

PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 17 June 2009 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, Kinson, Illingworth and Mobbs.

(Councillor Mobbs substituted for Councillor Rhead)

13. JOHN ARCHER

Councillor MacKay reported to the Committee that John Archer, Head of Planning, had been involved in an accident over the previous weekend whilst flying his light aircraft.

He was currently in Selly Oak Hospital recovering from his injuries.

The Committee passed their best wishes to John and his family and hoped he had a speedy recovery.

14. DECLARATIONS OF INTEREST

Minute Number 17 – W09/0320 - 30 Myton Crescent, Warwick

Councillor Mrs Higgins declared a personal interest in this item because she was a part owner of 50 Myton Crescent, Warwick, although this was out of sight of 30 Myton Crescent.

Minute Number 18 – W09/0324 - 46 Bedford Street, Leamington Spa

Councillor Ms Dean declared a personal interest in this item because the application site was in her ward and when the premises was formerly a Health Club, she had been a member.

Councillor Kinson declared a personal interest in this item because as a former member of the Licensing Committee and as the former Portfolio Holder for Environment, he had dealings with regard to the problems with the night time economy in Leamington Spa.

Councillor Mrs Bunker declared a personal interest in this item because she had been involved with Community Safety and the night time economy.

Minute Number 19 – W09/0402 - Crackley Lane Nursery, Crackley Lane, Stoneleigh

Councillor Mrs Blacklock declared a personal interest in this item because the applicant was known to her and she had been a client in the past.

Councillor MacKay declared a personal interest in this item because he had been a customer at the nursery from time to time.

PLANNING COMMITTEE MINUTES (Continued)

Minute Number 20 – W09/0412 – Pepper Lane Mews, 9 School Lane, Kenilworth

Councillor Mrs Blacklock declared a personal interest because the application site was in her ward and she was more familiar with the site and its history than other Councillors on the Committee.

Councillor Mrs Bunker declared a personal interest in this item because she was on the Kenilworth Town Council Planning Committee when the site was first developed.

Councillor Mobbs declared a personal and prejudicial interest in this item because he had previously expressed a view with regard to this site at Kenilworth Town Council Planning Committee, and left the room while the item was considered.

Councillor Illingworth declared a personal interest in this item because the application site was in his Ward and he had been on the Kenilworth Town Council Planning Committee when the site had been discussed a number of times, but not for the more recent applications.

Minute Number 23 – W09/0567 – 9 Avon Road, Whitnash

Councillor Barrott declared a personal interest in this item because one of the objectors was known to him.

Councillor Copping declared a personal interest in this item because the applicant was married to a WDC employee.

Minute Number 28 – W09/0326 - 2 Hatton Green, Hatton

Councillor Mrs Bunker declared a personal interest in this item because the applicant was a Warwick District Councillor.

Councillor Copping declared a personal interest in this item because the applicant was a Warwick District Councillor.

Minute Number 30 – W09/0408 - 31 Dugard Place, Barford

Councillor Barrott declared a personal and prejudicial interest in this item because the applicant and his family were very well known to him. He left the room for this item only.

Minute Number 31 – W09/0429 - 23 Clarendon Avenue, Leamington Spa

Councillor Ms Dean declared a personal interest in this item because the site of the application was in her ward.

15. MINUTES

The minutes of the meeting held on 20 May 2009 were confirmed as a correct record.

PLANNING COMMITTEE MINUTES (Continued)

16. W09/0157 – LAND AT JUNCTION HAMPTON ROAD AND HENLEY ROAD, HAMPTON ON THE HILL, WARWICK

The Committee considered an application from Mr M Maloney for the change of use of land to a caravan site for occupation by a gypsy family with associated operational development (utility room, septic tank, hard and soft landscaping and widen dropped kerbs).

This application was submitted to the Committee because of the high level of public interest in the case.

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)

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

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

DP6 - Access (Warwick District Local Plan 1996 - 2011)

RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

Circular 01/2006 - Planning for Gypsy and Traveller Caravan Sites

The Head of Planning was of the opinion that the proposed development was 'inappropriate development' within the Green Belt, therefore 'very special circumstances' must be demonstrated. Such circumstances would not exist unless the harm to the Green Belt, by reason of inappropriateness, and other harm, was clearly outweighed.

