

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 18 August 2009 in the Town Hall, Royal Leamington Spa at 6.00pm.

PRESENT: Councillor MacKay (Chairman): Councillors Mrs Blacklock, Mrs Bunker, Copping, Dean, Edwards, Mrs Higgins, Kinson, Illingworth and Rhead.

(Councillor Edwards substituted for Councillor Barrott)

68. DECLARATIONS OF INTEREST

Minute Number 70 W09/0513 – Upper Rowley, Wasperton Lane, Barford

Councillor Rhead declared a personal interest because the site of the application was in his Ward.

Minute Number 71 W09/0544 – The Stone House, Church Lane, Leek Wootton

Councillor Mrs Bunker declared a personal interest because the applicant was known to her.

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

Minute Number 73 W09/0680 & Minute Number 74 W09/0681 CA – 5a Avon Close, Barford

Councillor Rhead declared a personal and prejudicial interest because the site of the application was his neighbouring property and he left the room during both items.

Minute Number 75 W09/0644 – Tollgate House, Banbury Road, Bishops Tachbrook

Councillor Mrs Bunker declared a personal and prejudicial interest because she was the treasurer of the Kenilworth Fund Raising Branch of the Guide Dogs for the Blind, and she left the room for this item.

Minute Number 76 W09/0670 – Land Adj. Bericote Road, Blackdown

Councillor Mrs Blacklock declared a personal interest because some of the objectors were known to her.

Councillor Mrs Bunker declared a personal interest because many of the parties involved with this application were known to her.

Councillor Edwards declared a personal interest because he had listened to the views of a supporter, but had not expressed an opinion on the application.

PLANNING COMMITTEE MINUTES (Continued)

Councillor MacKay declared a personal and prejudicial interest because he addressed the Committee as Ward Councillor. After he had made his presentation, he left the room whilst the Committee debated the application.

Minute Number 77 W09/0672 – Avon Cottage, 10 Church Road, Ashow

Councillor MacKay declared a personal and prejudicial interest because he addressed the Committee as Ward Councillor. After he had made his presentation, he left the room whilst the Committee debated the application.

Minute Number 79 W09/0297 and Minute Number 80 W09/0298 LB – Dudley House, Abbey Hill, Kenilworth

Councillor Mrs Blacklock declared a personal interest because the site of the application was in her Ward. The applicant and objector were also known to her.

Councillor Mrs Bunker declared a personal interest because the applicant and objector were known to her.

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

Minute Number 85 W09/0402 – Crackley Lane Nursery, Crackley Lane, Stoneleigh, Kenilworth

Councillor Mrs Blacklock declared a personal interest because the applicant was known to her.

Minute Number 86 W09/0524 – 12 Willes Road, Leamington Spa

Councillor Ms Dean declared a personal interest because the site of the application was in her Ward.

Minute Number 87 W09/0641 – 34 Oak Close, Baginton, Coventry

Councillor MacKay declared a personal interest because the site of the application was in his Ward.

Minute Number 88 – 3 Myton Crescent, Warwick

Councillor Mrs Higgins declared a personal interest because she part owner of a property in Myton Crescent.

Minute Number 90 ACT218/21/08 – Richmond House, 46-48 Bedford House, Leamington Spa

Councillor Ms Dean declared a personal interest because the site of the application was in her Ward.

PLANNING COMMITTEE MINUTES (Continued)

The minutes of the meeting held on 29 July 2009 were confirmed as a correct record.

70. W09/0513 - UPPER ROWLEY, WASPERTON LANE, BARFORD

The Committee considered an application from Mr A Bethell for the erection of a single storey and a two storey extension, dormer windows and an additional brick skin to the front and sides (amendments to W08/0326).

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

The case officer considered the following policies to be relevant to the application:

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)

RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)

RAP3 - Replacement Dwellings (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that the development did not adversely impact on the character and appearance of the area, and therefore was considered to comply with the policies listed.

The following people addressed the Committee:

Councillor J Murphy Parish Council (Objecting)

Councillor Mrs Sawdon Ward Councillor (Objecting)

Following consideration of the officer's report and presentation and the representations made by the Parish Council and the Ward Councillor, the Committee were of the opinion that the application should be granted in accordance with the officer's recommendation.

