

# PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 19 June 2007 at the Town Hall, Royal Leamington Spa at 6.00 p.m.

**PRESENT:** Councillor MacKay (Chairman); Councillors; Barrott, Mrs Blacklock, Mrs Bunker, Copping, Dhillon, Guest, Edwards, Illingworth and Mobbs.

(Councillor Guest substituted for Councillor Kinson and Councillor Mobbs substituted for Councillor Rhead)

## 141. DECLARATIONS OF INTEREST

### Minute Number 142 – W05/2014 – 47 Malthouse Lane, Kenilworth

Councillor Mrs Blacklock declared a personal and prejudicial interest because the objectors to the application were known to her and it was claimed that she had already declared an opinion on this application. She left the room when the application was considered.

Councillor Illingworth declared a personal and prejudicial interest because he had previously determined the application as Chairman of Kenilworth Town Council Planning Committee and left the room when the application was considered.

### Minute Number 144 – W07/0534 – Warwickshire Exhibition Centre, Fosse Way, Radford Semele

Councillor Illingworth declared a personal interest because he had been a business exhibitor at the Warwickshire Exhibition Centre.

### Minute Number 145 – W07/0557 – 32 Stephenson Close, Milverton, Leamington Spa

Councillor Copping declared a personal and prejudicial interest because he had previously determined the application as Chairman of Royal Leamington Spa Town Council Planning Committee and left the room when the application was considered.

### Minute Number 148 – W07/0593 – Former Trinity School (Dormer Hall), Myton Road, Warwick

Councillor Guest declared a personal interest because he was Ward Councillor for the application site.

### Minute Number 149 – W07/0612 – 12 Beauchamp Avenue, Leamington Spa

Councillor Copping declared a personal and prejudicial interest because he had previously determined the application as Chairman of Royal Leamington Spa Town Council Planning Committee and left the room when the application was considered.

Agenda Item 16 – W07/0632 – 52 Northumberland Road, Leamington Spa

Councillor Copping declared a personal interest because the applicant was a family friend and he had known the objector for many years.

Agenda Item 20 – W07/0721 – Warwick Boat Club, 33 Mill Street, Warwick

Councillor Guest declared a personal interest because members of the application site were known to him. This item was considered at the reserve night of the Committee, to which Councillor Guest had given his apologies.

Agenda Item 22 – W07/0749 – 39 Arlidge Crescent, Kenilworth

Councillor Mobbs declared a personal and prejudicial interest because he had previously been involved with discussions at Kenilworth Town Council. This item was considered at the reserve night of the Committee, to which Councillor Mobbs had given his apologies.

Councillor Mrs Bunker declared a personal interest because she was Ward Councillor for the application site.

**142. 47 MALTHOUSE LANE, KENILWORTH**

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

This minor amendment was requested to be presented to Committee by Councillor Ann Blacklock.

The Head of Planning and Engineering had recommended that the application be approved because he felt 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)

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

The 45 Degree Guideline (Supplementary Planning Guidance)

The following people addressed the Committee:

Mr Bolton	Objector
Mr J Holland	Supporter

Following consideration of the officers' report, presentation and with the submissions by the public addressing the Committee, the Committee were of the opinion that the application should be refused against the recommendation of the report.

**RESOLVED** that minor amendment W05/2014 not be APPROVED because the increased height to the garage roof had an unneighbourly impact on the adjoining property.

**143. OPPOSITE FOSSE WHARF, FOSSE WAY, OFFCHURCH**

The Committee considered an application from Mr & Mrs Lorentzen for the change of use of land and water from agricultural and British Waterways operational land to a mixed agricultural, canal and residential use, to include the mooring of a houseboat for residential occupation for a temporary period of five years.

The application was presented to Committee because enforcement action was requested. It was the subject of an enforcement report to the Committee of 22 August 2006 when it was deferred for a site visit held on 16 September 2006. A second deferment at the Committee meeting on 20 September 2006 was principally due to the need for further updated information on agricultural need to be provided. This was incorporated into the submitted planning application.