The report had set out the weight that had been attached to each of the key issues, and a balancing exercise had been carried out. The lack of alternative sites in the District and local need for sites carried significant weight in favour of the proposal, and the applicant's need for a site and their personal circumstances also carried some weight.

Harm to neighbouring amenity and highway safety were not considered grounds for refusal. The site was not considered to be unsustainable, but this did not alter the balance of judgement either way. The fact that there were alternative sites available, affordable and acceptable to any travelling family within Warwickshire weighed strongly against the proposal.

The harm in principle to the Green Belt (by reason of inappropriateness) and visual harm to the openness and character of the Green Belt, were afforded serious weight against the proposal. This harm was not outweighed by the circumstances put forward by the applicant, therefore it was considered that very special circumstances had not been demonstrated.

The addendum circulated by officers at the meeting summarised further comments on the application and updated the balancing exercise set out in the main report following receipt of the further comments from the WCC Gypsy and Traveller Service Team Leader.

PLANNING COMMITTEE MINUTES (Continued)

Carrying out the balancing exercise again, the lack of alternative sites in the District and local need for sites carried significant weight in favour of the proposal, and the applicant's need for a site and personal circumstances also carried significant weight.

The following people addressed the Committee:

Councillor Rhead Ward Councillor (Objecting)

Following consideration of the officers report and presentation, along with the information contained within the addendum and the representations made by the Ward Councillor, the Committee were of the opinion that the application should be refused. This was in accordance with the recommendation in the report, subject to an amendment to the second paragraph, where the words 'at a junction' be included in the first sentence.

RESOLVED that application W09/0157 be REFUSED for the following reasons:

The application site is within the Green Belt, wherein the District Planning Authority is concerned to ensure that the rural character and openness of the area will be retained and protected, and inappropriate development discouraged in accordance with national policy guidance contained in PPG2 "Green Belts" and policy DAP1 of the Warwick District Local Plan 1996-2011. The PPG states that inappropriate development is, by definition, harmful to the Green Belt, and very special circumstances must be demonstrated to justify such development, whilst policy DAP1 states a general presumption against inappropriate development and also requires very special circumstances to be demonstrated. Government Circular 01/2006 sets out the approach that should be taken by Local Planning Authorities to providing gypsy and traveller sites, and reiterates that new sites within the Green Belt are normally inappropriate development, and that alternatives should be explored before such sites are considered. The Circular also sets out considerations which can be taken into account which include the likely impact on the surrounding area, the existing level of provision and need for sites in the area, the availability of alternative sites and other personal circumstances. This proposal constitutes inappropriate development within the Green Belt therefore very special circumstances must be demonstrated.

PLANNING COMMITTEE MINUTES (Continued)

The application site occupies a visually prominent location, at a junction, near the top of a hill and on a busy transport route, where the visual harm arising from the proposed use of the land, the positioning of a large mobile home, vehicles, touring caravans and carts, the erection of a utility block, and the introduction of hard landscaping would have a serious adverse impact on the character, openness and amenity of the surrounding Green Belt. The applicant's personal circumstances and need for a site are not considered to constitute very special circumstances, and the availability of alternative sites within Warwickshire also weigh against the proposal. It is considered that the harm in principle to the Green Belt (by reason of inappropriateness) and the visual harm to the openness and character of the surrounding area would not be outweighed by the circumstances put forward in this case, and on this basis that very special circumstances have not been demonstrated to justify the inappropriate development. In the opinion of the District Planning Authority, the proposal would thereby conflict with the aims of Green Belt, Gypsy and Traveller and Local Plan policy.

17. W09/0320 – 30 MYTON CRESCENT, WARWICK

The Committee considered an application from Dr Randeva for the erection of a single storey front extension, a two storey side extension, one and two storey rear extension (with rear facing Juliet balcony at first floor), and four rear facing dormer windows.

The application was submitted to the Committee because of the number of neighbour objections and an objection from the Warwick Town 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)

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

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

The Head of Planning 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.

PLANNING COMMITTEE MINUTES (Continued)

The addendum circulated by officers at the meeting summarised further comments on the application.

The following people addressed the Committee:

Dr Randeva	Applicant
Councillor Guest	Ward Councillor (Objecting)

Following consideration of the officer's report and presentation, along with the information contained within the addendum and the representations made by the applicant and Ward Councillor, the Committee were of the opinion that the application should be granted in accordance with the officer's recommendation.

