

# PLANNING COMMITTEE

Minutes of the meeting held on Tuesday, 11 November 2003 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, Kinson, MacKay, Smith and Windybank.

## 617. DECLARATIONS OF INTEREST

Minute Number 623 W19960454 Land at Coventry Air Park, Siskin Drive, Baginton

Councillor Ashford declared a personal and prejudicial interest in this item because he worked for the post office and left the room while this item was considered. However it became apparent when considering this item that it was not related to the post office, Councillor Ashford was invited back into the room.

Minute Number 624 W20031316 Land between 1&7 Green Lane Warwick

Councillor Kinson declared a personal interest because he was ward Councillor and did not vote.

Minute Number 626 W20031325 133 Cape Road Warwick

Councillor Kinson declared a personal interest because he was ward Councillor and did not vote.

Minute Number 626 W20031434 Westlea Road, Leamington Spa.

Councillors Ashford, Mrs Compton, Copping, Ms De-Lara-bond, Evans, Kinson, MacKay and Smith all declared a personal interest because the land was owned by the Council.

Councillor Windybank declared a personal interest because the land was owned by the Council and because he was a member of the Warwickshire Association of Youth Clubs.

## 618. WEIGHT TO ATTACH THE POLICIES OF WARWICK DISTRICT LOCAL PLAN (1996 -2011) – FIRST DEPOSIT VERSION

The Committee considered a report from Planning and Engineering asking members to decide the weights to be attached to the policies of the first deposit version of the Warwick District Council Local Plan (1996-2011) and whether items deferred from the previous agenda should be subjected to the new policies.

## **PLANNING COMMITTEE (Continued)**

On October 29 the Council had approved the first deposit version of the Warwick District Local Plan 1996 – 2011 for placing on deposit for public consultation. This plan was now going through the statutory procedures towards adoption and account had to be taken of its policies in the determination of planning applications.

### **RESOLVED** that

- (1) the policies of the first deposit version of the Warwick District Council Local Plan (1996 – 2011) be approved for use, where appropriate, by the District Council for Development Control purposes; and
- (2) items deferred from a previous agendas be not subjected to the new policies and therefore these applications W20031096 - 56 Russell Terrace, Leamington Spa and W20031333 – land adjacent to the Blundells, Albion Street, Kenilworth be not deferred for negotiation to secure the provision of affordable housing.

#### **619. 56 RUSSELL TERRACE, LEAMINGTON SPA**

The Committee considered an application, from Newbold Design Limited for the erection of a two-storey building (with additional accommodation in basement and roof space) incorporating 16 two bedroom flats after the demolition of the existing dwelling and garage.

The application had been deferred at the Planning Committee meeting on the 20 October 2003, to enable a site visit to take place on the 8 November 2003.

The Head of Planning and Engineering had recommended that the application and conservation area consent be granted as amended subject to the satisfactory conclusion of a Section 106 Agreement to secure a financial contribution for education as required by Warwickshire County Council and conditions on large scale details, materials, landscaping, bin storage, external lighting, landscaping, cycle storage, access site levels, water supply/fire hydrants, obscure glazing and bird/bat notes, demolition of existing building, only to proceed if contract in place for the new replacement building. However the Committee were of the opinion that the application was overdevelopment, unneighbourly and would have an adverse impact on the street scene

**RESOLVED** that planning application W20031096 and Conservation Area Consent W20031282CA be refused because, the application is overdevelopment, unneighbourly and would have an adverse impact on the street scene.

(Councillor Ms Flanagan addressed the Committee as Ward Councillor)

**620. LAND ADJACENT TO THE BLUNDELLS, ALBION STREET, KENILWORTH**

The Committee considered an application, from John Goodway, for the erection of two blocks of two storey high flats containing a total of 15 flats after demolition of the existing buildings.

This application had been deferred at the Planning Committee on 20 October 2003, to enable a site visit to take place on the 8 November 2003.

**RESOLVED** that planning application W20031333 be granted subject to conditions on materials, parking and access, landscaping, implementation/management, noise, drainage, fire fighting, archaeological works and notes on the protection of birds and bats.

