

PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 30 July 2008 in the Town Hall, Royal Leamington Spa at 6.00pm.

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

298. DECLARATIONS OF INTEREST

Minute Number 299 - 18 Lillington Road, Leamington Spa

Councillors Blacklock and Edwards declared personal interests because they knew the applicant.

Minutes 300 & 301 - 9 School Lane, Kenilworth

Councillor Blacklock declared a personal interest because she had been involved in a working party looking at the use of this site, but asked the Committee to note that she had not been present at the meeting when this issue had been discussed.

Minute Number 302 - Land rear of 2 Westham Lane, Barford

Councillor Barrott declared a personal interest because he lived in Barford and had previously been Chair of the Parish Planning Committee.

Minute 309 - 5 Reigner Place, Heathcote, Warwick

Councillor Rhead declared a personal and prejudicial interest in this item and withdrew from the meeting for the duration of the item.

Minute 312 - 57 St Nicholas Avenue, Kenilworth

All Councillors present at the meeting declared a personal interests because the applicant was related to an employee of Warwick District Council.

Minute 313 - Abbey Farm, Ashow Road, Ashow, Kenilworth

Councillor MacKay declared a personal interest because the applicant was known to him.

Councillor Illingworth declared a personal interest because he was currently employing the architect, and did not take part in voting on this item.

Minute 316 - Section 52 Agreement, ASDA Store, Sydenham, Leamington Spa

Councillors Barrott and Edwards declared personal interests because Ward Councillors.

299. **18 LILLINGTON ROAD, LEAMINGTON SPA**

PLANNING COMMITTEE MINUTES (Continued)

300. 9 SCHOOL LANE, KENILWORTH

The Committee considered a retrospective application from Mr S Cockle for alterations to the approved building, including an increase in roof height and eaves overhang, glazed French doors to the lower ground floor and alterations to the internal layout.

The application had been submitted to the Committee because it was related to application W08/0759 (see next item) which was being reported due to the number of letters of support received.

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)

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

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

The following person addressed the Committee on this and the next, related agenda item:

Town Council (objecting) Councillor Mrs Cain

In the opinion of the Head of Planning, a refusal of permission for the current application would be difficult to substantiate. In the appeal decision letter, the inspector noted that the building would "add a feature of some interest to the walkway", would not be seriously detrimental to the setting of the Conservation Area and that the "viewing platform" was acceptable.

Following consideration of the Officers' report and presentation, along with the representation from the Town Council, the Committee were of the opinion that the application should be granted, in line with the Officers' recommendation.

RESOLVED that application W08/0750 be GRANTED subject to the following conditions:

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

PLANNING COMMITTEE MINUTES (Continued)

- (2) the building shall be used for purposes of a communal garden room and store rooms incidental to the residential use of Pepper Lane Mews and shall not be used as a separate dwelling/house. **REASON:** To accord with the terms of the application and to protect the amenities of surrounding properties in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.

301. 9 SCHOOL LANE, KENILWORTH

The Committee considered an application from Pepper Lane Management Company for the change of use of a detached outbuilding to a self contained visiting guest annexe, for the use of friends and families of the residents of Pepper Lane.

The application had been submitted to the Committee because a number of letters of support had been received.

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

CF3 - Levels and Distribution of Housing Development (Regional Planning Guidance 11 - June 2004)

CF6 - Managing Housing Land Provision (Regional Planning Guidance 11 - June 2004)

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

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

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

SC10 - Managing Housing Supply (Warwick District Local Plan 1996 - 2011)

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

UAP8 - Directing New Visitor Accommodation (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, the use of this building as a dwelling conflicted with policy SC10 since it was, by definition, a dwelling and therefore it would be contrary to the Local Plan to grant consent. The use also needed to comply with policies DP1, DP2 and DAP8 (Conservation Areas) where the balcony and very close proximity of the building to the Conservation Area and Public Open Space could be held to be contrary to those policies as well. On a recent appeal, an inspector had raised no objection to the balcony in connection with the building as an incidental facility (garden room and stores), but not as a self contained dwelling. The proposal was therefore considered to be contrary to the policies listed.

It was proposed and duly seconded that the application be granted for guest accommodation, for short term lets only up to a maximum of six weeks, until such a time as moratorium was lifted. This motion was voted on with 7 votes against and 2 in favour, so the motion was lost.

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the Officers' report and presentation, along with the representation from the Town Council made under the previous item, the Committee were of the opinion that the application should be refused in line with the Officers' recommendation.

