnership, for Advanced Engineering Research and Development Campus (Class B1 (Business) Uses) for the Automotive and Motorsport Industries, Catalyst Centre, new access road and roundabout, infrastructure, parking, landscaping, including details of Catalyst building.

This item was deferred at the last meeting to enable consultees to be notified of the application being submitted to committee for determination.

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

(DW) EMP4 - Employment Development in the Rural Areas of the District (Warwick District Local Plan 1995)  
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)  
(DW) C8 - Special Landscape Areas (Warwick District Local Plan 1995)  
(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)  
RAP1 - Development within Rural Areas (Warwick District 1996 - 2011 Revised Deposit Version)  
RAP7 - Directing New Employment (Warwick District 1996 - 2011 Revised Deposit Version)  
RR1 - Rural Renaissance (Regional Planning Guidance 11 - June 2004)  
PA1 - Prosperity for All (Regional Planning Guidance 11 - June 2004)  
PA3 - High-Technology Corridors (Regional Planning Guidance 11 - June 2004)  
PA4 - Development related to Higher/Further Education and Research Establishments and Incubator Units (Regional Planning Guidance 11 - June 2004)  
SSP2 - Major Developed Sites (Warwick District 1996 - 2011 Revised Deposit Version)  
QE1 - Conserving and Enhancing the Environment (Regional Planning Guidance 11 - June 2004)  
QE3 - Creating a High Quality Built Environment for All (Regional Planning Guidance 11 - June 2004)  
(DW) C1 - Conservation of the Landscape (Warwick District Local Plan 1995)  
GD.3 - Overall Development Strategy (Warwickshire Structure Plan 1996-2011).  
GD.4 - Strategic Constraints (Warwickshire Structure Plan 1996-2011).  
GD.7 - Previously-Developed Sites (Warwickshire Structure Plan 1996-2011).  
RA.1 - Development in Rural Areas (Warwickshire Structure Plan 1996-2011).  
RA.3 - Housing and Industrial Development and Hierarchy of Settlements in Rural Areas (Warwickshire Structure Plan 1996-2011).

The following addressed the Committee on this item:

Mr D Clapp	Parish Council
Mr G Mills	Objector
Mr D Richards	Applicant
Councillor L Caborn	Ward Councillor

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

The Officers recommendations as outlined in the report were proposed and seconded with the addition of a condition which related to reserved matters, Green Travel Plan and discharge of conditions to be referred back to Committee for decision.

**RESOLVED** that application W2006/0309 be GRANTED after reference to the Secretary of State as a departure from the Development Plan, subject to a Section 106 Agreement on restriction of test track use and a Green Travel Plan and subject to the following conditions:

- (1) This permission is granted under the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-

- (a) the siting, design and external appearance of the proposed buildings (except for the 'Catalyst' building),

- (b) details of landscaping.

**REASON** : To comply with Section 92 of the Town and Country Planning Act 1990;

- (2) In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the District Planning Authority not later than the expiration of three years beginning with the date of this permission. **REASON**: To comply with Section 92 of the Town and Country Planning Act 1990;

- (3) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved. **REASON** : To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

- (4) The development hereby permitted shall be carried out in accordance with the details shown on the approved drawing(s) 250866/A01, /A04, /A05, /A06revA, /A08, /A09, /A10revA, /A11, /A12revB, /A13revA, + /A14revA, and specification contained therein, submitted on 22 February 2006 except as required by condition 12 below and unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3;

## PLANNING COMMITTEE MINUTES (Continued)

- (5) Before the development hereby permitted is begun, the further written approval of the District Planning Authority shall be obtained for details of the design and construction of the estate roads and footways serving the development. These details shall include large scale plans and cross and longitudinal sections, showing design, layout, construction of the estate together with surface water drainage to outfall. **REASON** : To ensure compliance with the Council's standards;
- (6) The development hereby permitted shall not be brought into use until the proposed means of access has been constructed in strict compliance with details approved in writing by the District Planning Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (7) The car parking areas shown on the approved plans shall be constructed prior to occupation of the development and thereafter be permanently retained for parking purposes for the development hereby permitted. **REASON** : To ensure that adequate parking facilities are retained for use in connection with the development, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (8) 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;
- (9) 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)

