

# PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 7 October 2008 in the Town Hall, Royal Leamington Spa at 6.00pm.

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

Councillor Mobbs substituted for Councillor Davies.

## 480. **Declarations of interest**

Minute Numbers 481 & 482 W08/0940 & W08/0941CA – 2 Gerrard Street, Warwick  
Councillors Higgins, Illingworth and Rhead declared personal interests because the objectors Mr & Mrs Haywood were known to them.

Minute Number 485 W08/1191 – 73 Dunblane Drive, Cubbington  
Councillor Barrott declared a personal interest because the applicant was known to him

Minute number 486 W04/1068 – Stoneleigh Park, Stoneleigh Road, Stoneleigh  
Councillor MacKay declared a personal interest because the application was in his Ward and because he was a member of the Royal Agricultural Society although he had no influence over the decisions they made.

Minute Numbers 487 & 488 W08/1074 & 1077LB – Clarendon House Hotel, 4-8 High Street, Kenilworth  
Councillor Blacklock declared a personal interest because she lived opposite the application site.

Councillor Mobbs declared a personal and prejudicial interest because he had previously considered the application as a member of Kenilworth Town Council Planning Committee and left the room whilst the item was considered.

Minute number 490 W08/1186 20 Manor Road, Kenilworth  
Councillor Mrs Blacklock declared a personal interest because a neighbour to the application, who had not objected, was known to her.

Councillor Illingworth declared a personal interest because he lived in Manor Road, but could not see the application site from his home.

Minute Number 492 – ENF 261/26/07 – Globe Hotel, 10 Theatre Street, Warwick  
Councillor Higgins declared a personal interest because the Globe Hotel was in her Ward.

## 481. **2 GERRARD STREET, WARWICK**

The Committee considered an application from Coventry Turned Parts for the erection of a detached house after demolition of the existing building.

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

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

The Head of Planning considered the following reports to be relevant to the application:

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

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

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

DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

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

In the opinion of the Head of Planning, the development would not cause unacceptable harm to the neighbour's amenity, the setting of neighbouring Listed Buildings or the architectural and historic character of the Conservation Area within which the site was located. The proposal was therefore considered to comply with the policies listed.

The Committee received additional information in the addendum received from residents objecting to the application.

Following consideration of the officers report, presentation and information within the addendum to the Committee, it was proposed and duly seconded that the application be approved. An amendment to this was proposed that the application be deferred for a site visit, on the vote this was lost. A second amendment was proposed and duly seconded that the application be deferred to allow for further information. This was won on the vote and agreed as a substantive motion.

**RESOLVED** that W08/0940 be DEFERRED for specialist advice on the application from Conservation Architect and CAAF, and for either their views or that of a structural engineer particularly on the structural integrity of a listed building.

### **482. 2 GERRARD STREET, WARWICK**

The Committee considered an application from Coventry Turned Parts for the demolition of part of front boundary wall.

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

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

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

DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, the proposed demolition would not result in harm to the character or appearance of the Conservation Area and the proposal was considered to comply with the policies listed.

The Committee received further information in the addendum from residents objecting to the application.

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

Following consideration of the officers report, presentation and information within the addendum to the Committee it was proposed and duly seconded that the application be approved. An amendment to this was proposed that the application be deferred for a site visit, on the vote this was lost. A second amendment was proposed and duly seconded that the application be deferred to allow for further information. This was won on the vote and agreed as a substantive motion.

**RESOLVED** that W08/0941CA be DEFERRED for specialist advice on the application from Conservation Architect and CAAF, and for either their views or that of a structural engineer particularly on the structural integrity of the adjoining listed building.

### **483. 86 REGENT STREET, LEAMINGTON**

The Committee considered an application from La Coppola for the installation of one canopy at fascia level and two canopies at first floor level

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

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

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

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

Design Advice on Shopfronts & Advertisements in Royal Leamington Spa (Supplementary Planning Guidance).

Dr C Hodgetts addressed the Committee to expand upon the concerns raised by the Warwick District Towns Conservation Area Advisory Forum.