RESOLVED that application W08/0759 be REFUSED for the following reasons:

- (1) the application is for a windfall housing development, since the unit is a self contained dwelling that does not meet one of the criteria set out within the Council's supplementary planning document "Managing Housing Supply". This policy seeks to limit the over-provision of new homes in the District in accordance with policies CF3 and CF6 in the Regional Spatial Strategy and policies UAP1 and SC10 in the Warwick District Local Plan 1996-2011. To permit the development would, therefore be contrary to the aforementioned policies;
- (2) the building is served with inadequate car parking; and
- (3) the potential for an adverse impact on neighbours in terms of the noise generated by those people using the building as a visiting guest annex.

302. LAND REAR OF 2 WESTHAM LANE, BARFORD

The Committee considered an application from Mr S Peters for the erection of a detached bungalow to serve a local need.

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

The addendum noted an error in the report under "the site and its location": the large detached garage in the front garden had in fact been converted into living accommodation on both floors.

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)

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

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

RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

The Warwickshire Landscape Guidelines (Supplementary Planning Guidance)

PLANNING COMMITTEE MINUTES (Continued)

The following people addressed the Committee:

Parish Council (objecting)	Mr Worrall
Applicant's Agent	Mr S Hadland

In the opinion of the Head of Planning, the development as amended was acceptable and appropriate for the Conservation Area setting, would have no serious detrimental impact on the open countryside or on neighbouring dwellings, and complied with policy RAP1 in meeting an outstanding local need. The proposal was therefore considered to comply with the policies listed.

Following consideration of the Officers' report and presentation, along with the information contained within the addendum and representations from the public addressing the meeting, the Committee were of the opinion that the application should be deferred in order to give time for a number of important issues to be clarified.

RESOLVED that application W08/0788 be deferred in order to give Officers opportunity to clarify:

- (1) how the site, if developed, would meet local need;
- (2) what, in this instance, constitutes local need; and
- (3) relevance of market and social housing to the site.

303. 57 FISHPONDS ROAD, KENILWORTH

The Committee considered an application from Johnson Synesis Ltd for a variation of condition 2 on application W04/0011 to enable opening of the day nursery from 07.30 instead of 08.00.

The application had been submitted 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)
SC7 - Directing Community Facilities (Warwick District Local Plan 1996 - 2011)

The following person addressed the Committee:

Town Council (objecting)	Councillor Mrs Cain
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In the opinion of the Head of Planning, the proposal to open half an hour earlier was unlikely to significantly change the present impact of nursery users parking on roads in the area and would cause no actual harm to surrounding amenities. The proposal was therefore considered to comply with the policies listed.

PLANNING COMMITTEE MINUTES (Continued)

An addendum summarised a letter from the applicants explaining that the additional 30 minutes could “make a substantial difference to the working lives of some parents and the choices available to them”. The applicants advised that, at present, they saw a growing pattern of parents waiting for them to open and that, at other premises which now opened at the earlier time, traffic flows had been smoothed over the early morning period.

Following consideration of the Officers’ report and presentation, along with the information contained within the addendum and representation from the Town Council, the Committee were of the opinion that the application should be granted for a trial period of 12 months.

RESOLVED that application W08/0801 be GRANTED for a temporary, trial period of 12 months, subject to the following conditions:

- (1) the total number of children attending the day nursery shall not at any time exceed 28 and the day nursery shall only be operated between the hours of 07.30 and 18.00 on Mondays to Fridays. **REASON:** To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011;
- (2) the garden shall only be used between the hours of 10.00 and 16.00 and the maximum number of children using it at any one time shall be six, with those children being supervised by at least one suitably qualified adult. **REASON:** To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011; and
- (3) a log of the arrivals between the hours on 07:30 and 08:00 be kept by the applicant for the duration of the trial period.

304. EAST LODGE, WOODCOTE LANE, LEEK WOOTTON, WARWICK

The Committee considered an application from Mr Sellers for construction of a new access and extension to residential cartilage.

The application had been submitted to the Committee because of an objection received from Leek Wootton and Guy’s Cliffe Parish Council.

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

DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

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

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

The following person addressed the Committee:

Parish Council

Councillor Mr Eldridge

In the opinion of the Head of Planning, the fact that the proposal avoided the root protection areas of the most significant trees was considered to be of the utmost importance. The proposed revised alignment of the driveway had been put forward following a detailed tree survey and was likely to have less impact on important trees than the previously indicated driveway. The proposal was therefore considered to comply with the policies listed.

An addendum noted that the applicants had since provided a plan showing the details requested under recommended condition 3, so conditions 2 and 3 had been revised and a new condition 6 included.

It was proposed and duly seconded that the application be granted in line with the Officers' recommendation. This motion was voted on with 4 votes in favour and 5 against, so the motion was lost.

