

# PLANNING COMMITTEE

Minutes of the meeting held on Tuesday, 6 January 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, Guest, MacKay, Smith and Windybank.

## 727. DECLARATIONS OF INTEREST

### Minute Number 733 - Lodge Farm, Westwood Heath Road, Stoneleigh

Councillor Windybank declared a personal interest in this item because the applicant was known to him, but stayed in the room and did not take part in the vote.

Councillor MacKay declared a personal and prejudicial interest and left the room for this item as the subject of the report was the Chairman of one of his Parish Councils.

### Minute Number 739 - 6 Almond Avenue, Leamington Spa

Councillor MacKay declared a personal interest in this item as the objector was known to him.

### Minute Number 739 - Land Rear of 258 Myton Road, Warwick

Councillor Ms De-Lara-Bond declared a personal interest in this item because the applicant was known to her.

### Minute Number 739 - 95 Abbey End, Kenilworth

Councillor Mrs Compton declared a personal interest in this item because she was the Associate Manager of the Primary Care Trust with her main concern being Mental Health

Councillor Copping declared a personal interest in this item because he was a member of the Primary Care Trust Patient and Public Involvement Forum.

### Minute Number 739 - Caretaker's Lodge, Warwick Preparatory School, Banbury Road, Warwick

Councillor Guest declared a personal interest in this item because he was a Warwick District Council representative on the Warwick Preparatory School Governors.

### Minute Number 739 - 18 St. Nicholas Church Street, Warwick

Councillor Mrs Compton declared a personal interest in this item because the applicant was an employee of Warwick District Council who was known to her.

**PLANNING COMMITTEE (Continued)**

**728. 14-20 PARADE, LEAMINGTON SPA**

The Committee considered a report requesting and amendment to the resolution to grant planning permission made at the meeting of the Committee on 9 December 2003, for the change of use of existing offices on the first, second and third floors to provide sixteen self-contained apartments.

At the meeting on 9 December 2003, the committee had granted planning permission and listed building consent, as amended, subject to conditions and noise insulation, large-scale details and materials, after reference to the Secretary of State. The decision notices on these applications had not yet been issued. Warwickshire County Council had also requested payment of commuted sums for education (£10,200), library (£1,074) and public transport (£480) contributions to which the applicant had agreed.

It was, therefore, recommended to the Committee that the requirement to include a Section 106 Agreement for these commuted contributions be formally agreed by the Committee.

**RESOLVED** that the additional requirements for planning application W20030577/578LB be approved as follows; an agreement under Section 106 of the Town and Country Planning Act 1990, for the payment of a total of a commuted sum of £11,754 for education, library and public transport contributions.

**729. KING EDWARD VII MEMORIAL HOSPITAL, BIRMINGHAM ROAD, HATTON**

The Committee considered an application from Morris Homes Limited for the erection of 36 dwellings, (amendment to P.P.W20020659).

The Head of Planning and Engineering had recommended that the application be granted because it was considered to comply with the following policies:-

The site was in the Green Belt where PPG 2 gave advice on the redevelopment of major sites which were considered as part of the previous grant application and the development was considered to comply with ENV3 Development Principles

**RESOLVED** that the planning application W20031538 be granted subject to conditions on materials, details of crib wall, landscaping (including protection of trees), surface water drainage, provision of cycleway, provision (and use), of emergency access, provision of fire hydrants, slab levels, and bat note, after completion of a legal agreement to require 30% affordable housing, education contributions, community facilities and sustainable transport contributions.

**730. FORMER PETROL FILLING STATION, COTEN END, WARWICK**

The Committee considered an application from Temple Oak Limited for the erection of 24 apartments with associated parking.

## **PLANNING COMMITTEE (Continued)**

This application had been deferred at the Planning Committee on 9 December 2003 for a site visit and further information.

The Head of Planning and Engineering had recommended that the planning application be granted, as amended, subject to sample materials, boundary treatment, landscaping, car parking, cycle parking, details of bin storage, access and contamination survey conditions, after completion of a Section 106 Agreement relating to social housing and library and education contribution.

The Head of Planning and Engineering had recommended that the application be granted because it was considered to comply with the following policies:-

The site lay within the town, but adjoining a listed building and a conservation area and, therefore, the following policies were applicable:-

Structure Plan Policy GD3, Overall Development Strategy GD5, Development Location Priorities and H3 Land for Housing. Local Plan Policy (DW) H5 infilling within the towns and (GW) ENV3 Development Principles. Further guidance was given in PPG 3 Housing

In relation to the setting of a listed building, the guidance in PPG 15 "Planning and the Historical Environment " was relevant. The applicable Warwick District Local Plan Policy was ENV12.

However, Members were of the opinion that the application should be refused because of the excessive density, inappropriate height and mass in the setting, (roof pitch too high), and setting of the listed building would be damaged. There was also a lack of affordable housing provision which was contrary to the Local Plan policy requirement.

**RESOLVED** that planning application W20031511 be refused because of the excessive density, inappropriate height and mass in the setting, (roof pitch too high), and setting of the listed building would be damaged. There was a lack of affordable housing provision contrary to local plan policy requirement.

### **731. LAND REAR OF 132 LILLINGTON ROAD, LEAMINGTON SPA**

The Committee considered an application from Mr and Mrs C Ives for the erection of a detached dwelling with new access from Elmbank Close.

The Head of Planning and Engineering had recommended that the application be granted because it was considered to comply with the following policies:-

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

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

DP1 – Layout and Design (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)

UAP 1 – Directing New Housing (Warwick District Local Plan 1996 – 2011 First Deposit Version)

**PLANNING COMMITTEE (Continued)**

**RESOLVED** that planning application W20031641 be granted, subject to conditions on access, car parking, drainage, materials, obscure glazing, protection of trees, landscaping, materials and removal of permitted development rights.

