

# PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 20 September 2006 at the Town Hall, Royal Leamington Spa at 6.00 p.m.

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

(Councillor Smith substituted for Councillor Mrs Knight)

## 443. DECLARATIONS OF INTEREST

Minute Number 444 – W05/0262 Dalehouse Lane / Common Lane / Cotton Drive, Kenilworth

Councillor Mrs Bunker declared a personal interest because the application site was within her Ward.

Minute Number 453 – W06/0624LB – 16 Smith Street, Warwick

Councillor Smith declared a personal and prejudicial interest because he had expressed an opinion on the application at Warwick Town Council and therefore left the room while the application was considered.

Minute Number 454 – W06/0884 – Hill Close Gardens, St Pauls Terrace, Warwick

Councillors Mrs Blacklock, Mrs Bunker, Mrs Compton, Ms De Lara Bond, MacKay, Smith and Tamlin declared personal interests because the application was on Council owned land.

Councillor Ashford declared a personal and prejudicial interest because not only was the application on Council owned land but because in addition he was a trustee of Hill Close Gardens. However he was not present when this matter was considered because he had submitted his apologies for the resumed meeting on 21 September 2006.

Councillor Kinson declared a personal and prejudicial interest because not only was the application on Council owned land but because in addition he was a trustee of Hill Close Gardens and left the room while the item was considered.

Minute Number 445 – W06/0994 – Plot 6, Fieldgate Lawn, Feildgate Lane, Kenilworth

Councillor Mrs Blacklock declared a personal interest because the application was within her Ward.

Minute Number 458 – W06/1039 – 9 School Lane, Kenilworth

Councillors Ashford, Mrs Blacklock, Mrs Bunker, Mrs Compton, Ms De-Lara-Bond, Kinson, MacKay, Smith and Tamlin all declared personal interests because the application was on Council owned land.

## **PLANNING COMMITTEE MINUTES (Continued)**

### **Minute Number 459 – W06/1110 – 11 Firethorn Crescent, Whitnash, Leamington Spa**

Councillors Ashford, Mrs Blacklock, Mrs Bunker and Kinson declared personal interests because the applicant was a Council employee.

### **Minute Number 448 – W06/1142 – York Corner, 21 Adelaide Road, Leamington Spa**

Councillor Ms De-Lara-Bond declared a personal and prejudicial interest because the applicant was related to her and she left the room while the item was considered.

### **Minute Number 449 – W06/1145 – Car Park, Russell Street, Leamington Spa**

Councillors Ashford, Mrs Blacklock, Mrs Bunker, Ms De-Lara-Bond, Kinson, Smith and MacKay all declared personal interests because the application was on Council owned land.

Councillor Mrs Compton declared a personal and prejudicial interest because not only was the application on Council owned land but in addition she had been a member of the Car Parking Working Party which had recommended the submission of the application and therefore she left the room while the application was considered.

Councillor Tamlin declared a personal and prejudicial interest because not only was the application on Council owned land but in addition he had been the relevant portfolio holder at this Council when the scheme for the car park was drawn up and therefore left the room while the application was considered.

### **Minute Number 447 – W06/1135LB – 40 New Street, Kenilworth**

Councillor Mrs Blacklock declared a personal interest in the application because it was within her Ward.

### **Minute Number 450 – W06/1237 – The Willows, Barwell Close, Leamington Spa**

Councillor Ms De-Lara-Bond declared a personal interest because an objector to the application was known to her.

## **444. DALEHOUSE LANE / COMMON LANE / COTTON DRIVE, KENILWORTH**

The Committee considered an outline application from J G Land and Estates for a residential development including improvements to the Dalehouse Lane and Common Lane junction.

The application had been deferred at the previous meeting as insufficient time was available for the Committee to consider the new information circulated at the meeting.

