

PLANNING COMMITTEE

Minutes of the meeting held on Monday 6 December 2004 at the Town Hall, Royal Leamington Spa at 6.00 p.m.

PRESENT: Councillor Evans (Chair), Councillors Ashford, Mrs Compton, Copping, Ms De-Lara-Bond, Kinson, Mrs Knight, MacKay and Windybank.

523. DECLARATIONS OF INTEREST

Minute Number 525 W2004/1370 – 31 – 33 Lillington Road, Leamington Spa

Councillor Copping declared a personal interest in this item because the owner of the property was known to him.

Minute Number 533 W2004/0814 – 40 Kenilworth Road, Leamington Spa

Councillors Copping, declared a personal prejudicial interest because he lives in Woodcote Road and the owner of the hotel was a Family Friend and he left the room while the item was considered.

524. MINUTES

The minutes of the meetings of the Committee held on 4 October, 26 October and 15 November 2004 were taken as read and signed by the Chairman as a correct record.

525. 31 - 33 LILLINGTON ROAD, LEAMINGTON SPA

The Committee considered an application, from Chase Homes, for the demolition of the existing 2 dwellings and the erection of 9 apartments.

The Committee had deferred consideration of this item at its meeting on 15 November to allow a site visit to take place on 27 November.

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

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

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)

(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)

DP6 - Access (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)

SC9 - Affordable Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

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

PLANNING COMMITTEE (Continued)

DP3 - Natural Environment (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)
PPG1 - General principles (Government guidance)
PPG 3 - Housing (Government guidance)
PPG13 - Transport (Government guidance)
PPG15 - Planning and the Historic Environment (Government guidance)
GD1 - Overriding purpose (Warwickshire Structure Plan 1996-2011)
GD3 - Overall development strategy (Warwickshire Structure Plan 1996-2011)
H2 - Affordable housing (Warwickshire Structure Plan 1996-2011)
T1, T4, T5 - Traffic (Warwickshire Structure Plan 1996-2011)
T10 - Developer contributions (Warwickshire Structure Plan 1996-2011)
ER1 - Natural and cultural environmental assets (Warwickshire Structure Plan 1996-2011)

It was noted that the Planning Committee on 28 January 2002 had resolved that Policies H22 (on housing density) and T7 (car parking) in the Warwick District Local Plan 1995 were not in conformity with the Warwickshire Structure Plan.

The following addressed the Committee on this application:

Mr G Wilson	Objector; and
M A Plant	Applicant.

After considering the report from the Head of Planning and Engineering and the representation by the public speakers the Committee were of the opinion that the application should be refused because its siting, height, mass and oppressive bulk resulting from the extent of largely un-relieved brickwork would be seriously detrimental to the outlook from the north elevation of No 29A, Lillington Road, having a wholly unacceptable unneighbourly overpowering and overbearing effect.

RESOLVED that application W2004/1370 be REFUSED because, in the opinion of the District Planning Authority, the application would, due to its siting, height, mass and oppressive bulk resulting from the extent of largely un-relieved brickwork, be seriously detrimental to the outlook from the north elevation of No 29A, Lillington Road, which would be wholly unacceptable unneighbourly overpowering and overbearing effect contrary to the provisions of Policy (DW) ENV3 and H5 in the Warwick District Local Plan 1995 and Policies DP1, DP2 and DP5 in the Warwick District Local Plan 1996-2001, (First Deposit Version).

PLANNING COMMITTEE (Continued)

526. SHIRE FOODS, TACHBROOK ROAD, WHITNASH, LEAMINGTON SPA

The Committee considered an application from Shire Foods of Warwick Ltd for the proposed plant room extension, rear canopies, flour silos, 2 cooling towers, internal office extension with the insertion of new front windows and the provision of front security fencing and gates.

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

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

(DW) EMP5 - Employment Development in Urban Areas (Warwick District Local Plan 1995)

DP6 - Access (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)

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

DP9 - Pollution Control (Warwick District 1996 - 2011 First Deposit Version)

UAP2 - Directing New Employment Development (Warwick District 1996 - 2011 First Deposit Version)

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

Government Guidance on transport issues is contained in PPG13 and on pollution control in PPG23.

