

PLANNING COMMITTEE

Minutes of the meeting held on Monday 26 April 2004 at the Town Hall, Royal Leamington Spa at 6.00 p.m.

PRESENT: Councillor Evans (Chair); Councillors Ashford Mrs Compton, Copping, Guest, MacKay, Smith and Windybank.

12. DECLARATIONS OF INTEREST

Minute Number 14 - 61-61 Warwick Road Kenilworth

Councillor Copping declared a personal interest in this item because an objector to the application was known to him.

Minute Number 22 - Coventry Airport, Land Adjacent to South Apron, Siskin Parkway West, Middlesmarch Business Park, Coventry

Councillor MacKay declared a personal interest in this item because he was Ward Councillor.

Councillor Windybank informed the meeting that he had represented Kenilworth Town Council on the Coventry Airport Consultative Committee. However, he had taken advice and felt that he did not have an interest to declare in this item because he had not attended a meeting of that Committee for over a year and had never been party to any discussions on these matters.

Minute Number 23 - W20040359 5 Park Road Leamington Spa

Councillor Guest declared a personal interest in this item because the applicant was known to him.

Minute Number 23 – W20040270 Sheriffs, Holly Walk, Baginton, Coventry

Councillor Windybank declared a personal interest in this item because the applicant was known to him.

Minute Number 23 – W20040274 Coach and Horses Public House, 4 Bedford Street, Leamington Spa

Councillor Windybank declared a personal interest on this matter because he was a member of the Council's Regulatory Committee.

13. MINUTES

The minutes of the meetings held on 17 February, 9 March and 31 March 2004, having been printed and circulated, were taken as read, as amended by Council on 21 April 2004 and signed by the Chair as a correct record.

PLANNING COMMITTEE (Continued)

14. 61-63 WARWICK ROAD KENILWORTH

The Committee considered an application, from Mr S Insall, for the conversion of two dwellings into a bed and breakfast guest house, incorporating a new rear kitchen extension and new block in rear garden, following the demolition of redundant out-buildings.

The application was considered to comply with the following policies;
(DW) ENV12 - Protection of the Setting of Listed Buildings (Warwick District Local Plan 1995)
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) TO1 - Improvement of Tourist Facilities (Warwick District Local Plan 1995)
(DW) TO4 - Change of Use to Hotels or Guest Houses (Warwick District Local Plan 1995)
The 45 Degree Guideline (Supplementary Planning Guidance)
Distance Separation (Supplementary Planning Guidance)
(DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)
(DW) ENV15 - Encouragement of full use of Listed Buildings (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
UAP8 - Directing New Visitor Accommodation (Warwick District 1996 - 2011 First Deposit Version)
UAP8 - Directing New Visitor Accommodation (Warwick District 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)
DAP7 - Changes of Use of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)
DAP9 - Restoration of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)

RESOLVED that planning application W20040206 and listed building consent W20040207LB be GRANTED 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 and Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990;

PLANNING COMMITTEE (Continued)

- (2) Samples of all external facing materials to be used for the construction of the development hereby permitted, 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. **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.
- (3) 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; and
- (4) No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 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 a high standard of design and appearance for this Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995.

(Mrs M Faulkland addressed the committee as an objector to the application and Mr S Insall addressed the Committee as the applicant)

15. 60-70 LEAMINGTON ROAD, KENIWORTH

The Committee considered an application, from Cala Homes Midlands Limited, for the erection of 6 dwellings and associated works.

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

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(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)
(DW) ENV3A - Sustainable Development and Energy Conservation (Warwick District Local Plan 1995)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version).

However the Committee were of the opinion that the application was out of character with the area in terms of design and street scene, unneighbourly, due to overlooking of properties to the south and in Bullimore Grove and infringement of Policy H5.

RESOLVED that planning application W20040295 be REFUSED because the proposal is:

- (1) Out of character with the area in terms of design and street scene;
- (2) Unneighbourly, due to overlooking of properties to the south and in Bullimore Grove, contrary to policy DW ENV3 of the Warwick District Local Plan; and
- (3) Infringement of policy H5 of the Warwick District Local Plan.

(Councillor N Vincett addressed the Committee on behalf of Kenilworth Town Council and Dr M Ducker addressed the Committee in support of the application)

16. 18 WYCHWOOD CLOSE, BISHOPS TACHBROOK

The Committee considered an application from, Mr M S Mundi, for the conversion and change of use from Class A1 (Newsagent) to Class A3 hot food take-away unit with external extradition flue and Class A1 retail unit.