The Head of Planning and Engineering recommended that the application be granted as he considered it complied with the relevant policies listed below:  
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)  
The 45 Degree Guideline (Supplementary Planning Guidance)

## **PLANNING COMMITTEE MINUTES (Continued)**

Distance Separation (Supplementary Planning Guidance)  
(DW) EMP5 - Employment Development in Urban Areas (Warwick District Local Plan 1995)  
SC9 - Affordable Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
GD1- Overriding Purpose (Warwickshire Structure Plan 1996-2011)  
CF3- Levels and distribution of new housing (Regional Planning Guidance 2004)

The following addressed the Committee:

Mr C Smith                      Objector  
Mr J Jowitt                      Applicant  
Councillor D Shilton Ward Councillor

**RESOLVED** that application W2005/0262 GRANTED, following the completion of a legal agreement to require the provision of 40% affordable housing, and contributions to County Council services (as detailed in the consultations section) and subject to the following conditions:

- (1) This permission is granted under the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-

- (a) the siting, design and external appearance of the proposed dwellings together with access to them,
  - (b) details of landscaping.

**REASON :** To comply with Section 92 of the Town and Country Planning Act 1990;

- (2) In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the District Planning Authority not later than the expiration of three years beginning with the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990;

- (3) The development to which this permission relates must be begun not later than

- (1) The expiration of five years from the date of the grant of outline planning permission, or

## **PLANNING COMMITTEE MINUTES (Continued)**

- (2) If later the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.  
**REASON** : To comply with Section 92 of the Town and Country Planning Act 1990;
- (4) The development hereby permitted shall not be commenced until the public highways of Common Lane and Dalehouse Lane have been improved so as to provide for a pedestrian refuge and carriageway widening at the Common Lane junction with Dalehouse Lane in accordance with a scheme approved in writing by the District Planning Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (5) The development shall not be commenced until a turning area has been provided within the site so as to enable all vehicles to leave and re-enter the public highway in forward gear. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (6) The roads and footways serving the development hereby permitted shall not be designed or constructed other than in accordance with the requirements and standard specifications of the Highway Authority as set out in "Transport and Roads for Developments - The Warwickshire Guide 2001", together with any published amendments to it. **REASON** : To ensure compliance with the Council's standards;
- (7) Before the development hereby permitted is begun, the further written approval of the District Planning Authority shall be obtained for details of the design and construction of the estate roads and footways serving the development. These details shall include large scale plans and cross and longitudinal sections, showing design, layout, construction of the estate together with surface water drainage to outfall. **REASON** : To ensure compliance with the Council's standard;
- (8) Floor levels should be set at least 600mm above the 1 in 100 year flood level of 69.3m AOD(N).  
**REASON** : To prevent the development from flooding;
- (9) No development shall be carried out on the site which is the subject of this permission, until details of a scheme for the provision of surface drainage

## **PLANNING COMMITTEE MINUTES (Continued)**

works has 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 that surface water is properly dealt with so as to prevent the increased risk of flooding;

- (10) No development shall be commenced until:
- (a) a desk-top study identifying previous site uses, potential contaminants and other relevant information (and using this information a diagrammatical representation-conceptual model) for the site of all potential contaminant sources, pathways and receptors has been undertaken and approved in writing by the District Planning Authority;
  - (b) if deemed necessary as a result of the desk-top study, a site investigation has been designed, using the information obtained from the desk-top study and any diagrammatical representations (conceptual model) has been submitted to and approved in writing by the District Planning Authority;
  - (c) the site investigation has been undertaken in accordance with details approved and a risk assessment has been produced;
  - (d) a method statement detailing the remediation requirements, using the information obtained from the site investigation has been approved in writing by the District Planning Authority

**REASON** : To identify contamination which may pose a risk to the environment to harm to human health;

- (11) If during development contamination not previously identified is found to be present, no further development shall be carried out until either:
- (a) a site investigation has been designed and undertaken in accordance with details approved in writing by the District Planning Authority, a risk assessment has been produced and a method statement detailing the remediation requirements using the information obtained from the site investigation has been approved by the District Planning Authority, or;
  - (b) if the above has been previously undertaken, the developer has submitted and obtained written approval from the District Planning Authority for an addendum to the method statement detailing how this unsuspected contamination shall be dealt with.

