

PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 6 January 2010 in the Town Hall, Royal Leamington Spa at 6.00pm.

PRESENT: Councillor MacKay (Chairman): Councillors Barrott, Mrs Blacklock, Mrs Bunker, Copping, Ms Dean, Mrs Higgins, Illingworth and Rhead.

Apologies for absence were received from Councillor Kinson.

243. **DECLARATIONS OF INTEREST**

Minute Number s 246 and 247 – W09/1333 & 1334 CA – Rear of Clinton Lane, Kenilworth

Councillors Mrs Blacklock and Illingworth declared personal interests because the site of the application was in their Ward and both supporters and objectors were known to them.

Minute Number 251 - ENF 446/48/09 – 36 Parade, Leamington Spa

Councillor Dean declared a personal interest because the application site was in her Ward.

244. **MINUTES**

The minutes of the meetings held on 18 November and 9 December 2009 were confirmed as a correct record and signed by the Chairman.

245. **W09/1191 – LAND ADJACENT 41 BRIDGE END, WARWICK**

The Committee considered an application from Mr Kedgley for the erection of a dwelling.

The application was presented to the Committee due to the number of objections that had been received.

The case officer was of the opinion that the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of impact on the Conservation Area, flood risk, the adjoining tree, or the neighbours which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

The Chairman suggested the Committee consider deferring this application so that a site visit could be undertaken. In normal circumstances a site visit would have been arranged prior to the application coming to the Planning Committee, however, due to the Christmas holiday period this was not possible. It was therefore proposed and duly seconded that the application should be deferred to allow for a site visit which would assist the Committee in making their decision.

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that application W09/1191 be DEFERRED to allow for a site visit to take place.

246. W09/1333 – REAR OF 25 CLINTON LANE, KENILWORTH

The Committee considered an application from Mrs D Woodward and Mrs A Bond for the demolition of single storey industrial premises, proposed refurbishment of existing two storey building for employment use and erection of 6 number new dwellings.

The application was presented to the Committee due to the number of objections that had been received.

The Chairman suggested the Committee consider deferring this application so that a site visit could be undertaken. In normal circumstances a site visit would have been arranged prior to the application coming to the Planning Committee, however, due to the Christmas holiday period this was not possible. It was therefore proposed and duly seconded that the application should be deferred to allow for a site visit which would assist the Committee in making their decision.

RESOLVED that application W09/1333 be DEFERRED to allow for a site visit.

247. W09/1334 CA – REAR OF 25 CLINTON LANE, KENILWORTH

The Committee considered an application from Mrs D Woodward and Mrs A Bond for the demolition of a single storey industrial premises.

The application was presented to the Committee as the associated planning application W09/1333 was also being presented.

The Chairman suggested the Committee consider deferring this application so that a site visit could be undertaken. In normal circumstances a site visit would have been arranged prior to the application coming to the Planning Committee, however, due to the Christmas holiday period this was not possible. It was therefore proposed and duly seconded that the application should be deferred to allow for a site visit which would assist the Committee in making their decision.

RESOLVED that application W09/1334 CA be DEFERRED to allow for a site visit.

248. W09/0592- 66 MERCIA WAY, WARWICK

The Committee considered an application from Mr Marshall for the construction of two new dwellings on the existing residential garden adjacent to No 66 Mercia Way, Warwick.

The application was presented to Committee because the site was within the Area of Restraint and due to the number of objections received. The application was deferred at Planning Committee on 18 November 2009 so that

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the Flood Risk Assessment could be reconsidered by the applicant to address deficiencies.

The case officer considered the following policies to be relevant to the application:

DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)

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

DP10 - Flooding (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)

DP5 - Density (Warwick District Local Plan 1996 - 2011)

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of flood risk or impact on the generally open character of the Area of Restraint which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

The following people addressed the Committee:

Mrs L Bromley Objector

Members felt that the open character of the area of restraint would be harmed by building on this undeveloped area which acted as part of an informal flood defence. In addition, previous flooding events in Mercia way based on the evidence provided from historical data and photographs indicated that access to the dwellings by emergency vehicles during times of flood would not be achievable and drainage systems were likely to be inoperable during these periods (refer to paragraph H 11 of PPS 25).

