

# PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 21 February 2006 at the Town Hall, Royal Leamington Spa at 6.00 p.m.

**PRESENT:** Councillor Evans (Chair); Councillors Ashford, Mrs Blacklock, Mrs Bunker, Mrs Compton, Ms De-Lara-Bond, Kinson, Mrs Knight and Mackay.

## 909. DECLARATIONS OF INTEREST

Minute Number 912 - W2005/2014 – 47 Malthouse Lane, Kenilworth

Councillor Mrs Blacklock declared a personal interest in this item because she was acquainted with one of the objectors.

Minute Number 914 - W2006/2016 – Westwood Lodge, Westwood Heath Road, Coventry

Councillor Mackay declared a personal and prejudicial in this item because the applicant was the Chairman of one of his Parish Councils and left the room whilst the item was being considered.

## 910. 22 ROUNDS HILL, KENILWORTH

The Committee considered an application from Mr & Mrs Day for the erection of a rear and side ground floor extension and dormer window.

A site visit took place, prior to consideration, on 18 February 2006.

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).

The following addressed the Committee on this item:

Mr M Eley	Objector
Mr A Day	Supporter
Councillor R Davies	Ward Councillor

Having considered the report from the Head of Planning and Engineering and representations from members of the public and the Ward Councillor the Committee were of the opinion that the application should be refused against officer's recommendation.

**RESOLVED** that application W2005/1958 should be REFUSED for the following reasons:

## **PLANNING COMMITTEE MINUTES (continued)**

- (1) detrimental to the street scene which will alter the character of the area.
- (2) unneighbourly due to proximity of the brick wall which would face the neighbour.

### **911. CHAPEL HAVEN, NARROW LANE, LOWSONFORD, SOLIHULL**

The Committee considered an application from Mr & Mrs Taylor for the erection of a side entrance porch/lobby and side dormer.

Consideration of this application was deferred at the Planning Committee of 1 February 2006 to allow for a site visit to take place on 18 February 2006.

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

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- (DW) H14 - Extensions to Dwellings in the Rural Area (Warwick District Local Plan 1995)
- (DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)

The following addressed the Committee on this item:

Councillor Mrs S Lowe

Parish Council

**RESOLVED** that application W2005/1958 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 225911/01, and specification contained therein, received on 6th December 2005 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.

### **912. 47 MALTHOUSE LANE, KENILWORTH**

The Committee considered an application from Mrs A Summer for the erection of a replacement dwelling.

A site visit took place, prior to consideration, on 18 February 2006.

## PLANNING COMMITTEE MINUTES (continued)

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).

The following addressed the Committee on this item:

Mr P McAdam	Objector
Mr Bolton	Objector
Mr J Holland	Agent

**RESOLVED** that application W2005/2014 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 21 December 2005 (floor plans) 24 and 27 January and 7 February 2006 (elevations) 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) Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;
- (4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission,

## **PLANNING COMMITTEE MINUTES (continued)**

shall be placed at any time in the side elevations or roof slopes of the dwelling. **REASON** : To retain control over future development so that the residential amenity of adjoining occupiers is protected;

- (5) 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. Before the development hereby permitted is occupied, the boundary treatments shall be erected in full accordance with said approved plans and shall thereafter be maintained in the positions shown unless otherwise agreed in writing by the District Planning Authority. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan;
- (6) 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; and
- (7) No work of any kind shall be begun on the site until protective fence(s) around the trees being retained, have been erected. Within the fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no site huts, no fires lit and no excavation of trenches for drains, service runs or for any other reason. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

### **913. 57 KENILWORTH ROAD, CUBBINGTON, LEAMINGTON SPA**

The Committee considered an application from Mr & Mrs R Miller for the erection of a single storey side extension and two storey rear extension.

## **PLANNING COMMITTEE MINUTES (continued)**

The following addressed the Committee on this item:

Mrs S Townend  
Councillor J Hammon

Objector  
Ward Councillor

**RESOLVED** that application W2005/2078 be DEFERRED to allow for a site visit to take place as the Committee felt it would be of significant benefit when considering the application.

### **914. WESTWOOD LODGE, WESTWOOD HEATH ROAD, COVENTRY**

The Committee considered an application from Mr G H Williams for the Erection of a dwelling (retrospective application).

A site visit took place, prior to consideration, on 18 February 2006.