## **PLANNING COMMITTEE MINUTES (Continued)**

**REASON :** To ensure that the development complies with approved details in the interests of protection of controlled waters;

- (12) All remediation works detailed in the method statement shall be undertaken and a report submitted to the District Planning Authority providing verification that the works have been undertaken in accordance with the approved details, **REASON :** To protect controlled waters by ensuring that the remediated site has been reclaimed to an appropriate standard;
- (13) Soakaways shall only be used in areas where they would not present a risk to groundwater. If permitted their location shall be been previously approved in writing by the District Planning Authority. **REASON :** To prevent pollution of controlled waters;
- (14) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained. **REASON :** To prevent pollution of the water environment;
- (15) Nothing other than uncontaminated excavated materials shall be tipped on the site. **REASON :** To prevent pollution of the water environment;
- (16) No development shall be carried out on the site which is the subject of this permission, until details of a scheme for the provision of foul drainage works has 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 prevent pollution of the water environment;
- (17) Inspection manholes shall be provided and clearly identified on foul and surface water drainage systems, in accordance with a scheme to be submitted to and approved by the District Planning Authority. **REASON :** To prevent pollution of the water environment;
- (18) No development shall be carried out on the site which is the subject of this permission, until details of existing and proposed ground levels of the development, 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 protect the character of the area and

## **PLANNING COMMITTEE MINUTES (Continued)**

the amenities of adjoining occupiers in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;

- (19) No development shall be carried out on the site which is the subject of this permission, until satisfactory details of boundary treatment have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such 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;
- (20) The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority. **REASON** : In the interests of fire safety;
- (21) No development shall be carried out on the site which is the subject of this permission, until details of provision for storage of refuse have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policy ENV3 of the Warwick District Local Plan; and
- (22) Before any works for demolition are first commenced, a survey of the premises by a qualified bat surveyor shall be undertaken to demonstrate the presence, absence or usage of the premises by bats. In the event that the survey demonstrates the presence or usage of the premises by bats, a report recommending mitigation measures to ensure any bats will be protected during the demolition works shall be submitted to and approved in writing by the District Planning Authority before the demolition works are commenced. The approved mitigation measures shall be wholly implemented strictly as approved. **REASON**: To ensure the protection of bats and compliance with Policy ENV27 of the Warwick District Local Plan 1995.

## **PLANNING COMMITTEE MINUTES (Continued)**

### **445. PLOT 6, FIELDGATE LAWN, FIELDGATE LANE, KENILWORTH**

The Committee considered an application for The Estate of PEM Burbridge (Deceased) for siting, design, external appearance, access and landscaping for a new dwelling.

A site visit was carried out on Saturday 19 August 2006. The application was deferred at Planning Committee on the 22nd August 2006, to enable negotiations regarding the scheme to take place and to carry out consultation on the amended scheme. The officers report to the meeting was essentially the same as that previously considered apart from assessment of amendments to the scheme which include repositioning of the dwelling, reduction in footprint size (including the removal of one of the garage bays) and a reduction in ridge height.

The Head of Planning and Engineering had recommended that the application be approved subject to conditions as he considered that it complied with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

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

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)

The following addressed the Committee on this item:

Councillor G Illingworth	Town Council
--------------------------	--------------

Councillor B Gifford	CAAF
----------------------	------

Mr P Griffiths	Objector
----------------	----------

Councillor Vincett	Speaking on behalf of Ward Councillor (Councillor Coker)
--------------------	--

Having considered the officers' report and having heard representations from members of the public, it was proposed and duly seconded that the application be refused.

**RESOLVED** that application W06/0994 be REFUSED because of the detrimental impact on the character of the Conservation Area by reason of height, scale and mass and conflict with policies ENV6 and ENV8.

### **446. HOMESTEAD HOUSE (PLUMBASE CENTRE), TRINTY STREET, LEAMINGTON SPA**

The Committee considered an application from Miss Noone for the change of use to dance school.



## **PLANNING COMMITTEE MINUTES (Continued)**

The application had been submitted for consideration by the Committee due to the number of objections received.

The Head of Planning and Engineering recommended in his report that the application be granted.

The following addressed the Committee:

Mr A Powling            Objector  
Miss Noone             Applicant  
Councillor Crowther Ward Councillor

Having considered the officers report and the representations from the speakers at the meeting the Committee were of the opinion that the application should be deferred to allow for a site visit and for further information from the County Highways authority.

**RESOLVED** that application W06/1070 be deferred

- (1) to allow for a site a site visit to take place as the Committee felt it would be of significant benefit to them when determining the application; and
- (2) to allow time for Warwickshire County Council Highways to consider and assess residents concerns and provide reasoned justification for their views.

