

# PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 6 September 2011 in the Town Hall, Royal Leamington Spa at 6.00pm.

**PRESENT:** Councillor Illingworth (Chairman); Councillors Mrs Blacklock, Brookes, Copping, Ms Dean, Dhillon, Mobbs, Rhead and Weed.

There were apologies for absence from Councillors Mrs Higgins and MacKay.

## 79. **SUBSTITUTES**

Councillor Mobbs substituted for Councillor Mrs Higgins.

## 80. **DECLARATIONS OF INTEREST**

Minute Number 82 – W11/0738 – 64 Rouncil Lane, Kenilworth

Councillor Mrs Blacklock declared a personal interest because she had given the applicants procedural advice.

Councillor Mobbs informed the Committee that he had not been present at the Kenilworth Town Planning meeting when this item was considered.

Minute Number 84 – W11/0931 – 43 Beauchamp Avenue, Leamington Spa

Councillor Ms Dean declared a personal interest because the application was in her ward.

## 81. **MINUTES**

The minutes of the meeting held on 26 July 2011 were approved and signed by the Chair as a correct record, subject to a small amendment (replacing "that" with "felt" before the words "as there had been no material change" in the second to last paragraph relating to application W11/0212).

## 82. **W11/0738 – 64 ROUNCIL LANE, KENILWORTH**

The Committee considered an application from Mr and Mrs Thomas for the erection of single and two storey side and rear extensions.

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

The Committee had visited the site on Saturday 3 September 2011 because the Chairman had felt it would be beneficial to the Committee when determining the application.

The case officer considered the following policies to be relevant:

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

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

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

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

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

Residential Design Guide (Supplementary Planning Guidance - April 2008)

It was the case officer's 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 to the extent that a planning objection on those grounds could be sustained. Alterations to the front of the property would not have a detrimental impact upon the visual appearance of the street scene or character of the traditional semi-detached dwelling. There would be no impact upon the existing capacity for parking on the site. The proposals resulted in an increase in floorspace of 74.18m<sup>2</sup>, indicating that 3m<sup>2</sup> of solar thermal panels would be required to achieve the 10% renewable energy target set out within Policy DP13 of the Warwick District Local Plan. The plans indicated in writing that 3m<sup>2</sup> of solar panels would be provided to the roof to achieve this target.

An addendum circulated at the meeting informed the Committee that revised plans showing the location of solar panels had been received and that the location was considered acceptable. An additional condition was proposed in the addendum, removing permitted development rights for outbuildings, to avoid any further impact upon neighbouring properties from any such buildings constructed in close proximity to the extended house.

The Council's Ecology team had requested informative notes relating to bats and nesting birds to be attached to any approval granted, which was considered to be acceptable.

Kenilworth Town Councillor Mrs Davies addressed the Committee, suggesting that the second storey element of the extension would set a precedent for over-development and have a terracing effect, and result in a significant loss of light to neighbouring properties. Mr Grimes also addressed the Committee, accepting that improvements to the property needed to be made, but objecting on the grounds of the scale of the proposal and its impact on his neighbouring property. Mr Thomas spoke in support of his application, which he had drawn up in consultation with Planning officers, in order to comply with the Council's design guide and achieve an acceptable design.

Following consideration of the report, presentation and addendum, along with the representations made at the meeting, the Committee were of the opinion that the application should be granted in accordance with the officer's recommendation, as amended to include the additional condition in the addendum.

**RESOLVED** that W11/0738 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

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

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) 1929/2A, and specification contained therein, submitted on 27 June 2011 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) 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;
- (4) prior to the occupation of the development hereby permitted, the first floor window(s) in the side elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be 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. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **REASON:** To protect the privacy of users and occupiers of nearby properties and or the privacy of future users and occupiers of the development hereby permitted and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011;
- (5) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications.  
**REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011; and
- (6) notwithstanding the provisions of the Town and Country Planning (General Permitted

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

Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Class E of Part 1 of Schedule 2 of this Order, without the prior permission of the District Planning Authority.

**REASON:** In view of the extent and nature of the extensions hereby permitted, it is considered appropriate to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

### **83. W10/0467 – CORNER OF MILL LANE AND OLD WARWICK ROAD, LAPWORTH, SOLIHULL**

The Committee considered an application from Mr I Potterton for demolition of an existing shop, chiropody office and apartment over, erection of a new shop, chiropody office and apartment over, plus 3 No. 2 bed houses and 1 No. 3 bed houses with ancillary parking.

The application was presented to the Committee because an objection had been received from Lapworth Parish Council and because it was recommended that planning permission be granted subject to the completion of a legal agreement.