Following consideration of the officers report, presentation and representations to the Committee, the Committee were of the opinion that the application should be refused and therefore approved enforcement action in line with the recommendation in the report.

**RESOLVED** that W08/1047LB be

(1) REFUSED, subject to the refusal reasons listed below,

Policy DAP4 states that development will not be permitted which has an unacceptable adverse impact on a Listed Building and Policy DAP8 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 site relates to a building which forms part of a Grade II listed terrace within the Royal Leamington Spa Conservation Area wherein particular care is taken for the enhancement and preservation of the character and appearance of buildings and the streetscene generally. In the opinion of the District Planning Authority, the proposed canopy fascia sign and first floor canopy signs result in a cluttered appearance that materially detracts from the elegant simplicity of the Regency design of this group of buildings.

The proposed signage would therefore fail to preserve the special architectural and historic interest of this listed terrace and conflicts with Local Plan Policies DAP4, DAP8, the Council's Design Advice Leaflet on Shopfronts and Advertisements and national guidance in PPG15; and

- (2) enforcement action be authorised to secure the removal of the canopy signage, window shutters and window boxes.

### **484. BUTLERS LODGE, CHURCH ROAD, HONILEY**

The Committee considered an application for the conversion of an existing garage and flat above into ancillary accommodation to the existing dwelling.

The application was presented to the Committee because an objection had been received from the Beausale, Haesely, Honiley and Wroxall Parish Council.

The Head of Planning considered the following policies were 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)

In the opinion of the Head of Planning, the development did not prejudice the openness and rural character of this green belt area and was not considered to comply with the policies listed.

The following people addressed the Committee

Mr Lewis – Beausale, Haesely, Honiley and Wroxall Parish Council (Objecting)

Following consideration of the officers report, presentation, information within the addendum and representation to the Committee, the Committee were of the opinion that the application should be granted with the addition of a condition requiring 10% renewable energy.

## PLANNING COMMITTEE MINUTES (Continued)

**RESOLVED** that W08/1157 be GRANTED – subject to the conditions and for the reasons listed below:

- (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) 1200-10E, and specification contained therein, submitted on 15th August 2008, 1200-11C, and specification contained therein, submitted on 17th September 2008 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) The dwelling hereby permitted shall be occupied solely in conjunction with the adjacent main dwelling subject of planning approval W/07/2070 only be used for purposes ancillary to the residential use of that main dwelling and not as a separate dwelling. **REASON**: To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011;

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

- (5) 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), with express regard to the development hereby permitted only, no development shall be carried out which comes within Classes A, B, C, D, or E of Part 1 of Schedule 2 of this Order, without the prior permission of the District Planning Authority.  
**REASON** : This site is of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011 ; and
- (6) 10% renewable energy.

### **485. 73 Dunblane Drive, Cubbington**

The Committee considered an application from Mr O'Grady for the erection of a two storey side extension, rear dormer windows and extension to boundary fence.

The application had been referred to the Committee because an objection had been received from Cubbington Parish Council.

The Committee received additional information circulated at the meeting as part of the addendum informing them that the Parish Council had objected to the amended proposals for the same reasons as their objection to the original application. The Committee also received a letter of support, further comments from the applicant on their application.

The Head of Planning considered that the following policies were relevant to the application:

The 45 Degree Guideline (Supplementary Planning Guidance)

Distance Separation (Supplementary Planning Guidance)

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)

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

Residential Design Guide (Supplementary Planning Guidance - April 2008)

In the opinion of the Head of Planning, the development respected surrounding buildings in terms of scale, height, form and massing and did not adversely affect the amenity of nearby residents. The proposal was therefore considered to comply with the policies listed.

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

The following addressed the Committee:

Mr Balls – Objector

Miss N Garrett – Applicant

Following consideration of the officers report, presentation, information within the addendum and representation to the Committee, the Committee were of the opinion that the application should be granted in line with the recommendation of the report.