RESOLVED that application W09/0513 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 nos. 0017 Rev. C, 0018 Rev. B, 0019 Rev. B, 0024, and specification contained therein, submitted on 18th June 2009 unless first agreed otherwise in

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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) before any works for demolition are first commenced, a further survey of the premises by a qualified bat surveyor shall be undertaken to include at least two day/night time activity surveys. In the event that the survey demonstrates the continued presence or usage of the premises by bats, a report recommending mitigation measures to ensure any bats will be protected during the demolition works shall be submitted to and approved in writing by the District Planning Authority before the demolition works are commenced. The approved mitigation measures shall be wholly implemented strictly as approved. **REASON:** To ensure the protection of bats and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011; and

- (5) 10% renewable energy and a condition ensuring the development is an alternative to the previous permission. **Appropriate wording needed please John/Martin**

71. W09/0544 - THE STONE HOUSE, CHURCH LANE, LEEK WOOTTON

The Committee considered an application from Mrs Gillett for the erection of a single dwelling and detached garage/store.

The application was presented to the Committee because of the number of letters of support which had been received, but the planning officer was recommending that it be refused.

The case officer 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)
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)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that the development should be refused because Local Plan Policy DAP1 of the Warwick District Local Plan sets out the criteria for acceptable development within the Green Belt, which included new dwellings in accordance with Policy RAP1. Policy RAP1 sets out the categories of new dwelling that were allowed in the rural area. This included housing within the Limited Growth Villages which met a specific local need as identified by the community in an appraisal or assessment, and affordable housing in accordance with Policy RAP4.

Leek Wootton village was not one of the designated Limited Growth Villages, no evidence of an identified local need had been submitted, and the proposal was not for affordable housing. The proposal would therefore be contrary to Local Plan Policies DAP1 and RAP1.

The following people addressed the Committee:
Councillor Mrs Gallagher Ward Councillor (Supporting)

Following consideration of the officer's report and presentation and the representations made by the Ward Councillor, it was proposed and duly seconded that the application should be granted. However, this was lost on a vote of 3 votes in favour, 6 against and 1 abstention.

It was then proposed and duly seconded that the application be refused and this was carried with 6 votes in favour and 4 against.

RESOLVED that application W09/0544 be REFUSED for the following reasons:

- (1) the site is situated within the Green Belt and the Warwick District Local Plan and Planning Policy Guidance Note 2 states that, within the Green Belt, the rural character of the area will be retained and protected. Policy DAP1 of the Warwick District Local Plan 1996-2011 contains a general presumption against "inappropriate" development in Green Belt areas and lists specific forms of development which can be permitted in appropriate circumstances. The proposed development does not fall within any of the categories listed in the policy and, in the

PLANNING COMMITTEE MINUTES (Continued)

Planning Authority's view, very special circumstances sufficient to justify departing from the development plan have not been demonstrated; and

- (2) policy UAP1 of the Warwick District Local Plan 1996-2011 directs most new development to urban locations, whilst Policy RAP1 requires development in rural areas to take place within identified Limited Growth Villages where a specific local need has been identified, or to be affordable housing.

In the present case, the application site is not within one of the defined Limited Growth villages and no evidence of any specific local need, which has been identified by the community in an appraisal or assessment, was submitted with the application. The proposal is also not for affordable housing. It is considered, therefore, that to grant consent would be contrary to the Development Plan.

72. W09/0708 - 28 ASHFORD GARDENS, WHITNASH

The Committee considered an application from Mr S Wellings for the erection of a new dwelling.

The application was presented to the Committee because of the number of objections which had been received, including one from Whitnash Town Council. The Committee had also visited the site of the application on 15 August 2009.

The case officer 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)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that the proposed development was of an acceptable standard of siting and design. It was considered it would have a satisfactory means of access and did not result in an unacceptable adverse impact on the amenity of nearby residents by reason of an overbearing effect, loss of light or privacy. The proposal was therefore considered to comply with the policies listed.

The following people addressed the Committee:
Mr R Ross Objector

PLANNING COMMITTEE MINUTES (Continued)

Mr T O'Neill Agent
Councillor Kirton Ward Councillor (Objecting)

Following consideration of the officer's report, presentation and addendum and the representations made by the Objector, Agent and Ward Councillor, the Committee were of the opinion that the application should be refused, contrary to the officer's recommendation.

The Committee felt that the application was contrary to DP1 (a), (c), (d), (f) & (i), there was a loss of open aspect, it was detrimental to street scene and was also contrary to DP2 by reason of loss of amenity to existing residents and inadequate amenity to further occupiers.