- (10) All surface water drainage shall be passed through an oil interceptor(s) designed and constructed in accordance with BS 8301:1985 and of a capacity compatible with the site being drained, prior to being discharged into any watercourse, surface water sewer or soakaway system. Roof water should not be passed through the interceptor. **REASON** : To prevent pollution of the Water Environment;
- (11) No work of any kind shall be begun on the site until the protective fence(s) around the trees identified as being retained on the approved plans, have been erected and the fencing has been confirmed in writing to be acceptable by the District Planning Authority. Within the approved fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no site huts, no fires lit and no excavation of trenches for drains, service runs or for any other reason. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;
- (12) Notwithstanding the materials specified for use on the 'Catalyst' building, no development shall take place until details of all external facing materials 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 ENV3 of the Warwick District Local Plan;
- (13) No development shall be carried out on each phase of the site which is the subject of this permission, until details of a scheme for the protection of the ecology of the site and, where necessary, the mitigation measures for the ecological impacts of each phase of the development 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 ecological importance of the site;

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

- (14) The buildings shall be used for automotive and motorsport research and development together with ancillary office provision and ancillary low volume developmental production and for no other purpose including any other purpose in Class B1(b) of Part B of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. **REASON** : Permission is only granted for this development for the very special reasons given by the applicants and, therefore, it would be inappropriate to grant consent for other purposes in this Green Belt location;
- (15) The proposed car parking area for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in accordance with details which have previously been approved by the District Planning Authority. **REASON** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan; and
- (16) Reserved matters, Green Travel Plan and discharge of conditions to be referred back to Committee for decision.

### 292 **EAST LODGE, WARWICKSHIRE POLICE AUTHORITY, WOODCOTE LANE, LEEK WOOTTON**

The Committee considered an application for Warwickshire Police Authority for extensions and alterations.

This item was deferred from the previous meeting in order to allow for an updated arboricultural report.

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

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

The following addressed the Committee on this item:  
Councillor A Moore                  Parish Council

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

**RESOLVED** that application W2006/0782LB 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(s) (Drawing Nos: 0457200C; 0457201C; 0457202E; 0457203B; 0457204B; 0457205B), and specification contained therein, submitted on 27 June 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) 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.

### **293. EAST LODGE, WARWICKSHIRE POLICE AUTHORITY, WOODCOTE LANE, LEEK WOOTTON**

The Committee considered an application for Warwickshire Police Authority for extensions and alterations.

This item was deferred from the previous meeting in order to allow for an updated arboricultural report.

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

- (DW) ENV27 - Ecological Development (Warwick District Local Plan 1995)
- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- (DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
- (DW) H14 - Extensions to Dwellings in the Rural Area (Warwick District Local Plan 1995)
- (DW) C8 - Special Landscape Areas (Warwick District Local Plan 1995)
- (DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)

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

(DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)  
RAP3 - Extensions to Dwellings (Warwick District 1996 - 2011 Revised Deposit Version)

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

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

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

The following addressed the Committee on this item:

Councillor A Moore                      Parish Council

The Officers recommendations as outlined in the report were proposed and seconded with the addition of the three conditions as set out in the addendum (circulated at the meeting) and an additional condition which related to the inspection of the foundations prior to any further work taking place.

