

PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 21 November 2007 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, Kinson and Rhead.

626. DECLARATIONS OF INTEREST

Minute Number 628 – W07/1515 – 33 Warwick Street, Leamington Spa

Councillors Barrott, Mrs Blacklock, Mrs Bunker, Copping, Dhillon, Edwards, Illingworth, Kinson, MacKay and Rhead all declared personal interests because the owner of 45 Russell Street was a fellow Warwick District Councillor.

Minute Number 629 – W07/1517LB – 33 Warwick Street, Leamington Spa

Councillors Barrott, Mrs Blacklock, Mrs Bunker, Copping, Dhillon, Edwards, Illingworth, Kinson, MacKay and Rhead all declared personal interests because the owner of 45 Russell Street was a fellow Warwick District Councillor.

Minute Number 637 – TPO 346 – 3-5 Parkfield Drive, Kenilworth

Councillors Mrs Bunker declared a personal interest because she had spoken with the objector.

Councillor Copping declared personal interests because the objector was a friend.

627. 35 WOODLAND ROAD, KENILWORTH

The Committee considered an application from Mr T Zhou for the erection of two storey side and rear extension.

The application was deferred at Planning Committee on 31 October 2007 to enable a site visit to take place. The Committee had visited the site on 17 November 2007. 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:

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)

DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

Vehicle Parking Standards SPD

In the opinion of the Head of Planning and Engineering, the development respected surrounding buildings in terms of scale, height, form and massing and

PLANNING COMMITTEE MINUTES (Continued)

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 line with the officer's recommendation.

RESOLVED that application W07/1421 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) LA/35WR/07/A01, /A02 Rev. A and /A03 Rev. A, and specification contained therein, received on 24th August and 15th October 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.

628. **33 WARWICK STREET, LEAMINGTON SPA**

The Committee considered an application from DeBrus Marketing for the erection of first and second floor rear extension. Construction of a two storey link to 45 Russell Street and the insertion of new windows, roof lights and patent glazing.

The application was requested by Councillor Mrs Knight to be presented to Committee.

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)

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

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

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

PLANNING COMMITTEE MINUTES (Continued)

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, is of an acceptable standard of design and detailing and preserves the character and appearance of the Conservation Area within which the property 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 members would benefit from a site visit.

RESOLVED that application W07/1515 be DEFERRED to allow for a site visit to take place because the Committee felt it would be of significant benefit to them when determining the application.

629. **33 WARWICK STREET, LEAMINGTON SPA**

The Committee considered an application from DeBrus Marketing for the erection of first and second floor rear extension. Construction of a two storey link to 45 Russell Street and the insertion of new windows, roof lights and patent glazing.

The application was requested by Councillor Mrs Knight to be presented to Committee.

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)

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.

Following consideration of the officer's report and presentation, the Committee were of the opinion that members would benefit from a site visit.

RESOLVED that application W07/1517LB be DEFERRED to allow for a site visit to take place because the Committee felt it would be of significant benefit to them when determining the application.

630. **108 LEWIS ROAD, RADFORD SEMELE**

The Committee considered a retrospective application from Ms N Osborne for the erection of a rear conservatory.

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

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

PLANNING COMMITTEE MINUTES (Continued)

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

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

The following person addressed the Committee:

Councillor Michael Doody Ward Councillor (Supporting)

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

Following consideration of the officers' report and presentation along with the submission by the Ward Councillor addressing the Committee, the Committee were of the opinion that the application should be refused in line with the officers recommendation.

RESOLVED that

- (1) application W07/1549 be REFUSED for the following reasons;

Policy (DW) DP1 of the Warwick District Local Plan requires all development proposals to positively contribute to the character and quality of its environment through good layout and design. Policy (DW) DP2 of the Warwick District Local Plan states that development will not be permitted which has an adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users/occupiers of the development. Furthermore, the District Council has also adopted Supplementary Planning Guidance on the 45 Degree Guideline which aims to prevent any unreasonable effect on the neighbouring property by reason of loss of daylight or sunlight and by creating an unneighbourly and overbearing effect.

the application site relates to a 2-storey semi-detached property. Due to the proximity of 106 Lewis Road to the application site, this proposed development would breach the Council's adopted Supplementary Planning Guidance on the 45 Degree Guideline. The proposed conservatory would have an unacceptable overbearing effect on the rear lounge window and the rear extension of 106 Lewis Road which is situated close to the boundary of the two properties. Furthermore, the proposed conservatory would significantly reduce the daylight entering both the lounge window and the rear extension and

unacceptably harm the outlook presently enjoyed by the occupants of 106 Lewis Road. The proposal would therefore be unneighbourly and contrary to the aforementioned policies; and

- (2) enforcement action be AUTHORISED to implement revised scheme (W20070658) with a compliance period of 12 months.

631. 12 BEAUCHAMP AVENUE, LEAMINGTON SPA

The Committee considered an application from Mr & Mrs Ferguson for the erection of coach house annex to rear of dwelling for ancillary purposes.

The application was presented to Committee because 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)

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.

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

Following consideration of the officer's report and presentation, it was proposed and duly seconded that the application be refused. The motion was lost with three votes for and seven against.

A second proposal was made and duly seconded that the application be granted in line with the officers' recommendation.