The Head of Planning and Engineering had recommended that the application be refused in relation to the following policies:

PA15 - Agriculture and Farm Diversification (Regional Planning Guidance 11 - June 2004).

RA.3 - Housing and Industrial Development and Hierarchy of Settlements in Rural Areas (Warwickshire Structure Plan 1996-2011).

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

ER.4 - Protection and Enhancement of the Landscape (Warwickshire Structure Plan 1996-2011).

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

(DW) H10 - Criteria for Permitting Agricultural Dwellings (Warwick District Local Plan 1995).

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

(DW) ENV30 - Protection of Canal Corridors (Warwick District Local Plan 1995)

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

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

RAP1 - Development within Rural Areas (Warwick District 1996 - 2011 Revised Deposit Version).

RAP2 - Directing New Housing (Warwick District 1996 - 2011 Revised Deposit Version).

RAP6 - Housing for Rural Workers (Warwick District 1996 - 2011 Revised Deposit Version).

The Committee considered the additional information on the application which had been circulated as part of the addendum.

The following people addressed the Committee:

Mr A Lorentzen

Supporter

Councillor Michael Doody

Ward Councillor (Objecting)

Following consideration of the officers' report, presentation and addendum along with the submissions by the public addressing the Committee, the Committee

were of the opinion that the application should be refused in line with the recommendation in the report.

**RESOLVED** that

- (1) application W07/0233 be REFUSED; and
- (2) enforcement action be authorised, for the following reasons:
  - (a) enforcement action be authorised requiring:
    - The cessation of the residential use of any part of the site and the removal of all domestic equipment and personal effects brought onto the land for the purpose of that use. The period of compliance to be 6 months
    - The cessation of 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 and the removal of the two caravans from the site. The period of compliance to expire on 2nd March 2009.
    - Remove the area of raised decking in its entirety from the land. The period of compliance to be 6 months;
  - (b) the application fails to demonstrate a firm intention and ability to develop the enterprise, and does not demonstrate a functional and financial need for a full time residential presence on the site, given the extent of accommodation available in the locality. It thereby fails to meet the criteria for agricultural dwellings set out in Planning Policy Statement no. 7 (PPS7), Sustainable Development in Rural Areas, Annex A, and thereby conflicts with policy H10 in the Warwick District Local Plan 1995 and policy RAP6 in the revised local plan 1996-2011 relating to housing for rural workers;

- (c) the residential use of the site including the residential use of the canal boat and associated hardstandings and access road represent a significant degree of suburbanisation of this part of the countryside, in conflict with the nucleated settlement pattern of the area and which adversely affects the character and setting of the canal. It would thereby conflict with the countryside protection policies in the adopted and emerging development plan, i.e. policy C1 of the Warwick District Local Plan 1995 and policy RAP1 of the revised local plan 1996-2011;
- (d) the B4455 Fosse Way is a County Class 2 road subject to a national speed limit of 60 mph. Visibility at the existing access cannot attain the required 'y' standard of visibility in a northerly direction from an 'x' distance of 2.4 metres in accordance with the standards set out in the Department of Transport's Advice Note TD 41/95. The proposed development would result in an intensification in use of an access where drivers of vehicles entering the public highway have inadequate visibility of vehicles approaching from a northerly direction. This would be a source of danger and obstruction to the free flow of traffic on the public highway and detrimental to the interests of highway safety. The application would thereby conflict with those policies in the adopted and emerging development plan related to highway safety i.e. ENV3 of the Warwick District Local Plan 1995 and policy DP1 of the revised local plan 1996-2011; and

- (e) the forward stopping distance on the B4455 Fosse Way for vehicles travelling in a southerly direction of a vehicle turning right into the proposed access point is unable to attain the required standard of visibility as set out in the Department of Transport's Advice Note TD 41/95 as indicated by the double white line system to the north of the access. The drivers of vehicles travelling in a southerly direction will have inadequate warning of vehicles waiting within the limits of the carriageway to turn right into the access which would be a source of danger and prejudicial to highway safety. The application would thereby conflict with the policies in the adopted and emerging local plan related to highway safety issues i.e. policy ENV 3 of the Warwick District Local Plan 1995 and policy DP1 of the revised local plan 1996-2011.

