

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 11 October 2005 at the Town Hall, Royal Leamington Spa at 6.00 p.m.

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

An apology for absence was received from Councillor Mrs Knight.

509. **DECLARATIONS OF INTEREST**

Minute Number 511 – W2005/1199 – Land off, Fieldgate Lane, Kenilworth

Councillor Mrs Blacklock declared a personal interest because an objector was known to her.

Minute Number 518 – W2005/1460 – 1 Whites Row, Kenilworth

Councillor Mrs Blacklock, declared a personal interest because an objector was known to her.

510 **MINUTES**

The minutes of the meeting held on 3 August 2005 were taken as read and signed by the Chair as a correct record.

511. **LAND OFF FIELDGATE LANE, KENILWORTH**

The Committee considered an application from Mr Hampson for the erection of a two bedroom bungalow.

The Head of Planning and Engineering had considered the following policies 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) 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)

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)

SC8a - Managing Housing Supply (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

The Head of Planning and Engineering's reasons for recommendation were that despite the proposal being considered to comply with the policies listed above, it would conflict with the Managing Housing Supply Supplementary Planning Document.

PLANNING COMMITTEE MINUTES (Continued)

The following addressed the Committee on this item:

Councillor P Ryan	Town Council
Mr C Smith	Objector
Mr I Davis	Objector
Mr R Baily	Agent
Councillor M Coker	Ward Councillor

Following consideration of the officers report and submissions from members of the public, the Committee were of the opinion that they agreed with the officers recommendation but felt that an additional reason for refusal should be included with regards to the fact that they felt it was inappropriate backland development, out of character with Conservation Area, contrary to distance separation and conflict with Policy ENV3.

RESOLVED that application W2005/1199 be REFUSED for the following reasons:

- (1) The application is for a windfall housing development that does not 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 SC8a in the Warwick District Local Plan (Revised Deposit Version). To permit the development would, therefore be contrary to the aforementioned policies; and
- (2) Inappropriate backland development, out of character with Conservation Area, contrary to distance separation and conflict with Policy ENV3

512. **CUBBINGTON WOOD YARD, STORAGE BUILDING, RUGBY ROAD, CUBBINGTON**

The Committee considered an application from Mr M Metcalfe for the cladding to existing storage building (re-submission of W2005/0712).

The Head of Planning and Engineering had recommended that the application be granted as he considered it complied with the following policies:

(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)
(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)
DAP1 - Protecting the Green Belt (Warwick District 1996 - 2011 First Deposit Version).

PLANNING COMMITTEE MINUTES (Continued)

The following addressed the Committee on this item:

Mr Ferry
Mr P Frampton

Objector
Agent

RESOLVED that application W2005/1223 be GRANTED to address the issues of planning out crime, and, 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 shall be carried out strictly in accordance with the details shown on the approved drawing numbers 6881.10B and 6881.15B and specification contained therein, submitted on 18 July 2005 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;
- (3) The cladded building hereby permitted shall be used solely for the purpose of storage, ancillary to the primary use of the site as a woodyard and for no other use whatsoever. **REASON:** To regulate the further generation of traffic flow to the site which is located within the Green Belt in a rural location, having regard to the special circumstances relating to this application;
- (4) A sample of the cladding and roofing materials to be used for the construction of the development hereby permitted including the colour finish, 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.
- (5) Prior to the works commencing to clad the steel frame structure, the end bay to the west boundary as show on drawing number 6881.10B shall be removed. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development; and
- (6) A landscaping scheme for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the

District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

513. 61 CLARENDON STREET, LEAMINGTON SPA

The Committee considered an application from HR Homes for the erection of 3 storey rear extension and conversion to 7 self contained apartments, including formation of front lightwell, new ground floor bay window and erection of 2 dormer windows to rear roof slope and 1 dormer window to rear roof slope.

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

Policies CF3 and CF6 of the West Midlands Regional Spatial Strategy.
Policy H.1 of the Warwickshire Structure Plan.

(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)

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

SC8a - Managing Housing Supply (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)

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

Warwick District Council Supplementary Planning Document: *Managing Housing Supply* (September 2005).