### **447. 40 NEW STREET, KENILWORTH**

The Committee considered an application from Mr J Monk, for the refurbishment of the front elevation and yard, infilling of side windows and alterations to the rear elevation, insertion of rooflights (part retrospective application).

The application was due to be considered by the Committee on 22 August but was withdrawn by officers before the start of the meeting due to the amended plans not having been received.

The Head of Planning & Engineering considered that the application should be granted as he felt it complied with the relevant policies. However the officer reported to the meeting that the amended plans had still not been submitted and therefore sought deferment of this item by the Committee.

**RESOLVED** that application W06/1135LB be deferred to allow for the submission of amended plans.

### **448. YORK CORNER, 21 ADELAIDE ROAD, LEAMINGTON SPA**

The Committee considered an application from Table Top Properties Ltd for alterations to existing garages and adjoining structure to provide second garage.

The application was brought before the Committee at the request of Councillor Mrs Begg.

## **PLANNING COMMITTEE MINUTES (Continued)**

The Head of Planning & Engineering had recommended that the application be refused. In considering the application and making his recommendation he felt that the following policies were relevant:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

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

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV18 - Historic Parks and Gardens (Warwick District Local Plan 1995)

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)

DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)

DAP13 - Protecting Historic Parks and Gardens (Warwick District 1996 - 2011 Revised Deposit Version)

The following addressed the committee:

Councillor B Gifford

Ward Councillor (Objecting)

**RESOLVED** that application W06/1145 be REFUSED because Policy (DW) ENV3 of Warwick District Local Plan 1995 requires all development proposals to achieve a high standard of design, having regard to local styles, materials, the character of the surrounding area and of adjacent buildings, whilst Policy (DW) ENV6 of Warwick District Local Plan 1995 states that Conservation Areas in the District will be protected from development which would have a detrimental effect upon their character or appearance. In addition, Policy (DW) ENV8 requires that within Conservation Areas, development proposals will be required to achieve a high standard of design appropriate to the historic and special architectural character of the area. These are reflected in Policies DP1 of the emerging Warwick District Local Plan 1996-20011 (first deposit version) which requires all development proposals to make a positive contribution to the character and the quality of its environment through good layout and design and DP2 which states that 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. Policy DAP11 of the emerging Warwick District Local Plan 1996-2011 also states that development will not be permitted to alter or extend unlisted buildings which would adversely affect the historic integrity, character or setting of the Conservation Area and Policy DAP 10 requires that development proposals to protect and enhance the historic quality, character and appearance of Conservation Areas.

## **PLANNING COMMITTEE MINUTES (Continued)**

Furthermore, Policy (DW) ENV18 of the Warwick District Local Plan 1995 states that development will not be permitted which would adversely affect the character, appearance amenity or enjoyment or setting of any of the historic park and gardens in the District designated in the English Heritage Register or the Warwick District Local Register. This is reflected in Policy DAP13 of the emerging Warwick District Local Plan 1996-2011 which states development will not be permitted if it would harm the historic structure, character, principal components and setting of Parks and Gardens of Special Historic Interest designated in the English Heritage Register.

The application site is a detached garage to the rear of a large Edwardian dwelling house, which is located on the corner of Adelaide Road and York Road. The site also faces onto the historic gardens associated with York Walk, which forms part of the series of linked historic parks and gardens which has been designated in the English Heritage Register.

In the opinion of the District Planning Authority, proposal fails to comply with the requirements of the aforementioned policies by reason of its excessive height and scale and its design which is not considered to relate well to the fine Edwardian Building, the curtilage within which it is situated. It is considered that the garage occupies a prominent position within the street scene and adversely affects the historic integrity, character and setting of the Conservation Area. Furthermore, it is considered that the prominence of the site within the street scene and its close proximity to the historic gardens associated with York Walk adversely affects the setting of the adjoining historic park and gardens.

After careful consideration, taking into account the proposed changes to the scheme as already built, i.e. the introduction of a pitched roof with a gable feature and half hips and vertical boarded timber doors, it is considered that these changes would not mitigate the harm to the Conservation Area and the adjoining park and gardens outlined above.

The development would thereby be contrary to the objectives of the aforementioned policies.

### **449. CAR PARK RUSSELL STREET, LEAMINGTON SPA,**

The Committee considered an application from Warwick District Council for the extension of an existing multi storey car park.