Following consideration of the Officers' report and presentation, along with the information contained within the addendum and representation from the Parish Council, the Committee were of the opinion that the application should be refused, contrary to the Officers' recommendation.

RESOLVED that application W08/0854 be REFUSED as the proposal was an unjustified and unnecessary extension of a residential curtilage outside the boundary of a major developed site.

Due to an administrative error relating to public speaking at this meeting of the Committee, the decision notice for this item was not issued. The application will therefore be considered again at the next meeting of the Committee on 19 August 2008.

305. WAITROSE, TALISMAN SQUARE, WARWICK ROAD, KENILWORTH

The Committee considered an application from Cobalt Estates Ltd for external lighting for the Waitrose site, service roads and car park.

The application had been submitted to the Committee because a number of objections had been received, including one from Kenilworth Town Council.

The Committee had previously considered the application at its meeting on 8 July. A decision had been deferred in order for further investigations of light pollution to be carried out, which found light spillage from the site boundary to

PLANNING COMMITTEE MINUTES (Continued)

be minimal. Nevertheless, reductions in column heights and changes to light fittings had been made. An addendum circulated at the meeting confirmed the withdrawal of two objections now that these changes had taken place.

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 achieved acceptable standards of layout and design and did not give rise to any harmful effects which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

The Officers' report summarised representations made by Kenilworth Town Council and members of the public to the 8 July meeting of the Committee.

Following consideration of the Officers' report and presentation, along with the information contained within the addendum, the Committee were of the opinion that the application should be granted, in line with the Officers' recommendation, subject to an amendment to condition 3 allowing objections to be received within 6 months.

RESOLVED that application W08/0413 be GRANTED, subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 1675/W/E/01E, light column and fitting details, lighting prediction plots and specification contained therein, submitted on 22 April and 21 July 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) notwithstanding condition 2 and the technical details of the lights which have been submitted, if within 6 months of the first operation of the lights the local planning authority receives

PLANNING COMMITTEE MINUTES (Continued)

objections on the grounds of light spillage, which can be substantiated, the applicants shall submit details of a scheme to overcome the light spillage and these details shall be approved in writing by the local planning authority. Such approved details shall be fully implemented within 3 months of their approval and retained thereafter. **REASON:** To protect the amenity of adjoining residents, in accordance with policy DP2 of the Warwick District Local Plan 1996-2011.

306. UNIT 3, LOCK LANE, WARWICK

The Committee considered an application from Globe Trading for the erection of a building for storage and distribution purposes (B8 use).

The application had been submitted to the Committee due to an objection having been received from Warwick 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)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
UAP2 - Directing New Employment Development (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, the development would accord with Policy UAP2 of the Local Plan which required new employment development for warehousing and distribution purposes to be located within existing established employment areas. The proposal would not cause access or parking problems, lead to a significant increase in the number of vehicles to the detriment of highway or pedestrian safety or have an adverse impact on the industrial area. 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 Officers' recommendation.

RESOLVED that application W08/0583 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

PLANNING COMMITTEE MINUTES (Continued)

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) (1462-01), and specification contained therein, submitted on 24 June 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) 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 DP1 of the Warwick District Local Plan 1996-2011.

307 1 MILLWAY DRIVE, BISHOPS TACHBROOK, LEAMINGTON SPA

The Committee considered an application from Mr and Mrs Bowen for the erection of a low brick boundary wall to form a retaining wall, together with the erection of a rear conservatory.

The application had been submitted for determination by the Committee due to an objection having been received from Bishops Tachbrook Parish Council.

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

The 45 Degree Guideline (Supplementary Planning Guidance)

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

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

Residential Design Guide (Supplementary Planning Guidance - April 2008)

Following negotiations, the scheme had been amended to omit the front boundary wall. As such, in the opinion of the Head of Planning, the development would respect the open plan landscape character of the street scene and surrounding residential area. Furthermore, the proposed rear conservatory would not be visible from public viewpoints, the site was sufficiently large to accommodate the development and the proposed rear conservatory would comply with the 45 degree guideline. The proposed shed would be acceptable given that it would be situated hard up against the south boundary of the site and only just visible above the approved boundary fence. The proposal would therefore not result in such significant harm to the

PLANNING COMMITTEE MINUTES (Continued)

neighbouring amenities to justify a refusal and was 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 Officers' recommendation, with the addition of a cautionary note to make the applicant aware of potential land ownership issues.

RESOLVED that application W08/0605 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 1B as amended, and specification contained therein, submitted on 18th July 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) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and
- (4) the applicant be issued with a cautionary note concerning potential land ownership issues.