The Head of Planning and Engineering's reasons for recommendation were that the proposal was considered to be contrary to the Council's Supplementary Planning Document: *Managing Housing Supply*, which aims to limit the overprovision of new housing within the District, including conversion schemes, in accordance with Policies CF3 and CF6 in the Regional Spatial Strategy, Policy H.1 in the Warwickshire Structure Plan and Policies UAP1 and SC8a in the Warwick District Local Plan (Revised Deposit Version) 1996-2011. The standard of accommodation provided by the proposed basement flat was also considered to be below acceptable acknowledged standards and detrimental to future residents' amenities, contrary to Policy DP2 of the Warwick District Local Plan 1996-2011 (Revised Deposit Version).

RESOLVED that application W05/1234 be REFUSED because the application is for a windfall housing development that does not 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 SC8a in the Warwick District Local Plan (Revised Deposit Version). To permit the development would, therefore be contrary to the aforementioned policies.

514. LAND AT THE REAR OF ACRE CLOSE, WHITNASH

The Committee considered an application Mr K Archer for the demolition of existing garages and erection of a pair of 2 bed semi detached bungalows.

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

Policies CF3 and CF6 of the West Midlands Regional Spatial Strategy.
Policy H.1 of the Warwickshire Structure Plan.
Warwick District Council Supplementary Planning Document: *Managing Housing Supply* (September 2005).

(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)
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).

PLANNING COMMITTEE MINUTES (Continued)

The Head of Planning and Engineering's reasons for recommendation were that the Council's Supplementary Planning Document: *Managing Housing Supply*, aimed to limit the overprovision of new housing within the District, including development of brownfield sites such as this, in accordance with Policies CF3 and CF6 in the Regional Spatial Strategy, Policy H.1 in the Warwickshire Structure Plan and Policies UAP1 and SC8a in the Warwick District Local Plan (Revised Deposit Version) 1996-2011. It does this by restricting the location and/or type of new windfall housing permissions granted by the Council.

The proposals would be contrary to the aims and objectives of The Council's Supplementary Planning Document: *Managing Housing Supply*, and the aforementioned policies.

The following addressed the Committee on this item:

Mr D Brown
Mr R Baily

Objector
Agent

RESOLVED that application W2005/1248 be REFUSED because the application is for a windfall housing development that does not 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 SC8a in the Warwick District Local Plan (Revised Deposit Version). To permit the development would, therefore be contrary to the aforementioned policies.

515. **68 WINDY ARBOUR, KENILWORTH**

The Committee considered an application from Mr J Insley for the conversion of existing garage to create a new dwelling.

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

(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)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)
SC8a - Managing Housing Supply (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

PLANNING COMMITTEE MINUTES (Continued)

The Head of Planning and Engineering's reasons for recommendation were that despite the proposal being considered to comply with the policies listed above, it would conflict with the Managing Housing Supply Supplementary Planning Document.

The following addressed the Committee on this application:

Mrs L Pollard	Objector
Councillor Mrs F Bunker	Ward Councillor

Following consideration of the officers report and submissions from members of the public, the Committee were of the opinion that they agreed with the officers recommendation but felt that an additional reason for refusal should be included with regards to the fact that they felt the application was considered to be unneighbourly by reason of loss of privacy, potential for overlooking.

RESOLVED that application W2005/1249 be REFUSED for the following reasons:

- (1) The application is for a windfall housing development that does not 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 SC8a in the Warwick District Local Plan (Revised Deposit Version). To permit the development would, therefore be contrary to the aforementioned policies.
- (2) The application was considered to be unneighbourly by reason of loss of privacy, potential for overlooking.

516. REAR OF 12 THE SQUARE, KENILWORTH

The Committee considered an application from S Collier for the erection of a 2 storey extension to form 5 one bedroom flats with 2 parking spaces.

The Head of Planning and Engineering considered the following policies were relevant to the application.

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)
Supplementary planning document: Managing Housing Supply.
SC8a - Managing Housing Supply (Warwick District Local Plan 1996 - 2011 First Deposit Version).

PLANNING COMMITTEE MINUTES (Continued)

The Head of Planning and Engineering's reasons for recommendation were that the application needed to be considered under the new Managing Housing Supply (Supplementary Planning Document) and judged in terms of the suitability of the site for new residential development, and the details of the scheme itself.

The *Supplementary Planning Document: Managing Housing Supply* stated that in order to manage the supply of housing in relation to the strategic housing requirement, planning permission for housing development would be refused unless particular criteria apply. None of the criteria set out in the policy apply in this case and there were no very special reasons for departing from the approved policy.

