

PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 30 January 2008 at the Town Hall, Royal Leamington Spa at 6.00 p.m.

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

An apology for absence was received from Councillor Kinson.

Application W07/2007 – 4 Cockermouth Close, Royal Leamington Spa was WITHDRAWN from the agenda to ensure the public speaking procedure could be implemented.

811. DECLARATIONS OF INTEREST

Minute Numbers 814 & 815 – W071878LB & W07/1883 – York Road Centre, Avenue Road, Royal Leamington Spa

Councillors Barrott, Mrs Blacklock, Mrs Bunker, Copping, Dhillon, Edwards, Illingworth, MacKay and Rhead all declared personal interests because the application site was owned by Warwick District Council.

Minute Numbers 818 & 819 – W07/2027 & 2028LB – 5 Castle Green, Kenilworth

Councillor Mrs Blacklock declared a personal interest because she was Ward Councillor for the application site and knew some of the neighbours.

812. MINUTES

The minutes of the meetings held on 21 November and 12 December 2007 having been printed and circulated were taken as read and signed by the Chairman as a correct record.

813. LAND AT GROVE FARM, CHURCH ROAD, HONILEY

The Committee considered an application from Honiley Estates Limited for the erection of gamekeeper/forestry worker's dwelling.

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

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

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

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

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

RAP5 - Housing for Rural Workers (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning and Engineering, a functional need for a dwelling in this Green Belt location had been demonstrated, in accordance with

PLANNING COMMITTEE MINUTES (Continued)

advice set out in Planning Policy Statement 7, Sustainable Development in Rural Areas. The proposal was therefore considered to comply with the policies listed.

The following people addressed the Committee:

Councillor C P Lewis	Parish Council (Objecting)
Mr P Rhodes	Supporter

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

RESOLVED that application W07/1834 be GRANTED subject to the following conditions:

- (1) this permission is granted under the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 as amended, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-
 - (a) access
 - (b) appearance
 - (c) landscaping
 - (d) layout
 - (e) scale**REASON** : To comply with Section 92 of the Town and Country Planning Act 1990 as amended;
- (2) in the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the District Planning Authority not later than the expiration of three years beginning with the date of this permission. **REASON**: To comply with Section 92 of the Town and Country Planning Act 1990;
- (3) the development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved. **REASON** : To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

- (4) the occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.
REASON : The site is within the Green Belt wherein development is strictly controlled and new dwellings are only permitted where an essential need has been demonstrated, as required by policy RAP5 of the Warwick District Local Plan 1996-2011; and
- (5) the reserved matters shall show a dwelling with a gross floor area, including garage, of not more than 140 sq. metres. **REASON**: To ensure that the size of the dwelling is of an appropriate size commensurate with the established functional requirement, in accordance with the requirements of policy RAP5 of the Warwick District Local Plan 1995-2011.

814. YORK ROAD CENTRE, AVENUE ROAD, ROYAL LEAMINGTON SPA

The Committee considered an application from Oakmoor Estates for the conversion of existing listed buildings to form a mixed-use development to include offices (B1 Use Class), restaurant/ bar (A3 Use Class) and no.6 residential units.

The application was presented to Committee due to the number of objections received and at the request of the Ward Councillor, Councillor Gifford, given the importance of the project to the Conservation Area and in particular concerns about A3 use in a residential area.

The Committee had visited the site on 26 January 2008 because the Chairman had felt it would be beneficial to the Committee to visit the site before they determined the application.

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

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

DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)

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

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

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

PLANNING COMMITTEE MINUTES (Continued)

The following people addressed the Committee:

Mr J Cannock Objector
Councillor N Pittarello Ward Councillor (Objecting)

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

RESOLVED that application W07/1878LB 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. PA55A, 57, 59A, 60A and 61A, 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;
- (3) no development shall be carried out on the site, the subject of this permission until large scale details of a scale of 1:5 of all new external doors and windows (including a section showing window reveal, heads and all details), dormer windows, roof lights, terracotta screen cladding, railings and dwarf wall, timber screen fencing, mezzanine floors and internal 'screens' and works to the art gallery roof have been submitted to and approved in writing by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details.
REASON : To ensure a high standard of design and appearance for this Listed Building in the Conservation Area and to satisfy policies DA4, DA7 and DA8 of the Warwick District Local Plan 1996-2011; and

- (4) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details.