**RESOLVED** that W08/1191 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) 1548-1G, and specification contained therein, submitted on 25 September 2008, 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) the extension hereby permitted shall not be used unless and until the rainwater harvesting system shown on the approved plans has been installed in strict accordance with the approved plans. The rainwater harvesting system shall be maintained and kept operational at all times thereafter, unless agreed otherwise in writing by the District Planning Authority. **REASON** : To limit surface water run off, in accordance with the requirements of Policies DP10 and DP11 of the Warwick District Local Plan;
- (4) all hard surfaces shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the application site. **REASON** : To limit surface water run off, in accordance with the requirements of Policies DP10 and DP11 of the Warwick District Local Plan;

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

- (5) 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;
- (6) the first floor windows in the north-east elevation of the extension hereby permitted shall be non-opening and obscure glazed and retained as such at all times thereafter. **REASON** : To protect the amenity of the occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011; and
- (7) 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 windows other than those expressly authorised by this permission, shall be placed at any time in the north-east elevation of the extension hereby permitted. **REASON** : To retain control over future development so that the residential amenity of adjoining occupiers is protected and to help meet the objectives of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

### **486. STONELEIGH PARK, STONELEIGH ROAD, STONELEIGH**

The Committee considered the details of the section 106 agreement for application W04/1068 which was for development and refurbishment of Stoneleigh Park to provide Exhibition, Hotel and Conference Facilities, Showground Facilities, a Business Innovation Park, Visitors Centre, Leisure and ancillary retail and catering facilities, a National Equine Centre and Livestock Facilities together with a new access road and bridge, landscaping, circulation works, an equine bridge and highway improvements.

The Committee had considered the above application at its meeting on 14 February 2005. The Committee granted planning permission subject to reference to the Secretary of State as a departure from the development plan and the completion of a legal agreement to cover the following issues:

- (a) restriction on occupation of the innovation park;
- (b) restriction of retail space;
- (c) agreement of a green travel plan;
- (d) restriction of public events;
- (e) preparation of a long term landscape management plan; and
- (f) revocation of the previous legal agreement.

The proposal came forward as a result of the NAC's future as an agricultural showground and demonstration centre becoming increasingly less secure with continuing changes in the rural economy and farming practices. Consideration was



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

given to utilising the existing infrastructure and resource base to provide a new approach to supporting rural enterprise through the creation of a new Centre of Rural Excellence. This was designed to become a national and international centre for customers and producers in agricultural and rural industry and other rural economic activity. The proposal involved sub-dividing the site into broad zones for a range of primary activities. These formed the basis of the Planning Application.

A Zoning Masterplan was submitted as part of the application. This identified the following key zones, an Innovation Park, a Countryside and Visitor area, a Countryside Zone, Conference and Exhibition Zone, National Equine Centre, and a Livestock Zone.

The site would achieve new vehicular access with junction improvements undertaken on the A46 Stoneleigh Road Junction and a new access road avoiding the Stoneleigh Crossroads bringing vehicles directly to a new main entrance to the site on its north western boundary. This would bring most traffic directly from the by-pass and avoid traffic routing through local roads.

The application was accompanied by an Environmental Statement which was subject to further external assessment by specialist environmental consultants engaged by the Council.

Since the Committee considered the application in 2005 the Secretary of State had stated that the application did not raise issues of such wide significance that would require a determination by him and the decision as to whether to grant planning permission would, therefore, remain with WDC. In taking this decision the Secretary of State was aware that the District Council had supported the proposal.

Additionally this since the Committee gave its support to the proposal, RASE had been involved in extensive processes in relation to its own internal organisation and in seeking an appropriate development partner to enable its proposals to proceed. These processes had taken a significant period of time and resulted in Advantage West Midlands taking a significant stake in the proposal by purchasing and committing itself to the development of the Innovation Park element of the scheme. Further progress had continued with the Section 106 Agreement, much of which related to securing a satisfactory Green Travel Plan arrangement with the County Council. Agreement had been reached on the Heads of Terms of the agreement by all parties and, in accordance with the wishes of the Committee in February 2005 these were brought before the present Committee for its consideration.

The Head of Planning was satisfied that Heads of Terms attached as Appendix A to the report met the requirements of the Committee.