The following addressed the Committee:

Mr E MacLeod Objector; and
Councillor B Kirton Ward Councillor

RESOLVED that application W2004/1370 be GRANTED subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990;
- (2) The development hereby permitted must be carried out strictly in accordance with the details shown on the approved drawing nos 04-23-02A and 04-23-03C deposited with the District Planning Authority on 8th October 2004 and drawing no. 04-23-01B deposited with the District Planning Authority on 27th October 2004, and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3;

PLANNING COMMITTEE (Continued)

- (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 ENV3 of the Warwick District Local Plan;
- (4) The level of noise from the development hereby permitted measured one metre from the facade of the nearest noise sensitive premises shall not exceed the background level by more than 3 dBA. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan; and
- (5) The following works be undertaken prior to development hereby permitted being first brought into use; triple cover BT Box cover on the north side of the access to be replaced with a carriageway grade cover and the radius turnout to the southern side of the access be increased to 15 metres.

527. WALNUT TREE, CROWN WAY, LILLINGTON

The Committee considered an application, from Barratt Mercia, for the erection of 2 two/three storey buildings to provide 34 apartments and associated works with access to Crown Way after the demolition of the existing buildings.

The following addressed the Committee:

Miss S Wilkins	Objector
Mr M Robson	Applicant
Councillor A Boad	Ward Councillor

RESOLVED that application W2004/1361 be DEFERRED for the following reasons:

- (1) to allow for a site visit to be undertaken as the Committee felt it would be of significant benefit to them when considering the application; and
- (2) to enable negotiation on affordable housing.

528. PLANNING APPLICATIONS

The Committee considered a list of planning applications:

RESOLVED that the planning applications at appendix "A" be agreed.

PLANNING COMMITTEE (Continued)

529. ADJOURNMENT OF MEETING

The Chair adjourned the meeting of the Planning Committee held on Monday 6 December to Tuesday 7 December 2004 at 6.00 pm.

(The meeting ended at 10.10 pm)

RESUMPTION OF ADJOURNED PLANNING COMMITTEE MEETING

Minutes of the adjourned Planning Committee meeting held on Tuesday, 7 December 2004 at the Town Hall, Royal Leamington Spa at 6.00 p.m.

PRESENT: Councillor Evans (Chair), Councillors Ashford, Mrs Compton, Copping, Ms De-Lara-Bond, Kinson, Mrs Knight, MacKay and Windybank.

530. PLANNING APPLICATIONS

The Committee considered a list of planning applications.

RESOLVED that the planning applications as detailed at appendix "B" be agreed.

531. LAND AT PARISH END/ ST. FREMUND WAY, CHESTERTON DRIVE, WHITNASH

The Committee considered an application from RPS Design Limited trading as MRP, for an amendment to planning permission W980166 for the re-plan of approved plots 71-128 inc, 132-136 inc and 209-240 incorporating an increase in dwellings from 95 no dwellings to 142 no. dwellings including garages, dwelling courts and all associated infrastructure works.

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

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

(DW) ENV21 - Development Associated with Ancient Monuments (Warwick District Local Plan 1995)

(DW) ENV22 - Evaluation of the Archaeological Effects of Development Proposals (Warwick District Local Plan 1995)

(DW) ENV22A - Archaeological Investigations in Advance of Development (Warwick District Local Plan 1995)

(DW) H17A - Mobility Housing and the Needs of Disabled Persons (Warwick District Local Plan 1995)

(DW) RL5 - Open Space within New Residential Development (Warwick District Local Plan 1995)

(DW) IMP1 - Infrastructural and Community Requirements Associated with Major Development (Warwick District Local Plan 1995)

(DW) IMP2 - Meeting the Needs of People with Disabilities (Warwick District Local Plan 1995)