(Councillor Mrs Goode addressed the Committee on this item)

**732. 112 LEICESTER LANE, LILLINGTON, LEAMINGTON SPA**

The Committee considered an application from Mr R and Mrs J Bennett for a first floor and raising of part of roof line to the existing bungalow.

The Head of Planning and Engineering had recommended that the application be granted because it was considered to comply with the following policies:-

(DW) ENV.3 – Development Principles (Warwick District Local Plan 1995)  
The 45 degree guideline (Supplementary Planning Guidance)  
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 W20031746 be granted subject to conditions on materials.

**733. LODGE FARM, WESTWOOD HEATH ROAD, STONELEIGH PARISH**

The Committee considered enforcement action for the carrying out on land of building, engineering or other operations, namely the erection of a timber building for residential purposes.

**RESOLVED** that enforcement action ACT 439/45/03 be deferred for further information from Alpine about the structure in relation to the legal definition of a mobile home.

**734. LAND AT THE STABLES, THE CUMSEY, ROWINGTON**

The Committee considered serving a Section 215 Notice for the condition of the land adversely affecting the amenity of the area.

The Head of Planning and Engineering had recommended that legal action be taken as the site was in the Green Belt and a Special Landscape Area in the 1995 Warwick District Local Plan and it was considered to comply with the following policies:

(DW) ENV 1 – Green Belts  
(DW) ENV3 – Development Principles  
(DW) C1/(DW) C2 – Protection of the Character of the Countryside  
(DW) C8 - Protection of the Special Landscape Areas

**RESOLVED** that a Section 215 Notice ACT 482/52/02, be authorised to protect the character and appearance of this part of the Green Belt and Special Landscape Area. The compliance period be two months.

**735. "FAT FACE", 88 REGENT STREET, LEAMINGTON SPA**

The Committee considered enforcement action for alterations to the shop front, including the provision of a strip timber, externally illuminated fascia panel on the front elevation of the Grade II listed building.

The Head of Planning and Engineering recommended that enforcement action be approved as the site was a Grade II listed building located within the Leamington Spa Conservation Area. The Environment and Conservation section of the 1995 Warwick District Local plan had set out a number of specific policy objectives which were applicable. The relevant policies with regard to the protection of listed buildings and the character of Conservation Areas were policy (DW) ENV6 and (DW) ENV8 – Conservation Area, and (DW) ENV11 and (DW) ENV12 which related to proposed works to listed buildings and the protection of their setting.

As part of the work carried out related to advertisements, policy (DW) ENV20 was also relevant because it stated that normally advertisements that were detrimental to the character or appearance of buildings would not be permitted.

**RESOLVED** that enforcement action ACT 201/20/03 be authorised to ensure the alterations to the shop front in terms of fascia depth accord with to the details approved in W20021437/38LB, and that the whole of the timber cladding be removed. The period for compliance be four months.

**736. LAND ADJACENT TO 224 MYTON ROAD/MYTON LANE, WARWICK**

The Committee considered an application for the confirmation of a provisional Tree Preservation Order relating to 3 individual trees and woodland area.

**RESOLVED** that Tree Preservation Order 242 be confirmed in its present form, to ensure that the woodland area and the individual tree fronting Myton Lane, continue to make a positive contribution to the visual amenity of the area.

**737. 104 BRIDGE END, WARWICK**

The Committee considered an application for the confirmation of a provisional Tree Preservation Order relating to 2 silver birch trees.

**RESOLVED** that Tree Preservation Order 246 be confirmed in its present form, and that permission be refused for the removal of the silver birch tree T2 on the grounds that its loss would adversely affect the amenity of this part of the conservation area, and the reasons for the work are not justified.

**738. LAND REAR OF NUMBERS 5, 7 ASHFIELD ROAD AND NUMBERS 61 AND 63 EDEN CROFT, KENILWORTH**

The Committee considered an application for the confirmation of a provisional Tree Preservation Order relating to 2 Ash trees and 3 Oak trees.

## **PLANNING COMMITTEE (Continued)**

**RESOLVED** that Tree Preservation Order 253 be confirmed in its present form with the regard to the protection of total of five trees, at the rear of residential properties, between Ashfield Road and Eden Croft, Kenilworth, in the positions as detailed on the plan in the Order, notwithstanding that T5 related to a replacement tree yet to be planted following the felling of the former Oak tree at the rear of Number 7 Ashfield Road.

### **739. PLANNING APPLICATIONS**

The Committee considered a list of planning applications.

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

### **740. APPEALS AND ENFORCEMENT SECTION – MONTHLY REPORT – NOVEMBER/DECEMBER 2003**

The Committee considered a report from the Head of Planning and Engineering on appeal decisions for application numbers:-

W20021752 – 12 Station Approach, Leamington Spa - Retention of change of use from flat to design studio (dismissed).

W20021809 – "White Gables", Hill Wootton Road, Leek Wootton – Erection of a two storey extension to front of house and double garage (dismissed).

W20030168 – "Holly Lodge", 2 The Cunnery Stoneleigh Park, Kenilworth – Erection of a garden shed (dismissed).

W20021091 – Whitmore Engineering Works, Pipers Lane, Kenilworth – Construction of 61 no. 2 bed flats, parking and associated roads and sewers (allowed).

W20011231 – Land at 2 Gerrard Street, Warwick – Demolition of existing building and erection of two, three storey dwellings with garaging (dismissed).

W20021905 – 24 Mill House Close, Leamington Spa – Extension to an existing conservatory (allowed).

W20030855 – Land adjoining Hilltop House, Budbrooke – Erection of five terraced houses (dismissed).

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 were also set out in the report.

**RESOLVED** that the report be noted.

(The meeting ended at 9.50 pm.)