RESOLVED that application W09/0320 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 nos. 10A, 11A & 12A, and specification contained therein, submitted on 25th March 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
- (3) the first floor windows in the north-east and south-west elevations of the extension hereby permitted shall be obscure glazed and non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed and retained as such at all times thereafter.
REASON : To protect the amenity of the occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

18. W09/0324 – 46 BEDFORD STREET, LEAMINGTON SPA

The Committee considered an application from Ravenstall Limited for the change of use of part of a building to an A4 drinking establishment (retrospective application).

The application was submitted to the Committee in order to request that enforcement action be taken and because of the number of letters of support that had been received.

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

Vehicle Parking Standards (Supplementary Planning Document)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP5 - Changes of Use 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)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)

The Head of Planning was of the opinion that the continued use of the application premises as a bar would encourage increased activity within the area and would add to the noise and disturbance experienced by nearby residents. The proposals would therefore cause unacceptable harm to the living conditions of nearby dwellings.

The District Planning Authority were further concerned that granting planning permission for these proposals would set an undesirable precedent for further similar proposals within the town centre. Granting planning permission for the continued use of the application premises as a bar would make it hard to resist future similar proposals in the locality. The cumulative impact of a number of such proposals would exacerbate the harm that would be caused by the bar on the application site in isolation.

The proposal was thereby considered to conflict with the objectives of the aforementioned Local Plan Policies.

The addendum circulated by officers at the meeting summarised further comments on the application.

The following people addressed the Committee:

Dr Cave	Objector
Mr Bromley	Supporter
Councillor Crowther	Ward Councillor (Objecting)

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the officer's report and presentation, along with the information contained within the addendum and the representations made by the objector, supporter and Ward Councillor, the Committee were of the opinion that the application should be refused in accordance with the officer's recommendation.

RESOLVED that application W09/0324 be REFUSED for the following reasons:

Policy DP2 of the Warwick District Local Plan 1996-2011 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. Meanwhile, Policy DP1 states that development proposals should harmonise with the existing settlement in terms of patterns of movement and land use, and Policy DP14 states that the layout and design of development will be encouraged to minimise the potential for crime and anti-social behaviour and improve community safety.

The application site is situated within an area where alcohol-related crime and disorder is a problem, as identified in the Council's Licensing Policy, which includes Bedford Street in Zone A of its Special Policy. These Zones are areas where there is a saturation of licensed premises which creates cumulative problems of disorder and nuisance over and above the impact from the individual premises themselves. In these Zones, the Licensing Policy states that the Council will refuse licence applications if, by granting them, they would contribute to the cumulative impact in the area the Licensing Authority wishes to mitigate. Within Zone A, alcohol related crime and disorder is a particular problem in Bedford Street, as demonstrated by Police statistics. In this context, taking into account the objections from the Police and the Council's Community Safety Officer, the District Planning Authority consider that the continued use of the application premises as a bar would undermine efforts to reduce crime and disorder in Bedford Street and this part of the town centre in general.

19. **W09/0402 – CRACKLEY LANE NURSERY, CRACKLEY LANE, STONELEIGH**

The Committee considered an application from Mr Swain for the use of part of a nursery garden as a landscaping contractors depot (retrospective).

PLANNING COMMITTEE MINUTES (Continued)

The application had been referred to the Planning Committee by Councillor Coker.

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)

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

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

The following people addressed the Committee:

Ms Val Sinclair

Objector

Mr P Swain

Applicant

The Head of Planning was of the opinion that as the site lay within the Green Belt, there was a need for 'very special' justification for a proposal which would otherwise be inappropriate development. In the present case, no such justification has been made.

Following consideration of the officer's report and presentation, and the representations made by the objector and applicant the Committee were of the opinion that the application should be deferred for further information and a possible site visit.

RESOLVED that application W09/0402 be DEFERRED for further information and a site visit, if appropriate.

20. W09/0412 – PEPPER LANE MEWS, 9 SCHOOL LANE, KENILWORTH

The Committee considered an application from Mr S Cockell for the conversion of an existing outbuilding into a detached dwelling.

The application was submitted to 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:

Vehicle Parking Standards (Supplementary Planning Document)

DAP2 - Protecting the Areas of Restraint (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)

DP8 - Parking (Warwick District Local Plan 1996 - 2011)

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

PLANNING COMMITTEE MINUTES (Continued)

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

SC10 - Managing Housing Supply (Warwick District Local Plan 1996 - 2011)

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

The addendum circulated by officers at the meeting summarised further comments on the application.