Therefore, it was proposed and duly seconded that the application be refused contrary to the officer's recommendation.

RESOLVED that application W09/1191 be REFUSED for the following reasons:

- (1) The site of the application conflicted with the Area of Restraint harming the open character by eroding a natural undeveloped area beyond the current limits of built development. Dwellings would also be prominent on skyline;
- (2) There was the possibility of noise pollution to the dwellings and their gardens due to their proximity to the railway line (subject to Environment Health Officers views); and
- (3) Dry access to the dwellings during times of flood

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would not be achievable and drainage systems were likely to be inoperable during these periods.(Refer to Para H.11 of PPS 25.)

(The above decision is a summary of the reasons for refusal and under delegated powers the Group Leader Development Control is entitled to formulate and issue decision notices following consideration by the Planning Committee in accordance with the resolution of the Planning Committee).

249. W09/1242 – 60 MONTROSE AVENUE, LILLINGTON, ROYAL LEAMINGTON SPA

The Committee considered an application from Mr Teclaff for the erection of a garage at the bottom of the garden.

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

The case officer 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)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

The case officer was of the opinion that 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 accordance with the officer's recommendation with the addition of a condition regarding the demolition of the existing garages prior to construction starting.

RESOLVED that application W09/1242 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 29 November 2009, unless first agreed otherwise in writing by the District Planning Authority.

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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) 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 DP1 of the Warwick District Local Plan 1996-2011; and
- (4) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no windows shall be placed at any time in the north-east or south-west facing elevations of the garage hereby permitted. **REASON** : To retain control over future development so that the residential amenity of adjoining occupiers is protected and to help meet the objectives of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- (5) Demolition of the existing garages be carried out prior to construction of the new building.

(The above decision is a summary of the reasons for refusal and under delegated powers the Group Leader Development Control is entitled to formulate and issue decision notices following consideration by the Planning Committee in accordance with the resolution of the Planning Committee).

250. W09/1340 – 9 HANWORTH CLOSE, LILLINGTON, ROYAL LEAMINGTON SPA

The Committee considered a retrospective application from Mr Sagoo for the retention of a single storey rear extension and garden shed.

The application was presented to the Committee due to an objection from Royal Leamington Spa Town Council having been received.

The case officer 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)

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DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)

The case officer was of the opinion that 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 accordance with the officer's recommendation

RESOLVED that application W09/1340 be GRANTED in accordance with the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 921-1, and specification contained therein, submitted on 5 November 2009, 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; and
- (2) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing dwelling. **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.

251. ENF 446/48/09 – 36 PARADE, ROYAL LEAMINGTON SPA

The Committee considered a report requesting enforcement action be taken against Paperchase Products Ltd for the installation of an edge-illuminated stainless steel fascia advertisement sign.

In November 2009 it was brought to the attention of the Enforcement Section that the store was being refurbished and that an edge illuminated stainless steel fascia advertisement sign had been installed.

A Listed Building application [W09/0800LB] was submitted relating to internal alterations, external re-decoration of the shopfront to match the existing, installation of vinyl letters to the fan light and the installation of edge illuminated stainless steel fascia letters.

An application for Advertisement Consent [W09/0789] was submitted in relation to the edge illuminated stainless steel fascia letters.

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Both applications were refused consent on 19 August 2009. Contact by letter was made with Paperchase Ltd advising them that the work undertaken did not benefit from Listed Building Consent or Advertisement Consent and could result in enforcement action being taken. They were further advised that if the sign was illuminated that action would constitute a criminal offence for which prosecution action could be taken.

No response had been received, the work had been completed, the shop was open for business and the signage was illuminated.