Notwithstanding the policy objection to the application, in general terms, additional housing in town centres had been welcomed in recent years. However, the rear curtilage of a shop backing onto a public car park is not considered a suitable location for substantial new residential development. Distinction should be drawn between the change of use of existing office accommodation (granted previously) and the construction of new housing accommodation. Furthermore, the environment for the future residents would fall below what is normally expected, given that the only amenity area for the new dwellings would be the small courtyard dominated by its binstore.

The following addressed the Committee on this application:

Councillor G Illingworth

Town Council

RESOLVED that application W2005/1323 be REFUSED for the following reasons:

- (1) The application is for a windfall housing development that does not meet one of the criteria set out within the Council's Supplementary Planning Document: "Managing Housing Supply". This policy seeks to limit the overprovision 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 SC8a in the Warwick District Local Plan (Revised Deposit Version). To permit the development would, therefore, be contrary to the aforementioned policies.

- (2) The application site is the narrow, rear portion of shop premises which back onto a public car park and have shops as their neighbours. The proposal would entail a total of 7 flats being located on this small site, each having an outlook over the rear portions of the adjoining shops or over a public car park. It is therefore considered that the proposal would not provide a reasonable standard of amenity for future occupiers of the dwellings. The proposals are therefore considered to be contrary to policy (DW) ENV3 of the Warwick District Local Plan, 1995 (and policy DP1 of the emerging Warwick District Local Plan) which require development proposals to harmonise with their surroundings in terms of design and land use and, policy DP2 of the emerging local plan which requires development to provide acceptable standards of amenity for future occupiers.

517. METALLIC PROTECTIVES & BENFORDS PREMISES, CAPE ROAD, THE CAPE, WARWICK.

The Committee considered an application from Laing Homes Midland for the part submission of details (siting, design and external appearance) under W2002/1691 (Condition 1A) for the erection of 193 dwellings and associated work (resubmission of W2004/2170).

The Head of Planning and Engineering had recommended that the application be approved subject to conditions as he considered that it complied 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)

SC1 - Securing a Greater Choice of Housing (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).

The following addressed the Committee on this application:

Mrs Southorn

Mr R Wood

Councillor R Smith

Objector

Agent

Ward Councillor

Having considered the officers report and representations from members of the public, the Committee were of the opinion that the application should be refused for the same reasons that the previous application (W2004/2170) had been.

RESOLVED that application W2005/1399 be REFUSED for the following reasons:

- (1) It is considered that the proposed development would result in the overdevelopment of the site creating an over-dense scheme, failing to take proper account of its important canal side setting contrary to policy (DW) ENV3 of the Warwick District Local Plan 1995, which requires all development proposals to achieve a high standard of design and harmonise with their surroundings, and policy (LW) ENV2 of the Warwick District Local Plan 1995 which seeks to achieve environmental improvements at Cape Locks.
- (2) The buildings are of an inappropriate size, scale and height, with resultant overbearing effect, are of an unsatisfactory standard of design and would be seriously injurious to the visual amenities of the area by creating an incongruous feature in relation to the adjoining buildings and the street scene generally, thereby conflicting with local plan policy (DW) ENV3 of the Warwick District Local Plan 1995.

518. 1 WHITES ROW, KENILWORTH

The Committee considered an application Guy Middlebrook for the erection of 21 dwellings in three blocks.

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

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

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

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

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

The 45 Degree Guideline (Supplementary Planning Guidance)

Managing Housing Supply.

The Head of Planning and Engineering's reasons for recommendation were that the recently adopted housing strategy prevents development unless it comes within certain, limited, categories. In this case, the site, as a whole, does not have an outstanding consent for development, and the scheme is not for 100% affordable units. Under these circumstances it is considered that, despite the improvements made since the refused scheme, this application should be refused.

The following addressed the Committee on this item:

Mr S Kincaid
Councillor A Cockburn

Objector
Ward Councillor

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the officers report and submissions from members of the public, the Committee were of the opinion that they agreed with the officers recommendation but felt that an additional reason for refusal should be included with regards to the fact that they felt it was. in the opinion of the District Planning Authority, the height, bulk and massing of the proposed development would be an over-dominant feature on this site. It would constitute an overdevelopment of the site and its design would adversely affect the setting of the Conservation Area and nearby Listed Buildings, failing to harmonise with its surroundings and having an unneighbourly effect on adjacent properties on all sides of the site. The proposal would therefore be contrary to policies ENV3, ENV6, ENV8 and ENV12 of the Warwick District Local Plan 1995 and policies DP1, DP2, DAP6, and DAP10 of the Warwick District Local Plan 1996-2011, Revised Deposit Version."