308. STONELEIGH ABBEY, STONELEIGH

The Committee considered an application from Easternbreeze Limited for the display of banners at both ends of drive.

The application had been submitted to the Committee due to the number of objections received.

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

PLANNING COMMITTEE MINUTES (Continued)

DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

The proposed banner signs would measure 2.5m x 1m and be used to promote 'Proms at Stoneleigh Abbey'. In the opinion of the Head of Planning, the signs were typical of those used at such events, acceptable for a temporary period and acceptable from the point of view of highway safety. 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 Officers' recommendation, subject to receipt of a drawing from the applicant showing the location of the banners.

RESOLVED that application W08/0748 be GRANTED subject to receipt by the Council of a drawing showing the location of the banners, and the following conditions:

- (1) the signs shall only be displayed between 1 August and 1 September 2008 and shall be positioned so as not to restrict visibility into and out of the driveways onto the public highway.
REASON: To protect the character of the Green Belt and the Registered Park and in the interests of highway safety in accordance with policies DP1, DAP1 and DAP11 of the Warwick District Local Plan 1996-2011; and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s), and specification contained therein, 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.

309. 5 REIGNIER PLACE, HEATHCOTS, WARWICK

The Committee considered an application from Mr A Mander for a change of use of land to form part of residential curtilage, construction of a concrete base with stone chippings, extension of existing brick boundary wall, erection of concrete post and timber infill panel fence to new boundary.

PLANNING COMMITTEE MINUTES (Continued)

The application had been submitted to the Committee because an objection had been received from Bishops Tachbrook Parish 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 proposal would not result in any material harm to the character and appearance of the area because the proposed fencing would not be visible from outside the site and use of the land as garden land would not be apparent. 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 Officers' recommendation.

RESOLVED that application W08/0791 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004; and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings (drawing numbers 115/01/Rev1 and 115/02, and specification contained therein, submitted on 27 May 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.

310. 182 CLINTON LANE, KENILWORTH

The Committee considered an application from Johnson Synesis Ltd for a variation of condition 2 on planning application W07/1615, for the existing opening hours to be changed to 07:30 to 18:00 Monday to Friday.

The application had been submitted to the Committee because it was almost identical to application W08/0801 to which Kenilworth Town Council had objected.

PLANNING COMMITTEE MINUTES (Continued)

The Committee noted that a letter from the applicants presented as an addendum to application W08/0801 pertained to this item also.

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)

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

In the opinion of the Head of Planning, the proposal was unlikely to have a significant impact on residential amenities in terms of disturbance by vehicles dropping off children, but potentially spread the pattern of arrivals as the same number of children was being catered for. The proposal was therefore considered to comply with the policies listed.

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

RESOLVED that application W08/0803 be GRANTED subject to a condition being in place restricting garden use by children to certain times of the day, and 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 total number of children attending the playgroup/school shall not at any time exceed 28 and the playgroup/school shall only be operated between the hours of 07.30 and 18.00 on Monday to Friday. **REASON:** To meet requirements of Policy TCP 10 of the Warwick District Local Plan 1996-2011 and to protect the amenities of adjoining residents in accordance with Policies D1 and D2 of the Warwick District Local Plan 1996-2011.

311. ADVENTURE PLAYGROUND, WARWICK CASTLE, CASTLE HILL, WARWICK

The Committee considered an application from Warwick Castle Limited for the installation of a children's adventure playground and access path (5 year consent).

PLANNING COMMITTEE MINUTES (Continued)

The application had been submitted to the Committee because of the number of objections received.

The Planning Committee had visited the site on Saturday 26 July 2008 to assist them in making a decision on the application.

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)

DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)

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

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

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

DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, the proposal was acceptable in terms of impact on the Listed Castle, Park and Conservation Area, as the site was not within a currently accessible or visually open area of the Castle grounds, and would be visually contained and well screened from surrounding vantage points. The principle of developing this portion of land was considered preferable to siting the playground within a more open part of the Castle grounds where visual intrusion would be far greater. The noise created by children using the playground would have the greatest impact on neighbouring amenity, but following a site visit on 26 July, Members felt this would not be a problem, and any noise would be seasonal anyway. A proposed footbridge would enable public access up the driveway to be retained. The proposal was therefore considered to comply with the policies listed.

The addendum noted that applicants had provided an additional plan showing areas of proposed excavation, and recommended condition 1 had subsequently been amended.