The application had been submitted to the Committee for determination because the application was by Warwick District Council and was not a minor application.

## **PLANNING COMMITTEE MINUTES (Continued)**

The Head of Planning & Engineering had recommended that the application be granted as he felt that it complied with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)

(DW) TR6 - Provision of On-Street and Off-Street Parking within Town Centres (Warwick District Local Plan 1995)

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

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

DP6 - Access (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

DP8 - Parking (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)

The following addressed the Committee:

Councillor B Gifford                      CAAF (Objecting)

Mr I Coker                                      Supporter

Following consideration of the report and representations to the Committee a proposal was made and duly seconded that the application be deferred, to assess feasibility of providing additional car parking whilst retaining the trees. An amendment was proposed to the proposal that the application be approved subject to the conditions suggested by the planning officer and the additional condition that an appropriate landscaping scheme be submitted to and approved by the Planning Authority before work commences.

The amendment was lost. The proposal was then put to the vote and carried.

**RESOLVED** that application W06/1145 be DEFERRED to assess the feasibility of providing the car park whilst retaining the trees.

### **450. THE WILLOWS, BARWELL CLOSE, LEAMINGTON SPA**

The Committee considered an application from Mr P Squires for the addition of steel railings to top of existing garden wall.

The application had been submitted to Committee for determination at the request of Councillor Copping.

The Head of Planning & Engineering had recommended the application for approval as he considered that it complied with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)

## PLANNING COMMITTEE MINUTES (Continued)

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

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011  
Revised Deposit Version)

DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)

The following addressed the Committee:

**Mr J Mason**                                      **Objector**

Councillor R Copping      Ward Councillor

**RESOLVED** that application W06/1237 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, and specification contained therein, submitted on 1st August, 2006 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; and
- (3) No development shall be carried out on the site which is the subject of this permission until large scale details of the railings including design of finials, details of the intermediate posts and cappings have been submitted to and approved by the District Planning Authority. The railings should be painted black. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.

## 451. ADJOURNMENT OF MEETING

The Chair adjourned the meeting of the Planning Committee held on Wednesday 20 September 2006 to Thursday 21 September 2006 at 6.00 pm

(The meeting closed at 10.20 pm)

## RESUMPTION OF ADJOURNED PLANNING COMMITTEE MEETING

Minutes of the adjourned Planning Committee meeting held on Thursday 21 September 2006 at the Town Hall, Royal Leamington Spa at 6.00 pm.

## **PLANNING COMMITTEE MINUTES (Continued)**

**PRESENT:** Councillors Tamlin (Chair), Mrs Blacklock, Mrs Bunker, Mrs Compton, Kinson MacKay and Smith.

Apologies of absence were received from Councillors Ashford and Ms De-Lara-Bond.

### **452. 131-137 REGENT STREET, 40 KENILWORTH STREET, LEAMINGTON SPA**

The Committee considered an application from Leamington property Partnership for the refurbishment and part demolition of existing buildings and erection of new building to provide a retail unit (Class A1), a food and drink establishment (Class A3), a bar/grill and outdoor area (Class A4), offices (Class B1) and 9 no. studio, 1 and 2 bedroom apartments

The application had been submitted to Committee for consideration due to the number of objections received.

The Head of Planning and Engineering recommended that the application be granted subject to conditions as he felt that it complied with the relevant policies

Having considered the report and presentation the Committee had concerns over the application and sought deferment for further information.

**RESOLVED** that application W06/0638 be DEFERRED for further information about the flatted accommodation.

### **453. 16 SMITH STREET, WARWICK**

The Committee considered an application from Mr C Laird for the display of a replacement external sign.

The application had been submitted to the Committee for determination following an objection from the Town Council.

The Head of Planning and Engineering felt that the following policies were relevant and recommended that the application be granted subject to the conditions set out in the report:

(DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)  
DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 Revised Deposit Version)

**RESOLVED** that application W06/0824LB be GRANTED subject to the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing/photograph "Existing Sign", and specification contained therein, submitted on 22nd May 2006 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.

## **PLANNING COMMITTEE MINUTES (Continued)**

### **454. HILL CLOSE GARDENS, ST PAULS TERRACE, WARWICK**

The Committee considered an application from the Hill Close Gardens Trust for the erection of a wind turbine.