RESOLVED that application W2005/1640 be REFUSED for the following reasons:

- (1) The application is for a windfall housing development that does not 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 SC8a in the Warwick District Local Plan (Revised Deposit Version). To permit the development would, therefore be contrary to the aforementioned policies.
- (2) In the opinion of the District Planning Authority, the height, bulk and massing of the proposed development would be an over-dominant feature on this site. It would constitute an overdevelopment of the site and its design would adversely affect the setting of the Conservation Area and nearby Listed Buildings, failing to harmonise with its surroundings and having an unneighbourly effect on adjacent properties on all sides of the site. The proposal would therefore be contrary to policies ENV3, ENV6, ENV8 and ENV12 of the Warwick District Local Plan 1995 and policies DP1, DP2, DAP6, and DAP10 of the Warwick District Local Plan 1996-2011, Revised Deposit Version."

519. **15 HIGHLAND ROAD, KENILWORTH**

The Committee considered an application Mr Tatman for the erection of a ground floor extension after demolition of existing one.

The following addressed the Committee on this application:

Councillor Mrs A Tyler
Mr Tatman

Town Council
Applicant

PLANNING COMMITTEE MINUTES (Continued)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)
DAP9 - Restoration of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version).

Having considered the officers report, the Committee were of the opinion that application should be refused because it would be detrimental to the listed building and likely to set a precedent.

RESOLVED that application W2005/0937LB be **REFUSED** because it was felt the application would be detrimental to the listed building and likely to set a precedent.

523. 24 OTHELLO AVENUE, HEATHCOTE, WARWICK

The Committee considered an application Mr R Mistry for the erection of a two storey side extension and conservatory.

The Head of Planning and Engineering had recommended that the application be granted subject to conditions as he considered that it complied 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).

Having considered the officers report, the Committee were of the opinion that application should be refused because it was felt the proposal was unneighbourly and overbearing by reason of bulk and size, unacceptable overlooking and loss of privacy.

RESOLVED that application W2005/1216 **REFUSED** because it was felt the proposal would be unneighbourly and overbearing by reason of bulk and size, unacceptable overlooking and loss of privacy.

524. 27 SOUTHWAY, LEAMINGTON SPA

The Committee considered an application from Mr & Mrs Maan for the conversion and extension to dwelling to form two residential units.

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

(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)
SC8a - Managing Housing Supply (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

PLANNING COMMITTEE MINUTES (Continued)

The Head of Planning and Engineering's reasons for recommendation were that despite the proposal being considered to comply with the policies listed above, it would conflict with the Managing Housing Supply Supplementary Planning Document.

RESOLVED that application W2005/1219 be REFUSED because the application is for a windfall housing development that does not 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 SC8a in the Warwick District Local Plan (Revised Deposit Version). To permit the development would, therefore be contrary to the aforementioned policies.

525. BARN, FERNWOOD FARM, ROUNCIL LANE, BEAUSALE, WARWICK

The Committee considered an application from Mr S Collier for the barn conversion to live/work unit.

RESOLVED that application W2005/1266 be DEFERRED for:

- (1) clarification on both aspects of refusal; and
- (2) to ask the applicant if the balance of residential/work proposal could be adjusted to be more in line with policy.

526. 104 EMSCOTE ROAD, WARWICK

The Committee considered an application from Mr S Simons for the erection of a two storey side and rear extensions and a single storey front extension.

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

(DW) ENV3 - 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).

Having considered the officers report, the Committee were of the opinion that application should be refused because the proposal was entirely disproportionate to the existing property and would be visually unacceptable in relation to the adjoining semi detached house. The mass of the development would represent an unneighbourly development detracting from the amenity of the adjoining property and obscure light to that property, thereby contrary to ENV3 of the Warwick District Local Plan.

RESOLVED that application W2005/1397 be REFUSED for the following reasons:

- (1) the proposal was entirely disproportionate to the existing property and would be visually unacceptable in relation to the adjoining semi detached house; and
- (2) the mass of the development would represent an unneighbourly development detracting from the amenity of the adjoining property and obscure light to that property, thereby contrary to ENV3 of the Warwick District Local Plan.

527. 34-36 HIGH STREET, LEAMINGTON SPA

The Committee considered an application from Mrs C Wong for the installation of UPVC windows to first and second floors fronting High Street.

The Head of Planning and Engineering considered that the following policies were relevant to the application.