**144. WARWICKSHIRE EXHIBITION CENTRE, FOSSE WAY, RADFORD SEMELE**

The Committee considered an application from Mr C L Deith for an extension to provide improved entrance with ramp for disabled access, and rear extension for ancillary use by delegates; increasing the number of exhibition days on site from 30 to 40 per annum.

The application was presented to Committee because an objection had been received from Radford Semele Parish Council.

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

(DW) EMP4 - Employment Development in the Rural Areas of the District (Warwick District Local Plan 1995)

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

RAP7 - Directing New Employment (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).

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

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

The Committee considered the additional information on the application which had been circulated as part of the addendum.

The following people addressed the Committee:

Councillor Michael Doody

Ward Councillor (Supporting)

Following consideration of the officers' report, presentation and addendum along with the submission by the Ward Councillor addressing the Committee, the Committee were of the opinion that the application should be granted in line with recommendation of the report.

**RESOLVED** that application W07/0534 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) ra0094-20, and specification contained therein, submitted on 22 March 2007, 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) the use of the barn as exhibition space shall be limited to 40 days in any calendar year.  
**REASON**: In the interest of protecting the amenity of this rural locality;
- (4) 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; and
- (5) the extensions hereby permitted shall only be used for purposes ancillary to the use of the existing exhibition hall and shall not be used independently of the existing exhibition hall.  
**REASON** : In the interests of highway safety and sustainability, in accordance with Policy ENV3 of the Warwick District Local Plan.

**145. 32 STEPHENSON CLOSE, MILVERTON, LEAMINGTON SPA**

The Committee considered an application from Mr I Tabor for the erection of a detached double garage with first floor room above.

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

The application was deferred at Planning Committee on the 29 May 2007, to enable a site visit to take place on the 16 June 2007.

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

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

(DW) ENV3 - Development Principles (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 Revised Deposit Version).

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

The following people addressed the Committee:

Mr N Neynell    Objector

Councillor B Gifford                      Ward Councillor (Objecting)

Following consideration of the officers' report, presentation and with the submissions by the public addressing the Committee, the Committee were of the opinion that the application should be refused against the recommendation of the report.

**RESOLVED** that application W07/0557 be REFUSED because it fails to harmonise with the area by reason of size, height and design and unneighbourly impact, overdevelopment, overbearing effect and overlooking of adjoining garden (no.28).

146. **WARWICKSHIRE COUNTY COUNCIL DEPOT AND LAND AT MONTAGUE ROAD, WARWICK**

The Committee considered an application from Warwickshire County Council for the relocation of existing car parking and playing fields within residential development approved under W05/0181.

The application was presented to Committee because delegated powers to determine County Council applications only exist for minor developments.

The Head of Planning and Engineering had recommended that the application be refused in relation to the following policies:

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

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

DP5 - Density (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)

SC8a - Managing Housing Supply (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

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

Managing Housing Supply (Supplementary Planning Document)

The following people addressed the Committee:

Mr M Herbert                      Supporter

Following consideration of the officers' report, presentation and addendum along with the submission by the public addressing the Committee, the Committee were of the opinion that the application should be refused in line with the recommendation in the report.

**RESOLVED** that application W07/0577 be REFUSED because the application is for a windfall housing development that does not meet one of the criteria set out within the Council's supplementary planning document: "Managing Housing Supply". This policy seeks to limit the over-provision of new homes in the District in accordance with policies CF3 and CF6 in the Regional Spatial Strategy, policy H.1 in the Warwickshire Structure Plan and policies UAP1 and SC8a in the Warwick District Local Plan (Revised Deposit Version). To permit the development would, therefore be contrary to the aforementioned policies.