(Councillor Mrs Blacklock addressed the Committee as Ward Councillor)

**621. LILLINGTON BOREHOLE SITE, SOUTHVIEW ROAD, LEAMINGTON SPA**

The Committee considered an application, from Somervil Limited for the approval of reserved matters (W20001709) for the erection of 12 no dwellings on the site of the former Lillington Borehole with access from Southview Road.

**RESOLVED** that application W20031408 be approved as amended subject to conditions on access, car parking, retention of garaging to store vehicles, drainage materials, landscaping (including tree protection/replacement), boundary treatments and brick detailing on gable ends.

(Councillor Pratt addressed the Committee as the application affected his Ward)

**622. MONTGOMERY EQUESTRIAN, OLD BUDBROOKE ROAD, BUDBROOKE**

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

This application had been deferred by the Committee on the 20 October 2003, to enable a site visit to take place.

The Head of Planning & Engineering had recommended that the application be refused because of the lack of need for and the excessive size of the permanent dwelling. However the Committee were of the opinion that the need had been justified and were favourable to the principle of the development subject to a successful negotiation of downsizing of the development.

**RESOLVED** that planning application W20031213 be deferred, although the committee were favourable to the principle of the development subject to a successful negotiation of downsizing of the development.

(Councillor Butler addressed the Committee as Ward Councillor)

## **PLANNING COMMITTEE (Continued)**

### **623. LAND AT COVENTRY AIR PARK, SISKIN DRIVE, BAGINTON**

The Committee considered an application for Rangemile to be able to operate aircraft over 9,000 Kilograms within the red area (restricted area) at Coventry Air Park.

**RESOLVED** that the restriction on an aircraft above 9,000 kilograms operating within the red area (the restricted area) as set out in the Section 106 Agreement be waived for the operation of aircraft by Rangemile until the end of September 2004.

### **624. PLANNING APPLICATIONS**

The Committee considered a list of planning applications.

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

### **625. ADJOURNMENT OF MEETING**

The Chair adjourned the meeting of the Planning Committee held on Tuesday, 11 November 2003 to Wednesday, 12 November 2003 at 6.00 pm.

(the meeting ended at 9.50 pm.)

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

Minutes of the adjourned Planning Committee meeting held on Wednesday, 12 November 2003 at the Town Hall, Royal Leamington Spa at 6.00 pm.

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

(Apologies for absence were received from Councillor Copping)

### **626. PLANNING APPLICATIONS**

The Committee considered a list of planning applications.

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

### **627. PLANNING APPLICATION DECISION MAKING PROCESS**

The Committee considered a report from the Head of Planning and Engineering on amendments to the planning application decision making process.

The Audit Commission Best Value Inspectorate Report on the Planning Services at Warwick District Council was issued in May 2003. The report contained a number of recommendations in relation to the decision making process on planning applications, including a requirement that the Council take action to resolve a number of issues

## **PLANNING COMMITTEE (Continued)**

Public accommodation had been considered in terms of the layout of the Council Chamber and agenda formats were being reviewed in the light of the new software for Development Control which has recently been introduced.

Following consideration of the issue of public speaking by the Committee, a Working Party of members had been set up prior to the election in May. Members of the reconstituted Working Party had visited other planning authorities where public speaking was in operation during 2003, to view the adopted arrangements elsewhere.

Details of the proposed changes to the current procedures in order to meet the requirements of the Best Value Review, were attached as appendices to the report. A comprehensive set of proposals was put forward as a package in order to address the issue of speed of determination of applications and “openness” and “transparency” of decision making with a consistent approach to public speaking which was currently only possible on those applications subject to a committee site visit.

**RECOMMENDED** that the revised procedures for delegation of decisions, public speaking, site visit procedures, as set out in appendices D, E and F to the minutes, be referred to the Standards Committee and Council, for approval.

### **628. APPEALS AND ENFORCEMENT SECTION – MONTHLY REPORT – OCTOBER 2003**

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

W20021720 – Pets and Plants – 44 Rugby Road, Cubbington – erection of a canopy with storage constructed to form a storage area to existing premises (dismissed).

W20030142 – 7 Tachbrook Road, Leamington Spa – erection of a two-storey rear extension and conversion of dwelling to a house in multiple occupation (dismissed).