The application had been submitted to Committee for consideration due to the number of objections received.

The Head of Planning and Engineering felt that the following policies were relevant and recommended that the application be granted subject to the conditions outlined in the report:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV18 - Historic Parks and Gardens (Warwick District Local Plan 1995)

(DW) ENV3A - Sustainable Development and Energy Conservation (Warwick District Local Plan 1995)

**RESOLVED** that application W06/0884 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 24th May 2006 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; and
- (3) No development shall be carried out on the site which is the subject of this permission, until details of paint colour to be applied to the wind turbine 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 an appropriate appearance for this conservation area site, in accordance with the objectives of policy ENV 6 of the Warwick District Local Plan 1995.

### **455. 39 LEAM TERRACE, LEAMINGTON SPA**

The Committee considered an application from Mr S Dunn for the erection of new railings and gates to front and a replacement conservatory to the rear.

## **PLANNING COMMITTEE MINUTES (Continued)**

The application had been submitted for determination by the Committee due to an objection from the Town Council.

The Head of Planning & Engineering considered that the following policies were relevant and recommended that the application be granted subject to the conditions listed in the report:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)

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

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 Revised Deposit Version)

DAP7 - Changes of Use of Listed Buildings (Warwick District 1996 - 2011 Revised Deposit Version)

DAP9 - Restoration of Listed Buildings (Warwick District 1996 - 2011 Revised Deposit Version)

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)

**RESOLVED** that application W06/1012 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) Subject to Condition 3 and 4 below, the development hereby permitted shall be carried out strictly in accordance with the details shown on the amended drawings, and specification contained therein, submitted on 10th August, 2006 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;
- (3) Notwithstanding the details in respect of the 1m. long section of railings and low plinth wall shown on the submitted plans adjacent to the existing tree shown to be retained, no development shall be carried out on the site which is the subject of this permission, until amended details of a revised metal railing detail to avoid the need for the construction of footings which may disturb tree roots 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 protect



## **PLANNING COMMITTEE MINUTES (Continued)**

the amenity of the tree which is located in close proximity to the location of the proposed metal post;

- (4) No development shall be carried out on the site which is the subject of this permission until large scale details of the construction of the railings, showing the base of the railings set in the plinth (without a visible bottom rail) together with details of finials 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; and
- (5) A landscaping scheme 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. **REASON :** To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

### **456. 39 LEAM TERRACE, LEAMINGTON SPA**

The Committee received a listed building application from Mr S Dunn for the erection of a rear replacement conservatory and erection of new metal sliding gate and fence.

The application had been submitted for determination by the Committee due to an objection from the Town Council.

The Head of Planning & Engineering considered that the following policies were relevant and recommended that the application be granted subject to the conditions listed in the report:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)

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

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 Revised Deposit Version)

DAP7 - Changes of Use of Listed Buildings (Warwick District 1996 - 2011 Revised Deposit Version)

DAP9 - Restoration of Listed Buildings (Warwick District 1996 - 2011 Revised Deposit Version)

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)

## **PLANNING COMMITTEE MINUTES (Continued)**

The Planning Officer highlighted to the Committee the amended recommendations as set in the addendum to the agenda which was circulated at the meeting. The amended recommendation were duly proposed and seconded and approved as set out below.

**RESOLVED** that listed building application W06/1074LB 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 permission. **REASON** : To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) Subject to Condition 3 and 4 below, the development hereby permitted shall be carried out strictly in accordance with the details shown on the amended drawings, and specification contained therein, submitted on 10th August, 2006 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;
- (3) Notwithstanding the details in respect of the 1m. long section of railings and low plinth wall shown on the submitted plans adjacent to the existing tree shown to be retained, no development shall be carried out on the site which is the subject of this permission, until amended details of a revised metal railing detail to avoid the need for the construction of footings which may disturb tree roots 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 protect the amenity of the tree which is located in close proximity to the location of the proposed metal post;
- (4) No development shall be carried out on the site which is the subject of this permission until large scale details of the construction of the railings, showing the base of the railings set in the plinth (without a visible bottom rail) together with details of finials 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.

## **PLANNING COMMITTEE MINUTES (Continued)**

### **457. 18 LILLINGTON ROAD, LEAMINGTON SPA**

The Committee considered an application from Mrs Alty for the installation of a micro wind turbine on the gable end facing Campion Road.