RESOLVED that application W07/1563 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 07.278.GA.021A and 07.278.GA.011a, and specification contained therein, submitted on 7 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;
- (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) 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), parapet wall 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;
- (5) the timber louver slats hereby permitted shall be stained a dark green colour, a sample of which shall be submitted to and approved in writing by the District Planning Authority. The development shall be carried out in strict 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) all new windows and doors shall be constructed in timber and painted not stained. **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;
- (7) all rainwater goods for the development hereby permitted shall be metal. **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;
- (8) the building hereby permitted shall not be construed as permitting the erection of a separate dwelling or business unit and shall thereby be used ancillary to the property known as 12 Beauchamp Avenue. **REASON:** To authorise a new dwelling unit would fail to meet one of the criteria set out within the Council's supplementary planning document 'Managing Housing Supply'. This policy seeks to limit the over-provision of new homes in the District in accordance with policies CF3 and CF6 in the Regional Spatial Strategy, policy H.1 in the Warwickshire Structure Plan and policies UAP1 and SC10 in the Warwick District Local Plan 1996-2011. In addition, it needs to be ancillary to preserve the amenity of the dwelling and area; and
- (9) the louver slats hereby permitted shall be fixed in position prior to the first occupation of the building and retained as such 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.

632. FLAT 1, 34 NEWBOLD TERRACE EAST, LEAMINGTON SPA

The Committee considered an application from Mr Bhopal for the conversion of basement flat and internal alterations at basement level to provide house in multiple occupation.

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

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

PLANNING COMMITTEE MINUTES (Continued)

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)
DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
SC10 - Managing Housing Supply (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning and Engineering, the use does not adversely impact on the character and appearance of the area. The proposal was therefore considered to comply with the policies listed.

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

Following consideration of the officer's report and presentation, the Committee were of the opinion that the application should be refused against the officer's recommendation.

RESOLVED that application W07/1589 be REFUSED because of overdevelopment and excessive utilization of the space and potential of adding to parking problems and the potential adverse impact on the existing residents of the dwelling. Unsatisfactory bin storage and also contradicts planning policy DP1, good layout and design.

633. FLAT 1, 34 NEWBOLD TERRACE EAST, LEAMINGTON SPA

The Committee considered an application from Mr Bhopal for the conversion of basement flat and internal alterations at basement level to provide house in multiple occupation.

The application was presented to Committee because an objection from Royal Leamington Spa 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)
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 was of an acceptable standard of design and detailing. The proposal was therefore considered to comply with the policies listed.

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, the Committee were of the opinion that the application should be refused against the officer's recommendation.

RESOLVED that application W07/1590LB be REFUSED because the opinion of the District Planning Authority, the proposed alterations would represent over-development and excessive use of space, which in view of the Listed Building status would be harmful.

634. **89 SHRUBLAND STREET, LEAMINGTON SPA**

The Committee considered an application from Mrs J Gill for the removal of Condition 4 (to allow clear glazing to window on first floor rear elevation) of Planning Approval W07/1205.

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

In the opinion of the Head of Planning and Engineering, the proposed development is of an acceptable standard of design which would harmonise with the design and appearance of the main dwelling and its surroundings and does not result in an unacceptable adverse impact on the amenity of nearby residents by reason of loss of light or privacy. The proposal was therefore considered to comply with the policies listed.

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

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 W07/1593 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 in accordance with the details shown on the approved drawing number 1479/1/E and

specification contained therein, submitted on 24 September 2007 except as required by condition 3 below and unless first agreed otherwise in writing by the District Planning Authority.

REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and

- (3) notwithstanding the details shown on the submitted plan number 1479/1/E, the bottom half of the window shall be obscure glazed and retained as such at all times thereafter.

REASON: To protect neighbouring residential amenity in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

635. 1 GREVILLE SMITH AVENUE, WHITNASH

The Committee considered an application from Mr & Mrs Handford for the erection of first floor side extension.

The application was presented to Committee because an objection from Whitnash Town Council had been 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)

In the opinion of the Head of Planning and Engineering, the development respected surrounding buildings in terms of scale, height, form and massing and does 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 line with the officer's recommendation.

RESOLVED that application W07/1742 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) 1457-2B, and specification contained therein, submitted on 15th October 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) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

636. 2 PARK HILL AND 1-11 LEYES LANE, KENILWORTH

The Committee considered a report that sought the confirmation of provisional Tree Preservation Order TPO 343 regarding five individual trees.

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

RESOLVED that TPO 343 be confirmed.

637. 3-5 PARKFIELD ROAD, KENILWORTH

The Committee considered a report that sought the confirmation of provisional Tree Preservation Order TPO 346 regarding two individual trees.

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

RESOLVED that TPO 346 be confirmed.

638. 36 COTEN END, WARWICK

The Committee considered a report that sought the confirmation of provisional Tree Preservation Order TPO 347 regarding one individual tree.

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

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, the Committee were of the opinion that members would benefit from a site visit.

RESOLVED that application TPO 347 be DEFERRED to allow for a site visit to take place because the Committee felt it would be of significant benefit to them when determining the provisional Tree Preservation Order.

639. NARBOROUGH COURT, 58 WARWICK PLACE, LEAMINGTON SPA

The Committee considered a report that sought the confirmation of provisional Tree Preservation Order TPO 348 regarding one individual tree.

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

RESOLVED that TPO 348 be confirmed.

640. 8 FARRIERS COURT, WASPERTON

The Committee considered a report that sought the confirmation of provisional Tree Preservation Order TPO 352 regarding two individual trees.

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

RESOLVED that TPO 352 be confirmed.

641. RESIDENTIAL DESIGN GUIDE

The Committee considered a report from Alan Mayes, Principal Architect Planner, asking members to adopt the Residential Design Guide.

The Chairman of the Committee, following consultation with the Head of Planning and Engineering, felt that the report would need some consideration. It was suggested that the report be deferred until the reserve night of the Planning Committee meeting due to be held on 10 January 2008. This would allow members enough time to fully consider the report and the Residential Design Guide.

RESOLVED that Residential Design Guide report be deferred until the Planning Committee reserve night meeting on 10 January 2008.

(The meeting ended at 8.10pm)