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

RESOLVED that application W08/0814 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(s) (number 05 received on 30 May 2008, numbers 06A and 07A and 12 un-numbered plans received on 16 June 2008, number 08 received on 21 July 2008), and specification contained therein,

PLANNING COMMITTEE MINUTES (Continued)

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;

- (2) no development shall take place until the applicant has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the District Planning Authority. The programme of archaeological work shall be carried out strictly in accordance with the approved details. **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;
- (3) no part of the development hereby permitted shall be commenced until detailed plans and sections showing the foundation design and maximum extent of all ground disturbance associated with this proposed development have been submitted to, and approved in writing by, the District Planning Authority, and the development thereafter shall only be carried out as approved. **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;
- (4) no part of the development hereby permitted shall be commenced until a proposal detailing the method of reinstatement of the ground following the conclusion of the temporary use of the site of the proposed development has been submitted to, and approved in writing by, the District Planning Authority, and the reinstatement should only be carried out as approved. **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;

PLANNING COMMITTEE MINUTES (Continued)

- (5) the perimeter fencing at the top of the driveway bank, along the south-eastern side of the development hereby permitted shall be screened by trees or shrubs, details of which shall be submitted to the District Planning Authority within three months of the date of this decision. Such planting shall be completed within the first planting season following the approval of the scheme and any trees, shrubs or section of hedge removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced as previously approved. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (6) all materials shall be carried onto the site by hand or transported by tractor and trailer with low ground pressure grass tyres. There shall be no other machinery moved or materials stored within the site or the surrounding wooded areas. **REASON:** To protect trees and other features on site during construction;
- (7) excavation for all fence posts and supports shall be carried out by hand. No tree root over 25mm in diameter shall be severed without consultation with the District Planning Authority. All posts/supports shall be positioned to avoid any tree roots over 25mm in diameter. **REASON:** To protect trees and other features on site during construction; and
- (8) no external lighting or sound amplification or tannoy system shall be installed on any external post or structure or within the open land 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 DP9 of the Warwick District Local Plan 1996-2011.

312. 57 ST NICHOLAS AVENUE, KENILWORTH

The Committee considered an application from Mr E Hall for replacement of an existing flat roof with a pitched roof to rear extension.

PLANNING COMMITTEE MINUTES (Continued)

The application had been submitted to the Committee due to the applicant being related to an employee of Warwick District 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 proposal would not overly impact on the street scene or adversely affect the character of St. Nicholas Avenue, or have an adverse impact on neighbouring properties. 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 Officers' recommendation.

RESOLVED that application W08/0847 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004; and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s), and specification contained therein, submitted on 6th June 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.

313. ABBEY FARM, ASHOW ROAD, ASHOW, KENILWORTH

The Committee considered an application from Mr R Burdett for the erection of a garage / workshop / store building.

The application had been submitted to the Committee because of an objection received from Ashow Parish Council.

PLANNING COMMITTEE MINUTES (Continued)

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

DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)
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 proposal would have very limited impact on the character of the Conservation Area or setting of the listed building, the design being appropriate as it was of a traditional, vernacular character. Ground levels would need to be reduced to accommodate the building at the same level as existing buildings, but this was not considered to be significant and would further reduce the visual impact of the building. 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 Officers' recommendation.

RESOLVED that application W08/0900 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004; and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s), and specification contained therein, submitted on 13th June 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.

314. APPEAL PERFORMANCE QUARTER 1 – 2008-2009

The Committee considered a report from the Head of Planning which provided information on appeal decisions received during the first quarter of 2008-2009.

RESOLVED that the report be noted.

PLANNING COMMITTEE MINUTES (Continued)

315. APPLICATION PERFORMANCE QUARTER 4 – 2007-2008

The Committee received a report from the Head of Planning detailing development control performance statistics for the period January - March 2008.

The Department for Communities and Local Government (DCLG) regularly published performance statistics for development control which were reported to the Planning Committee on a quarterly basis, providing feedback on performance against government targets. Previous statistics had been reported at the 30 April 2008 meeting of the Committee.

Statistics related to national best value performance indicators BV 109 (a), (b), and (c). The Committee were pleased to note that targets had been exceeded.

RESOLVED that performance figures for this quarter be noted.

316. SECTION 52 AGREEMENT – ASDA STORE, SYDENHAM, LEAMINGTON SPA

The Committee considered the Head of Planning's report which presented a request from planning consultants, acting on behalf of ASDA, to permit a variation to the opening hours of the store currently restricted by a Section 52 Agreement entered into in 1980.

RESOLVED that the wording to clause 1 of Schedule 4 to the Section 52 Agreement between Warwick District Council, Milcel Ltd and Associated Dairies be varied to permit the following variation to the opening hours of the store:

“The superstore shall not be open to the public other than between the hours of 7 am and 11 pm Monday to Saturday and 10 am and 5 pm on Sundays”.

(The meeting ended at 9.50 pm)