

PLANNING COMMITTEE

Minutes of the meeting held on Monday 4 April 2005 at the Town Hall, Royal Leamington Spa at 6.00 p.m.

PRESENT: Councillor Evans (Chair), Councillors Ashford, Copping, Hammon, Kinson, Mrs Knight, MacKay and Windybank.

(Councillor Hammon substituted for Councillor Mrs Compton).

898. DECLARATIONS OF INTEREST

Minute Number 904 W2005/0191 – 31 Hill Wootton Road, Leek Wootton

Councillors Ashford and MacKay declared a personal interest because one of the applicants is a Warwick District Council employee and known to them.

MINUTES

The minutes of the meetings held on 24 January 2005, 14 February 2005 and 24 February 2005 were taken as read and signed by the Chair as a correct record.

899. METALLIC PROTECTIVES & BENFORDS PREMISES, CAPE ROAD, THE CAPE, WARWICK

The Committee considered an application from Laing Homes Midlands for the part submission of details (siting, design and external appearance) under W2002/21691 (Condition 1A) for the erection of 196 dwellings and associated works.

The Head of Planning and Engineering had recommended that the application be granted 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 First Deposit Version)

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

DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)

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

The following addressed the Committee on this application:

Mrs S Southorn	Objector
Councillor R Smith	Ward Councillor

After considering the report from the Head of Planning and Engineering and the representation from the Ward Councillor and objector, the Committee were of the opinion that the application should be refused because it was an overdevelopment and over-dense scheme which failed to take proper account of the important canalside setting and having buildings of inappropriate size, scale and height, resulting in an overbearing effect. The Committee also felt there was inadequate open space within the development, failing to provide an

acceptable landscaped setting for the proposed dwellings and having an adverse unneighbourly impact on the amenity of adjoining residents.

RESOLVED that application W2004/2170 be REFUSED for the following reasons:

- (1) It was an overdevelopment and over-dense scheme which failed to take proper account of the important canalside setting and having buildings of inappropriate size, scale and height, resulting in an overbearing effect.
- (2) There was inadequate open space within the development, failing to provide an acceptable landscaped setting for the proposed dwellings and having an adverse unneighbourly impact on the amenity of adjoining residents.

900. **LLYWN, WASPERTON ROAD, WASPERTON, WARWICK**

The Committee considered an application Mr & Mrs I Drury for the erection of a replacement dwelling.

The Head of Planning and Engineering had recommended that the application be granted subject to conditions 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) H9 - Open Countryside (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)
RAP4 - Replacement Dwellings (Warwick District 1996 - 2011 First Deposit Version).

The following addressed the Committee on this item:

Mr K Williams	Applicant
Councillor J Wright	Parish Council
Councillor C Sawdon	Ward Councillor

After considering the report from the Head of Planning and Engineering and the representations from members of the public, the Committee were of the opinion that the application should be refused.

RESOLVED that application W2005/0089 be REFUSED for the following reasons:

- (1) Policy H8 of the adopted Warwick District Local Plan, 1995, designates a list of Limited Infill Villages, whilst policy H9 of the same plan states that development in open countryside or settlements not named in policy H8 will not normally be permitted. Furthermore, policy RAP4 of the

emerging Warwick District Local Plan 1996-2011 (First Deposit Version) states that proposals to replace existing dwellings will not be permitted unless certain requirements have been met. If these requirements are met the policy states that replacement dwellings should not be materially larger than the existing dwelling and should have no greater impact on the openness of the rural area. In the present case, none of the requirements of policy RAP4 are met and the replacement dwelling would be larger than the existing. Given that the adopted local plan policies indicate that new development should not normally be permitted in this settlement, it is considered that the bulky and over-dominant design of the proposal would have a detrimental impact on the openness of this rural area, and upon the adjoining conservation area, contrary to local plan policy; and

- (2) Policy (DW) ENV3 of the Warwick District Local Plan and emerging Policy DP1 of the first deposit version of the Local Plan (1996-2011) requires all development proposals to harmonise with their surroundings in terms of design and land use. In the opinion of the District Planning Authority, the new dwelling would constitute an unneighbourly form of development by reason of its size and height which combine to dominate the adjoining bungalow "Donnington" which is so much lower and smaller in height and design.

901. **20, 30 & 32 MALHOUSE LANE, KENILWORTH**

The Committee considered an application from H Feeny & D Searle for the erection of three detached dwellings after demolition of numbers 30 & 32 Malthouse Lane.