**147. LAND ADJOINING 22 COTTON MILL SPINNEY, CUBBINGTON**

The Committee considered an application from Mr & Mrs Corbett for the proposed change of use of green belt land to form increased domestic curtilage of property 22 Cotton Mill Spinney.

The application was presented to Committee because an objection had been received from Cubbington Parish Council.

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

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

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

DAP1 - Protecting the Green Belt (Warwick District 1996 - 2011 Revised Deposit Version)

RA.1 - Development in Rural Areas (Warwickshire Structure Plan 1996-2011).

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

The following people addressed the Committee:

Councillor C Cleaver              Parish Council (Objecting)

Following consideration of the officers' report, presentation and addendum along with the submission by the Parish Councillor addressing the Committee, the Committee were of the opinion that the application should be refused against the recommendation of the report.

**RESOLVED** that application W07/0585 be REFUSED because it is unacceptable incursion into Green Belt contrary to Green Belt policy and an unwelcome precedent.

**148. FORMER TRINITY SCHOOL (DORMER HALL), MYTON ROAD, WARWICK**

The Committee considered a retrospective application from Banner Homes (Midlands) Ltd for the erection of hoarding and five flagpoles on Myton Road frontage.

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

The Head of Planning and Engineering had recommended that the application be granted because he felt that it complied with the following policies:  
(DW) ENV20 - Advertising Control (Warwick District Local Plan 1995)  
DAP12 - Control of Advertisement Hoardings (Warwick District 1996 - 2011 Revised Deposit Version)

The Committee considered the additional information on the application which had been circulated as part of the addendum.

The following people addressed the Committee:  
Mr B Bate                      Objector

Following consideration of the officers' report, presentation and addendum along with the submission by the public addressing the Committee, the Committee were of the opinion that the application should part be refused and part granted as set out below.

**RESOLVED** that

- (1) part of application W07/0593 relating to hoardings be GRANTED subject to the hoardings to be indented to allow an entrance/exit to ensure the safety of cyclists, motorists and pedestrians; and
- (2) the part of application W07/0593 relating to flagpoles be REFUSED because of visual intrusion which would have a detrimental impact on residents.

**149. 12 BEAUCHAMP AVENUE, LEAMINGTON SPA**

The Committee considered an application from Mr & Mrs Ferguson for the erection of coach house annex in rear garden for use as an office and ancillary accommodation.

The application was presented to Committee because the number of objections received and a request by Councillor Crowther.

The Head of Planning and Engineering had recommended that the application be granted because 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).

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).

The following people addressed the Committee:

Mr M Rayner            Objector

Following consideration of the officers' report, presentation and addendum along with the submissions by the public addressing the Committee, the Committee were of the opinion that the application should be refused against the recommendation of the report.

**RESOLVED** that application W07/0612 be REFUSED because of its overdevelopment, detrimental to the character and appearance of the conservation area and unacceptable overbearing impact on immediate neighbours.

**150. 52 NORTHUMBERLAND ROAD, LEAMINGTON SPA**

The Committee considered an application from Mr I Caulfield for the erection of two storey side extension and single storey rear extension.

The application was presented to Committee at the request of Councillor Roger Copping.

The Head of Planning and Engineering had recommended that the application be refused in relation to 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 Committee considered the additional information on the application which had been circulated as part of the addendum.

The following people addressed the Committee:

Mr M Davies            Objector

Following consideration of the officers' report, presentation and addendum along with the submissions by the public addressing the Committee, the Committee were of the opinion that the application should be refused in line with the recommendation of the report.

