

# PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 9 April 2008 at the Town Hall, Royal Leamington Spa at 6.00 p.m.

**PRESENT:** Councillor MacKay (Chairman); Councillors Barrott, Mrs Bunker, Copping, Dhillon, Edwards, Illingworth, Kinson and Rhead.

(Councillor De-Lara-Bond substituted for Councillor Mrs Blacklock)  
An apology for absence was received from Councillor De-Lara-Bond.

## 26. DECLARATIONS OF INTEREST

### Minute Number 29 – W08/0082 – 2-49 Whites Row, Kenilworth

Councillors Barrott, Mrs Bunker, Copping, De-Lara-Bond, Dhillon, Edwards, Illingworth, Kinson, MacKay and Rhead all declared a personal interest because Warwick District Council was the applicant.

### Minute Number 30 – W08/0209 – 8 Gloucester Drive, Kenilworth

Councillor Illingworth declared a personal interest because he could see the protected tree mentioned in the report from his home.

### Minute Number 32 – W08/0223 – Tree Tops, 21 Manor Road, Kenilworth

Councillor Illingworth declared a personal and prejudicial interest because he was the applicant and left the room while the item was considered.

Councillors Barrott, Mrs Bunker, Copping, De-Lara-Bond, Dhillon, Edwards, Kinson, MacKay and Rhead all declared a personal interest because the applicant was a fellow Warwick District Councillor.

## 27. MALLORY COURT HOTEL, HARBURY LANE, BISHOPS TACHBROOK

The Committee considered an application from Mallory Court Hotel for the installation of a portakabin type office building, linked to the existing building which faced the car park.

This application was submitted to Committee because an objection had been received from Bishops Tachbrook Parish Council.

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

DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)

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

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

RAP16 - Directing New Visitor Accommodation (Warwick District Local Plan 1996 - 2011)

## PLANNING COMMITTEE MINUTES (Continued)

In the opinion of the Head of Planning, the short term accommodation needs of the hotel outweigh any harm to the character and appearance of the Listed Historic Park or the setting of the Listed Building and therefore the proposed development was considered to be acceptable on a temporary basis. The proposal was therefore considered to comply with the policies listed.

The Committee considered a further comment from the applicant regarding the use of the existing building, which was circulated in the officers addendum at the meeting.

The following people addressed the Committee:

Councillor R Brookes                      Parish Council (Objecting)

Following consideration of the officer's report, addendum and presentation along with the submissions by the public who had addressed the Committee, the Committee were of the opinion that the application should be refused, against the officer's recommendation

**RESOLVED** that application W07/1334 be REFUSED for the following reasons:

The application site is situated within a Grade II Listed Historic Park, which forms the grounds of a Grade II Listed Building. The site is also within the open countryside. Policy DP1 of the Warwick District Local Plan 1996-2011 states that development will only be permitted which positively contributes to the character and quality of its environment through good layout and design, whilst Policy DAP6, states that development will not be permitted that will adversely effect the setting of a Listed Building, and Policy DAP13, which states that development will not be permitted if it would harm the historic structure, character, principal components and setting of parks and gardens of special historic interest.

The proposal is for the siting of a portakabin type office building to the rear of an existing detached building on the edge of the car park. The existing modest building was granted planning permission solely on the basis that a building was considered to be necessary to store essential garden machinery and gardening equipment.

In the opinion of the District Planning Authority, the proposed siting of a portakabin type office building would be a development of an unacceptable design and appearance in this sensitive location which would represent a wholly unacceptable consolidation of the existing sporadic development on an open part of the site, remote from the main complex of buildings. In the opinion of the District Planning Authority this would cause unacceptable harm to the setting of the Listed Building

and to the character and appearance of the Listed Historic Park. Furthermore, it would erode the open and rural character of this countryside location. The proposals would thereby be contrary to the aforementioned Local Plan Policies and the District Council is not satisfied that the circumstances contained in the submitted application would justify overriding these policies to permit this development.

**28. 21 ADELAIDE ROAD, ROYAL LEAMINGTON SPA**

The Committee considered a retrospective application from Table Top Properties Limited for the retention of an existing garage.