**RESOLVED** that applications W06/0783 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) (Drawing Nos: 0457200C; 0457201C; 0457202E; 0457203B; 0457204B; 0457205B), and specification contained therein, submitted on 27 June 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) To ensure the Japanese knotweed is eradicated effectively and does not spread to other parts of the site or off the site, no work to start until a plan to eradicate the Japanese knotweed has been drawn up and agreed between the applicant and the local planning authority (with advice from Warwickshire Museum Ecology Unit). Under the Wildlife and Countryside Act 1981 (as amended) it is an offence to plant or otherwise cause to grow in the wild a suite of invasive non-native species listed by the Act. This list includes Japanese knotweed, Fallopija Japonica. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;



## PLANNING COMMITTEE MINUTES (Continued)

- (4) Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;
- (5) Details of a scheme to protect retained trees on the site shall be submitted to and approved by the Local Planning Authority prior to any development commencing or any machinery being moved on to site. These details shall cover the position and construction of protective fencing, the means of access for construction traffic, the routes of any additional services or drainage and method of installation where such routes pass beneath the canopy of any retained tree and the location of any areas to be used for storage of materials during construction. The development shall be implemented in accordance with this scheme. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV 3 of the Warwick District Local Plan;
- (6) Before any development commences, details of the method of construction of hard surfaces within the root protection area of any retained tree shall be submitted to and agreed in writing by the Local Planning Authority. These details shall include existing and finished levels and detailed cross section of the surface construction. The development shall be implemented in accordance with these details. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV 3 of the Warwick District Local Plan;
- (7) Before any development commences, details of the construction of the foundations of the proposed garage, living room and link shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV 3 of the Warwick District Local Plan; and

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

- (8) The Local Planning Authority shall be informed of and given the opportunity to inspect the completed foundations and no part of the works above ground level shall be commenced until the Local Planning Authority has given its written confirmation of the satisfactory completion of the foundations in accordance with the approved plans. **REASON** : to ensure compliance with the more sensitive foundation design required by this development.

### **294. SINTRA, LAPWORTH STREET, BUSHWOOD, LOWSONFORD**

The Committee considered an application from Mr and Mrs P Ingram for extensions and alterations to convert existing bungalow into a house.

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

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

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

The 45 Degree Guideline (Supplementary Planning Guidance)

Distance Separation (Supplementary Planning Guidance)

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

RAP3 - Extensions to Dwellings (Warwick District 1996 - 2011 Revised Deposit Version)

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

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

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

The following addressed the Committee on this item:

Councillor Les Caborn	Parish Council
Mr B Cooper	Objector
Mr P Ingram	Applicant

After considering the report from the Head of Planning and Engineering and representations from members of the public the Committee were of the opinion that the application should be refused.

**RESOLVED** that application W2006/0799 be REFUSED due to the overdominant extension on an already elevated site, the detrimental impact on the streetscene and its overbearing impact on neighbouring properties and their amenities.

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

### **295. 40 WEST STREET, WARWICK**

The Committee considered an application from Xuan Duong for change of use from use Class A3 (Restaurants and Cafes) to use Class A5 (Hot Food Takeaways).

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

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)  
(DW) S3 - Additional Retail Development in Town Centres (Warwick District Local Plan 1995)  
(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)  
(WTC) S3 - Upper floors within the retail areas

The following addressed the Committee on this application:

Mr M H Woo                      Objector

**RESOLVED** that application W2006/0889 be GRANTED subject to the use of the premises for the purposes hereby permitted shall be restricted to between the hours of 08.00am and 11.00pm. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan.

### **296. 100 DUNBLANE DRIVE, CUBBINGTON, LEAMINGTON SPA**

The Committee considered an application from Mr I Flavell for the erection of a first floor side extension.

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

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

The following addressed the Committee on this application:

Councillor N Pratt                      Parish Council  
Mr Flavel                                      Applicant

The Head of Planning & Engineering had recommended that the application be refused as it did not comply with the relevant policies and guidance. After considering the report from the Head of Planning and Engineering and representation from members of the public the Committee were of the opinion that the application should be granted.

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

**RESOLVED** that application W2006/0939 be GRANTED because the degree of harm to the streetscene was outweighed by the applicants particular circumstances and 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 drawings (1306/1/H, 1306/4), and specification contained therein, submitted on 15th June, 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.