RESOLVED that application W09/0708 be REFUSED for the following reasons:

- (1) contrary to DP1 (a), (c), (d), (f) & (i);
- (2) loss of open aspect and detrimental to street scene;
- (3) contrary to DP2 by reason of loss of amenity to existing residents; and
- (4) inadequate amenity to further occupiers.

73. W09/0680 - 5A AVON CLOSE, BARFORD

The Committee considered an application from Mr & Ms Tubman for the erection of a replacement two storey dwelling.

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

The case officer 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)

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)

RAP3 - Replacement Dwellings (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that the proposed development would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site was located. Furthermore, the proposal would 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 people addressed the Committee:

Councillor J Murphy	Parish Council (Objecting)
Mr L Tubman	Applicant
Mr L Greenwood	Agent
Councillor Mrs Sawdon	Ward Councillor (Objecting)

This application was considered in conjunction with application W09/0681 CA (Minute Number 74), which was the next item on the agenda. Therefore, the public speakers who addressed the Committee with regard this application also made their comments in relation to that application and only addressed the Committee once.

Following consideration of the officer's report and presentation and the representations made by the Parish Council, Applicant, Agent and Ward Councillor, the Committee were of the opinion that the application should be deferred for a site visit.

RESOLVED that application W09/0680 be DEFERRED for a site visit.

74. W09/0681 CA - 5A AVON CLOSE, BARFORD

The Committee considered an application from Mr & Ms Tubman for the demolition of an existing bungalow.

The application was presented to the Committee because an objection had been received from Barford, Sherbourne and Wasperton Joint Parish Council with regard to the concurrent application for the erection of a replacement dwelling (W09 0680).

The case officer 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)

The case officer was of the opinion that the proposed development 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.

This application was considered in conjunction with application W09/0680 (Minute Number 73), which was the previous item on the agenda. Therefore, the public speakers who addressed the Committee with regard that application also made their comments in relation to this application and only addressed the Committee once.

Following consideration of the officer's report and presentation and the representations made by the Parish Council, Applicant, Agent and Ward

PLANNING COMMITTEE MINUTES (Continued)

Councillor, the Committee were of the opinion that the application should be deferred for a site visit.

RESOLVED that application W09/0680 CA be DEFERRED for a site visit.

75. W09/0644 - TOLLGATE HOUSE, BANBURY ROAD, BISHOPS TACHBROOK

The Committee considered an application from the Guide Dogs for the Blind for the erection of a replacement dog breeding centre.

The application was presented to the Committee because an objection had been received from Bishop's Tachbrook Parish Council and because of the scale and importance of the development. The Committee had also visited the site of the application on 15 August 2009.

The case officer considered the following policies to be relevant to the application:

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

The case officer was of the opinion that the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of landscape impact, neighbour amenity, traffic effects or harm to ecological interests which would justify a refusal of permission. The proposal was therefore considered not to materially prejudice the policies listed.

The following people addressed the Committee:

Councillor R Brooks	Parish Council (Objecting)
Mr P Byrd	Objector
Mr I Stuart	Applicant

Following consideration of the officer's report and presentation and the representations made by the Parish Council, Objector and Applicant, the Committee were of the opinion that the application should be granted, in accordance with the officer's recommendation.

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that application W09/0644 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) and specification contained therein, submitted on 27th May 2009, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) no development shall take place until details of all external facing materials, including samples of the roof and wall cladding, have been submitted to and approved by the District Planning Authority. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) notwithstanding the details in respect of external lighting shown on the submitted plans, no development shall be carried out on the site which is the subject of this permission, until details of all external light fittings and lighting columns have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect the rural landscape and safeguard ecological interests in accordance with policies DP1 and DAP3 of the Warwick District Local Plan 1996-2011;
- (5) a Travel Plan comprising the following details shall be submitted to and approved in writing by the District Planning Authority, in consultation with the Highway Authority, within 3 months of the date of the first occupation of the

PLANNING COMMITTEE MINUTES (Continued)

development hereby approved and should include the following:-

- (i) a target for the proportion of employees who will travel by means other than single car occupancy;
- (ii) a strategy setting out measures to achieve the target(s);
- (iii) a management programme with an identified senior manager of the business using the site with overall responsibility for the plan ;
- (iv) a process for monitoring the process towards achieving the target(s); and
- (v) measures should targets not be achieved.