W20021478 – 12 Eborall Close, Warwick – erection of a two-storey side extension after demolition of car port (allowed).

W20021514 – 7 Coventry Road, Baginton – erection of a detached single storey dwelling with integral garage and erection of garage to existing dwelling (dismissed).

W20021806 – 12 Leicester Lane, Cubbington – enlargement of bungalow to two-storey dwelling (dismissed).

W20030343 – 16 Vine Lane, Warwick – erection of a two-storey front extension and garage extension with balcony above (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 7.35 pm.)

## APPENDIX "B" PLANNING APPLICATIONS

W20031261 LEAMINGTON SPA FULL	2A, BEAUCHAMP HILL, LEAMINGTON SPA - erection of a first floor extension with balcony at front and single storey garden room at rear; re-cladding to first floor elevations.
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DECISION:	GRANTED, as amended, subject to conditions on large scale details and materials including colour of render.
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W20031316 WARWICK FULL	LAND BETWEEN 1 AND 7, GREEN LANE, WARWICK Erection of a dwelling
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DECISION:	GRANTED, as amended, subject to sample materials, drainage details, finished floor levels, removal of permitted development rights for extensions, roof alterations and side windows.
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(Councillor Kinson addressed the Committee as Ward Councillor)

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W20031325 WARWICK FULL	133, CAPE ROAD, WARWICK. Erection of two storey side and rear extensions to enlarge the shop unit and first floor accommodation, and to create a ground floor bedsit.
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DECISION:	GRANTED, as amended, subject to obscure glazed non-opening window, restriction of permitted development rights to insert windows in the north west side elevation, and car parking to be available prior to occupation.
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(Councillor Kinson addressed the Committee as Ward Councillor)

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W20031356 KENILWORTH FULL	141, WHITEMOOR ROAD, KENILWORTH. Erection of two storey side extension, single storey rear extension and rear conservatory.
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The Head of Planning & Engineering had recommended that the application be granted as amended. However the Committee were of the opinion that the application was overdevelopment, unneighbourly, in conflict with the 45 degree code and it would create an unacceptable terracing effect, which would be out of character with the area.

DECISION:	REFUSED because the application was overdevelopment, unneighbourly, in conflict with the 45 degree code and it would create an unacceptable terracing effect, which would be out of character with the area.
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(Councillor Davies addressed the Committee as Ward Councillor)

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**APPENDIX “C”  
PLANNING APPLICATIONS**

W20031374 WARWICK FULL	LOWER HEATHCOTE FARM, HARBURY LANE, WARWICK. Change of use of agricultural buildings to B8 use Storage and Distribution. (Retrospective Application).
DECISION:	GRANTED, for a temporary period of three years, restricted to use for the storage of motor vehicles and parts for use in association with the use of the sales outlet of Damon Hill BMW at Heathcote Lane, and for no other use under Class B8, hours of operation, provision/maintenance of visibility splays, and provision and maintenance of vehicle turning space within the site.
W20031379 SHREWLEY FULL	79, SHREWLEY COMMON, SHREWLEY. Erection of a rear conservatory (retrospective application).
DECISION:	GRANTED, subject to conditions requiring opaque panels along boundary and obscure glazing of adjacent panel.
W20031385 WARWICK FULL	CANAL COTTAGE, 25, UPPER CAPE, WARWICK. Variation of condition 1 (Time Limit) of W981001 to extend permission for a further five year period for the erection of rear single storey and two storey extension and front porch.
DECISION:	GRANTED, as amended.
W20031393 WARWICK FULL	LAND ADJACENT, THE PARK HOUSE, BRIDGE END, WARWICK. Erection of a detached garage with ancillary accommodation above.
DECISION:	GRANTED, subject to a Section 106 Agreement withdrawing the right to implement the previous consent and conditions regarding flood compensation, archaeological investigation and retaining the garaging and ancillary accommodation as such.
W20031416 LEAMINGTON SPA FULL	COACH HOUSE, REAR OF 119, REGENT STREET LEAMINGTON SPA. Conversion of existing building into one bedroomed dwelling.
DECISION:	GRANTED, as amended, subject to conditions on retention of unlocked gate, installation of openable bedroom window, amended details of railing installation, materials, large scale architectural details and details of refuse storage.