**RESOLVED** that application W07/0632 be REFUSED because:

- (1) of its unacceptable impact to neighbour by reason of its proximity and loss of light to side facing windows; and
- (2) District -Wide Policy 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 and Policy DAP 10 requires that development proposals to protect and enhance the historic quality, character and appearance of Conservation Areas. District Wide Policy ENV27 of the Warwick District Local Plan 1995 states that wherever possible all new development should retain woodland, trees, hedgerows, wetland habitats, watercourses, geological feature and other natural feature and protect them during construction work. This is reflected in Policy DP3 of the emerging Warwick District Local Plan 1996-2011 (revised deposit version) which requires development to protect and/or enhance local ecology, including existing site features of nature conservation.

The application site comprises a detached property which is situated on the east side of Northumberland Road within a predominantly residential part of the Leamington Spa

Conservation Area. The proposal seeks to erect a first floor extension over the existing attached garage and a single storey rear extension . Within the rear garden there is a large, mature beech Tree, close to the rear of the existing house.

In the opinion of the District Planning Authority, this Beech Tree makes a significant and important contribution to the character and appearance of the Conservation Area and the development is likely to have an adverse effect on the health of the tree such that its future could be jeopardised. It is thereby considered that the proposal fails to meet the objectives of the aforementioned Local Plan Policies.

**151. 108 LEWIS ROAD, RADFORD SEMELE**

The Committee considered an application from Miss N Osborne for the erection of a rear conservatory.

The application had been presented to Committee following a request by Councillor Doody.

The Head of Planning and Engineering had recommended that the application be refused in relation to the following policies:

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

The 45 Degree Guideline (Supplementary Planning Guidance).

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 Committee considered the additional information on the application which had been circulated as part of the addendum.

The following people addressed the Committee:

Mr J Ireson

Supporter

Councillor Michael Doody

Ward Councillor (Supporting)

Following consideration of the officers' report, presentation and addendum along with the submissions by the public addressing the Committee, the Committee were of the opinion that the application should be granted against the recommendation of the report.

**RESOLVED** that application W07/0658 be GRANTED, because the reduced height mitigates the harm of previous refusal.

**152. BUBBENHALL LANDFILL SITE, WESTON LANE, BUBBENHALL**

The Committee considered an application from Waste Recycling Group Ltd for the application for full planning permission to vary the profile of the site to ensure adequate post-settlement gradients are achieved to promote surface water drainage across the site and to alter the restoration scheme.

The application was presented to Planning Committee because this was an application which had been made to Warwickshire County Council, who would determine it, on which the District Council had been asked to make comments.

The following people addressed the Committee:

Councillor J Hammon

Ward Councillor (Objecting)

Following consideration of the officers' report, presentation and addendum along with the submission by the Ward Councillor addressing the Committee, the Committee were of the opinion that the application should be agreed with an addition to the comments in the recommendation.

**RESOLVED** that application W07/0725 be AGREED, subject to the following addition to the recommendation:

The County Council be informed that the District Council has concerns regarding the scale of the proposed increase in height of the landfill and consequent prolonged life of the site and therefore urge the County Council to look more towards a means of securing a reduced impact on the immediate area by lowering the increase in height and reduce the eleven year extension of landfill operations.

**153. 60 THE FAIRWAYS, ROYAL LEAMINGTON SPA**

The Committee considered an application from Mr K Gill for the erection of extension and alterations.

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

The Head of Planning and Engineering had recommended that the application be granted because he felt 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 people addressed the Committee:

Mr N Weatheritt

Objector

Mr K Gill

Supporter/Applicant

Councillor B Gifford

Ward Councillor (Objecting)

Following consideration of the officers' report, presentation and addendum along with the submissions by the public addressing the Committee, the Committee were of the opinion that the application should be deferred to allow for a site visit to take place as they felt it would be of significant benefit to them when determining the application.

**RESOLVED** that application W07/0772 be DEFERRED to allow for a site visit to take place as they felt it would be of significant benefit to them when determining the application.

