

# PLANNING COMMITTEE

Minutes of the meeting held on Tuesday, 9 March 2004 at the Town Hall, Royal Leamington Spa at 6.00 p.m.

**PRESENT:** Councillor Evans (Chair); Councillors Ashford, Caborn, Mrs Compton, Copping, MacKay, Smith and Windybank.

(Councillor Caborn substituted for Councillor Guest)

Apologies of absence were received from Councillor Ms De-Lara-Bond

## 981. DECLARATIONS OF INTEREST

Minute Number 983 - Coventry Airport, Land Adjacent to South Apron, Siskin Parkway West, Middlesmarch Business Park, Coventry

Councillor Mackay declared a personal prejudicial interest in this item because he was Ward Councillor and had been know to express his opinions on this matter but did not leave the room as he wished to speak as Ward Councillor on this matter.

Minute Number 984 - Land adjacent River Avon, Wasperton Road, Wasperton, Warwick

Councillor Copping declared a personal interest in this item because two of the objectors were known to him.

Minute Number 994 - Stables, Warwick Racecourse, Hampton Road, Warwick

Councillors Ashford, Caborn, Mrs Compton, Copping, Evans, MacKay, Smith and Windybank declared personal interests in this item because the Council owned the land the application was made on.

Minute Number 996 - W20031780/81LB The Abbotsford, 10 Market Place Warwick

Councillor Mrs Compton declared a personal interest in this item as the application was by Warwickshire County Council, as she was a Warwickshire County Councillor

Minute Number 996 - W20040127 21 Kenilworth Road, Leamington Spa.

Councillor Copping declared a personal prejudicial interest in this item because an objector is a family friend.

## **PLANNING COMMITTEE (Continued)**

### **982. UNAUTHORISED TELECOMMUNICATIONS MAST AT JEPHSONS FARM GRIFFIN ROAD WARWICK.**

The Committee considered a report from Legal Services seeking authorisation to make an application in the High Court for an injunction for the removal of the, unauthorised, telecommunications mast and equipment cabinet, at Jephsons Farm Griffin Road Warwick. Although this item was not on the agenda, the Chair agreed to it being considered as a matter of urgency in view of the need to act quickly.

**RESOLVED** an application in the High Court under section 187B of the Town & Country Planning Act 1990 for an injunction for the removal of the telecommunication mast and equipment cabinet (unauthorised development) at Jephsons Farm Griffin Road Warwick, be made.

### **983. COVENTRY AIRPORT, LAND ADJACENT TO SOUTH APRON, SISKIN PARKWAY WEST, MIDDLEMARCH BUSINESS PARK, COVENTRY.**

The Committee considered enforcement action, against West Midlands International Airport Ltd, in respect of possible breaches of planning control at Coventry Airport, with regard to the construction of an airport passenger terminal, associated car park, access roads and infrastructure.

*A site visit had been undertaken by the Committee on 6 March 2004.*

**RESOLVED** that the following action be approved in respect of the issues raised report and a further report be made to the 31 March meeting of the Committee: -

- (a) Erection of modular buildings
  - (i) further investigation work be undertaken to identify the nature and extent of the proposed development;
  - (ii) a response be secured from the Secretary of State in respect of the need for an Environmental Impact Assessment;
  - (iii) West Midlands International airport be informed that, in the light of the information, currently available, the Council does not accept that the terminal either is or will be below the 500 Square Metre limit or that the development overall will fall below 1 hectare;
  - (iv) Further investigation of the areas proposed to be used for car parking on the north side of the airport be undertaken; and

## **PLANNING COMMITTEE (Continued)**

- (b) Importation and crushing of Brick Rubble
  - (i) enforcement action be authorised against the use of part of the south side of the Airport for the importing/storage and processing of brick rubble and other waste materials, in the event of the material not being removed from the site within 1 month; and
  - (ii) enforcement action be authorised against the development undertaken in the area in which works of soil stripping, car parking and access road construction have taken place, in the event of the area not being reinstated within 1 month.
- (c) Works to the Runway

West Midlands International Airport Limited be informed that:

- (i) the receipt of the formal undertaking that the overrun area will not be used as a runway, either for taking off, positioning for take off or landing, be noted and welcomed;
- (ii) in the event of the use of this area for runway purposes, the Council will take all appropriate action to require the cessation of such use;
- (iii) the removal of the turning circle be noted and welcomed;
- (iv) a full technical justification of the use of the material on the overrun area should be submitted for independent verification; and
- (v) the proposed frangible markers are put in place before 31 March.