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

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

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DP4 - Archaeology (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP6 - Access (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP10 - Flooding (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP11 - Drainage (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP14 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011 First Deposit Version)

SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

SC12 - Community Facilities (Warwick District Local Plan 1996 - 2011 First Deposit Version)

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

RESOLVED that application W2004/1312 be granted subject to an amended Section 106 Agreement in relation to education and public transport contributions, provision of Social Housing and public open space and to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990;
- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 12129/03, A-001 Rev. B, C-001 Rev. B, CD, 16 Rev. B, 18 Rev. B, 20Rev. B, 22 Rev. C, SK-'K', SK-'L', 27 Rev. B, SK-'X' Rev. B, SK-'Z' Rev. A, B-006 Rev. A, FC-006 Rev. C, SK-F/D, GB/02, GB/01, 157-102 and specification contained therein, submitted on 15th July 2004, approved drawings 12129/65A, 66 Rev. A and SK-F/A Rev. A and specification contained therein, submitted on 25th October 2004 and approved drawing 12129/64 Rev. C and specification contained therein, submitted on 17th November 2004 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 Policy (DW) ENV3 of the Warwick District Local Plan 1995 and Policy DP1 of the Warwick District Local Plan 1996-2011 (First Deposit Version);
- (3) The construction of the estate roads serving the development including footways, cycleways, verges and footpaths shall not be other than in accordance with the standard specification of the Highway Authority. **REASON** : To ensure compliance with the Council's standards;

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- (4) No dwelling hereby permitted shall be occupied until the estate roads including footways and cycleways serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the District Planning Authority. **REASON** : To ensure compliance with the Council's standards; and
- (5) The vehicular access to the curtilage of each dwelling shall not be less than 3 metres wide at the highway boundary, or 5 metres wide for shared accesses, as measured from the near edge of the public highway carriageway. **REASON**: In the interests of highway safety.

532. QUICKS SITE, STATION APPROACH, LEAMINGTON SPA.

The Committee considered an application, from Miller Homes and Quicks Finance Ltd, for the demolition of all the existing buildings and the redevelopment for three linked buildings to provide 183 apartments, alterations to access and associated works, including construction of decked car park.

RESOLVED that application W2004/1281 be DEFERRED to allow for a site visit to be undertaken as the Committee felt it would be of significant benefit to them when considering the application.

533. 40 KENILWORTH ROAD, LEAMINGTON SPA

The Committee considered an application, from Court (Warwickshire) Ltd, for the erection of 14 No. apartments and associated parking (after demolition of the existing hotel).

The application was brought to Committee after the applicant had appealed against the Council's failure to determine the application. The Committee's view was sought on the proposal so that the Council's written statement for the appeal could be prepared.

The Head of Planning and Engineering recommended that the application should be refused as he considered it did not comply with all of the following policies which were relevant to the application:

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- (DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
- (DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)
- (DW) ENV7 - Demolition of Non-Listed Buildings within Conservation Areas (Warwick District Local Plan 1995)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

PLANNING COMMITTEE (Continued)

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

DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

PPG1 – General Principles (Government Guidance)

PPG3 – Housing (Government Guidance)

PPG15 – Planning and the Historic Environment (Government Guidance)

GD1 – Overriding Purpose (Warwickshire Structure Plan 1996-2011)

GD3 – Overall Development Strategy (Warwickshire County Structure Plan 1996-2011)

RESOLVED that the Council's appeal statement be based on the following deemed refusal reasons:

- (1) District-Wide Policy ENV7 of the Warwick District Local Plan 1995 states that permission will not normally be granted for the demolition of non-listed buildings which contribute to the overall character or appearance of a Conservation Area. This is reflected in Policy DAP11 of the emerging Warwick District Local Plan 1996-2011 (First Deposit Version) which states that applications for total demolition of unlisted buildings will only be permitted where the detailed design of the replacement can demonstrate that it will bring about a genuine qualitative improvement to the Conservation Area and to the setting of adjacent buildings. These policies support Government Advice contained in PPG15 Planning and the Historic Environment which sets out criteria against which applications for demolition are tested.