REASON : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

815. YORK ROAD CENTRE, AVENUE ROAD, ROYAL LEAMINGTON SPA

The Committee considered an application from Oakmoor Estates for the conversion of existing listed buildings to form a mixed-use development to include offices (B1 Use Class), restaurant/ bar (A3 Use Class) and no.6 residential units.

The application was presented to Committee due to the number of objections received and at the request of the Ward Councillor, Councillor Gifford, given the importance of the project to the Conservation Area and in particular concerns about A3 use in a residential area.

The Committee had visited the site on 26 January 2008 because the Chairman had felt it would be beneficial to the Committee to visit the site before they determined the application.

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

Managing Housing Land Supply Policy

Vehicle parking standards, Nov. 2007, SPD

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

DAP5 - Changes of Use 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)

DAP7 - Restoration of Listed Buildings (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)

DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

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

SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)

PLANNING COMMITTEE MINUTES (Continued)

UAP2 - Directing New Employment Development (Warwick District Local Plan 1996 - 2011)

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

The following people addressed the Committee:

Mr J Cannock Objector
Councillor N Pittarello Ward Councillor (Objecting)

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

RESOLVED that application W07/1883 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. PA55A, 56, 57, 59A, 60A and 61A, 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;
- (3) no development shall be carried out on the site, the subject of this permission until large scale details of a scale of 1:5 of all new external doors and windows (including a section showing window reveal, heads and all details), dormer windows, roof lights, terracotta screen cladding, railings and dwarf wall, timber screen fencing, bin store, cycle store and external steps to basement have been submitted to and approved in writing by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such

approved details. **REASON** : To ensure a high standard of design and appearance for this Listed Building in the Conservation Area and to satisfy policies DA4, DA7 and DA8 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 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 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) no lighting shall be fixed to the external walls or roofs of the buildings, or on any open land

within the application site without the written consent of the District Planning Authority.

REASON : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (7) development shall not be commenced until there has been submitted to the District Planning Authority a survey report on the extent to which any part or the whole of the application site is contaminated by toxic or other noxious materials and on the remedial measures required to deal with the hazards. No development shall be commenced until all toxic or obnoxious materials have been removed or otherwise treated in accordance with details which have been approved in writing by the District Planning Authority. **REASON** : To protect the health and safety of future occupiers, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011;
- (8) before any works for demolition are first commenced, a survey of the premises by a qualified bat surveyor shall be undertaken to demonstrate the presence, absence or usage of the premises by bats. In the event that the survey demonstrates the 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;
- (9) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained

strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

- (10) details of the any conditioning, ventilation and flue extraction systems including particulars of noise levels shall be submitted to and approved by the Local Planning Authority before any works commence on site. The development shall not be carried out otherwise than in full accordance with such approved details.
REASON : To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;
- (11) prior to the commencement of the development hereby permitted a plan to show the layout and surface treatment of a cycle parking area for use in association with the development shall have been submitted to and approved by the District Planning Authority. The cycle parking area shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. **REASON** : To ensure that there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;
- (12) the car park hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in accordance with details which have previously been approved by the District Planning Authority.
REASON : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;
- (13) the external patio/terrace adjacent to the proposed restaurant shall not be used at any time between the hours of 11p.m. and 8a.m.
REASON : To protect the amenity of nearby residents in accordance with the provision of Policies DP2 and DP9 of the Warwick District

Local Plan 1996-2011;