### **297. LAND AT GREEN LANE, SHREWLEY, WARWICK**

The Committee considered an application from Mr and Mrs Lan for the stationing of a temporary mobile house (for three years).

The Head of Planning and Engineering had recommended that the application be approved subject to conditions as he considered that it complied with the relevant policies.

The following addressed the Committee on this application:

Mr R Wesbury	Parish Councillor
Mr Manning	Objector
Mr J Hancock	Applicant

After considering the report from the Head of Planning and Engineering and representation from members of the public the Committee were of the opinion that the application should be deferred.

**RESOLVED** that application W2006/1041 be DEFERRED for further information.

### **298. 99-105 LILLINGTON ROAD, LEAMINGTON SPA**

The Committee considered an application from Antler Homes Ltd for the erection of 12 No residential dwellings (approval of reserved matter, design and external appearance, Condition 1a of outline planning permission W04/2206 dated 1<sup>st</sup> July 2005).

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

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

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

**RESOLVED** that the details of design and external appearance of application W2006/0958, Condition 1a of outline planning permission W04/2206, be APPROVED subject to the conditions listed below.

- (1) The development hereby permitted shall be carried out strictly in accordance with the details shown on plans and elevations deposited with the District Planning Authority on 7th June 2006. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3; and
- (2) Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

### **299. WYSLADE FARM, OAKLEY WOOD ROAD, BISHOPS TACHBROOK**

The Committee considered an application from Laura Ashley-Timms for the erection of a two storey detached family dwelling with new approach drive and garage, to replace existing bungalow and garage.

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

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)  
(DW) C1 - Conservation of the Landscape (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).  
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)  
RAP4 - Replacement Dwellings (Warwick District 1996 - 2011 Revised Deposit Version)

Government guidance is contained in PPS7, sustainable development in rural areas. In respect of the replacement of buildings in the countryside it states:- "The Government is also supportive of the replacement of suitably located, existing buildings of permanent design and construction in the countryside for economic development purposes. The replacement of buildings should be

## PLANNING COMMITTEE MINUTES (Continued)

favoured where this would result in a more acceptable and sustainable development than might be achieved through conversion, for example where the replacement building would bring about an environmental improvement in terms of the impact of the development on its surroundings and landscape."

**RESOLVED** that application W2006/0891 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 drawing deposited with the District Planning Authority on 26th May 2006 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;
- (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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Parts 1 and 2 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : The site lies in an exposed rural location and this replacement dwelling has been granted planning permission having regard to its unique design and its proposed landscaped setting. It is considered, therefore, that any future development should be carefully considered to ensure the rural amenity of this locality is not adversely affected in accordance with Policy C1 of the Warwick District Local Plan;

## PLANNING COMMITTEE MINUTES (Continued)

- (5) A landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings, in particular to achieve additional screening along the northern boundary of the site, shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:2005. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;
- (6) The existing bungalow on this site known as Wyslade Farm shall be demolished in its entirety and the existing leylandi trees within the site shall be felled within 3 months of the first occupation of the new dwelling hereby permitted. **REASON** : This site lies within a rural area and the erection of a new dwelling has been granted solely as a replacement for the existing property known as Wyslade Farm. To comply with policies H9 and C1 in the Warwick District Local Plan; and
- (7) The existing drive shall be taken up and the associated entrance features shall be demolished and the land affected shall be restored to grass and the new access drive hereby approved shall be constructed within 3 months of the first occupation of the new dwelling. **REASON** : To enhance the rural character and appearance of this locality and the amenity of future residents in the dwellings hereby permitted in accordance with policies ENV3 and C1 in the Warwick District Local Plan.

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

### **300. ADJOURNMENT OF MEETING**

The Chair adjourned the meeting of the Planning Committee held on Wednesday 2 August 2006 to Thursday 3 August 2006 at 6.00 pm

(The meeting closed at 10.00 pm)

### **RESUMPTION OF ADJOURNED PLANNING COMMITTEE MEETING**

Minutes of the adjourned Planning Committee meeting held on Thursday 3 August 2006 at the Town Hall, Royal Leamington Spa at 6.00 pm.