**14. BERICOTE HOUSE, STONELEIGH ROAD, BLACKDOWN**

The Committee considered an application from Mr R Saint for an application under section 73 (TCPA) for the variation of condition 3 of W07/0353 "The new garage, garden store and refurbished outbuildings shall be used for purposes incidental to the enjoyment of the dwelling house and for no commercial purpose".

The application was presented to Committee because an objection had been received from Blackdown Parish Council.

The Head of Planning and Engineering had recommended that the application be granted because he felt that it complied with the following policies:  
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995).  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

The Committee considered the additional information on the application which had been circulated as part of the addendum.

The following people addressed the Committee:

Mrs Cook	Objector
Councillor Michael Doody	Ward Councillor (Objecting)

Following consideration of the officers' report, presentation and addendum along with the submissions by the public addressing the Committee, the Committee were of the opinion that the application should be granted in line with the recommendation of the report with the addition of the information provided in the addendum.

**RESOLVED** that application W07/0774 be GRANTED, subject to the new garage, garden store and refurbished outbuildings shall be used solely for purposes incidental to the enjoyment of the dwelling house. **REASON:** To protect the living conditions of neighbouring properties and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3. **NOTE:** This permission authorises uses which are genuinely ancillary to the primary use of Bericote House as a residential dwelling house and should not be construed as permitting any uses

which would result in a material change of use of the property.

**155. WARWICK DISTRICT LOCAL PLAN**

The Committee considered a report from Planning and Engineering on inspectors report following the public local inquiry on the Warwick District Local Plan.

The Warwick District Local Plan was the main document that provided planning policies that were used by the Council in shaping the future development of the district and in determining planning applications.

The emerging Local Plan represented the Council's up-to-date intentions in terms of the planning policies that it wished to see within the district. However, until such time as the emerging Local Plan was adopted, it cannot replace the old (1995) Local Plan and its policies cannot be given full weight in determining planning applications. It had therefore been a priority of the Council to move towards adopting the emerging Local Plan at the earliest opportunity.

From the Council's point of view, the Inspector's report was very positive as it endorsed the approach which the Council had taken towards development in the district. The report made a number of recommendations for how the Local Plan should be changed, however many of these reflect "pre-inquiry" changes that the Council itself suggested before the Inquiry opened.

**RESOLVED** that the report be noted.

**156. ADJOURNMENT OF MEETING**

The Chair adjourned the meeting of the Planning Committee held on Tuesday 19 June 2007 to Wednesday 20 June 2007 at 6.00pm.

(The meeting ended at 10.10pm)

**RESUMPTION OF ADJOURNED PLANNING COMMITTEE MEETING**

Minutes of the adjourned Planning Committee meeting held on Wednesday 20 June 2007 at the Town Hall, Royal Leamington Spa at 6.00 pm.

**PRESENT:** Councillor MacKay (Chairman); Councillors Barrott, Mrs Blacklock, Mrs Bunker, Copping, Dhillon, Edwards and Illingworth.

**157. WINDMILL HOUSE, FINWOOD ROAD, ROWINGTON**

The Committee considered an application from Mr A Gray for a new vehicular access to Finwood Road and an alteration to the existing access road with new timber gate and posts.

The application was presented to Committee because an objection had been received from Rowington Parish Council.



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

(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)  
DAP1 - Protecting the Green Belt (Warwick District 1996 - 2011 Revised Deposit Version)  
(DW) C1 - Conservation of the Landscape (Warwick District Local Plan 1995)

The Committee considered the additional information on the application which had been circulated as part of the addendum.

Following consideration of the officers' report, presentation and addendum, the Committee were of the opinion that the application should be granted in line with the recommendation of the report.

**RESOLVED** that application W07/0523 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 no.527.100 Rev. B, and specification contained therein, received on 27<sup>th</sup> April 2007 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) the fieldgate shall be removed and the gap infilled with hedging to match the existing in the first planting season after construction of the new access. **REASON:** To protect the character of the Green Belt and Special Landscape Area; and

- (4) the existing driveway shall be removed and replaced in accordance with the approved plan within one calendar month of the completion of the new driveway hereby approved. **REASON:** To protect the character of the Green Belt and Special Landscape Area.