Thereafter the use of the site shall operate in strict accordance with the approved Travel Plan, unless otherwise agreed in writing by the District Planning Authority, in consultation with the Highway Authority.

REASON : To satisfy the aims of PPG13 in reducing reliance on the use of private motor vehicles in order to promote sustainable transport choices to the site.

- (6) no works to commence on site, including site clearance, until a detailed ecological management plan has been submitted and agreed between the applicant and the local planning authority (with advice from Warwickshire Museum Ecology Unit). The scheme must include all aspects of landscaping including details of habitat enhancement of existing features (pond, hedgerows, wooded areas), details of planting (including species list incorporating primarily native species), habitat creation (including provisions for nesting birds and roosting bats) and management of whole site for biodiversity, including management of grassland areas in the northern section as suitable replacement bat foraging habitat. The agreed scheme to be fully implemented before/during development of the site as appropriate. **REASON** To ensure no net loss in biodiversity, in accordance with PPS9 and to meet the requirements of policy DP3 of the Warwick District Local Plan 1996-2011;
- (7) the development hereby permitted shall not commence until a detailed schedule of bat mitigation measures has been submitted to and approved in writing by the District Planning Authority. These measures should include: timing of works; replacement roost details (which must

PLANNING COMMITTEE MINUTES (Continued)

be in place prior to demolition of any buildings containing bat roosts and must include conversion of sewage building into a bat roost and construction of dedicated bat building for brown long-eared maternity roost of at least 4m high in the location shown in amended plan 2004-16-DNS-02, rev C); monitoring; *and further survey if deemed necessary*. Such approved mitigation measures shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development and to comply with policy DP3 of the Warwick District Local Plan 1996-2011;

- (8) all buildings associated with the dog breeding function shown as demolished on the Site Demolitions drawing 2004-16-DNS- 03 rev A shall be demolished in their entirety and the ground areas reinstated to the satisfaction of the District Planning Authority, by not later than six months from the commencement of use of the replacement dog breeding centre hereby permitted. **REASON:** To safeguard rural amenity by securing an open landscape on the existing site so as to adequately mitigate the landscape impact of the new complex on the application site;
- (9) the development hereby permitted shall be used for the breeding and kennelling of guide dogs and purposes ancillary thereto and for no other purpose. **REASON:** Since the scale of development hereby permitted is to meet the special requirements of the applicant and would not be permitted in this rural area other than in these circumstances; and
- (10) the existing trees and shrubs specified as being retained on the layout plans shall be retained in accordance with BS 5837:2005 and shall not be felled, lopped, topped or pruned without the previous written consent of the District Planning Authority. Any trees removed without consent, or dying or being severely damaged or becoming seriously diseased within five years of planting, shall be replaced with trees of such size and species as may be agreed with the District Planning Authority. Before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or

PLANNING COMMITTEE MINUTES (Continued)

shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

- (11) strengthened conditions relating to renewable energy, sustainable drainage, highways, landscaping.

**Appropriate wording needed please
John/Martin**

76. W09/0670 - LAND ADJACENT TO BERICOTE ROAD, BLACKDOWN

The Committee considered an application from GSP Construction Ltd for the erection of a sports complex, a new access, the closure of existing access, car parking, a facilities building, football and cricket pitches, tree plantations, hedges and landscaping.

The application had been requested to be presented to Committee by Councillor MacKay. The Committee had also visited the site of the application on 15 August 2009.

The case officer considered the following policies to be relevant to the application:

DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (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)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
RAP13 - Directing New Outdoor Leisure and Recreation Development (Warwick District Local Plan 1996 - 2011)
DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
PPG2: Green Belts
PPS7: Sustainable Development in Rural Areas
PPG17: Planning for Open Space, Sport and Recreation

PLANNING COMMITTEE MINUTES (Continued)

The case officer was of the opinion that the development, as demonstrated by the applicant and supported by the relevant national organisation, amounted to very special justification to grant consent contrary to the Development Plan.

The following people addressed the Committee:

Councillor H Baker	Parish Councillor (Objecting)
Mr A Cleary	Objector
Mr B Bassett	Agent
Councillor MacKay	Ward Councillor (Objecting)

Following consideration of the officer's report, presentation and addendum, the representations made by the Parish Council, Objector, Agent and Ward Councillor, the Committee were of the opinion that the application should be refused, contrary to the officer's recommendation. This was because the application had an adverse effect on Green Belt (including large scale junction details, roadway, car parks and scale of built development) which was contrary to DAP1 and accessibility of the site was not sufficient, which was contrary to RAP13.