**PRESENT:** Councillors Tamlin (Chair), Ashford, Mrs Blacklock, Mrs Bunker, Mrs Compton, Ms De-Lara-Bond, Kinson & Mrs Knight.

### **301. 11 PROSPERO DRIVE, HEATHCOTE, WARWICK**

The Committee considered an application from Mr J S Mann for the erection of a second storey front extension.

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

(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 W2006/0751 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 (06-041-1 Rev A), and specification contained therein, submitted on 16th 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;



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

- (3) All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan; and
- (4) The first floor bedroom window in the proposed side elevation of the extension hereby permitted shall be obscure glazed and retained as such at all times thereafter. **REASON** : To protect the amenity of the occupiers of nearby properties.

### **302. 26 GREATHEED ROAD, LEAMINGTON SPA**

The Committee considered an application from Mr and Mrs D Stickley for internal alterations/refurbishment, cellar and loft conversion and detached double garage.

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

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)  
(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)  
(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)  
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)

It was proposed and duly seconded that the application should be granted as per the officers recommendation plus the additional conditions as set out within the addendum papers circulated at the meeting.

**RESOLVED** that application W2006/0795 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 drawing numbers 0107/004'A', 0107/005'A' and 0107/006'A' and specification contained therein, submitted on 20 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 large scale details of all new doors, windows (including a section showing the window reveal, heads and cill details), rooflights, 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;
- (4) Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;
- (5) All rainwater goods for the development hereby permitted shall be metal and no development on site shall take place until a sample of the rainwater goods has been submitted to and approved by the District Planning Authority. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan;
- (6) The garage doors hereby permitted shall be constructed of timber and painted, not stained. **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;

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

- (7) All new windows and doors hereby permitted shall be constructed of timber and painted, not stained.  
**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; and
- (8) Notwithstanding the details of the rear dormer shown on the submitted plans, further details of a dormer reduced in size shall be submitted to and approved by the Local Planning Authority before development commences and the development shall not be carried out other than in accordance with such approved details. **REASON:** To protect the character and appearance of the Conservation Area.

### **303. 3 STAUNTON ROAD, LEAMINGTON SPA**

The Committee considered an application from Mr S Baines for the erection of a rear extension.

**RESOLVED** that application W2006/0979 be **DEFERRED** to allow for a site visit to take place as the Committee felt it would be of significant benefit to them when determining the application.

### **304. 39 LIME AVENUE, LILLINGTON, LEAMINGTON SPA**

The Committee considered an application from Mr J Archer for the erection of a two storey rear extension to bathroom, extension to kitchen and dining room (retrospective).

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

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

**RESOLVED** that application W2006/0980 be **GRANTED** subject to the following conditions:

- (1) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing, and specification contained therein, submitted on 16th June, 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

## PLANNING COMMITTEE MINUTES (Continued)

- (2) 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.

### 305. **120 PARADE, LEAMINGTON SPA**

The Committee considered an application from Engima Retail Ltd for the display of externally illuminate fascia lettering (retrospective application).

The application was presented to the Committee to request that enforcement action be taken.

The Head of Planning and Engineering had stated that the following policies were relevant to the application:

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

(DW) ENV20 - Advertising Control (Warwick District Local Plan 1995)

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

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

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

Supplementary Planning Guidance - Shopfronts and Advertisements in Leamington Spa.