The case officer considered the following policies to be relevant:

SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)  
RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)  
RAP4 - Providing Rural Affordable Housing (Warwick District Local Plan 1996 - 2011)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)  
DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)  
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)  
Planning Policy Guidance 2 : Green Belts  
RAP11 - Rural Shops and Services (Warwick District Local Plan 1996 - 2011)  
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)  
DP6 - Access (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the development did not prejudice the openness and rural character of the green belt area. The replacement of

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

the existing shop, chiropractor's office and flat within the village would not strictly accord with PPG2 Green Belts, since the replacement of existing buildings was inappropriate development. However, given that the site was within the centre of the village and there would be no harm to the openness of the Green Belt, aside from the addition of the new dwellings which in themselves accorded with PPG2, the very special circumstances which would justify the inappropriate development were that the scheme would enable the provision of affordable and local need housing identified in the Housing Needs Survey. The visual impact of the new building was considered acceptable, incorporating some local features so that the resulting design would not be out of character with nearby buildings. The number of parking spaces within the development had been increased from six to nine, and the impact on neighbouring amenity was considered acceptable. The Parish Council favoured an open space contribution which could be secured through policy SC13 to be spent on the Brome Hall Lane picnic site, and this was proposed to be included within the Section 106 agreement.

An addendum circulated at the meeting informed the Committee of comments from Warwickshire County Council's Highways Department and of an amended site plan, the impact of which was considered by the case officer to be acceptable. Subsequently the addendum included two additional conditions.

Following consideration of the report, presentation and addendum, the Committee were of the opinion that the application should be granted in accordance with the officer's recommendation, subject to a Section 106 Agreement and conditions, including the additional conditions contained within the addendum.

**RESOLVED** that W11/0467 be GRANTED upon completion of a Section 106 agreement to secure the provision of 3 affordable housing units and their transfer to a registered provider approved by WDC, and an open spaces contribution of £5652, and subject to the conditions listed below:

- (1) the development hereby permitted must be begun not later than the expiration of two 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) (5003;1 received on 18 August 2011. 5003;4 & 5003;5 received on 8 August 2011. LAP/2000 within Renewable Energy report by Hillman Design Ltd), and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of

## PLANNING COMMITTEE MINUTES (Continued)

development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) 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;
- (4) prior to commencement of the development hereby approved, details of a porous surface treatment for the parking and turning area or where a non-porous surface treatment is proposed, details of the provision to be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site, shall have been submitted to and approved by the District Planning Authority. The parking and turning area shall be constructed and surfaced, in full accordance with the approved details. **REASON:** To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan;
- (5) 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;
- (6) the car park hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan, and shall be kept available for the parking of vehicles at all times hereafter. **REASON:** To ensure that adequate parking facilities are available, in

## PLANNING COMMITTEE MINUTES (Continued)

accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996 - 2011;

- (7) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application (ref. Renewable Energy report by Hillman Design Ltd) has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (8) the shop hereby permitted shall be only used for purposes within the A1 Use Classes Order 2010 and for no other purpose without the prior consent of the District Planning Authority. **REASON:** To protect the use of the unit in accordance with Local Plan Policy RAP11, which seeks to retain existing rural shops and services which meet local needs;
- (9) the chiropody office hereby permitted shall be only used for purposes within the D1 Use Classes Order 2010 and for no other purpose without the prior consent of the District Planning Authority. **REASON:** To protect the use of the unit in accordance with Local Plan Policy SC8, which seeks to protect existing community facilities which meet local needs;
- (10) 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 Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (11) 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 development shall be carried out which comes within Classes A or E of

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

Part 1 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON:** The gardens of the dwellings are of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

### **84. W11/0931 – 43 BEAUCHAMP AVENUE, LEAMINGTON SPA**

The Committee considered an application from Dr G Gilbert for a variation of condition 4 on p.p W10/1097 for the use of powder coated aluminium external frames to folding doors instead of timber (variation of planning permission W10/1097 for the formation of a rear basement lightwell and external alterations).

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

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (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)

It was the case officer's opinion that the proposal would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site was located. It would not be largely visible from any public vantage points, being on the rear of the property and relating to a contemporary element on the building which had consent for a projecting canopy. The Council's Principal Conservation Architect had visited the property and was content that use of powder coated doors would be acceptable in this instance. The case officer was therefore satisfied that there would be no adverse impact on the Conservation Area such that would warrant refusal of permission.

Following consideration of the report and presentation, the Committee were of the opinion that the application should be granted in accordance with the officer's recommendation.

**RESOLVED** that W11/0931 be GRANTED subject to the conditions listed below:

- (1) the development hereby permitted must be begun not later than 11 October 2013.

**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 drawings, and specification contained therein, submitted on 28 July 2011 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) all new railings for the development hereby permitted shall be metal. **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; and
- (4) all external facing materials for the partial blocking up of the side doorway 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.

85. **W10/1062 – LAND AT BOSWORTH CLOSE, BAGINTON, COVENTRY**

This item was withdrawn from the agenda at the request of the applicant, in order for them to prepare further information in support of their application.

86. **W11/0593 – 37 LEYES LANE, KENILWORTH**

This item was withdrawn from the agenda at the request of the applicant.

87. **W11/0779 – 8 HOPTON CROFTS, LEAMINGTON SPA**

This item was withdrawn from the agenda by officers.

88. **W11/0800 – 59 WAVERLEY ROAD, KENILWORTH**

This item was withdrawn from the agenda to enable a site inspection to take place.

(The meeting ended at 7.15 pm)