**158. NEW BARN HOUSE, OLD WARWICK ROAD, SHREWLEY**

The Committee considered an application from Mr & Mrs W Ewins for the retention of a dwelling without compliance with agricultural occupancy condition.

The application was presented to Committee because an objection had been received from Shrewley Parish Council.

The Head of Planning and Engineering had recommended that the application be granted because he felt that it complied with policy (DW) H12 - Discharge of Agricultural Workers' Occupancy Conditions (Warwick District Local Plan 1995).

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

**RESOLVED** that application W07/0523 be GRANTED subject to 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.

**159. RAPIDE HOUSE, SISKIN PARKWAY WEST, MIDDLEMARCH BUSINESS PARK**

The Committee considered an application from Coventry Airport for the erection of a 27 metre mast and a cabin in connection with airport operations.

The application was presented to Committee because objections had been received from Baginton and Bubbenhall Parish Council's.

The Head of Planning and Engineering had recommended that the application be granted because he felt 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).

SSP7 - Coventry Airport (Warwick District 1996 - 2011 Revised Deposit Version)

(DW) TR9 - Development of Coventry Airport (Warwick District Local Plan 1995)

(DW) TR10 - Aerodrome Safeguarding (Warwick District Local Plan 1995)

Following consideration of the officers' report, presentation and addendum, the Committee were of the opinion that the application should be granted in line with the recommendation of the report.

**RESOLVED** that application W07/0643 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing number AL700 and specification contained therein, submitted on 30 April 2007 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) prior to the installation of the transmitter hereby permitted, details of the proposed lighting together with the hours when the lighting will be on shall be submitted to and approved in writing by the District Planning Authority. The scheme shall be carried out in strict accordance with such approved details. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development.

**160. 40 CHERRY LANE, HAMPTON MAGNA**

The Committee considered an application from Ms P Entwistle for the erection of a single storey flat roofed extension and a detached prefabricated garage.

The application was presented to Committee because an objection had been received from Budbrooke Parish Council.

The Head of Planning and Engineering had recommended that the application be granted because he felt 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).

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

**RESOLVED** that application W07/0685 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004; and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) (A07289/01), and specification contained therein, submitted on 26 April 2007 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.

**161. WARWICK BOAT CLUB, 33 MILL STREET, WARWICK**

The Committee considered an application from Warwick Boat Club for an extension to the bar lounge and store and the installation of roof lights to the pavilion building.

The application was presented to Committee because of the number of objections which had been received including an objection from Warwick Town Council.

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

(DW) ENV27 - Ecological Development (Warwick District Local Plan 1995)  
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)  
(DW) ENV6 - Protection and Enhancement of 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).  
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

DP10 - Flooding (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

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

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

**RESOLVED** that application W07/0721 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 no. 0639/07A & 10, and specification contained therein, submitted on 25th April 2007 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.

**162. 39 ARLIDGE CRESCENT, KENILWORTH**

The Committee considered an application from Ms A Hanlon for the erection of a rear conservatory, replacement of window frames and front door, conversion of back door and window to patio door.

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

The Head of Planning and Engineering had recommended that the application be granted because he felt 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).

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

**RESOLVED** that application W07/0749 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 3rd May, 2007 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.

**163. CUBBINGTON HEATH FARM, LEICESTER LANE, ROYAL LEAMINGTON SPA**

The Committee considered a report from Planning and Engineering on the proposed revocation of the legal agreement under section 106 of the Town and Country Planning Act 1990, relating to Cubbington Heath Farm, Leicester Lane, Leamington Spa.