In addition, discussions had taken place on further means of protecting the amenity of local residents in relation to the use of the adjoining Car Park 5. As a result of these negotiations the Section 106 Agreement included a restriction on the use of Car Park 5 (that immediately adjacent to the new residential development at Stoneleigh Abbey) for only very limited purposes.

The Committee received revised highway conditions from the highway authority on this application as part of the addendum.

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

Following consideration of the officers report, presentation and information within the addendum, the Committee were of the opinion that the application should be granted in line with amended recommendations.

### **RESOLVED** that

- (1) the Heads of Terms of the Section 106 agreement as set out at appendix 1 be approved;
- (2) the minor revisions to the Master Plan as indicated on Plan No. 04012/0027/C be approved; and
- (3) planning permission for the Stoneleigh Park Development be issued subject to the conditions set out below and the completion of the Section 106 Agreement in accordance with the Heads of Terms set out in Appendix A to the report;

- (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 development,
  - (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 eight 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 ten years from the date of this permission or within the expiration of two years from the final approval of all reserved matters, whichever is the later.  
**REASON** : To comply with Section 92 of the Town and Country Planning Act 1990;

## PLANNING COMMITTEE MINUTES (Continued)

- (4) the reserved matters referred to in conditions 1 to 3 above shall closely follow the principles set out in the illustrative drawings nos. 04012/0027/C and 1925LO/06/Final and in all other respects shall be in broad accordance with all the other plans, specifications and documents which were submitted with the outline application. **REASON** : To ensure that the development is in conformity with the outline details submitted and does not, therefore, have an unacceptable impact on issues of acknowledged importance;
- (5) the occupants of the retail space shall be limited to retail activity which is ancillary to the main purpose of the food, farming, horticulture and countryside visitor centre and educational/training and leisure facilities. In particular, no motorcars, bulky electrical goods, carpets, bulky DIY goods and building materials, flat pack furniture, kitchen units and bathroom equipment shall be sold from the retail space. **REASON** : To ensure that the development is in conformity with the outline details submitted and does not, therefore, have an unacceptable impact on issues of acknowledged importance;
- (6) the market hall shall not exceed 2,000 sq.m. and shall only be let to individual traders in units of space not exceeding 50 sq. metres, unless otherwise agreed in writing by the District Planning Authority. No other individual retail unit (outside the market area) shall exceed 465 sq.m. unless otherwise agreed in writing by the District Planning Authority. **REASON** : To retain control over the retail use of the site in accordance (principally) with policies PA11, PA13 and UR3 of the West Midlands Regional Spatial Strategy;
- (7) no development within an individual zone shall be commenced until a scheme for the provision of adequate water supplies and fire hydrants , necessary for fire fighting purposes at the site, for that zone has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority. **REASON** : In the interests of fire safety;

## PLANNING COMMITTEE MINUTES (Continued)

- (8) the reserved matters referred to in condition 1 shall include, for each zone, details of the proposed method of attenuating surface water run-off (including full design details and all necessary calculations). The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To ensure that satisfactory provision is made for surface water run-off;
- (9) there shall be no development or raising of ground levels within the floodplain of the River Avon. **REASON :**To ensure no loss in floodplain storage or interruption to flood flow routes;
- (10) there must be no new buildings, structures (including gates, walls and fences) or raised ground levels within 8 metres of the top of any bank of watercourses, inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority. **REASON :** To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows;
- (11) there shall be no storage of any materials including soil within that part of the site liable to flood as shown on the attached plan on drawing no. EA1. **REASON :** To ensure that there will be no increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity;
- (12) the reserved matters referred to in condition 1 shall include, for each zone, a scheme for the provision of surface water drainage works. The drainage works shall be completed in accordance with the details and timetable agreed. **REASON :** To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal;