RESOLVED that application W09/0670 be REFUSED for the following reasons:

- (1) the application has an adverse effect on Green Belt (including large scale junction details, roadway, car parks and scale of built development) and is therefore contrary to DAP1; and
- (2) accessibility of the site is not sufficient and is therefore contrary to RAP13.

(Councillor Illingworth took the Chair for this item)

(Councillor Copping left the meeting at the conclusion of this item)

77. W09/0672 - AVON COTTAGE, 10 CHURCH ROAD, ASHOW

The Committee considered an application from Mr Collett for the removal of a condition of the planning permission W09/0052, for the erection of single storey side extension without compliance with condition 6 (energy requirement).

The application was presented to the Committee because the condition which was the subject of this application was imposed by the Committee when they granted consent, contrary to the officer's recommendation.

The case officer 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)

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DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)

The case officer was of the opinion that the application should be refused because inadequate justification had been given to remove the condition. No details had been provided for the methods of providing renewable energy and no reasons for the condition not being appropriate or practical had been submitted so as to justify granting consent. Therefore, this would be contrary to Policy DP13 of the Warwick District Local Plan and the Council's adopted SPD on sustainable buildings.

The following people addressed the Committee:

Mr N Collett	Applicant
Councillor MacKay	Ward Councillor (Supporting)

Following consideration of the officer's report, presentation and addendum and the representations made by the Applicant and Ward Councillor, it was proposed and duly seconded that the application be refused in accordance with the officer's recommendation. The vote was 4 in favour and four against. Therefore the Chairman used his casting vote in favour of removing the condition, contrary to the officer's recommendation.

RESOLVED that application W09/0672 be GRANTED and condition 6 be removed from planning permission W09/0052.

(Councillor Illingworth took the Chair for this item)

78. ADJOURNMENT OF MEETING

The Chairman adjourned the meeting of Tuesday 18 August 2009 to Thursday 20 August 2009 at 6.00pm.

(The meeting adjourned at 10.45pm)

RESUMPTION OF THE ADJOURNED PLANNING COMMITTEE MEETING

Minutes of the adjourned Planning Committee meeting held on Thursday 20 August 2009 at the Town Hall, Royal Leamington Spa at 6.00 pm.

PRESENT: Councillor MacKay (Chairman): Councillors Mrs Blacklock, Mrs Bunker, Copping, Dean, Edwards, Mrs Higgins, Kinson, Illingworth and Rhead.

79. W09/0297 – DUDLEY HOUSE, ABBEY HILL, KENILWORTH

The Committee considered an application from Mr Magraw to convert an existing double garage into a single garage and boot/utility room, a first floor

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side extension, a rear family room and pergola, and a pitched roof over the second floor bathroom and various internal alterations.

The application was presented to Committee because Kenilworth Town Council had requested that the application be referred to Planning Committee. The Committee had also visited the site of the application on 15 August 2009.

The case officer 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)

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)

The case officer was of the opinion that, the development would not cause unacceptable harm to the architectural and historic character of the listed building or to the Conservation Area within which the site was located. Furthermore, the proposal would not adversely affect the amenity of nearby residents. The proposal was therefore considered to comply with the policies listed.

The following people addressed the Committee:

Mr B Rogers

Objector

Mr R Bailey (substitute for Mr Magraw)

Applicant

This application was considered in conjunction with application W09/0298 LB (Minute Number 80), which was the next item on the agenda. Therefore, the public speakers who addressed the Committee with regard that application also made their comments in relation to this application and only addressed the Committee once.

Following consideration of the officer's report and presentation and the representations made by the Objector and Applicant, the Committee were of the opinion that the application should be refused contrary to the officer's recommendation.

RESOLVED that application W09/0297 be REFUSED because it is detrimental to the integrity, character and appearance of prominent listed building in a Conservation Area by reason of bulky and contrived design, conflicting with DAP4.

80. **W/09/0298 LB – DUDLEY HOUSE, ABBEY HILL, KENILWORTH**

The Committee considered an application from Mr Magraw to convert an existing double garage into a single garage and boot/utility room, a new pitched roof storey and a half extension over the existing kitchen to form new master

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bedroom and study, a new single storey flat roof family room extension to the rear of the existing dwelling, two storey pitched roof extension to the rear of the dwelling to extend the existing first and second floor bedroom's, a new pitched roof over the existing second floor bathroom and various internal alterations.