The Head of Planning was of the opinion that the development would not cause unacceptable harm to the architectural and historic character of the Conservation Area adjacent to which the site was located. Furthermore, the proposal would not adversely affect the amenity of nearby residents. The proposal was therefore considered to comply with the policies listed.

The following people addressed the Committee:

Councillor Ryan

Kenilworth Town Council

Following consideration of the officer's report and presentation, along with the information contained within the addendum and the representations made by the Town Council, the Committee were of the opinion that the application should be refused, contrary to the officer's recommendation.

The Committee were of the opinion that the application was undesirable backland development, which conflicted with DP1 and DP2 (similar to previous refusal reason) and conflicted with DAP8 parking and SPD on parking standards. The Committee also authorised enforcement action to require cessation of use as a dwelling with a period for compliance of three months.

RESOLVED that application W09/0412 be REFUSED for the following reasons:

- (1) Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011 state that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design, and provides safe, convenient and attractive access routes. Furthermore, development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users/occupiers of the development.

The proposed development, by introducing a further dwelling in lieu of an approved communal facility in close proximity to the existing mews dwellings would have a harmful impact on existing residents amenity by reducing their amenity space and communal facilities, while the potential occupiers of the

PLANNING COMMITTEE MINUTES (Continued)

proposal would not have an acceptable level of amenity, given the relationship of the proposed dwelling to the communal parking areas that serves the mews.

The development is thereby considered to be contrary to the aforementioned policies;

- (2) Policy DP8 of the Warwick District Local Plan 1996-2011 states (inter alia) that development will only be permitted that makes provision for car parking that does not result in on-street parking detrimental to highway safety. Furthermore, the District Council has also adopted a Supplementary Planning Document on Vehicle Parking Standards which aims to manage the demand for car travel and encourage the use of more sustainable forms of transport, and help assess development proposals.

The proposal would create one additional dwelling unit within an existing residential development of eight dwellings, where there is currently limited car parking laid out for its occupants with restricted manoeuvring areas. The application site is located in a part of School Lane where there is an existing high demand for on-street car parking, and is sited opposite a busy access to the fire station. Part of the proposal includes the provision of three additional car parking spaces. It is considered that this additional parking would reduce amenity space for residents, increase noise and disturbance to residents due to the close proximity of vehicle movements to dwellings, reduce vehicle manoeuvring space and reduce accessibility to the existing spaces to an unacceptable extent, which in turn may lead to an under utilisation of the spaces, thereby leading to further pressure on the existing on street parking situation.

The development is thereby considered to be contrary to the aforementioned policy and guidance; and

- (3) Enforcement action be AUTHORISED to require cessation of use as a dwelling with period of compliance of three months.

PLANNING COMMITTEE MINUTES (Continued)

21. W09/0433 – WELTON HOUSE, CHURCH ROAD, BUBBENHALL

This application was withdrawn to be considered at the Planning Committee on 29 July 2009.

22. W09/0515 – YORK CORNER, 21 ADELAIDE ROAD, LEAMINGTON SPA

The Committee considered an application from Mr T Bond for the retention of garage and castellated brickwork.

The application was submitted to the Committee because a request was received from Councillor Gifford and due to the planning history of the site. The Committee also agreed to take enforcement action following a refusal of permission for an identical scheme, contrary to the officer's recommendation.

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)

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

The Head of Planning was of the opinion that the development did not cause unacceptable harm to 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 addendum circulated by officers at the meeting summarised further comments on the application.

The following people addressed the Committee:

Mr T Bond	Applicant
Councillor Gifford	Ward Councillor (Objecting)

Following consideration of the officer's report and presentation, along with the information contained within the addendum and the representations made by the applicant and Ward Councillor, the Committee were of the opinion that the application should be granted, in accordance with the officer's recommendation.

RESOLVED that application W09/0515 be GRANTED.

23. W09/0567 – 9 AVON ROAD, WHITNASH

The Committee considered an application from Mr Blundell for a single and two storey front, side and rear extensions.