W20031425 LEAMINGTON SPA FULL	14, PRINCES DRIVE, LEAMINGTON SPA. Erection of a two storey side extension.
DECISION:	GRANTED, subject to conditions on materials and access.
W20031434 LEAMINGTON SPA FULL	WESTLEA ROAD, LEAMINGTON SPA. Erection of a single and two storey extension.
DECISION:	GRANTED, as amended, subject to conditions on materials and the use of the extension within the meaning of Class D1 of the Town and Country Planning (Use Classes) Order 1987.
W20031462 WARWICK FULL	21, COVENTRY ROAD, WARWICK. Erection of a three bedroomed dwelling and detached garage.
DECISION:	DEFERRED for slides.
W20031492 BARFORD FULL	27, KEYTES LANE, BARFORD. Erection of an extension to rear of property.
DECISION:	GRANTED, subject to conditions on amended design of French doors in lieu of bi-fold doors, matching materials, obscured glazed bathroom window, excavation work, no storage of materials in floodplain, and retaining wall details.
W20031510 WARWICK FULL	18, STATION AVENUE, WARWICK. Erection of a single and two storey front extension.
DECISION:	GRANTED.
W20031514 WARWICK FULL	30, BRIDGE END, WARWICK. Erection of a single, two storey and first floor extensions.
DECISION:	GRANTED, subject to sample materials and a programme of archaeological work.

W20031522  
LEAMINGTON  
SPA  
FULL

59, CHESHAM STREET, LEAMINGTON SPA. Erection of a two storey rear extension.

DECISION: GRANTED, subject to condition on part obscure glazing of rear facing bedroom windows.

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W20031523  
KENILWORTH  
FULL

44, ROUNCIL LANE, KENILWORTH. Erection of a two storey extension at rear.

DECISION: GRANTED, subject to conditions on matching materials.

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W20031532  
WARWICK  
FULL

REAR OF, 60-76, CLIFFE WAY, WARWICK. Erection of a single storey storage building.

DECISION: GRANTED.

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**Revised Scheme of Delegation**

1. Authority to determine all applications submitted to Warwick District Council as required by the Town and Country Planning Act 1990 (as amended), Town and Country Planning (Control of Advertisement) Regulations 1992, and Planning (Listed Buildings and Conservation Areas) Regulations 1990, with the exception of the following:-
  - Applications where a written request is received from a member of Warwick District Council that Committee referral is required within the specified consultation period i.e. 21 days.
  - Applications where 10 or more written objections or a petition with 10 or more signatures has been received, where the recommendation is contrary to the representations that have been made.
  - Application which would represent a material departure from any proposal within the Development Plan i.e. the Warwickshire Structure Plan and Warwick District Local Plan, or any approved Supplementary Planning Guidance..
  - Applications known to be submitted by or on behalf of a Councillor, employee or former employee of the Council, or the spouse/partner of any such person.
  - Applications submitted by Warwick District Council or Warwickshire County Council, except for approval of routine minor developments.
  - Applications which are subject to a S106 Agreement.
  - Where applications are to be refused and enforcement action is being recommended.
  - Applications where an Environmental Impact Assessment has been provided or requested.
  - Any application which raises significant issues such that in the opinion of the Head of Planning, it would be prudent to refer the application to Planning Committee for decision.

**Public speaking at Planning Committee – Draft Procedures**

**Who can speak**

People wishing to speak will fall into four categories, these are:-

- Parish/Town Councils
- Objectors
- Applicants/Supporters
- Ward Councillors

To ensure equity, applicants and supporters will only be allowed to address the Committee if objectors have registered to speak.

The right of Ward members to address the Committee will remain as at present.

There will be a three minute time period for each category. If there is more than one person registered in any category, the three minutes will be split between those persons having registered to speak. However, they will be encouraged to liaise with each other and nominate one speaker.