## PLANNING COMMITTEE MINUTES (Continued)

- (13) the reserved matters referred to in condition 1 shall include, for each zone, a scheme for the improvement and/or extension of the existing sewage disposal works, appropriate for each phase of the development. No buildings (or uses) hereby permitted shall be occupied (or commenced) until such improvements and/or extensions have been commissioned to the reasonable satisfaction of the Local Planning Authority. **REASON** : To prevent pollution of the water environment.
- (14) prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor. **REASON** : To prevent pollution of the water environment;
- (15) any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund. Please refer to the Oil Storage Regs 2001. **REASON** : To prevent pollution of the water environment;

## PLANNING COMMITTEE MINUTES (Continued)

- (16) no development within an individual zone shall be commenced unless, for this zone:-
- (a) Desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and, using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
- (b) A site investigation has been designed for the site using the information obtained from the desk top study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:
- a risk assessment to be undertaken relating to receptors associated with the proposed new use, those uses that will be retained (if any) and other receptors on and off the site that may be affected, and
  - refinement of the Conceptual Model, and
  - the development of a Method Statement detailing the remediation requirements.
- (c) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment undertaken.
- (d) A Method Statement detailing the remediation requirements, using the information obtained from the Site Investigation has been submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to the remediation being carried out on the site
- REASON** : To ensure that the proposed site investigations and remediation will not cause pollution of the environment or harm to human health;

## PLANNING COMMITTEE MINUTES (Continued)

- (17) no development within an individual zone shall be carried out until details of a phasing scheme (showing the intended date for commencement and completion for this zone of the site as indicated on plan number 04012/0027/C) 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 that the phasing of the work does not harm issues of acknowledged importance;
- (18) no development within an individual zone shall take place pursuant to this permission until the applicant has secured the implementation of a written programme of archaeological work within this zone, 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;
- (19) no development within an individual zone shall be carried out on the site pursuant to this permission, until details of the route to be used for all construction traffic (which shall not be through Stoneleigh village) 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 amenity of the occupiers of properties in the vicinity, and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011;
- (20) no development within an individual zone shall be carried out on the site which is pursuant to this permission, until details of a satisfactory signage scheme for that zone 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 amenity of the occupiers of properties in the vicinity, and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011;

## PLANNING COMMITTEE MINUTES (Continued)

- (21) the highway alterations (as listed in conditions below) shall be constructed in accordance with a phasing plan for each zone, to be produced as part of the addendum Transport Assessment to be approved by the relevant Highway Authorities. The phasing plan shall take account of the necessity to implement individual highway alterations in response to (or prior to) reaching identified thresholds or phases of development on the site. **REASON** : In the interests of highway safety, and in accordance with the requirements of policy DP1 of the Warwick District Local Plan, 1996-2011.
- (22) no new external lighting or sound amplification or public address system shall be installed on any external wall or roof of any building or in any open-air location comprised in the application site other than in accordance with details first submitted to and approved in writing by the District Planning Authority. **REASON** : 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;
- (23) no development shall be carried out on the site which is pursuant to this permission, until details of a traffic noise mitigation scheme 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 amenity of the occupiers of nearby properties, and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011;
- (24) no development within an individual zone shall be carried out on the site which pursuant to this permission, until details of a method of working (for that zone) to minimise the environmental impact of construction and development works 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 amenity of the occupiers of nearby properties, and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011;



## PLANNING COMMITTEE MINUTES (Continued)

- (25) the use of the site for fireworks displays and the use and display of firearms shall not be undertaken until an Event Management Plan relating to such activities to be carried out pursuant to this planning permission has been submitted to and approved in writing by the Planning Authority. Upon receipt of the written approval the agreed Events Management Plan shall be implemented and thereafter all activities taking place pursuant to this planning permission shall be carried out in accordance with its provisions. The plan shall be reviewed, and this review agreed in writing by the Planning Authority every two years following approval. The Plan shall include details of forthcoming and anticipated events, hours of operation, notification procedure of interim booked events, procedures and manning of the facility, the location of zones and structures for such activities to take place therein. Nothing in this condition shall restrict the use of firearms to control vermin and pests. **REASON** : 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;
- (26) no use of any part of the site for purposes of events, displays or other types of public occasion shall take place, until details of a noise control protocol have been submitted to and approved by the District Planning Authority. The use shall not take place otherwise than in full accordance with such approved details. **REASON** :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;
- (27) all public events held pursuant of this permission (other than those in the Conference and Exhibition Zone) shall be related to agriculture and other uses associated with livestock, food production, equine activities or other rural pursuits, unless otherwise agreed in advance (in writing) by the District Planning Authority. **REASON** : To ensure that the development is in conformity with the outline details submitted and does not, therefore, have an unacceptable impact on issues of acknowledged importance and to retain control over the use of the site in accordance (principally) with policies RR1 and UR3 of the West Midlands Regional Spatial Strategy