PLANNING COMMITTEE MINUTES (Continued)

The application was submitted to the Committee because the applicant was married to an employee of the 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)
Residential Design Guide (Supplementary Planning Guidance - April 2008)

The Head of Planning was of the opinion that the development respected the 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 following people addressed the Committee:

Ms C Chambers	Objector
Mrs J Treadwell	Objector
Mr C Blundell	Applicant

Following consideration of the officer's report and presentation, along with the information contained within the addendum and the representations made by the two objectors and the applicant, the Committee were of the opinion that the application should be granted, in accordance with the officer's recommendation.

RESOLVED that application W09/0567 be GRANTED with 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) 831-02, and specification contained therein, submitted on 13 May 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

PLANNING COMMITTEE MINUTES (Continued)

- (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.

24. W09/0314 – SEVEN ELMS, WELLESBORNE ROAD, WASPERTON

The Committee considered an application from Mrs Steel for the addition of a side extension following the demolition of an existing single storey extension, the formation of new access drive and a change of use of agricultural land to residential cartilage, and the erection of a detached 3 bay garage building.

The application was submitted to the Committee because an objection to the linked Listed Building application reference W09/0315LB had been received, from Barford, Sherbourne and Wasperton Joint 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)
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)
RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)
DP4 - Archaeology (Warwick District Local Plan

The Head of Planning was of the opinion that the proposed development did not adversely affect the historic integrity, character or setting of the listed building and was of an acceptable standard of design and detailing. 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 W09/0314 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;

PLANNING COMMITTEE MINUTES (Continued)

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) (PL02 Revision C and PL03 Revision F), and specification contained therein, submitted on 22 May 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;
- (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.
- (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 DAP4 of the Warwick District Local Plan 1996-2011;
- (5) no development shall take place until the applicant has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the District Planning Authority. **REASON** : To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy DP4 of the Warwick District Local Plan 1996-2011; and

PLANNING COMMITTEE MINUTES (Continued)

- (6) The development hereby permitted shall not commence unless and until two weeks notice in writing of the start of works has been given to a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the buildings to be demolished. Should bats be found during this operation, then work must cease immediately while Natural England are consulted for further advice. **REASON** : To ensure the protection of bats and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011.

25. W09/0315LB – SEVEN ELMS, WELLESBORNE ROAD, WASPERTON

The Committee considered an application from Mrs S Steel for an addition of a side extension following the demolition of an existing single storey extension, internal alterations, and replacement windows to existing the dwelling.

The application was submitted to the Committee because an objection had been received from Barford, Sherbourne and Wasperton Parish Council.

The Head of Planning considered policy DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011) to be relevant to the application.

The Head of Planning was of the opinion that the proposed development did not adversely affect the historic integrity, character or setting of the listed building and was of an acceptable standard of design and detailing. 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 W09/0315LB be GRANTED subject to the following conditions:

- (1) the works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) 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) (PL02 Revision C and PL03 Revision F), and specification contained therein, submitted on 22 May 2009 unless first agreed otherwise in

PLANNING COMMITTEE MINUTES (Continued)

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) 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) 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 DAP4 of the Warwick District Local Plan 1996-2011.

26. ADJOURNMENT OF MEETING

The Chairman adjourned the meeting of Wednesday 17 June 2009 to Thursday 18 June 2009 at 6.00pm.

(The meeting adjourned at 10.10pm)

RESUMPTION OF THE ADJOURNED PLANNING COMMITTEE MEETING

Minutes of the adjourned Planning Committee meeting held on Thursday 18 June 2009 at the Town Hall, Royal Leamington Spa at 6.00 pm.

PRESENT: Councillor MacKay (Chairman); Councillors Barrott, Mrs Bunker, Ms Dean, Illingworth and Kinson.

Apologies for absence were received from Councillors Mrs Blacklock, Copping, Mrs Higgins and Mobbs.

PLANNING COMMITTEE MINUTES (Continued)

27. W09/0201 – SHERBOURNE PRIORS, WATERY LANE, SHERBOURNE

The Committee considered an application from Mr P Choma for the change of use from a residential language school to a mixed use residential language school and a small function venue.

The application was submitted to Committee because of the number of objections that had been received.

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)

In the opinion of the Head of Planning the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of noise, traffic and disturbance to neighbouring properties which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

The addendum circulated by officers at the meeting summarised a letter from a neighbour regarding the proposed conditions in the report.

Following consideration of the officer's report and presentation, along with the information contained within the addendum, the Committee were of the opinion that the application should be granted in accordance with the recommendation in the report, subject to an amendment to condition 4 so that it stated "prior to approval from the District Planning Authority".