The Head of Planning and Engineering considered that the following policies were relevant:

(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)  
GD.3 - Overall Development Strategy (Warwickshire Structure Plan 1996-2011).  
GD.5 - Development Location Priorities (Warwickshire Structure Plan 1996-2011).  
RA.1 - Development in Rural Areas (Warwickshire Structure Plan 1996-2011).

The following addressed the Committee on this item:

Mrs V Sinclair

Supporter

**RESOLVED** that application W2006/0016 be REFUSED (in line with Officer's recommendation) for the following reason:

- (1) The site is situated within the Green Belt and the Warwickshire Structure Plan 1996-2011 together with the Warwick District Local Plan and Planning Policy Guidance Note 2 states that, within the Green Belt, the rural character of the area will be retained, protected and wherever possible enhanced. Local Plan policy (DW) ENV1 and emerging policy DAP1 of the first deposit version of the Local Plan (1996-2011) state that development will not normally be permitted, except in very special circumstances, for the construction of new buildings, unless it fulfils specific criteria. The proposed development does not satisfy any of these criteria and, in the Planning Authority's view, very

## **PLANNING COMMITTEE MINUTES (continued)**

special circumstances sufficient to justify departing from the development plan have not been demonstrated;

- (2) Policy GD.3 of the Warwickshire Structure Plan 1996-2011 directs most new development towards urban locations, whilst in rural areas, policy RA.1 states that the development should be provided for in local plans specifically to meet the needs of the local population. The Warwick District Local Plan specifies in policy (DW) H8 a number of limited infill villages within the district where housing development may be permitted, within defined village policy boundary areas. The application site is not within a defined village policy boundary and is within an area where the Planning Authority would not normally permit residential development unless it were justified by agricultural or other special needs. There is no evidence that it is so justified and there are considered to be no other special circumstances sufficient to justify departing from the Plan in order to permit the development applied for; and
- (3) The application site is within a Green Belt and Special Landscape Area, where both Structure Plan and Local Plan policy seek to conserve and protect the rural landscape. It is considered that the proposed development would have a detrimental impact on the rural landscape by reason of its prominence in the landscape and inappropriate design and materials, and would thereby be contrary to policies GD.6 and ER.4 of the Warwickshire Structure Plan and Policies (DW) ENV1 and (DW) C8 of the Warwick District Local Plan and emerging policy DAP1 and DAP3 of the first deposit version of the Local Plan (1996-2011).

### **915. 16 TELFORD AVENUE, LILLINGTON, LEAMINGTON SPA**

The Committee considered an application from Mr A Dhesi for the erection of single storey side, rear and front extensions and side and rear dormer windows within roofslope.

The following addressed the Committee on this application:

Dr P Squires

Objector

**RESOLVED** that application W2005/2049 be DEFERRED for a site visit to take place as the Committee felt it would be of significant benefit when considering the application.

## PLANNING COMMITTEE MINUTES (continued)

### 916. 5 RADFORD ROAD, LEAMINGTON SPA

The Committee considered an application from Mr Runjit Bhopal for the retention of house in multi occupation for 6 bedrooms.

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:

ER.1 - Natural and Cultural Environmental Assets (Warwickshire Structure Plan 1996-2011).

(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).

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

**RESOLVED** that application W2005/0574 be GRANTED subject to the following conditions:

- (1) Within six months of the date of this permission, facilities for the storage of refuse shall be constructed in accordance with details that shall first have been submitted to and approved, in writing, 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 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;
- (2) Within six months of the date of the permission cycle parking facilities shall be constructed, laid out and available for use, in accordance with a plan showing the layout and surface treatment that shall first have been submitted to and approved, in writing, by the District Planning Authority. **REASON** : To ensure that there are adequate cycle parking facilities to serve the development; and
- (3) Within six months of the date of the permission hereby granted, the proposed separate first floor WC, the proposed removal of the en suite to bedroom 3, and the proposed construction of an en suite to bedroom 4 shall all be completed in accordance with the amended plan (drawing no. A1-01). **REASON:** To ensure that the living conditions for existing and future occupants are

## **PLANNING COMMITTEE MINUTES (continued)**

acceptable in accordance with Warwick District Local Plan policy (DW) ENV3.

### **917. TESCO STORE, EMSCOTE ROAD, WARWICK**

The Committee considered an application from Tesco Store Ltd for the variation of condition 2 of Planning Permission W1998/1588 under section 73 of the Town and Country Planning Act 1990 (as amended).