- (14) no dwelling hereby permitted shall be first occupied unless and until the works for the conversion of the offices hereby approved are completed wholly as shown on the plans hereby approved and the offices are all available for occupation. **REASON** : The dwellings have been granted planning permission solely on the basis that this is a 'mixed' use scheme in accordance with the provisions of the District Council SPD on 'Managing Housing Land Supply' and the policies referred therein;
- (15) the development shall not be occupied until an access for vehicles has been provided to the site not less than 5 metres in width. **REASON** : To ensure a satisfactory form of access and to comply with Policy DP6 in the Warwick District Local Plan 1996-2011.;
- (16) the access to the site for vehicles shall not be used until it has been provided with 6m kerbed radiused turnouts on each side. **REASON** : To ensure a satisfactory form of access and to comply with Policy DP6 in the Warwick District Local Plan 1996-2011;
- (17) the access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **REASON** : To ensure a satisfactory form of access and to comply with Policy DP6 in the Warwick District Local Plan 1996-2011;
- (18) gates erected at the entrance to the site for vehicles shall not be hung so as to open to within 5 metres of the near edge of the public highway carriageway. **REASON** : To ensure a satisfactory form of access and to comply with Policy DP6 in the Warwick District Local Plan 1996-2011; and
- (19) the development shall not be occupied until space has been provided within the site for the parking and loading/unloading of service vehicles in accordance with the submitted drawing 3212/PA 55. **REASON** : To ensure a satisfactory form of access and to comply with Policy DP6 in the Warwick District Local Plan

1996-2011.

816. 29 THE SQUARE, KENILWORTH

The Committee considered an application from Zizzi for the display of lettering to front and side elevation, one illuminated projecting sign and two illuminated menu boxes.

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

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

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

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

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

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

The following people addressed the Committee:

Councillor Ryan Town Council (Objecting)

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

RESOLVED that application W07/1885 be GRANTED subject to the following condition: The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing 112690, and specification contained therein, submitted on 7th November 2007 unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

817. UNIT 1, 29 THE SQUARE, KENILWORTH

The Committee considered an application from Zizzi for the display of lettering to front and side elevation, one illuminated projecting sign and two illuminated menu boxes.

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

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

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

PLANNING COMMITTEE MINUTES (Continued)

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

The following people addressed the Committee:

Councillor Ryan Town Council (Objecting)

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

RESOLVED that application W07/1947LB be GRANTED subject to the following conditions:

- (1) the works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004; and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing 112690, and specification contained therein, submitted on 7th November 2007 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

818. **5 CASTLE GREEN, KENILWORTH**

The Committee considered an application from Mr Wright for the erection of a single storey extension to rear with replacement of front door and timber framed windows.

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

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

The 45 Degree Guideline (Supplementary Planning Guidance)

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

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

PLANNING COMMITTEE MINUTES (Continued)

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

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

In the opinion of the Head of Planning and Engineering, the proposed development does not adversely affect the historic integrity, character or setting of the listed building and was of an acceptable standard of design and detailing. The proposal is therefore considered to comply with the policies listed.

The following people addressed the Committee:

Councillor Mrs Cain

Town Council (Objecting)

Following consideration of the officer's report and presentation along with the submissions by the public addressing the Committee, it was proposed and duly seconded to visit the site before determining the application, this motion was lost 3 votes to 5. A second motion was proposed and duly seconded to refuse the application; again, this was lost 4 votes to 6. It was then proposed and duly seconded that the application should be granted in line with the officer's recommendation.

RESOLVED that application W07/2027 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) 2735 rev B and specification contained therein, submitted on 10 December 2007, unless first agreed otherwise in writing by the District Planning Authority. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved

details. **REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

819. 5 CASTLE GREEN, KENILWORTH

The Committee considered an application from Mr Wright for the erection of a single storey extension to rear with replacement of front door and timber framed windows.

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

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

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

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

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

In the opinion of the Head of Planning and Engineering, the proposed development does 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 is therefore considered to comply with the policies listed.

The following people addressed the Committee:

Councillor Mrs Cain

Town Council (Objecting)

Following consideration of the officer's report and presentation along with the submissions by the public addressing the Committee, it was proposed and duly seconded to visit the site before determining the application, this motion was lost 3 votes to 5. A second motion was proposed and duly seconded to refuse the application; again, this was lost 4 votes to 6. It was then proposed and duly seconded that the application should be granted in line with the officer's recommendation.

The Committee were of the opinion that the application should be granted in line with the officer's recommendation.

RESOLVED that application W07/2028LB be GRANTED subject to the following conditions:

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

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 2735 rev. B and specification contained therein, submitted on 10 December 2007, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

820. UNIT 3, ABBEY END, KENILWORTH

The Committee considered an application from Grevayne Properties for the change of use of retail unit 3 from A1(retail) to A5(hot food take-away).

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

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

TCP5 - Secondary Retail 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 and Engineering, due to the 'hidden' location of this unit in relation to the main Abbey End shopping frontage, it was considered that there was sufficient special justification to grant consent contrary to policy TCP5 of the Warwick District Local Plan 1996-2011.