The case officer considered the following policies to be relevant to the matter:

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

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

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

DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)

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

The case officer was of the opinion that appropriate enforcement action should be authorised directed at the removal of the edge-illuminated stainless steel fascia sign with a compliance period of one month. It was considered that formal action was appropriate to permanently resolve this breach of planning control.

Following consideration of the officer's report and presentation the Committee were of the opinion that appropriate enforcement action should be authorised.

RESOLVED that enforcement action relating to application ENF 446/48/09 be AUTHORISED directed at the removal of the edge-illuminated stainless steel fascia sign with a compliance period of one month.

252. COUNCILLOR INVOLVEMENT AT THE PRE-APPLICATION STAGE OF DEVELOPMENT PROPOSALS

The Committee considered a report from Planning which followed on from a Planning Committee meeting on 11 March 2009. At this meeting Members agreed to set up a working party to explore the development of a protocol for councillor involvement at pre-application stage in respect of development proposals. This report set out the details of how a protocol might operate and the implications for the Councillor Code of Conduct, following the responses collated by the working party, planning and legal officers.

It was hoped that the protocol would help to improve the planning application decision making process by putting a mechanism in place whereby community aspirations or issues of concern could be identified early on in the process and taken into account when major development proposal were being formulated.

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An alternative option would be to not produce a protocol however, it was felt that this may encourage a more ad hoc “unmanaged” approach or missed opportunities for community engagement in the development process.

It was also suggested that training could be supplied before this was implemented and enquiries had been made regarding available dates and times.

Members agreed the recommendations subject to minor amendments to the wording of the protocol. The group Leader Development Control agreed to report back the final wording to the working party. It was also agreed that training for Planning Committee members and substitutes should be mandatory and forum arrangements should be reviewed after twelve months of operation.

RESOLVED that

- (1) the protocol for the operation of a Proposed Development Review Forum set out in Appendix A, with its operation to commence from April 2010, be approved with minor amendments to the wording;
- (2) the final wording of the protocol be forwarded to the working party;
- (3) that specific training for councillors take place prior to the protocol taking effect; and
- (4) the forum arrangements be reviewed after twelve months of operation.

253. PROCEDURES AND GUIDANCE

The Committee considered a report from Planning and Members' Services which brought revised procedures for the administration of the Planning Committee.

The proposal places all the relevant procedural matters for Planning Committee into a single reference point document for all parties to access. With regard to recommendation 2.3, at present the scheme of delegation reads Applications where a written request is received from a member of the Warwick District Council within the specified consultation period i.e. 21 days. That Committee referral is required. The Development Control Manager felt that this should be amended to read as set out above to provide clarity for both officers and Councillors.

An alternative was that these documents could be left in the constitution. However, this was not recommended as it was more difficult for members of the public to access them, and more difficult for them to reflect speedily changes such as changes in committee membership. It was also intended that the revised procedures would bring forward proposals to make the workings of the committee more transparent and defined.

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The Committee advised of a few minor amendments which the Planning Officer agreed would be altered before the document was submitted.

RECOMMENDED that

- (1) the Council remove the following documents from the constitution
 - (i) the public speaking procedure rules at Planning Committee (while retaining a requirement within the Constitution for public speaking on Planning Applications and on TPO matters),
 - (ii) Planning Code of Conduct
 - (iii) Planning Site Visit procedure rules and notes the adoption of the local procedure by Planning Committee in the "Planning Committee a Guide" booklet;

- (2) Council amend the officer scheme of delegation P(18) bullet point 1 to read "Applications where a written request including reasons is received from a member of the Warwick District Council within 21 days of the notification of the application via the weekly list and by no later than the expiry date of the latest consultation period relating to the particular application."; and

RESOLVED that from the date Council removes the above from the Constitution the Committee adopts the local procedure in the form of "Planning Committee a Guide" booklet and delegates to the Monitoring Officer the power to amend the Committee membership and contact details within the booklet as required.

(The meeting ended at 7.50 pm)