The application was presented to Committee because Kenilworth Town Council had requested that the application be referred to Planning Committee. The Committee had also visited the site of the application on 15 August 2009.

The case officer considered the following policies to be relevant to the application:

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

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

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

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

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

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

The case officer was of the opinion that, the proposed development did not adversely affect the historic integrity, character or setting of the listed building and is of an acceptable standard of design and detailing. The proposal was therefore considered to comply with the policies listed.

This application was considered in conjunction with application W09/0298 LB (Minute Number 79), which was the previous item on the agenda. Therefore, the public speakers who addressed the Committee with regard that application also made their comments in relation to this application and only addressed the Committee once.

Following consideration of the officer's report and presentation and the representations made by the Applicant and Objector, the Committee were of the opinion that the application should be refused, contrary to the officer's recommendation.

RESOLVED that application W09/0298LB be REFUSED because it is detrimental to the integrity, character and appearance of prominent listed building in a Conservation Area by reason of bulky and contrived design, conflicting with DAP4.

81. W09/0551 - 198 CROMWELL LANE, BURTON GREEN, KENILWORTH

The Committee considered an application from Miss Duffield for a porch and first floor extension.

The application had been requested to be presented to Committee by Councillor Coker.

PLANNING COMMITTEE MINUTES (Continued)

The case officer 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)

RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)

The following people addressed the Committee:

Mr Bassett (substitute for Miss D Duffield)

Applicant

Following consideration of the officer's report and presentation and the representations made by the applicant, the Committee were of the opinion that the application should be granted, contrary to the officer's recommendation.

RESOLVED that application W09/0551 be GRANTED because the development would not harm the openness of the Green Belt as there would be no increase in footprint, it would remain in context of the existing street scene and it respects the surrounding buildings in scale, height, form and massing (DP1(f)), subject to satisfactory drawings being received, which shows the height of the first floor extension which would include 10% renewable energy to apply only to the first floor extension.

82. W09/0601 – PEAR TREE COTTAGE, STONELEIGH ROAD, BLACKDOWN, LEAMINGTON

The Committee considered a retrospective application from Mr Paul Summers for the erection of an outbuilding in rear garden.

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

The case officer considered the following policies to be relevant to the application:

DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)

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

The following people addressed the Committee:

Mr B Faxton

Applicant

Following consideration of the officer's report and presentation and the representations made by the Applicant, the Committee were of the opinion that the application should be granted, contrary to the officer's recommendation.

RESOLVED that application W09/0601 be GRANTED because it is not visually prominent, does not harm the greenbelt and is of the same footprint as the existing, subject to a condition that the building will be used domestic use which is ancillary to the main building.

83. **W/09/0769 - 16 THE APPROACH, LEAMINGTON SPA**

RESOLVED that application W09/0769 be DEFERRED for a site visit.

The following people addressed the Committee:

Mr R Ross	Objector
Mr C Matthews	Applicant

PLANNING COMMITTEE MINUTES (Continued)

The case officer was of the opinion that, the proposed development was of an acceptable standard of siting and design and it was considered it would have a satisfactory means of access and did not result in an unacceptable adverse impact on the amenity of nearby residents by reason of an overbearing effect, loss of light or privacy. The proposal was therefore considered to comply with the policies listed.

Following consideration of the officer's report and presentation and the representations made by the Objector and the Applicant, the Committee were of the opinion that the application should be granted, in accordance with the officer's recommendation.

RESOLVED that application W09/0734 be GRANTED, as amended, and subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing nos 2542-001B and 2542-002B, and specification contained therein, deposited with the District Planning Authority on 30th July 2009 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure a high standard of design and appearance in compliance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and

PLANNING COMMITTEE MINUTES (Continued)

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;

- (5) a landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:2005. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (6) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Part 1 (Classes A, B and C) of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : Having regard to the particular configuration of this site and its relationship to adjacent dwellings, it is considered necessary to retain control over future development of the