The following people addressed the Committee:

Councillor Mrs Cain

Town Council (Objecting)

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

PLANNING COMMITTEE MINUTES (Continued)

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

RESOLVED that application W07/2037 be REFUSED against the officers recommendation because it was contrary to Policy TCP5.

821. **7 WISE STREET, ROYAL LEAMINGTON SPA**

The Committee considered an application from GSP Construction for the demolition of existing buildings and erection of 9 new dwellings.

The application was presented to Committee due to the number of objections received.

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

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

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

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

TCP7 - Opportunity Sites in Old Town, Leamington Spa (Warwick District Local Plan 1996 - 2011)

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

GD.7 - Previously-Developed Sites (Warwickshire Structure Plan 1996-2011)

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

In the opinion of the Head of Planning and Engineering, the proposed development was of an acceptable standard of design which would harmonise with the design and appearance of 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 along with the information contained in the addendum, the Committee were of the opinion that the application should be granted in line with the officer's recommendation.

RESOLVED that application W07/1621 be GRANTED subject to the following conditions:

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

PLANNING COMMITTEE MINUTES (Continued)

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing numbers 1235/04D; 1235/05e (A1); 1235/11D (A1); 1235/01D; 1235/100L; 1235/10; 1235/08; 1235/09; 1235/06 and 1235/07 and specification contained therein submitted on 26 September 2007, 12 November 2007 and 10 January 2008 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) a landscaping scheme 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. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (5) before any works for demolition are first commenced, a survey of the premises by a qualified bat surveyor shall be undertaken to demonstrate the presence, absence or usage of the premises by bats. In the event that the survey demonstrates the 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;

- (6) the development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the District Planning Authority. The scheme shall be implemented in strict accordance with such approved details before the development is first brought into use. **REASON:** To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (7) prior to the commencement of the development hereby permitted, a survey shall be undertaken on site between the applicant/developer and Warwickshire County Council's Area Manager to agree the condition of the highway with a subsequent survey being undertaken upon completion of the development. **REASON:** To ensure that the condition of the highway is satisfactory following development;
- (8) no development shall be carried out on the site which is the subject of this permission, until details of a noise survey including the detailed methodology in assessing the implications of any sources of noise in the area together with measures to mitigate any identified adverse noise impacts on the development have been submitted to and approved in writing by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details.
REASON : In the interests of the amenities of future occupiers of the building, in accordance with the objectives of Policy DP2 of the Warwick District Local Plan 1996-2011;
- (9) development shall not be commenced until there has been submitted to the District Planning Authority a survey report on the extent to which any part or the whole of the application site is contaminated and on the remedial measures

required to deal with the hazards. No development shall be commenced until all contamination has been removed or otherwise treated in accordance with details which have been approved in writing by the District Planning Authority. **REASON** : To protect the health and safety of future occupiers, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011;

- (10) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (11) prior to the first occupation of the development hereby permitted the existing footway across the entire site frontage shall be laid out and re-constructed in accordance with the standard specification of the Highway Authority including kerbing, levelling and drainage and any other ancillary works. **REASON:** To ensure compliance with the Council's standards, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (12) the side facing windows in the south elevation of the development and the bottom panes in the side facing windows serving flats 4 and 6 hereby permitted shall be non-opening and obscure glazed and retained as such at all times thereafter. **REASON** : To protect the amenity of the occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011;
- (13) the cycle provision shown on the approved plans shall be completed before the development is first occupied and thereafter, kept free of obstruction and available for the parking of

cycles associated with the development, unless otherwise agreed in writing by the Local Planning Authority. **REASON** : To ensure that there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011; and

- (14) the car park hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. **REASON** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.

822. UNITS 2 & 3 WESTGATE HOUSE, MARKET STREET, WARWICK

The Committee considered an application from Marks & Spencers PLC for a display of externally illuminated fascia and projecting signs to front elevation and display of non-illuminated fascia and projecting signs to side elevation, and non-illuminated signs to rear elevation.

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

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

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 and Engineering, the development would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site was located. The proposal was therefore considered to comply with the policies listed.