RESOLVED that application W09/0201 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 drawings unnumbered showing the parking layout and the conference/function rooms to be used, and specification contained therein, submitted on 2nd March 2009 and 18th May 2009 respectively 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

PLANNING COMMITTEE MINUTES (Continued)

DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) the use of the premises for the purposes hereby permitted shall be restricted to between the hours of 08.00 hours and 23.00 hours. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011;
- (4) no live music, karaoke or disco or similar amplified music shall be provided for entertainment within the premises, without prior approval from the district planning authority. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011;
- (5) the use of the external area shall not include live or recorded music of any description or public address system (this is to also prohibit the same in any marquee or similar structure within the grounds). **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011;
- (6) functions and conferences shall be restricted to 50 maximum attendees. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011; and
- (7) no marquees or other such structures shall be erected in the grounds without the prior approval of the Local Planning Authority. **REASON**: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

28. W09/0326 – 2 HATTON GREEN, HATTON, WARWICK

The Committee considered an application from Mrs Sawdon for the erection of a detached office/storage/play room building.

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

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)

PLANNING COMMITTEE MINUTES (Continued)

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 did not prejudice the openness and rural character of this green belt area and was 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 recommendation in the report.

RESOLVED that application W09/0326 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 drawing(s) GS/OLP, /FRE, /LRE, /BD, + /CD, and specification contained therein, submitted on 26 March + 14 April 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.

29. W09/0335 – 34 SPINNEY HILL, WARWICK

The Committee considered an application from Mr D Robinson for the erection of a two storey front and single storey and first floor roof extension to the rear.

The application was submitted to Committee because an objection had been received from Warwick 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 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

PLANNING COMMITTEE MINUTES (Continued)

overbearing effect, loss of light or privacy. 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 recommendation in the report.

RESOLVED that application W09/0335 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 1575-2B, and specification contained therein, submitted on 21st May 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
- (3) the first floor window in the west elevation of the extension hereby permitted shall be obscure glazed and non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed and retained as such at all times thereafter. **REASON**: To protect the amenity of the occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.

30. W09/0408 – 31 DUGARD PLACE, BARFORD

The Committee considered an application from Mr Baker for a single and two storey extension, single storey rear extension and the replacement of rear flat roof with pitched tiled roof.

The application was submitted to the Committee because an objection had been received from Barford, Sherbourne and Wasperton Joint 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)

PLANNING COMMITTEE MINUTES (Continued)

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 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 recommendation in the report.

RESOLVED that W09/0408 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) 981C, and specification contained therein, submitted on 3rd June 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
- (3) 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 other than those expressly authorised by this permission, shall be placed at any time in the east elevation of the extended dwelling at first floor. **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.

31. W09/0429 – 23 CLARENDON AVENUE, LEAMINGTON SPA

The Committee considered an application from Mrs Sohal for the change of use from 2 flats to an 8 bed house in multiple occupation.

PLANNING COMMITTEE MINUTES (Continued)

The application had been 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)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)

In the opinion of the Head of Planning, the development would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site was located. Furthermore, the proposal would 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 recommendation in the report.

RESOLVED that application W09/0429 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 number 02A, and specification contained therein, submitted on 28 May 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
- (3) prior to the commencement of the development hereby permitted a plan to show the layout of a cycle parking area in the rear yard for use in association with the development shall have been submitted to and approved by the District Planning

PLANNING COMMITTEE MINUTES (Continued)

Authority. The cycle parking area shall be constructed, and laid out and made available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. **REASON** : To ensure that there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.

32. APPEAL PERFORMANCE 2008-2009

The Committee considered a report from Planning which detailed the overall performance in respect of appeal decisions for 2008-2009.

Appeal performance was a service plan indicator for the Planning Department. There were 78 appeals against the refusal of permissions made during 2008. There was a 61% dismissal rate for planning permissions compared with the target of 66%.

With regard to appeals against refusal decisions listed building, advertising consents and lawful development certificates all of the 12 cases in total were dismissed.

Combining the performance for all appeals, the Council achieved a dismissal of appeals of 67%.

The department had reviewed each case that was considered at the appeal stage to ensure that there was no pattern or trend for the cases dismissed.

The existing process for responding to appeals was contained within the report for information.

RESOLVED that the content of the report be noted.

(The meeting ended at 7.20pm)