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

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)
The 45 Degree Guideline (Supplementary Planning Guidance)
Distance Separation (Supplementary Planning Guidance)
DP1 - Layout and Design (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)

The following addressed the Committee on this item:

Mr D Pettifor	Objector
Councillor G Illingworth	Town Council
Councillor A Blacklock	Ward Councillor

After considering the report from the Head of Planning and Engineering and the representations from members of the public, the Committee were of the opinion that the application should be refused because the three dwellings would be too closely packed together and therefore out of character with the spaciousness of this side of Malthouse Lane, therefore adversely affecting the street scene, and, compromising the unique character. Plots 1 and 2 would be forward of the existing building line which would also adversely impact on the street scene.

RESOLVED that application W2005/0021 be REFUSED for the following reasons:

- (1) the three dwellings would be too closely packed together and therefore out of character with the spaciousness of this side of Malthouse Lane, therefore adversely affecting the street scene, and, compromising the unique character; and
- (2) Plots 1 and 2 would be forward of the existing building line which would also adversely impact on the street scene.

902. LAND REAR OF 78-82 LIME AVENUE, LILLINGTON, LEAMINGTON SPA

The Committee considered an application from Greywell Property Ltd for the erection of 4 detached bungalows and access driveway.

The following addressed the Committee on this item:

Mrs E Philips	Objector
Mr R Hopcroft	Applicant
Councillor Mrs E Goode	Ward Councillor

RESOLVED that application W2005/0209 be DEFERRED to allow for a site visit to be undertaken as the Committee felt it would be of significant benefit to them when considering the application.

903. CHURCHSIDE BARN, CHURCH ROAD, OLD MILVERTON, LEAMINGTON SPA

The Committee considered an application from G H Hall for the change of use of building approved under planning application W930195 from ancillary residential swimming pool, lounge and changing room to Class B1 office and provision of 6 parking spaces.

RESOLVED that application W2004/2289 be DEFERRED to allow for a site visit to be undertaken as the Committee felt it would be of significant benefit to them when considering the application.

904. **PLANNING APPLICATIONS**

The Committee considered a list of planning applications:

RESOLVED that the planning applications at appendix "C" be agreed.

905. **ADJOURNMENT OF MEETING**

The Chair adjourned the meeting of the Planning Committee held on Monday 4 April 2005 to Tuesday 5 April 2005 at 6.00 pm

(The meeting ended at 9.45 pm)

RESUMPTION OF ADJOURNED PLANNING COMMITTEE MEETING

Minutes of the adjourned Planning Committee meeting held on Tuesday 5 April 2005 at the Town Hall, Royal Leamington Spa at 6.00 pm.

PRESENT: Councillor Evans (Chair), Councillors Ashford, Copping, Ms De-Lara- Bond, Hammon, Mrs Knight, MacKay and Windybank.

906. **REAR OF 62 THE FAIRWAYS, LEAMINGTON SPA**

The Committee considered an application from Project Solutions for the erection of a detached bungalow.

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

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

(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)

(DW) IMP2 - Meeting the Needs of People with Disabilities (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)

DP14 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011 First Deposit Version)

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

Distance Separation (Supplementary Planning Guidance)

The 45 Degree Guideline (Supplementary Planning Guidance)

The following addressed the Committee on this item:

Mr M J Birch

Objector

Councillor B Gifford

Ward Councillor

After considering the report from the Head of Planning and Engineering and the representations from members of the public, the Committee were of the opinion that the application should be refused.

RESOLVED that application W2005/0340 should be REFUSED for the following reasons:

- (1) Policy (DW) ENV3 of the Warwick District Local Plan 1995 requires all developments to have regard to the character of the surrounding area and harmonise with its surroundings, whilst Policy DW (H5) states infill development will be permitted which does not have a serious adverse impact upon the amenity and environment of their surroundings. Within the Warwick District Local Plan 1996-2011, First Deposit Version, Policy DP1 states development will only be permitted which positively contributes to the character of its environment through good layout and design whilst Policy DP2 states development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents;
- (2) The proposed dwelling would be located in the rear garden of 62 The Fairways with a frontage to Windemere Drive. The established pattern of development in this locality is predominantly of detached dwellings with enclosed rear gardens and open plan front gardens. The application site presently forms part of this landscaped setting to adjoining properties, which benefit from an open and uninterrupted outlook over this garden;
- (3) In the opinion of the District Council the erection of a dwelling on the site as proposed would unacceptably compromise the established character and appearance of the site and surrounding area and standards of residential amenity for neighbouring residents by reason of:
 - Its location on a site of restricted size and configuration resulting in a development with a cramped and contrived appearance, located adjacent to the pavement with no space available for planting to mitigate its impact on the streetscene. It would consequently be at variance with the established character and appearance of this planned layout which generally comprises properties set in spacious gardens set back from the highway behind landscaped foregardens.
 - Its proximity to the highway resulting in vehicles being parked on site having to reverse directly onto the highway without the ability to turn within the site and leave in a forward gear.
 - Its unneighbourly impact on the amenity of neighbouring properties by reason of its height, design and proximity to its site boundaries; and

