

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday, 17 February 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.

914. DECLARATIONS OF INTEREST

Minute Number 915 - Coventry Airport, Land Adjacent to South Apron, Siskin Parkway West, Middlemarch 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 928 - W20031780/1781LB - The Abbotsford, 10 Market Place, Warwick

Councillor Mrs Compton declared a personal interest in this item because she was a Warwickshire County Councillor.

Minute Number 928 - W20031931 - Unit 3 Berrington Road, Sydenham Industrial Estate, Leamington Spa

Councillor Evans declared a personal interest in this item because he had dealt with the objectors on a previous application on this site.

915. COVENTRY AIRPORT, LAND ADJACENT TO SOUTH APRON, SISKIN PARKWAY WEST, MIDDLEMARCH BUSINESS PARK, COVENTRY.

The Committee considered a report from the Head of Planning and Engineering in respect of possible of planning control at Coventry Airport.

RESOLVED that the following action be approved in respect of the issues raised report: -

- (a) Erection of modular buildings
 - (i) that West Midlands International Airport be informed that the Council proposes to undertake action to resolve the breach of control arising from building(s) and associated works constructed for the purposes of a passenger terminal use at the Airport
 - (ii) that further legal advice be taken on the detailed nature of the action to be taken and a recommendation upon that action to be made to the next meeting of the Planning Committee.

PLANNING COMMITTEE (Continued)

- (b) Importation and crushing of Brick Rubble
 - (i) that West Midlands International Airport Limited be informed that the creation of a car park in association with the terminal development would be a breach of planning control
 - (ii) that further investigation take place and a report be made to the next Planning Committee
- (c) Works to the Runway
 - (i) that WMIAL be informed that the engineering operation to the overrun area of runway 23 is not in accordance with the Certificate of Lawfulness in respect of dimensions and surface material, that the Council expresses its considerable concern over the manner in which the overrun area has created a surface which has the potential to be used as a runway and that a fully substantiated and verifiable submission be made to justify the need for such works solely to provide a satisfactory safety overrun area.
 - (ii) that WMIAL be informed that any use of the overrun area for taking off or landing and associated taxiing purposes, other than for a notifiable overrun incident, will be in breach of planning control and the council will take the necessary action to enforce this control
 - (iii) that following further legal advice, a further report be made to this Committee on the actions available to the Council to enforce the restricted use of the overrun area in accordance with planning control
- (d) Internal Access Road adjacent to Residential Properties of Oak Close
 - (i) that further investigation be undertaken and reported to the Planning Committee
- (e) Use of Land adjacent to the Royal Oak Public House for the Storage of new Cars
 - (i) that further investigation of the issues relating to car storage be undertaken and a further report be made to Planning Committee
- (f) Removal of Trees
 - (i) no action required; and

PLANNING COMMITTEE (Continued)

(g) Security Fencing

(i) no action required.

916. PUBLIC SPEAKING – COVENTRY AIRPORT

The Committee considered a report from the Head of Planning & Engineering seeking the confirmation of the procedure agreed for the Planning Committee which considers the application for a new terminal at Coventry Airport.

RESOLVED that the procedure previously approved should not be amended as members considered it allows adequate opportunity for members of public to address the Committee.

917. 42 - 46 LILLINGTON ROAD, LEAMINGTON SPA

The Committee considered an application from Cala Homes Midlands Limited, for the demolition of 3 dwellings and the erection of 8 dwellings and 16 apartments.

The application had been deferred at the meeting of 26 January to allow for a site visit to take place.

The Head of Planning & Engineering had recommended refusal on the grounds that the applicant had not agreed to the provision of affordable housing. However the Committee were of the opinion that the application was also the proposal has an excessive and disproportionate density compared to that of the surrounding area; overdevelopment of the site; it is visually detrimental to the street scene; the layout and design is out of character with the area; and the applicant has not agreed to the provision of affordable housing.

RESOLVED that planning application W20031607, be refused because as it is in conflict with policies ENV1 and 3 of the current local plan, H5, DP1, DP5 sections 4.28 to 4.31 and SC9 of the emerging local plan, for the following reasons:

- (1) the proposal has an excessive and disproportionate density compared to that of the surrounding area;
- (2) overdevelopment of the site;
- (3) it is visually detrimental to the street scene;
- (4) the layout and design is out of character with the area; and
- (5) the applicant has not agreed to the provision of affordable housing.

(Councillor Mrs Goode addressed the Committee as Ward Councillor)

918. LAND ADJACENT TO 122 ROUNCIL LANE, KENILWORTH

PLANNING COMMITTEE (Continued)

The Committee considered an application, from Mr T Roberts, for the erection of two houses with new access drive.

The application had been deferred at the meeting of 26 January to allow for a site visit to take place.

The Head of Planning and Engineering had recommended that the application be approved, as amended, subject to conditions on materials, landscaping, refuse bin provision, removal of PD rights fronting the private driveway, highway construction note, as he considered that it complied with the following policies:

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

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

Distance Separation (Supplementary Planning Guidance)

DP1 - Layout and Design (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). However the Committee were of the opinion that the application was unacceptable because of siting and scale resulting in a visual impact, out of character and detracting from openness of a semi-rural site, adjacent to green belt and special landscape area, unneighbourly backland development.