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)  
(DW) S1 - Protection and Development of Town Centres (Warwick District Local Plan 1995)  
TCP1 - Protecting and Enhancing the Town Centres (Warwick District 1996 - 2011 Revised Deposit Version)  
TCP2 - Directing Retail Development (Warwick District 1996 - 2011 Revised Deposit Version)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

**RESOLVED** that application W2005/1870 be GRANTED.

### **918. OLD KEEPERS LODGE, HAYWOOD LANE, BADDESLEY CLINTON, SOLIHULL**

The Committee considered an application from Mr & Mrs Agnew for the erection of a new dwelling after demolition of existing.

A site visit took place, prior to consideration, on 18 February 2006.

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) C8 - Special Landscape Areas (Warwick District Local Plan 1995)  
(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)  
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)  
DAP1 - Protecting the Green Belt (Warwick District 1996 - 2011 Revised Deposit Version)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)  
DAP3 - Protecting Special Landscape Areas (Warwick District 1996 - 2011 Revised Deposit Version).

Having considered the report from the Head of Planning and Engineering the Committee were of the opinion that the application should be refused against the Officer's recommendation.

**RESOLVED** that application W2005/2070 be REFUSED for the following reasons:



## **PLANNING COMMITTEE MINUTES (continued)**

- (1) Contrary to Policy RAP4, does not contribute to a sense of local identity, or reflect the local vernacular.
- (2) Was not an appropriate design for the location; and
- (3) Would have an adverse impact on the surrounding environment, in a sensitive location adjoining ancient woodland.

### **919. 2 BROOKFIELD ROAD, CUBBINGTON, LEAMINGTON SPA**

The Committee considered an application from Mr G Scott for the erection of a front porch, three bay windows and single storey rear extension (retrospective application).

The Head of Planning and Engineering had recommended that the application be approved 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).  
The 45 Degree Guideline (Supplementary Planning Guidance)

**RESOLVED** that application W2006/0015 be GRANTED.

### **920. 45 LEAM TERRACE, LEAMINGTON SPA**

The Committee considered an application from Mr J Balfe for the erection of a new portico to front entrance, new front boundary wall and gates and replacement two storey rear extension.

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)  
(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

**RESOLVED** that application W2006/0026 be GRANTED subject to the following conditions:

## **PLANNING COMMITTEE MINUTES (continued)**

- (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 6 and 7, and specification contained therein, submitted on 11 January 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 Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- (3) 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), portico, piers, gates and railings (including finials and means of installation) 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 an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy (DW) ENV8 of the Warwick District Local Plan.
- (4) No application of render shall be applied until a render panel not less than 1 square metre in size has been erected on the site and details of the render and all colour finishes for the development hereby permitted have been approved in writing by the District Planning Authority. The development shall not be undertaken 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 (DW) ENV8 of the Warwick District Local Plan 1995.

### **921. 28 PARK STREET, LEAMINGTON SPA**

The Committee considered an application from Morley Fund Management for the change of use from Class A1 (Shop use) to Class A3/A4 (Bar and Restaurant).

## **PLANNING COMMITTEE MINUTES (continued)**

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)

(DW) S5 - Changes of Use Within Retail Areas (Warwick District Local Plan 1995)

TCP5 - Secondary Retail Areas (Warwick District 1996 - 2011 Revised Deposit Version)

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

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

**RESOLVED** that application W2006/0083 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 12th January 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) Details of all air conditioning, ventilation and fume extraction systems, including details of noise levels of their operation, shall be submitted to and be approved in writing by the District Planning Authority before their installation on site. The fume extraction system from the kitchen shall be designed to capture and treat fumes to ensure that as far as reasonably practicable no nuisance is caused from cooking odours. The development shall not be carried out otherwise than in full accordance with such approved details. Thereafter, all systems shall be maintained at all times in accordance with the manufacturers specifications to ensure their continued operation in accordance with the details as approved and documentary evidence including service contract, receipts, invoices or similar must be kept on the premises and made available to authorised officers of the District Council on request to demonstrate that the equipment is being so maintained. **REASON** :

**PLANNING COMMITTEE MINUTES (continued)**

To ensure that the amenity of residents and others using this area are properly protected in accordance with the requirements of policy (DW) ENV3 of the Warwick District Local Plan 1995.

(The meeting ended at 9.20 pm)