**RESOLVED** that application W2006/0995

- (1) be REFUSED because Policy (DW) ENV3 of Warwick District Local Plan 1995 requires all development proposals to achieve a high standard of design, having regard to local styles, materials, the character of the surrounding area and of adjacent buildings, whilst Policy (DW) ENV6 states that Conservation Areas in the District will be protected from development which would have a detrimental effect upon their character or appearance. In addition, Policy (DW) ENV8 requires that within Conservation Areas, development proposals will be required to achieve a high standard of design appropriate to the historic and special architectural character of the area whilst Policy (DW) ENV11 states that applications to alter a Listed Building in such a way as to adversely affect its character will normally be

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

refused. These are reflected in Policy DP1 of the emerging Warwick District Local Plan 1996-2011 (Revised Deposit Version) which requires all development proposals to make a positive contribution to the character and the quality of its environment through good layout and design, Policy DAP6 which states that development will not be permitted which has an unacceptable adverse impact on a Listed Building, and Policy DAP10 which requires that development proposals protect and enhance the historic quality, character and appearance of Conservation Areas.

The District Council has also produced Planning Guidance on shopfronts and advertisements in Leamington Spa.

The application relates to a Grade II Listed Building within the Conservation Area on the main shopping street within the Town Centre. Within such areas particular care is taken for the enhancement and preservation of the character and appearance of buildings and the street scene generally. In the opinion of the District Planning Authority the signage is wholly inappropriate by reason of the use of a perspex fascia, exposed light fittings and bulky lettering, which gives the signage an uncompromising modern and technical appearance which is wholly at odds with the traditional appearance of the shopfront and the established pattern of signage in this part of the Conservation Area, which is characterised by the use of individual lettering of limited depth with halo illumination or discrete pelmet illumination.

It is considered therefore that this signage unacceptably jars with the particular character and appearance of this building and the Conservation Area generally and hence is contrary to the aforementioned policies and adopted Supplementary Planning Guidance; and

- (2) prosecution action be AUTHORISED under the advertisement regulations to require the removal of the fascia sign, including the individual letters, 4 trough lights and Perspex fascia

### **306. 120 PARADE, LEAMINGTON SPA**

The Committee considered an application from Engima Retail Ltd for the display of externally illuminate fascia lettering (retrospective application).

The application was presented to the Committee to request that enforcement action be taken.

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

The Head of Planning and Engineering had recommended that the following policies were relevant to the application:

(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) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)  
(DW) ENV20 - Advertising Control (Warwick District Local Plan 1995)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)  
DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 Revised Deposit Version)  
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)  
Supplementary Planning Guidance - Shopfronts and Advertisements in Leamington Spa.

### **RESOLVED** that

- (1) application W2006/0996 LB be REFUSED because Policy (DW) ENV3 of Warwick District Local Plan 1995 requires all development proposals to achieve a high standard of design, having regard to local styles, materials, the character of the surrounding area and of adjacent buildings, whilst Policy (DW) ENV6 states that Conservation Areas in the District will be protected from development which would have a detrimental effect upon their character or appearance. In addition, Policy (DW) ENV8 requires that within Conservation Areas, development proposals will be required to achieve a high standard of design appropriate to the historic and special architectural character of the area whilst Policy (DW) ENV11 states that applications to alter a Listed Building in such a way as to adversely affect its character will normally be refused. These are reflected in Policy DP1 of the emerging Warwick District Local Plan 1996-2011 (Revised Deposit Version) which requires all development proposals to make a positive contribution to the character and the quality of its environment through good layout and design, Policy DAP6 which states that development will not be permitted which has an unacceptable adverse impact on a Listed Building, and Policy DAP10 which requires that development proposals protect and enhance the historic quality, character and appearance of Conservation Areas.

The District Council has also produced Planning Guidance on shopfronts and advertisements in Leamington Spa.

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

The application relates to a Grade II Listed Building within the Conservation Area on the main shopping street within the Town Centre. Within such areas particular care is taken for the enhancement and preservation of the character and appearance of buildings and the street scene generally. In the opinion of the District Planning Authority the signage is wholly inappropriate by reason of the use of a perspex fascia, exposed light fittings and bulky lettering, which gives the signage an uncompromising modern and technical appearance which is wholly at odds with the traditional appearance of the shopfront and the established pattern of signage in this part of the Conservation Area, which is characterised by the use of individual lettering of limited depth with halo illumination or discrete pelmet illumination.