PLANNING COMMITTEE MINUTES (Continued)

premises in the interests of residential amenity, and to help meet the objectives of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (7) before the new dwelling hereby permitted is first occupied, the existing gate on the access shall be removed and the access shall be surfaced with a bound material in accordance with details first submitted to and approved in writing by the District Planning Authority. Thereafter no gates shall be installed at any point on the access serving this property off Tachbrook Road unless wholly in accordance with details first submitted to and approved in writing by the District Planning Authority. **REASON** : To protect the amenity of neighbouring properties in accordance with the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011;
- (8) before the new dwelling hereby permitted is first occupied, the existing kitchen window to No. 471 Tachbrook Road, Whitnash shall be repositioned onto the rear elevation of the dwelling and the existing window shall be bricked up, all in accordance with details first submitted to and approved in writing by the District Planning Authority. **REASON** : To ensure the provision of a satisfactory means of access to the property and to protect the amenity of the occupiers of No. 471 Tachbrook Road, Whitnash in accordance with the provision of Policies DP2 and DP6 of the Warwick District Local Plan 1996-2011;
- (9) before the new dwelling hereby permitted is first occupied a new garden wall 1.8 m high shall be constructed alongside the access road to link the rear of No. 471 Tachbrook Road and its outbuilding as shown on the approved site layout plan 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 No. 471 Tachbrook Road, Whitnash, in accordance with the provision of Policy DP2 of the Warwick District Local Plan 1996-2011;
- (10) the car parking areas shown on the approved plans shall be constructed prior to occupation of the development and thereafter be permanently retained for parking purposes for the development hereby permitted. **REASON** : To

PLANNING COMMITTEE MINUTES (Continued)

ensure that adequate parking facilities are retained for use in connection with the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;

- (11) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (12) no development shall be carried out on the site which is the subject of this permission, until details of provision for storage of refuse have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (13) the development shall not be occupied until the existing vehicular access to the site has been widened so as to provide an access of 5.0 metres for a distance of 10.0 metres, as measured from the near edge of the public highway carriageway. **REASON** : To ensure highway safety in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (14) the access to the site shall not be widened in such a manner as to reduce the effective capacity of any drain within the limits of the public highway. **REASON** : To ensure highway safety in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (15) the access to the site for vehicles shall not be used unless a public highway footway and verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON** : To ensure highway safety in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (16) the development shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 70.0 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **REASON**: To ensure highway safety in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (17) the development shall not be occupied until a turning area has been provided within the site so as to enable all vehicles to leave and re-enter the public highway in a forward gear. **REASON**: To ensure highway safety in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011; and
- (18) the development hereby permitted shall not be commenced unless and until a scheme of sustainable drainage to serve both the new dwelling, associated hardstandings and access has been submitted to and approved in writing by the District Planning Authority. The approved scheme shall be wholly implemented as so approved before the dwelling hereby approved is first occupied. **REASON**: To provide adequate drainage in accordance with the requirements of Policy DP11 in the Warwick District Local Plan 1996-2011.

85. **W09/0402 – CRACKLEY LANE NURSERY, CRACKLEY LANE, STONELEIGH, KENILWORTH**

The Committee considered a retrospective application from Mr Swain for the use of part of a nursery garden as a landscaping contractors depot.

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to Committee because it had been deferred from the meeting on 17 June 2009 for further information. The Committee had also visited the site of the application on 15 August 2009.

The case officer considered the following policies to be relevant to the application:

DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)

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

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

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

Following consideration of the officer's report, presentation and addendum, the Committee were of the opinion that the application should be granted, contrary to the officer's recommendation.

RESOLVED that application W09/0402 be GRANTED subject to conditions on the use as a landscape contractor's depot only, no log splitting or wood chipping or burning and a condition clarifying that the large container is not part of the application, i.e. no containers other than those specifically authorised by the previous permission.

86. W09/0524 – 12 WILLES ROAD, LEAMINGTON SPA

The Committee considered an application from Mr K Hunt for the division of an existing property and the erection of a four storey extension to form two separate houses.

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

The case officer 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)

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

Vehicle Parking Standard S.P.D.

The case officer was of the opinion that the proposal was considered to be of an acceptable design with adequate car parking having regard to its town centre location. It would not have a harmful effect on neighbours and was therefore considered to comply with the policies listed.