The application site relates to an early twentieth century building in a prominent corner location on Kenilworth Road and Woodcote Road. As an early example of substantial houses of this period it is considered that it provides a positive contribution to the character and appearance of the Conservation Area by reason of its general character, with a particularly prominent doorcase with distinctive well handled detailing. In the opinion of the District Planning Authority, this building sits well alongside the rather more typical mid-nineteenth century houses in Kenilworth Road and positively adds to the character of the Conservation Area and it is not considered that the applicant has successfully provided any special circumstances to override the advice contained in PPG15 or local plan policies; and

- (2) Policy (DW) ENV6 of Warwick District Local Plan 1995 states that Conservation Areas in the District will be protected from development which would have a detrimental effect upon their character or appearance. In addition, Policy (DW) ENV8 requires that within Conservation Areas, development proposals will be required to achieve a high standard of design

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appropriate to the historic and special architectural character of the area. In the opinion of the District Planning Authority, the proposed replacement building does not contribute to the character or appearance of the Conservation Area to a sufficient extent to justify the demolition of the existing building on the site. As such the replacement building fails to meet the requirements of the aforementioned local plan policies.

534. REVIEW OF PLANNING APPLICATION DECISION MAKING PROCESS

The Committee considered a report from the Head of Planning and Engineering regarding the review of the various changes made to the planning application decision making process introduced in April 2004.

The Committee had considered a report on the planning application decision making process in November 2003, which covered changes to the scheme of delegation, the addition of public speaking rights and the Committee site inspection process.

The Committee agreed to a number of changes and the issues were reported to Standards Committee and agreed by Council in January 2004, with a trial period of six months starting in April 2004.

At the end of this trial period the Working Party who had made the original recommendations to the Committee, had been reconvened to discuss the issues raised and suggest to the Committee any possible amendments to the process.

The Committee considered a series of amendments to the Scheme of Delegation, Public Speaking at Planning Committee Procedure and Planning Committee site visit inspection procedure from the Working Party.

RECOMMENDED that with effect from 1 February 2005:

- (1) the procedure for public speaking at Planning Committee, Appendix "C" and Planning Committee site inspection procedure Appendix "D", as amended, be approved;
- (2) the amended section P(18) of the Scheme of Delegation, Appendix "E", be approved;
- (3) Council Procedure Rules 23(3) and 23(5) be amended as set out below;

23(3) Any members wishing to attend meetings of the Executive or committees to speak on matters relating to their ward will be entitled to do so, excluding Planning Committee where the Ward Councillor will need to register to speak in accordance with the Public Speaking at Planning Committee procedure;

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23(5) "Any members wishing to attend meetings of the Executive or committees of which they are not members whether such meetings are open to the public and press or not, will be entitled to do so but without any right to take part in the proceedings except under Procedure Rule 23 (1) (2) (3) or (4) or by leave of the Leader or Chair which will not be unreasonably withheld, subject to such attendance not contravening any legal requirement, the National Code of Local Government Conduct or any local code and excluding Planning Committee where the Ward Councillor will need to register to speak as per the Public Speaking at Planning Committee procedure.";

- (4) no change be made to Council Procedure Rule 11 (4) (b);
- (5) from 14 February 2005 Planning Committee the report of the Head of Planning to the Committee is no longer split into part 1 and part 2 items;
- (6) The Head of Planning & Engineering produces a briefing note for all district Councillors about the planning process; and
- (7) in future no hand outs will be accepted at meetings of the Committee, except for those contained in the addendum prepared by the Head of Planning.

535. APPEALS AND ENFORCEMENT SECTION – MONTHLY REPORT – NOVEMBER 2004

The Committee considered a report from the Head of Planning and Engineering notifying them of the appeal decisions, details of appeals received from the Planning Inspectorate, the Council's performance for the year April 2004 to March 2005 and the Planning Inspector's forthcoming hearings.

RESOLVED that the report be noted.

(The meeting ended at 10.10 pm)

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