(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) ENV9 - Design Guidance for New Development within Conservation Areas (Warwick District Local Plan 1995)

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

The Head of Planning and Engineering's reasons for recommendation were that although the application site was not a 'listed' building identified as being of special architectural or historic interest, it did form part of the Leamington Spa Conservation Area and was not considered to be a 'modern' building. UPVC was a modern material and such materials were totally out of place in this location, appearing incongruous and discordant against the richness of detail of the traditional and recently refurbished buildings in the vicinity of the site. The materials used were crude and entirely inappropriate to the Conservation Area setting and failed to follow the principles recommended in the Council's Design Guide "Windows in Listed Buildings and Conservation Areas". The adjoining building at number 2 Court Street recently received grant aid for replacement timber windows.

The applicant had referred to other properties along High Street which also have UPVC windows. However, none of these had been granted planning permission - details had been passed to the enforcement section for investigation. Moreover, these examples only form a small proportion of the buildings on High Street, with the remainder having timber windows.

The replacement windows were considered to have a serious adverse impact on the character and appearance of the Conservation Area and failed to meet the requirements of Policy (DW) ENV8.

RESOLVED that application W2005/1414 be REFUSED for the following reasons:

- (1) Policy (DW) ENV8 of the Warwick District Local Plan 1995 requires that within Conservation Areas development proposals will be required to achieve a high quality of design appropriate to the special historic and architectural character of the area. Policy (DW) DAP 11 of the emerging Warwick District Local Plan 1996-2011 states that development will not be permitted to alter or extend unlisted buildings which will adversely affect the historic integrity, character or setting of the Conservation Area.

The site of the development lies within a Conservation Area where particular care is taken for the enhancement and preservation of the character of the buildings. In the opinion of the District Planning Authority, the UPVC windows are seriously injurious to the visual amenities of the area and character of the Conservation Area by reason of the unacceptable use of UPVC, a modern material, in a Conservation Area setting where painted timber would be more appropriate. It would thereby be contrary to the provisions of Policies (DW) ENV8 of the Warwick District Local Plan 1995 and DAP10 of the emerging Warwick District Local Plan 1996-2011; and

- (2) That authorisation be given for enforcement action requiring the replacement of UPVC windows with timber sash windows as previously in place.

528. BEATY'S GARDENS, LEAMINGTON SPA

The Committee considered an application from Mr A Bannerman for the erection of a conservatory to the side.

The Head of Planning and Engineering had recommended that the application be granted subject to conditions as he considered that it complied 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)
(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
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).

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that application W2005/1415 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 680-01, and specification contained therein, submitted on 17th August 2005 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;
- (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 ENV3 of the Warwick District Local Plan;
- (4) No development shall be carried out on the site which is the subject of this permission until large scale details of windows and doors 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 ENV8 of the Warwick District Local Plan; and
- (5) All window frames shall be constructed in timber, painted and not stained, and be of a side hung casement type. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.

529. **23 CHURCH LANE, LILLINGTON, LEAMINGTON SPA**

The Committee considered an application from Mr R Scott for the retention of 1524mm high boundary fence fronting Lillington Close (retrospective application), together with brick columns (1524mm high) and gates to driveway entrance fronting Church Lane.

PLANNING COMMITTEE MINUTES (Continued)

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

(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)

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

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

Having considered the officers report, the Committee were of the opinion that application should be refused because it was felt the proposal was unneighbourly and detrimental to the street scene and adjoining conservation area.

RESOLVED that application W2005/1477 be REFUSED for the following reasons:

- (1) it was felt the proposal was unneighbourly and detrimental to the street scene and adjoining conservation area; and
- (2) enforcement action to secure the removal of the boundary fence, with a period of compliance of one month be approved.

530. PSL DISTRIBUTION, 47 BEDFORD STREET, LEAMINGTON SPA

The Committee considered a request for enforcement action against PSL Distribution with regard to an unauthorised development: 2 externally mounted cameras installed without planning permission.

RESOLVED enforcement action to ensure that both cameras are removed from the property, with a period of compliance of one month be approved.

531. VOODOO, 35 REGENT STREET, LEAMINGTON SPA

The Committee considered a request for enforcement action against Voodoo with regard to the unauthorised display of a sign on the side elevation, installation of metal plant pots to the boundary wall piers, various garden structures and installation of vent to side elevation.

RESOLVED enforcement action to ensure that the planters and the sign are removed and the building returned to its original form and that the ventilation until is painted black, with a period for compliance of four months be approved.

(The meeting ended at 8.02 pm)