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

The Head of Planning 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)

DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, the development was of an acceptable standard of design which was in keeping with 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 further information about the application that was circulated in the addendum at the meeting.

The following people addressed the Committee:

Mr M Baxter                      CAAF (Objecting)

Following consideration of the officer's report, addendum and presentation along with the submissions by the public who had addressed the Committee, the Committee were of the opinion that the application should be refused against the officer's recommendation and that enforcement action should be taken to ensure compliance with the approved application W07/0263

**RESOLVED** that

- (1) application W07/0180 be REFUSED because the proposal failed to comply with the requirements of the aforementioned policies by reason of its excessive height and scale and its design which is not considered to relate well to the fine Edwardian Building, the curtilage within which it is situated. It is considered that the garage occupies a prominent position within the street scene and adversely affects the historic integrity, character and setting of the Conservation Area. Furthermore, it is considered that the prominence of the site within the street scene and its close proximity to the historic gardens associated with York Walk adversely affects the setting of the adjoining historic park and gardens; and
- (2) enforcement action be authorised to ensure compliance with approved application W07/0263 with the addition of a replacement timber door.

**29. 3 – 49 WHITES ROW, KENILWORTH**

The Committee considered an application from Warwick District Council for conversion of existing flat of Council flats to pitched roof with tile effect steel roofing sheets.

The application was submitted to the Committee because two objections had been received to the application and it was an application by Warwick District Council considered not to be a minor development.

The Head of Planning 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, the development respected surrounding buildings in terms of scale, height, form and massing and 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 W07/2033 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 amended drawing PS/WR/02 and specification contained therein, submitted on 1st February, 2008 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.

30. **8 GLOUCESTER DRIVE, KENILWORTH**

The Committee considered an application from Mr P Hazelwood for the erection of two storey side extension and single storey rear extension.

The application was submitted to the Committee because an objection had been received from Kenilworth Town Council.

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

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

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

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

In the opinion of the Head of Planning, the proposed development was of an acceptable standard of design which would harmonise with the design and appearance of the main dwelling and its surroundings and did not result in an unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy. The proposal met the development plan objectives in protecting the amenity of the area in terms of the impact on the adjacent protected tree, T10 of TPO W39/K11. 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.

## PLANNING COMMITTEE MINUTES (Continued)

In making the decision the Committee took into consideration the adjacent protected tree and decided that there was no adverse effect on light into the ground floor kitchen extension attributable to the adjacent protected tree, T10 of TPO W39/K11.

**RESOLVED** that application W08/0209 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 drawings HAZELWOOD-01, HAZELWOOD-02 Rev B, and specification contained therein, submitted on 15th February, 2008 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.

### 31. **THE NEST MEADOW LANE, LAPWORTH**

The Committee considered an application from Mr H Henlan for the erection of a front porch.

The application was submitted to the Committee because an objection had been received from Lapworth Parish Council.

The Head of Planning 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)

RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, the development respected surrounding buildings in terms of scale, height, form and massing and 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, presentation and addendum, the Committee were of the opinion that the application should be granted in line with the officer's recommendation.

**RESOLVED** that application W08/0216 be GRANTED because

- (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) (drawing no. 1), and specification contained therein, submitted on 18 February 2008 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.

**32. TREE TOPS, 21 MANOR ROAD, KENILWORTH**

The Committee considered an application from Mr G Illingworth for a new pitched roof extension to the front elevation of the existing dwelling to form a new ensuite shower room to the existing bedroom.

The application was submitted to the Committee because the applicant was a Warwick District Councillor.

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

DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

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

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 the development respected surrounding buildings in terms of scale, height, form and massing and did not adversely affect the amenity of nearby residents. The proposal was therefore considered to comply with the policies listed.

The Committee considered further information, clarifying the location of the property, contained within the addendum circulated at the meeting.

Following consideration of the officer's report, presentation and addendum the Committee were of the opinion that the application should be granted in line with the officer's recommendation.

**RESOLVED** that application W08/0223 be GRANTED for the following reasons:

- (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 4226/08B and specification contained therein, submitted on 26 February 2008, 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.