## PLANNING COMMITTEE MINUTES (Continued)

- (28) no development hereby permitted shall first be occupied until the highway scheme at C32 Stoneleigh Road junction with the A46 is implemented generally in accordance with drawing number Cz-8014 (Issue 5 by Arup) and approved in writing by the local planning authority in consultation with the Highways Agency. **REASON** : To enable the A46 trunk road to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10 (2) of the Highways Act 1980 by avoiding disruption to flow on that route by traffic expected to be generated by the development, and to protect the interests of road safety on the trunk road;
- (29) no development hereby permitted shall first be occupied until the highway scheme at the A46/A452 Thickthorn Junction is implemented generally in accordance with drawing number Cz-8002a, (Issue 3 by ARUP) and approved in writing by the local planning authority in consultation with the Highways Agency. **REASON** : To enable the A46 trunk road to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10 (2) of the Highways Act 1980 by avoiding disruption to flow on that route by traffic expected to be generated by the development, and to protect the interests of road safety on the trunk road;
- (30) no development hereby permitted first be occupied until the highway scheme at the A429/Stoneleigh Road/Gibbett Hill junction is implemented generally in accordance with drawing number Cz-8013 (Issue 1 by Arup) and approved in writing by the local planning authority in consultation with the Highways Agency and the local Highway Authority or, *alternatively* a phasing plan (as required by condition 17 above) to deliver the junction improvements linked to the phasing of the overall development has been submitted to and agreed in writing by the District Planning Authority in conjunction with the Highways Agency. **REASON** : To enable the A46 trunk road to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10 (2) of the Highways Act 1980 by avoiding disruption to flow on that route by traffic expected to be generated by the development, and to protect the interests of road safety on the trunk road;

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

- (31) no development hereby permitted shall first be occupied until the highway scheme for the B4115/ Stoneleigh Road Junction is implemented generally in accordance with drawing number Cz-8011, (Issue 2 by Arup) and approved in writing by the local planning authority, in consultation with the Highways Agency and the local Highway Authority. **REASON** : To enable the A46 trunk road to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10 (2) of the Highways Act 1980 by avoiding disruption to flow on that route by traffic expected to be generated by the development, and to protect the interests of road safety on the trunk road; and
- (32) no development hereby permitted shall be commenced until the applicant has provided a Construction Traffic Routing Agreement for the development, to the satisfaction of the local planning authority in consultation with the local highway authority and the Highways Agency. **REASON** : To ensure that construction traffic uses approved routes to access the development site thus avoiding Stoneleigh Village and the C32 Stoneleigh Road junction with the A46.

(Councillor Mobbs left the meeting at the conclusion of this item.)

### **487. CLARENDON HOUSE HOTEL 4-8 HIGH STREET, KENILWORTH**

The Committee considered a retrospective application from Loch Fyne Restaurants Ltd for the display of various illuminated and non illuminated signage.

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

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

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

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

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, 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. The proposal was therefore considered to comply with the policies listed.

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

The Committee considered further comments, set out in the addendum, from Kenilworth Town Council on the amended plans.

Following consideration of the officers report, presentation and information within the addendum, the Committee were of the opinion that the application should be granted in line with the recommendation in the report.

**RESOLVED** that W08/1074 be GRANTED subject to the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) (1421/100B, Trough Light Detail and Atom received 17 July 2008 and 1421/104B received on 11 September 2008), 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 Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

### **488. CLARENDON HOUSE HOTEL 4-8 HIGH STREET, KENILWORTH**

The Committee considered an application from Loch Fyne Restaurants Ltd for the display of various illuminated and non-illuminated signage.