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

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that application W09/0524 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) subject to Condition 4 below, the development hereby permitted shall be carried out strictly in accordance with the details shown on the plans submitted on 2nd June 2009 as amended by those received on 5th August 2009 unless first agreed otherwise in writing by the District Planning Authority. **REASON**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) no development shall take place until details of all external facing materials have been submitted to and approved by the District Planning Authority. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) notwithstanding the details shown on the submitted plans, further details of the design of the proposed front entrance door and steps shall be submitted to and be approved in writing by the District Planning Authority before the development hereby permitted is first commenced. The development shall be constructed strictly in accordance with these approved details. **REASON** : To ensure a satisfactory standard of design on this site in the Conservation Area to comply with the requirements of Policy DAP8 in the Warwick District Local Plan 1996-2011;
- (5) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and

PLANNING COMMITTEE MINUTES (Continued)

cill details), eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;

- (6) before the development hereby permitted is first commenced, details of a scheme to widen the existing parking space accessed off St. Pauls Court to 3 m in width shall be submitted to and be approved in writing by the District Planning Authority; this shall include details of surface treatment and boundary treatment. The works shall be completed strictly as so approved before the dwelling hereby permitted is first occupied. The car parking space shall thereafter be retained available at all times to serve the new dwelling hereby permitted. **REASON** : To ensure that adequate provision is made for car parking to accord with Policy DP8 of the Warwick District Local Plan 1996-2011; and
- (7) an additional condition relating to bin enclosures
need correct wording for this please
John/Martin

87. W09/0641 – 34 OAK CLOSE, BAGINTON, COVENTRY

The Committee considered an application from Mr T Told for the erection of a rear conservatory and a front porch.

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

The case officer 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)

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

Vehicle Parking Standard S.P.D.

The case officer was of the opinion that the development respected the scale, design and character of the original dwelling and did not harm the general openness or rural character of the green belt/rural area within which the

PLANNING COMMITTEE MINUTES (Continued)

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

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

RESOLVED that application W09/0641 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s), and specification contained therein, submitted on 25th June 2009 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 development hereby permitted shall not commence unless and until two weeks notice in writing of the start of works shall have been given to the Warwickshire Museum as the nominated representative of the District Planning Authority (Contact the Planning Archaeologist on 01926 412734, email planningarchaeologist@warwickshire.gov.uk). During the construction period the developer shall afford access at all reasonable times to representatives of the Museum and shall allow them to observe the excavations and record items of interest and finds. **REASON** : In the interests of archaeology, In accordance with PPG16 and Policy DP4 of the Warwick District Local Plan 1996 – 2011; and
- (4) 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

PLANNING COMMITTEE MINUTES (Continued)

District Local Plan 1996-2011.

88. W09/0697 – 3 MYTON CRESCENT, WARWICK

The Committee considered an application from Mr Davies for the erection of a front entrance porch and stairs, following removal of the existing stairs and the erection of a single storey rear breakfast room extension.

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

The case officer considered the following policies to be relevant to the application:

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

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

The case officer was of the opinion that the proposed development was of an acceptable standard of design which would harmonise with the design and appearance of the main dwelling and its surroundings and did not result in an unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy. The proposal was therefore considered to comply with the policies listed.

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

RESOLVED that application W09/0697 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) (drawing no.4581/07C), and specification contained therein, submitted on 9 June 2009 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.

89. W09/0859 – 13 CLOISTERS CROFTS, LEAMINGTON SPA

PLANNING COMMITTEE MINUTES (Continued)

The Committee considered an application from Mr P Stuffins for the erection of a first floor side extension after the demolition of an existing dormer and alterations to the front facade.

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

The case officer considered the following policies to be relevant to the application:

The 45 Degree Guideline (Supplementary Planning Guidance)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)

The case officer was of the opinion that 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.

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

RESOLVED that application W09/0859 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 (drawing numbers ROC\470\PD\002 & ROC\470\PD\004), and specification contained therein, submitted on 13 July 2009 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

PLANNING COMMITTEE MINUTES (Continued)

amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

90. **ACT218/21/08 – RICHMOND HOUSE, 46-48 BEDFORD STREET, LEAMINGTON SPA**

The Committee considered a report from Planning which requested that enforcement action be authorised.

At the Planning Committee held on 17 June 2009, planning permission was refused for the change of use of part of the above premises to use as an A4 drinking establishment.

Whilst the Committee minutes relating to that item confirmed that planning permission was refused, they did not make reference to the authorisation of enforcement action, which was included in the officer's recommendation.

The purpose of the report was to seek confirmation that enforcement action had been authorised in respect of the current unauthorised use of the premises.

RESOLVED that enforcement action be authorised directed at the current unauthorised use of the premises with a compliance period of 2 months (application ACT218/21/08).

(The meeting ended at 8:45pm)