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

RESOLVED that application W07/1911 be GRANTED subject to the following condition: The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) (510P; 511PA; 512PA), and specification contained therein, submitted on 19 November 2007 and 21 December 2007 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt

and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

823. CHURCH FARM DAIRY, CHURCH LANE, BUDBROOKE

The Committee considered an application from Mr & Mrs Reynolds for the change of use from agricultural to commercial storage.

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

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

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

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

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

RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)

RAP9 - Farm Diversification (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning and Engineering, the buildings proposed for conversion are of permanent and substantial construction and the proposed storage use can be accommodated without extensive rebuilding or alteration to the external appearance of the buildings. It was further considered that no increased hazard to highway users would result from the development in view of the limited scale of the use. 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 line with the officer's recommendation.

RESOLVED that application W07/1954 be DEFERRED to allow for consultation with the highways authority, particularly regarding the 7½ tonne weight restriction on bridge in connection with the objection from the Parish Council.

824. 8C CLIFFE ROAD, ROYAL LEAMINGTON SPA

The Committee considered an application from Mr C Bates for a proposed front extension and enclosure of side courtyard (re-submission of W07/1002).

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

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

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

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

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

PLANNING COMMITTEE MINUTES (Continued)

DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
The 45 Degree Guideline (Supplementary Planning Guidance)

In the opinion of the Head of Planning and Engineering, the development would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site was located and does not result in detriment to the amenities of neighbouring properties. 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 line with the officer's recommendation.

RESOLVED that application W07/1977 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 number Rev A and specification contained therein, submitted on 16 January 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) 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.

825. DUDLEY HOUSE, ABBEY HILL, KENILWORTH

The Committee considered an application from Mr & Mrs J Magraw for the erection of a detached timber garden room in rear garden.

The application was presented to Committee because of the number of objections received.

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

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

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 and Engineering, the proposed development did not adversely affect the historic integrity, character or setting of the listed building, is of an acceptable standard of design and detailing and preserves the character and appearance of the Conservation Area within which the site is 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 line with the officer's recommendation.

RESOLVED that application W07/2001 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) (614/DD/09B), and specification contained therein, submitted on 14 December 2007 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and

PLANNING COMMITTEE MINUTES (Continued)

- (3) the building shall only be used for purposes ancillary to the residential use of the dwelling house. **REASON:** To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.

826. 7 WISLEY GROVE, KENILWORTH

The Committee considered a report that sought the confirmation of provisional Tree Preservation Order TPO 355 regarding one individual tree.

The provisional order had been submitted to Committee for consideration because objections had been received from residents.

RESOLVED that TPO 355 be CONFIRMED.

827. 3 RAWNSLEY DRIVE, KENILWORTH

The Committee considered a report that sought the confirmation of provisional Tree Preservation Order TPO 358 regarding one individual tree.

The provisional order had been submitted to Committee for consideration because objections had been received from residents.

RESOLVED that TPO 358 be CONFIRMED.

828. PLANNING APPLICATION VALIDATION CHECKLIST

The Committee considered a report from Planning on the Planning Application Validation Checklist – local requirements in line with the timetable for introduction of the national planning application forms (1APP) in April 2008.

The Communities and Local Government department (CLG) issued draft guidance on the validation of planning applications in August 2007 following the publication of initial guidance in March 2005. Final guidance was issued in December 2007.

As from April 2008, across England and Wales, a standard application form 1APP would be introduced for all planning and related applications. This would replace the various forms used by individual planning authorities and was designed to help achieve the government's objectives for a quicker, more predictable and efficient planning service.

The new 1APP forms would be linked to the planning portal which was the online method of submitting planning applications but local authorities would still be able to print paper copies of the necessary form if the application was not made electronically.

PLANNING COMMITTEE MINUTES (Continued)

Whilst the new standardised form would specify the national requirements for every application, each local planning authority was required to publish its own local requirements which it expected to be provided with any application submitted to it. These requirements were mandatory and would mean that any application which did not comply with them would not be able to be registered.

RESOLVED that the Planning Validation checklist be approved subject to the following comments by the Committee;

- the contact details included need to be revised to include department titles instead of Officer's names; and
- Appendix B needs to differentiate from Appendix C, attached to the report. Reference to the Local Plan regarding carbon footprints would also need to be included.

(The meeting ended at 10:05pm)