### **984. LAND ADJACENT RIVER AVON, WASPERTON LANE, WASPERTON**

The Committee considered an application, from the Birmingham Anglers Association, for the excavation to form pools in the flood channel.

Consideration of this application had been deferred at the meeting of 17 February to allow for a site to take place.

## **PLANNING COMMITTEE (Continued)**

The Head of Planning & Engineering had recommended that the application be granted subject to the fishing pegs being alternatives, not additional, to the existing pegs, to the spoil to be spread on the site and not removed from it, and to planting, pond construction and management details as he considered the proposal complied with the following policies:

(DW) C1 - Conservation of the Landscape (Warwick District Local Plan 1995)  
(DW) ENV27 - Ecological Development (Warwick District Local Plan 1995)  
(DW) ENV22 - Evaluation of the Archaeological Effects of Development Proposals (Warwick District Local Plan 1995)  
(DW) ENV29 - Protection of SSSI's and Local Nature Reserves (Warwick District Local Plan 1995)  
DP10 - Flooding (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
(DW) RL12 - Recreation Development within the Countryside (Warwick District Local Plan 1995)  
DP3 - Natural Environment (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
DP4 - Archaeology (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
RAP13 - Directing New Outdoor Leisure and Recreation Development (Warwick District 1996 - 2011 First Deposit Version)  
Planning Policy Guidance Note - 13 (Transport)  
Planning Policy Guidance Note - 7 (The Countryside)  
Planning Policy Guidance Note - 9 (Nature Conservation)

However the Committee were of the opinion that the application was a manmade feature would have an adverse impact on the character of the countryside, it was harmful to the traditional appearance of the riverside meadows and the use of these fishing pegs being used as alternatives and not additional was unenforceable.

**RESOLVED** that planning application W20031974 be REFUSED as it was contrary to Policy C1 of the existing Local Plan and RAP 13 of the emerging Local Plan, because the application:

- (1) is a manmade feature that would have an adverse impact on the character of the countryside;
- (2) is harmful to the traditional appearance of the riverside meadows; and
- (3) the use of these fishing pegs being used as alternatives and not additional was unenforceable.

(Councillors Butler and Mrs Sawdon addressed the committee as Ward Councillors)

## **PLANNING COMMITTEE (Continued)**

### **985. LAND CORNER OF THE BLUNDELLS KENILWORTH**

The Committee considered an application, from Mr J Goodway, for the erection of a 3 storey block of 9 flats with car parking, including the use of 6 allocated parking spaces as approved under planning permission W20031333.

The proposal was considered to comply with the following policies:  
(DW) ENV3 - Development Principles (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)

**RESOLVED** that planning application W20040182 be GRANTED subject to conditions on materials, parking and access, landscaping implementation/management, noise, drainage, fire fighting, archaeological work and notes on the protection of birds and bats.

### **986. 1A WARWICK NEW ROAD, LEAMINGTON SPA**

The Committee considered an application, from Milcel Limited, for the erection of 2no. 3 and 4 storey detached apartment buildings comprising of a total of 12 no. self-contained apartments after demolition of existing dwelling.

**RESOLVED** that planning application W20031490 be DEFERRED to allow for a site visit.

(Councillor Gifford addressed the Committee as Ward Councillor)

### **987. SOUTH LEAMINGTON ALLOTMENT SITE MONTGOMERY ROAD WHITNASH**

The Committee considered an application from A C Lloyd (Builders) Ltd, for the erection of a detached 3 storey block of 12 no. apartments with associated parking for 14 no. vehicles.

**RESOLVED** that planning application W20031813, be DEFERRED for negotiation with the developers with regard to the use of the public open space and the incongruous appearance of the 2 storey block.

(Councillor Kirton addressed the Committee as Ward Councillor)

### **988. MONTGOMERY EQUESTRIAN CENTRE OLD BUDBROOKE ROAD BUDBROOKE**

The Committee considered an application from Mr & Mrs Ruyssevelt for the erection of a dwelling.

The Head of Planning & Engineering had recommended that the application be refused due to the lack of need and excessive size of the proposal. However the Committee were of the opinion that the applicant had demonstrated the

## **PLANNING COMMITTEE (Continued)**

special need for the dwelling and the application complied with policy H10, the dwelling should normally be of 140 sq m,

**RESOLVED** that the planning application W20040099 be GRANTED, because of the demonstration of the special need for the development and that it complied with policy H10, subject to condition for equestrian workers, landscaping and materials, removal of pd rights and removal of the mobile home from the site once the new dwelling is complete.