The application was considered to conflict with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) S8 - Village Shops (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)
DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP9 - Pollution Control (Warwick District 1996 - 2011 First Deposit Version)
RAP11 - Rural Shops and Services (Warwick District 1996 - 2011 First Deposit Version)

RESOLVED that planning application W20040258 be REFUSED for the following reasons:

- (1) Policy (DW) S8 of the Warwick District Local Plan and emerging policy RAP11 of the first deposit version of the Local Plan (1996-2011) encourage the retention of village shops in order to meet the daily needs of local residents and presume against changes of use to non-retail uses to protect such facilities. Proposals to establish additional retail or service facilities will be considered in the light of the extent to which the proposed facility would meet local retail or service needs. Policy RAP11 of the First Deposit Draft also states that proposals that result in the loss of retail units to other uses will not be permitted unless it can be demonstrated that:- a) the unit is no longer financially viable; b) the unit has been actively marketed for a period of 12 months without success, and; c) all reasonable other options to find a new user for the unit have been pursued.

In the opinion of the District Planning Authority, a clearly established local need for the proposal has not been demonstrated and there is insufficient evidence to substantiate the lack of viability of the premises to justify the loss of the unit from retail use. The proposals would therefore be unacceptable in principle and would thereby prejudice the objectives underpinning the Local Plan policy; and

- (2) The premises comprise one of a terrace of three ground floor retail shop units that are located on the western side of Wychwood Close, a cul-de-sac which is predominantly residential in character consisting of predominantly semi-detached houses and self-contained flats above the shop units. Policy (DW)ENV3 of the Local Plan and Policy DP1 of the First Deposit Draft 1996-2011 require all development proposals to, amongst other matters, harmonise with their surroundings in terms of design and land use. Policy DP2 of the First Deposit Draft 1996-2011 also presumes against proposals that would have an unacceptable adverse impact on the amenity of nearby uses and residents.

PLANNING COMMITTEE (Continued)

In the opinion of the District Planning Authority, the proposed change of use of the premises would be harmful to the amenities of neighbouring residents by reason of the cumulative impact of noise and disturbance arising from an increase in the number of vehicles attracted to the premises, the inconvenience caused by the likely associated increase in demand for on-road parking in this narrow cul-de-sac and by the likely residual odours from cooking smells and noise emanating from the extraction system in close proximity to residential properties. The cumulative effect of this impact would be most pronounced after the existing shop at 20 Wychwood Close closes at 8.30 p.m. when there is currently no potential for disturbance from shop customers. The evening period of relative peace and quiet currently enjoyed by neighbouring residents would therefore be eroded by increased activity after this time. The proposal would thereby fail to harmonise with its surroundings, resulting in a poor living environment for neighbouring residents, contrary to Policy (DW)ENV3 of the Warwick District Local Plan and Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011 First Deposit Draft.

(Councillor Deely addressed the Committee on behalf of Bishops Tachbrook Parish Council, Mr Hedger addressed the Committee objecting to the application and Mr Wilson addressed the Committee as the agent for the applicant)

17. 471 TACHBROOK ROAD WHITNASH

The application, from Mr M Chambers, for the change of use of existing outbuildings to class B1 Business use was withdrawn by the applicant.

RESOLVED that the withdrawal of planning application W20040032 be noted.

18. 471 TACHBROOK ROAD, WHITNASH, LEAMINGTON SPA

The Committee considered an application, from Mr M Chambers, for the proposed refurbishment and conversion of existing outbuildings (stables and workshop) to form 2 units of holiday let accommodation.

PLANNING COMMITTEE (Continued)

RESOLVED that planning application W20040312 be REFUSED for the following reasons:

- (1) Policy (DW) ENV3 of the Warwick District Local Plan 1995 requires all development proposals to provide a satisfactory vehicular access and not to compromise the safe movement or free flow of traffic or the safe use of roads by others. This is reflected by Policy DP6, Access, in the Warwick District Local Plan 1996 - 2011 which states development will not be permitted which causes harm to highway safety; and
- (2) In the opinion of the District Planning Authority, the proposed two holiday units would result in an unacceptable increase in use of an access with restricted visibility, significantly below the minimum standard of 2 m by 90 m which it is considered should be achieved within a 40 m.p.h. speed limit. It is considered, therefore, that the proposal would be harmful to highway safety and would prejudice the objectives of the aforementioned policies.

19. PORTOBELLO WORKS, EMSCOTE ROAD, WARWICK.

The Committee considered an application, from Gallagher Estates/Pettifer Estates, for a new road, footpath and cycleway, a new bridge across the river Avon linking Rock Mill Lane to Portobello Works, and associated landscaping works and including flood compensation works on land north on Emscote Road and Rugby Road. This application had been deferred at the meeting on 17 February for negotiations and had been amended.