**Registering to speak**

People wishing to speak must contact Members' Services in writing, by telephone or e-mail by 12 noon the **working** day before the meeting (if a letter is delivered by hand to reception please allow 1 working day for it to reach Members' Services). A dedicated telephone line could be made available to register a public speaking request. Persons wishing to speak must provide the following information.:-

Name

Home address and contact phone number.

Which category they fall within

Which application they want to speak on (including application number)

Members' Services will inform them that their contact details will be made public before the meeting

A list of those who had registered an interest to speak will be available for all Members of the Committee, alongside the addendum papers for the meeting.

**Summary of procedure for each meeting**

1. All applications will normally be dealt with in the order they appear on the agenda.
2. The Planning Officer will introduce the items, giving any updates since the preparation of the report.
3. The names of those persons having registered to speak will then be announced by the Chair, in the order of: Parish Councils, Objectors, Applicants/Supporters and Ward Councillors.
4. After all the speakers have finished, the Chair will open the item up to the Committee for debate. There will be not be a specific formal questions slot for public speakers.
4. Finally, the Committee will be asked to take a decision on the application.

**Planning and Engineering Department  
Committee Site Inspections - Procedure**

**BACKGROUND**

In considering applications, the Council acts in a quasi-judicial capacity. It is a matter of law that it must act fairly throughout the determination process and observe the rules of natural justice. In recognition of this, the following procedure has been put in place to ensure that site inspections are conducted consistently and fairly and that all those who have an interest in an application are aware of the manner in which a site inspection will be undertaken.

**PURPOSE OF SITE INSPECTION**

The purpose of a site inspection is to provide Members of the Planning Committee with the opportunity to familiarise themselves with the relevant features of a site and its surroundings.

**FORM OF SITE INSPECTION**

A site inspection is not a formal meeting of the Planning Committee. It is an informal arrangement to provide Members with information to enable a decision to be made at a subsequent Planning Committee in the light of all relevant information available.

**DECISION TO HOLD A SITE INSPECTION**

A site inspection will be undertaken when the Planning Committee consider that it is essential to view a site and its surroundings in order to obtain a full understanding of an issue relevant to the determination of an application that cannot otherwise be considered adequately. A request for a site inspection from an interested party, supporter or objector will not oblige the Planning Committee to hold an inspection.

**ATTENDANCE AT SITE INSPECTIONS**

Officers will obtain the agreement of the applicant/landowner for a site inspection to take place on his land, where access is required.

Members of the Planning Committee will be present and relevant Officers of the District Council will attend.

Only the applicant or his/her agent will be invited to attend the site visit and this will only be to answer questions where members require clarification.

Objectors/supporters/Amenity groups representatives will not be invited to site visits.

Site visit arrangements will be confirmed in writing to applicants/agents and Planning Committee Members.

## PROCEDURE ON SITE

The following procedural rules will be observed in the holding of all site inspections:-

- (a) The Chair will control proceedings throughout.
- (b) The Chair will explain that the purpose of the site inspection is to obtain information relevant to the determination of the application. He/she will summarise the proceedings and constraints as set out below.
- (c) The Chair will introduce the representative of the Planning Department who will describe the proposal with reference to features on the ground and the submitted plans and summarise the relevant issues and material considerations.
- (d) Other Officers may be present to provide other relevant specialist information where required e.g. Highways and Environmental Health.
- (e) The Officers will provide clarification on matters relating to the proposal in response to questions from elected Members. The applicant/agent may be asked by the Chair to provide clarification on any details that are unclear.
- (f) During the site inspection, no separate discussions must take place between Officers or Members and applicants.
- (g) No hospitality will be accepted from the applicant or any other party present at the site inspection.
- (h) Members may visit an adjoining site to view the impact of the development on an affected property, where a prior request has been made for such a visit and members consider it essential to make such a visit in order to properly determine the application. Such a visit will be subject to all the other provisions set out in this procedure. Requests to visit adjoining affected properties made on the day of the site visit will be at the discretion of the Chair.
- (i) The Chair will conclude the site visit. No indication of the views of Members or the likely outcome of the Planning Committee deliberations on the application will be given. If Members require further information or clarification of any aspect of the development, the Officer attending the visit will be asked to ensure that such information is available by the time of the subsequent Planning Committee meeting.