- (4) The development would thereby be contrary to policies (DW) ENV3 and (DW) H5 of the Warwick District Local Plan 1995 and policies DP1 and DP2 of the Warwick District Local Plan 1996-2011 (First Deposit Version).

907. **36 LONSDALE ROAD, LILLINGTON, LEAMINGTON SPA**

The Committee considered an application from Surinder Ubui for a first floor extension.

The Head of Planning and Engineering considered the following policies were relevant to this application:

(DW) ENV3 - Development Principles (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)

The following addressed the Committee on this item:

Councillor R Copping Ward Councillor

The Head of Planning and Engineering had recommended that the application should be refused for the reasons set out in the report, however, the Committee were of the opinion that the application should be granted because recognising the inconsistency between the details shown on the approved plan and the requirements of Condition 4 of planning permission W041271 as contained in that Decision Notice, it is considered that insufficient harm has been caused to the character and appearance of the streetscene to justify refusal or the taking of enforcement action.

RESOLVED application W2005/0205 be GRANTED because recognising the inconsistency between the details shown on the approved plan and the requirements of Condition 4 of planning permission W041271 as contained in that Decision Notice, it is considered that insufficient harm has been caused to the character and appearance of the streetscene to justify refusal or the taking of enforcement action.

908. **PEACEHAVEN, 12 KENILWORTH ROAD, LEAMINGTON SPA**

The Committee considered an application from Christadelphian Care Homes for the conversion of residential homes to 4 flats and 3 maisonettes and erection of a linked detached dwelling to coach house at rear.

The Head of Planning and Engineering had recommended that the application be granted subject to conditions 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)

(DW) H15 - Conversion of Existing Residential Property (Warwick District Local Plan 1995)

(DW) IMP2 - Meeting the Needs of People with Disabilities (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)

DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)

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

DP14 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011 First Deposit Version)

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

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

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

RESOLVED that application W2005/0041 be GRANTED subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990;
- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 2496/9 Revision A, 2496/11 Revision A and 2496/12 Revision B, 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 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), eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy (DW) ENV8 of the Warwick District Local Plan 1995;
- (4) All window frames shall be constructed in timber, painted and not stained. **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;

- (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 an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy (DW) ENV8 of the Warwick District Local Plan 1995;
- (6) The roofing material for the development shall be natural slate, a sample of which has been submitted to and approved in writing by the District Planning Authority. The development shall be carried out in accordance with the 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.
- (7) All rainwater goods for the development hereby permitted shall be metal and no development on site shall take place until a sample of the rainwater goods has been submitted to and approved by the District Planning Authority. **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;
- (8) The car parking for the development 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. **REASON** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995;
- (9) The existing trees and shrubs shall be retained in accordance with BS 5837 : 1991 and shall not be felled, lopped, topped or pruned without the previous written consent of the District Planning Authority. Any trees removed without consent, or dying or being severely damaged or becoming seriously diseased within five years of planting, shall be replaced with trees of such size and species as may be agreed with the District Planning Authority. Before any materials are

brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed.

REASON : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995; and

- (10) No work of any kind shall be begun on the site until the protective fence(s) around the trees identified as being retained on the approved plans, have been erected and the fencing has been confirmed in writing to be acceptable by the District Planning Authority. Within the approved 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 (DW) ENV3 of the Warwick District Local Plan 1995.

909. OAKTREE WHARF, LAPWORTH STREET, BUSHWOOD, LOWSONFORD

RESOLVED that application W2005/0232 was withdrawn because additional informal pertinent to the application was submitted which needed to be considered before the application could be determined.

910. PLANNING APPLICATIONS

The Committee considered a list of planning applications:

RESOLVED that the planning applications at appendix "D" be agreed.

(The meeting ended at 8.45 pm)