The application was considered to comply with the following policies:

(DW) ENV12 - Protection of the Setting of Listed Buildings (Warwick District Local Plan 1995)
(DW) ENV2 - Areas of Restraint (Warwick District Local Plan 1995)
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP10 - Flooding (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DAP6 - Protection of Listed Buildings (Warwick District 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)

PLANNING COMMITTEE (Continued)

RESOLVED that planning application W20031966 be GRANTED 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) no development shall be carried out on the site which is the subject of this permission, until details of the steps to Rock Mill Lane 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:** In the interests of Highway safety, in accordance with policy ENV3 of the Warwick District Local Plan, 1995;
- (3) the estate roads including verges and footpaths are to be designed and laid out in accordance with the principles set out in 'Transport and Roads for Development: The Warwickshire Guide 2001' and construed in accordance with the Highway Authority's standard specification. The applicant is advised that they should enter into a Highway Works Agreement with the Highway Authority made under Section 38 of the Highways Act 1980 for the adoption of the roads. The approval of plans for the purposes of the planning permission hereby granted does not constitute an approval of the plans under Section 38 of the Highways Act 1980. An application to enter into a Section 38 Highway Works Agreement should be made to the Development Group, Warwickshire County Council, Planning and Transport Department, Shire Hall, Warwick, CV34 4SX. **REASON:** In the interests of Highway safety, in accordance with policy ENV3 of the Warwick District Local Plan, 1995.
- (4) Samples of all external facing materials to be used for the construction of the development hereby permitted, 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. **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.

PLANNING COMMITTEE (Continued)

- (5) A landscaping scheme (using indigenous species) 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.
- (6) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved plan(s) numbers: 113616-00/PA-001/01 and /C-400P/02, 113616-30/GB-001P, and A3205/1.1/05C and specification contained therein, submitted on 26 March 2004 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.
- (7) No development approved by this permission shall be commenced until a scheme for the provision and implementation of compensatory flood storage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details. **REASON:** To prevent an increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity.

20. PLANNING APPLICATIONS

The Committee considered a list of planning applications.

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

21. ADJOURNMENT OF MEETING

The Chair adjourned the meeting of the Planning Committee held on Monday, 26 April to Tuesday 27 April 2004 at 6.00 pm.

(The meeting ended at 10.00 pm.)

PLANNING COMMITTEE (Continued)

RESUMPTION OF ADJOURNED PLANNING COMMITTEE MEETING

Minutes of the adjourned Planning Committee meeting held on Tuesday, 27 April 2004 at the Town Hall, Royal Leamington Spa at 6.00 p.m.

PRESENT: Councillor Evans (Chair); Councillors Ashford Mrs Compton, Copping, MacKay, Smith and Windybank.

Apologies for absence were received from Councillors Ms De-Lara-Bond and Guest.

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

The Committee considered a report from the Head of Planning & Engineering seeking authorisation to issue a further screening opinion, authorisation to serve further enforcement notices in respect of the unauthorised erection of the Passenger Terminal and associated facilities at the airport.

Two Enforcement Notices had been issued on the 13 April and served Recorded Delivery on WMIAL to take effect on the 17 May. Authority to issue these Notices had been given at the last Planning Committee.

Subsequent to their receipt the Solicitors for WMIAL had raised issues concerning the power delegated to the Head of Planning and Engineering to issue a screening direction relating to the requirement for an EIA assessment. The assessment was appended to both enforcement notices.

RESOLVED that

- (1) the content of the report be noted;
- (2) the issuing of the 5th April screening opinion, be noted;
- (3) a further screening opinion, to the effect that the development is an Environmental Impact Assessment development, be issued; and
- (4) the serving of further enforcement notices as set out in the report, in respect of the unauthorised erection of the passenger terminal and the associated facilities at the Airport, be authorised.

(Although this item was not on the agenda the Chair agreed to treat it as an urgent item in order to overcome any future arguments as to the validity of the screening opinion and the enforcement notices and because the passenger terminal had continued to operate without the benefit of planning permission. It was therefore essential that its activities were brought under planning control as soon as possible. This involved the issuing of replacement notices for those issued on 13 April 2004).

PLANNING COMMITTEE (Continued)

23. PLANNING APPLICATIONS

The Committee considered a list of planning applications.

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

24. DEVELOPMENT CONTROL STATISTICS FOR OCTOBER TO DECEMBER 2003

The Committee received a report from the Head of Planning & Engineering notifying them of the Development Control statistics, for Warwick District Council, from the Office of the Deputy Prime Minister for October to December 2003.

RESOLVED that the report be noted.

(The meeting ended at 7.10 p.m.)