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

The Head of Planning considered the 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, 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. The proposal was therefore considered to comply with the policies listed.

The Committee considered further comments, set out in the addendum, from Kenilworth Town Council on the amended plans.

Following consideration of the officers report, presentation and information within the addendum, the Committee were of the opinion that the application should be granted in line with recommendation in the report.

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

**RESOLVED** that application W08/1077LB be GRANTED subject to the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) (1421/100B, Trough Light Detail and Atom received 17 July 2008 and 1421/104B received on 11 September 2008), 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 Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

### **489. HINTONS NURSERY, COVENTRY ROAD, GUYS CLIFFE, WARWICK**

The application was withdrawn from the agenda because the objection from Warwick Town Council had been withdrawn. Therefore the application was granted under delegated powers.

### **490. 20 MANOR ROAD, KENILWORTH**

The Committee considered an application, a re submission of W07/1738, from Mr Denton, for the erection of a single storey front extension.

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

The Head of Planning 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, the development respected the surrounding buildings in terms of scale, height, form, and massing and did not adversely affect the amenity of nearby residents. The proposal was therefore considered to comply with the policies listed.

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

**RESOLVED** that W08/1186 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 1479-2C, and specification contained therein, submitted on 12th August, 2008 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.

### **491. SANTAN FARM, NARROW LANE, LOWSONFORD**

The Committee considered a report from the Head of Planning with regard to the change of use of a detached garage with ancillary accommodation to a self contained dwelling by the owner Mr Lane-Wells.

In December 1998 planning permission [W98/1232] was granted to raise the ridge level of an existing detached garage to provide ancillary accommodation at first floor level. Condition 3 of that permission restricted the use to relations or guests as ancillary accommodation to the main dwelling house.

In September 2006 information was received that the detached building was being rented as an independent residential dwelling unit.

As a result of contact made with the property owner, planning application W07/0250 was submitted which sought to remove Condition 3 of W98/1232. Permission was subsequently refused under delegated powers on 11 June 2006 because the development without that condition was contrary to Local Plan policies restricting new independent residential development in the green belt.

That refusal was subject to an appeal to the Planning Inspectorate which was determined on 20 December 2007, when planning permission was granted for the raising of the roof level [W07/0250] subject to a revised Condition 3 preventing the occupation of the outbuilding other than for purposes ancillary to the residential use of the main dwelling at the site.

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

### **RESOLVED** that

- (1) Officers be authorised to undertake appropriate enforcement action directed at the cessation of the use of the building as an independent dwelling and for it to be used strictly in accordance with Condition 3 of planning application W98/1232 as amended by the Planning Inspectorate; and
- (2) in view of the current occupation of the property as a main place of residence and the appropriateness of providing the current occupants with a practicable period over which to make alternative arrangements, the compliance period for enforcement action be 12 months.

#### **492. GLOBE HOTEL, 1 THEATRE STREET, WARWICK**

The Committee considered a report from the Head of Planning regarding the installation of a steel fume extraction system ducting and flue on the side elevation fronting Theatre Street by the property owner Mr Karmarham.

In June 2007 it was brought to the attention of the Enforcement Section that a steel kitchen fume extraction system had been installed on the side elevation of the Globe Hotel fronting Theatre Street in Warwick.

Contact was made with the property owner and his representatives but an application to retain the flue had not been submitted.

### **RESOLVED** that

- (1) Officers continue to negotiate with the property owner to allow them the opportunity to explore all avenues to achieve a solution by means of appropriate cladding or other treatment of the extraction system to mitigate the visual harm and satisfy Environmental Health requirements; and
- (2) In addition, that in the absence of an appropriate solution, involving the submission, approval and implementation of an application within 6 months, Officers be authorised to pursue appropriate enforcement action directed at the removal of the extraction duct, with a compliance period of 2 months.

(The meeting ended at 9.10pm)