**33. 20 THORNLEY CLOSE, RADFORD SEMELE**

The Committee considered an application from Mr P Johnston, for a two storey side and rear extension together with alternations to the front elevation

The application was submitted to the Committee because an application had been received from Radford Semele Parish Council.

The Head of Planning 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)

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

The Planning Officer at the meeting requested that if minded to grant the Committee added a further condition to the permission to ensure demolition of the existing garage to the rear of the property prior to the first occupation of the permitted extension.

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 with the addition of the further condition requested by the planning officer at the meeting.

**RESOLVED** that application W08/0249 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) 401 - 02 and specification contained therein, submitted on 21/02/2008 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) 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; and
- (4) the existing garage to the rear of the property be demolished prior to the first occupation of the permitted extension.

**34. LAND NORTH OF PACKWOOD FARM, PACKWOOD ROAD, LAPWORTH**

The Committee considered an application from Mr N Cribb for the construction of a horse manege comprising an all weather riding surface with 1.4m high perimeter fencing.

The application was submitted to the Committee because an objection had been received from Lapworth Parish Council.

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

DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)

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

DP11 - Drainage (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)

## PLANNING COMMITTEE MINUTES (Continued)

In the opinion of the Head of Planning, the development did not prejudice the openness and rural character of this green belt area and was considered to comply with the policies listed.

The Planning Officer at the meeting asked the Committee that if they were minded to grant this application that they added a further condition to the permission that “the use shall be incidental to the use of the land for the grazing of horses and not as a riding school or for any commercial purposes whatsoever”.

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 with the additional condition as requested by the planning officer at the meeting and a further condition for the installation of a sustainable drainage system.

**RESOLVED** that application W08/0266 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), and specification contained therein, submitted on 25 February and 4 March 2008 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) use shall be incidental to the use of the land for the grazing of horses and not as a riding school or for any commercial purposes whatsoever; and
- (4) details of a sustainable drainage system to be submitted and approved to ensure there is no pollution of nearby water courses.

### 35. **12 THORNBY AVENUE, KENILWORTH**

The Committee considered an application from Mr J Wright for two storey extension to side and rear of property.

## PLANNING COMMITTEE MINUTES (Continued)

The application was submitted to the Committee because an objection had been received from Kenilworth Town Council.

The Head of Planning 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, the development respected surrounding buildings in terms of scale, height, form and massing and did not adversely affect the amenity of nearby residents. The proposal was therefore considered to comply with the policies listed.

The Committee received information in the addendum at the meeting that a further objection had been received on the grounds of loss of light.

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 W08/0315 be REFUSED because the application is contrary to Policies D1 and DP2. Proposed development was of a poor standard of design and unneighbourly by reason of its massing with the forward projection of the proposed study to the front of the building and the unrelieved brickwork of the side of the extension exacerbating the adverse effect of this proposed extension, particularly on the occupiers of No. 10 Thornby Avenue who would also suffer an unacceptable loss of light.

### 36. **LAPWORTH LODGE, OLD WARWICK ROAD, LAPWORTH**

The Committee considered a report from the Planning Enforcement Team regarding the construction of a vehicular access from the B4430 Old Warwick Road, Lapworth.

The matter was presented to the Committee in order to request the authorisation of enforcement action.

In July 2007 a planning application [W07/1130 refers] was submitted to retain a vehicular access which had been made from Old Warwick Road to a domestic garage within the extended domestic curtilage of Lapworth Lodge.

Planning permission was refused under delegated powers on 10 August 2007 because of the resulting serious danger to highway users arising from the absence of acceptable levels of visibility from the site. This decision was subject to an ongoing planning appeal.

**PLANNING COMMITTEE MINUTES (Continued)**

The justification for the proposed enforcement action was because the development had already taken place and whilst it was subject to an appeal in relation to the refusal to grant planning permission it was appropriate to pursue enforcement action to ensure that this matter was resolved without any undue delay.

**RESOLVED** that officers be authorised to proceed with appropriate enforcement action directed at the cessation of the use of the vehicular access and its removal/stopping up.

(The meeting ended at 8:52pm)