The application was submitted to the Committee for consideration because the application was one of the first applications for a residential wind turbine that had been received.

The Head of Planning and Engineering considered that the following policies were relevant and recommended that the application be granted subject to the conditions set out in the report:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

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

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)

DP12a - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

PPS22: Renewable Energy (Government Guidance)

**RESOLVED** that application W06/1030 be GRANTED subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004; and
- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings and specification contained therein, submitted on 26 June 2006 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.

### **458. 9 SCHOOL LANE, KENILWORTH**

The Committee considered an application from Mr K Cockell for the erection of a car port and cycle and store room, to serve the proposed residential development.

The application was submitted to the Committee for consideration due to an objection from the Town Council.

## **PLANNING COMMITTEE MINUTES (Continued)**

The Planning Officer reported to the meeting that amended plans for the application had been received following the publication of the officers report. In the officers opinion the application should be deferred to allow for the amended plans to be distributed for consultation considering the number of objections received to the original plans.

**RESOLVED** that application W06/1039 be deferred to allow for the amended plans to be distributed for consultation.

### **459. 11 FIRETHORN CRESCENT, WHITNASH**

The Committee considered an application from Mr and Mrs Rayall for the erection of a first floor side extension, conservatory and porch.

The application was submitted to the Committee for consideration by the Committee because the applicant Mrs M Rayall was an employee of the Council.

The determination of the application had been deferred to allow for a site visit to take place on 16 September 2006.

The Head of Planning and Engineering considered that the following policies were relevant and recommended that the application be granted subject to the conditions set out within the report:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

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

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

**RSEOLVED** that application W06/1110 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 (1349-2), and specification contained therein, submitted on 7th July, 2006 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;

## **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 ENV3 of the Warwick District Local Plan.

### **460. LAND AT GLASSHOUSE LANE, LAPWORTH**

The Committee considered an application from Mr J Kilduff for the erection of machinery and hay storage building.

The application was submitted to the Committee for consideration following an objection to the application from the Parish Council.

The Head of Planning and Engineering considered that the following policies were relevant and recommended that the application be granted subject to the conditions contained within the report:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) C8 - Special Landscape Areas (Warwick District Local Plan 1995)

(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)

(DW) C1 - Conservation of the Landscape (Warwick District Local Plan 1995)

**RESOLVED** that application W06/1183 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 number DS/0/2006/022/1A, and specification contained therein, received on 19th July 2006 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.

### **461. LOWDOWN FARM, OAKLEY WOOD ROAD, BISHOPS TACHBROOK**

The Committee considered a report which sought approval for enforcement action with regard to the unauthorised change of use of farmers storage to commercial joinery workshop.

**RESOLVED** that enforcement action be authorised to ensure that the use of the barn for non agricultural use ceases and all machinery, equipment, vehicles and materials associated with the joinery business are

## **PLANNING COMMITTEE MINUTES (Continued)**

removed from the site within a period of compliance of four months.

### **462. 18 WHITNASH ROAD, WHITNASH**

The Committee considered a report which sought approval of enforcement action with regard to the unauthorised erection of a timber garden/domestic store shed in the rear/side garden.

**RESOLVED** that enforcement action be authorised requiring the removal of the timber store shed from the property within a period of compliance of one month.

### **463. LAND OPPOSITE FOSSE WHARF, FOSSE WAY, OFFCHURCH, LEAMINGTON SPA**

The Committee considered a report with regard to enforcement action due to the material change of use of stretch of canal side embankment and part of canal to residential use, the erection of raised wooden decking platform/ mooring on canal side embankment and wooden flight of steps leading from embankment to adjacent land, and the use of land adjacent to canal side embankment as a mixed use for agriculture and the stationing of two caravans in residential and industrial uses.

Consideration of this matter had been deferred for a site inspection on 16 September 2006 and for further information regarding the site.

The Planning Officer reported verbally that they were still awaiting further information from the County Land Agent and therefore suggested that this item be deferred until this information with regard to the agricultural need for a dwelling had been received.

**RESOLVED** that this item be deferred until the information requested from the County Land Agent with regard to the agricultural need for a dwelling has been received and considered by the Planning department.

(The meeting ended at 7.48 pm)