A letter had been received from an agent acting on behalf of Mr and Mrs Smith, the current owners of Cubbington Heath Farm, Leicester Lane, Leamington Spa, requesting that the Section 106 Agreement which related to that property be revoked, such that it no longer has any legal effect. This agreement was dated 17<sup>th</sup> October 1991 and stated that the occupancy of the property known as No. 2 Cubbington Heath Farm Cottages should be limited to a person solely or mainly employed or last employed in agriculture as defined in Section 336(1) of the Town and Country Planning Act 1990 or in forestry or the dependent of such a person residing with him or her at his or her death including the widow or widower of such person.

PPS7 stated that agricultural occupancy conditions should be removed where the restriction had outlived its usefulness. A supporting statement had been submitted which concluded that there was no longer a requirement for a farm workers dwelling on the holding. No farming had taken place on the holding for the last two years due to poor financial viability. The functional requirement of the holding had not been sufficient in the last two years to support a full time worker and it was unlikely that there would be a functional requirement for a dwelling in the future.

**RESOLVED** that the Head of Legal Services be authorised to revoke the Section 106 Agreement relating to Cubbington Heath Farm, Leicester Lane, Leamington Spa.

**164. WARWICK DISTRICT TOWNS CONSERVATION AREA ADVISORY FORUM**

The Committee considered a report from Planning and Engineering on the additional of two new representatives on Warwick District Towns Conservation Area Advisory Forum.

Warwick District Towns Conservation Area Advisory Forum had been established to include all four towns approximately four years ago.

Each year a review was carried out of the functioning of the Conservation Area Advisory Forum which was submitted to the Environment and Economic Policy Committee. As part of the review process, consideration was given to the current composition of the Conservation Area Advisory Forum. The Forum currently consisted of four Elected Members, together with representatives of the Leamington Society, Warwick Society, Kenilworth Society, Whitnash Society, the Central Leamington Residents Association, the Chambers of Trade from Warwick, Leamington and Kenilworth, the Royal Institute of British Architects, the Royal Institute of Chartered Surveyors, the Ancient Monuments Society, the Victorian Society and the Georgian Group.

This composition provided a wide spectrum of expertise. However, during the 2006/7 annual review process, it had been felt that representation from the Warwickshire Gardens Trust would provide additional expertise for the group in particular where applications were considered which related to historic gardens. It was also felt that additional expertise could be provided by a member of the Twentieth Century Society, in particular where applications relate to Twentieth Century buildings. It was therefore recommended in the 2006/7 Annual Review that invitations be made to the Warwickshire Gardens Trust and the Twentieth Century Society to provide one representative each to sit on the Conservation Area Advisory Forum. As this would result in a change to the constitution of the Forum, committee approval was required.

**RESOLVED** that the constitution of the Warwick Towns Conservation Area Advisory Forum be amended to include a representative from the Warwickshire Gardens Trust and a representative from the Twentieth Century Society.

**165. 61 QUEEN STREET, CUBBINGTON**

The Committee considered a report from Planning and Engineering requesting authority to serve notice under Section 215 of the Town and Country Planning Act 1990, to Mr R M Page, relating to the condition of 61 Queen Street, Cubbington.

In July 2006 it was brought to the attention of the Council's enforcement section that the property, which consisted of an original butchers shop with attached dwelling house accommodation, appeared to be suffering from a lack of basic

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

maintenance which was adversely affecting the external appearance of the property and the general street scene.

The front elevation timber windows, door and canopy were in a poor state of repair and with peeling paintwork.

The original butchers shop window was in a similar poor condition, in addition the glass was broken and partially covered in a chip board panel.

The side elevation to Ledbrook Road has a metal framed window with peeling paintwork and cracks in two of the three glass panes.

The timber gates to the rear yard area were in a poor state of repair with peeling paintwork.

It was also reported that some of the roof tiles were loose and represented a danger to pedestrians, this matter was being dealt with under Building Control regulations.

**RESOLVED** that the service of a Section 215 Notice, investigation number ENF 269/28/06, be authorised with a period of compliance be three months.

(The meeting ended at 7.05 pm)