It is considered therefore that this signage unacceptably jars with the particular character and appearance of this building and the Conservation Area generally and hence is contrary to the aforementioned policies and adopted Supplementary Planning Guidance; and

- (2) prosecution action be AUTHORIZED under the advertisement regulations to require the removal of the fascia sign, including the individual letters, 4 trough lights and Perspex fascia. Compliance two months.

### **307. 73 JOHN O'GAUNT ROAD, KENILWORTH**

The Committee considered an application regarding the unauthorized erection of a greenhouse in the front garden of 73 John O'Gaunt Road.

The report was brought before the Committee to request that enforcement action be authorised.

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

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 First Deposit Version]

**RESOLVED** that enforcement action be authorised requiring the removal of the greenhouse from the front garden area with a compliance period of 1 month.

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

### **308. 2 ROSEMARY HILL, KENILWORTH**

The Committee considered a report regarding a provisional Tree Preservation Order on 1 Silver Birch Tree (TPO 299).

The Tree Preservation Order took effect, on a provisional basis, on 10 February 2006 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, the people affected by the Order had a right to make representations.

Two representations objecting to the order were received from 1 Rosemary Hill and 2 Rosemary Hill, Kenilworth.

The Planning Officer recommended that TPO299 be confirmed, to ensure that the Silver Birch continued to make a positive contribution to the visual amenity of this part of the Kenilworth Conservation Area and that any future works to the tree could be fully controlled. However the Committee were of the opinion that the tree did not make a positive contribution to the visual amenity of this part of the Kenilworth Conservation Area and that in their opinion it diminished the appearance of 2 Rosemary Hill.

**RESOLVED** that TPO299 not be confirmed because the tree did not make a positive contribution to the visual amenity of this part of the Kenilworth Conservation Area and that in their opinion it diminished the appearance of 2 Rosemary Hill.

### **309. DEVELOPMENT CONTROL PERFORMANCE STATISTICS**

The Committee received a report from the Planning and Engineering Business Unit advising the of current development control performance.

The Department for Communities and Local Government regularly publish performance statistics for development control. The January to March 2006 statistics were released on their website [www.communities.gov.uk](http://www.communities.gov.uk) on 30 June 2006.

The statistics relate to national best value performance indicators BV 109 (a), (b), and (c).

The relevant government targets for these indicators are:-  
BV109(a) - % of major planning applications decided in 13 weeks – 60%  
BV109(b) - % of minor planning applications decided in 8 weeks – 65%  
BV109(c) - % of other planning applications decided in 8 weeks – 80%

Warwick District Council were performing significantly above these three targets, with the Council's performance for the three targets at 66% for the first target, 78% for the second target and 87 for the third target.

Achieving these targets is reflected in the level of the Plannign Delivery Grant awarded, with awards of £100,000, £50,000 and £50,000 respectively for each target with a further £50,000 for achieving all three targets. In addition these amounts increase for performance above the target level.



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

A recent letter to the Leader of the Executive from the Department for Communities and Local Government had indicated that the performance targets would stay at the same level for following year.

**RESOLVED** that the performance figures for this quarter be noted.

### **310. APPEAL PERFORMANCE FOR QUARTER 1 2006-07**

The Committee received a report from the Planning and Engineering Business Unit advising Members of current appeals performance and decisions received.

The Planning Inspectorate publishes performance statistics for % appeals against refusals of planning permission for all local authorities every quarter. These could be viewed at [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk).

The statistics relate to the national best value performance indicator BV 204 - % of appeals allowed against refusals of planning permission. The government had indicated that PDG award may be abated in the event of the rate of appeals being allowed being 40% more than the numbers allowed nationally.

Performance in relation to the appeals included in the indicator for Quarter 1 (April 1 to 30 June) was very good with 81% of appeals being dismissed with only three being allowed out of 16 cases decided.

**RESOLVED** that the performance figures for this quarter be noted.

(The meeting ended at 7.00 pm)