RESOLVED that planning application W20031800, be refused because the application is in conflict with policies ENV1, ENV3, of the current local plan, C8 and DAP1 and DAP3 of the emerging local plan for the following reasons:

- (1) the unacceptable siting and scale of the development resulting in a visual impact, out of character with and detracting from the openness of a semi-rural site, adjacent to green belt and special landscape area; and
- (2) it is unacceptable, unneighbourly backland development.

919. 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.

RESOLVED that planning application W20031974 be deferred to allow for a site visit.

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

PLANNING COMMITTEE (Continued)

920. WHITE GABLES, HILL WOOTTTON ROAD, LEEK WOOTTTON

The Committee considered an application, from Mr & Mrs Sandford, for the erection of a single storey extension to the front of the house and garage in front garden.

The proposal was considered to comply with the following policies:
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) H14 - Extensions to Dwellings in the Rural Area (Warwick District Local Plan 1995)
(DW) H8 - Limited Infill Villages (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)
RAP3 - Extensions to Dwellings (Warwick District 1996 - 2011 First Deposit Version)

RESOLVED that planning application W20031937, be GRANTED, subject to a condition to remove permitted development rights.

921. WHITE GABLES, HILL WOOTTTON ROAD, LEEK WOOTTTON

The Committee considered an application, from Mr & Mrs Sandford, for the reduction in size of side extension previously approved under planning permission W20020146.

The proposal was considered to comply with the following policies:
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) H14 - Extensions to Dwellings in the Rural Area (Warwick District Local Plan 1995)
(DW) H8 - Limited Infill Villages (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)
RAP3 - Extensions to Dwellings (Warwick District 1996 - 2011 First Deposit Version)

RESOLVED that planning application W20031942 be GRANTED, subject to a condition to remove permitted development rights.

922. ENFORCEMENT ACTION – POTENTIAL BREACH OF CONDITIONS – FORMER WHITEMOOR ENGINEERING SITE, PIPERS LANE, KENWILORTH

The Committee considered a report, from the Head of Planning & Engineering seeking approval for authorisation to be given to the Head of Planning & Engineering, to take any necessary enforcement action in respect of a potential breach of conditions. 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.

PLANNING COMMITTEE (Continued)

RESOLVED that in the event that the development commences in advance of the proper discharge of conditions 10 to 12 and condition 14, (contaminated land/pollution and drainage, respectively), the Head of Planning & Engineering be authorized to take all necessary measures including the service of a Stop Notice and associated Enforcement Notice to restrict the commencement of the development until these conditions have been fully complied with.

923. ADJOURNMENT OF MEETING

The Chair adjourned the meeting of the Planning Committee held on Tuesday, 17 February 2004 to Wednesday, 18 February 2004 at 6.00 pm.

(the meeting ended at 9.40 pm.)

PLANNING COMMITTEE (Continued)

RESUMPTION OF ADJOURNED PLANNING COMMITTEE MEETING

Minutes of the adjourned Planning Committee meeting held on Wednesday, 18 February 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.

924. 57 FISHPONDS ROAD KENILWORTH

The Committee considered an application, from D Carter, for the change of use to a day nursery, operating weekdays only.

RESOLVED that planning application W20040011 be granted, subject to no more than 28 children, hours of operation, and use of garden conditions

925. 54-56 WARWICK NEW ROAD, LEAMINGTON SPA

The Committee considered an application, from Mr R Dupille, for the provision of 4 no 2 bedroom duplex apartments in lieu of 2 No. town houses, as an amendment to application W20021891.

The proposal was considered to comply with the following policies:

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

(DW) ENV8 - New Development 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)

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

DP8 - Parking (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)

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)

Policies GD3, GD5 and H3 of the Warwickshire Structure Plan 1996 - 2011 encourage housing development within built up areas of the towns of the District.

Pertinent advice regarding development within Conservation Areas was also contained within PPG15 "Planning and the Historic Environment".

RESOLVED that planning application W20031892 be GRANTED subject to large- scale rooflight details

926. SHOP UNITS 1 & 2 SLADE HILL, HAMPTON MAGNA, BUDBROOKE

The Committee considered an enforcement action report on the variation to approved plans for the erection of a first floor extension to form 3 apartments and alterations to existing retail units.

PLANNING COMMITTEE (Continued)

RESOLVED that enforcement action be deferred to allow for a site visit.

927. LAND AT 24 CLARENDON ROAD KENILWORTH

The Committee considered Tree Preservation Order, 259.

RESOLVED that Tree Preservation Order 259 be not confirmed, but that in the interest of the amenity of the area that the site developer be required to include a suitable replacement tree as part of the landscaping scheme for the proposed residential development.

928. PLANNING APPLICATIONS

The Committee considered a list of planning applications.

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

929. PLANNING APPLICATION DECISION MAKING PROCESS

The Committee considered a report from the Head of Planning & Engineering summarising the key elements of the finally approved changes and the practicalities associated with the implementation of public speaking rights and the revised delegation agreement.

RESOLVED that

- (1) the content of the report be noted; and
- (2) the department no longer continues to acknowledge all letters received by them.

930. REGENT HOTEL SCHEME FOR AFFORDABLE HOUSING

The Committee considered a report from the Head of Planning & Engineering seeking an amendment to the Section 106 agreement for the removal of the requirement for affordable housing to be incorporated into the Regent Hotel development.

RESOLVED that negotiations be undertaken with the signatories to the Section 106 agreement in respect of the application to secure the deletion of the requirement to provide lower cost purchase units and replace it with an obligation to pay an additional commuted sum of £250,000 to the Council for affordable housing provision.

(The meeting ended at 8.15 pm.)