(Councillor Butler addressed the Committee as Ward Councillor)

### **989. PLANNING APPLICATIONS**

The Committee considered a list of planning applications.

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

### **990. ADJOURNMENT OF MEETING**

The Chair adjourned the meeting of the Planning Committee held on Tuesday, 9 March 2004 to Wednesday, 10 March 2004 at 6.00 pm.

(The meeting ended at 9.45 pm.)

## **PLANNING COMMITTEE (Continued)**

### **RESUMPTION OF ADJOURNED PLANNING COMMITTEE MEETING**

Minutes of the adjourned Planning Committee meeting held on Wednesday, 10 March 2004 at the Town Hall, Royal Leamington Spa at 6.00 p.m.

**PRESENT:** Councillor Evans (Chair); Councillors Ashford, Mrs Compton, Copping, Caborn, MacKay, Smith and Windybank.

An apology for absence was received from Councillor Ms De-Lara- Bond.

#### **991. 34 KENILWORTH ROAD, LEAMINGTON SPA**

The Committee considered an application, from Mr P Akhter, for the conversion of a nursing home to form 9 apartments.

The proposal was considered to comply with the following policies:

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)

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

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

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

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

SC7 - Supporting Community Facilities (Warwick District Local Plan 1996 - 2011 First Deposit Version)

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

(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) ENV12 - Protection of the Setting of Listed Buildings (Warwick District Local Plan 1995)

**RESOLVED** that planning application W20031881 be GRANTED, as amended, subject to conditions on access, car parking, landscaping, materials and large-scale architectural details.

(Councillor Mrs Goode addressed the Committee as Ward Councillor)

#### **992. LAND ADJACENT TO 63 COMMON LANE KENILWORTH**

The Committee considered an application from Warwick Place Limited, for the demolition of a garage and erection of a two storey house.

**RESOLVED** that planning application W20040143 be DEFERRED to allow for a site visit

## **PLANNING COMMITTEE (Continued)**

### **993. PORTOBELLO WORKS EMSCOTE ROAD WARWICK**

The Committee considered an application from, Gallagher Estates/Pettifer Estates, for a new road, footpath and cycleway, a new bridge across river Avon linking Rock Mill Lane to former Portobello Works, and associated landscaping works and including Flood Compensation Works on land north of Emscote Road/Rugby Road, Warwick/Leamington Spa

**RESOLVED** that planning application W20031966 be DEFERRED for negotiation.

### **994. STABLES, WARWICK RACECOURSE, HAMPTON ROAD, WARWICK**

The Committee considered an application from Warwick Racecourse Limited, for the construction of stables and lads' hostel, flood alleviation works (compensatory), external works; vehicle parking, site access and drainage.

The proposal was considered to comply with the following policies:

(DW) ENV2 - Areas of Restraint (Warwick District Local Plan 1995)

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

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

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

SC5 - Protecting Open Space (Warwick District Local Plan 1996 - 2011 First Deposit Version)

SC5 - Protecting Open Space (Warwick District Local Plan 1996 - 2011 First Deposit Version)

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

DAP2 - Protecting the Areas of Restraint (Warwick District 1996 - 2011 First Deposit Version)

**RESOLVED** that planning application W20031782 GRANTED, as amended, subject to conditions on materials, landscaping (including tree protection), layout and finish of car park, the timing of the compensation works, the provision of surface water drainage works, installation of a petrol interceptor, access conditions (and note), and bird note, after reference to the Secretary of State as a departure from the development plan.

### **995. SHOP UNITS 1 & 2 SLADE HILL HAMPTON MAGNA BUDBROOKE**

The Committee considered enforcement action against, Mr Singh Sanhara for the variation to approved plans – for the erection of a first floor extension to form 3 apartments and alterations to existing retail units.

**RESOLVED** that the minor amendment be approved and enforcement action not be pursued.

### **996. PLANNING APPLICATIONS**

The Committee considered a list of planning applications.



## **PLANNING COMMITTEE (Continued)**

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

### **997. APPEALS AND ENFORCEMENT – MONTHLY REPORT FEBRUARY 2004**

The Committee considered a report from the Head of Planning & Engineering notifying them of the appeal decisions, details of appeals received from the Planning Inspectorate, the Council's performance for the year April 2003 to March 2004 and the Planning Inspectors forthcoming hearings.

**RESOLVED** that the report be noted.

(The meeting ended at 9.45 pm.)

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