

# PLANNING COMMITTEE

Minutes of the meeting held on Monday 2 April 2007 at the Town Hall, Royal Leamington Spa at 6.00 p.m.

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

## 1017. DECLARATIONS OF INTEREST

Minute Number 1019 – W07/0078 – Leamington Rugby Football Club, Moorfields, Leamington Road, Blackdown, Royal Leamington Spa

Councillor MacKay declared a personal interest because he had been active in Rugby Football for many years as a referee, coach and Chairman of a major club.

Minute Number 1020 – W07/0140 – Hillsborough, 301 Cromwell Lane, Burton Green, Kenilworth

Councillor Mrs Blacklock declared a personal interest because, as Ward Councillor, she had given procedural advice.

Minute Number 1032 – TPO317 – Tulip Tree Court, Tulip Tree Avenue, Kenilworth

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

## 1018. LAND REAR OF 22, LLEWELLYN ROAD, ROYAL LEAMINGTON SPA

The Committee considered an outline application from Greywell Property Ltd. for the erection of a two storey, 24 bedroom, student hall of residence.

This application had been deferred at Planning Committee on 14 March 2007, to enable a site visit to take place on 31 March 2007.

This application was presented to the Committee because of the number of objections which had been received and also an objection 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) ENV27 - Ecological Development (Warwick District Local Plan 1995)

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

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

Distance Separation (Supplementary Planning Guidance)

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

T.1 - Transport Objectives (Warwickshire Structure Plan 1996-2011).

T.4 - The Impact of Development on the Transport System (Warwickshire Structure Plan 1996-2011).

T.5 - Influencing Transport Choice (Warwickshire Structure Plan 1996-2011).

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)

DP2 - Amenity (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)

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

GD.1 - Overriding Purpose (Warwickshire Structure Plan 1996-2011).

GD.3 - Overall Development Strategy (Warwickshire Structure Plan 1996-2011).

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

GD.4 - Strategic Constraints (Warwickshire Structure Plan 1996-2011).

GD.5 - Development Location Priorities (Warwickshire Structure Plan 1996-2011).

Managing Housing Supply (Supplementary Planning Document)

Addendum papers were circulated to the Committee which detailed further comments from objectors, Warwickshire County Council Ecology Unit and the applicant.

The following people addressed the Committee:

|                 |                             |
|-----------------|-----------------------------|
| Mr R Hopcraft   | Applicant                   |
| Councillor Gill | Ward Councillor (objecting) |

The Head of Planning and Engineering had recommended that the application should be granted, subject to conditions, but following consideration of the officers' report and presentation, addendum and the public speakers who addressed the Committee, it was proposed and duly seconded that the application be refused.

**RESOLVED** that, application W07/0056, be REFUSED because in the opinion of the District Planning Authority, the proposed use of the site for an intensive development of 24 bedroom student hall as proposed, would constitute a contrived form of overdevelopment of the site, resulting in an excessive density of development and occupation which is unsympathetic to its surroundings, and would thereby unacceptably compromise the established character and appearance of the site and pattern of development in the surrounding area. Also, the vehicle and pedestrian activity resulting from this proposed development on this small constrained site would adversely impact on the neighbours amenity by reason of the resulting noise and disturbance.





**PLANNING COMMITTEE MINUTES (Continued)**

PPG states that the limited extension of existing dwellings in green belt areas may be appropriate provided that it does not result in a disproportionate addition over and above the size of the original dwelling, whilst Policy H14 of the Warwick District Local Plan and emerging policy RAP3 of the first deposit version of the Local Plan (1996-2011) seek to restrict the amount of extension to existing dwellings in the rural area.

**1021. 136 COPPICE ROAD, WHITNASH**

The Committee considered an application from Mr F W Evans for the erection of a two storey side and rear extension, single storey front and rear extension and alterations to the existing garage roof.

The application had been submitted to the Committee because an objection had been received from Whitnash 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 D Bradshaw                      Objector

Following consideration of the officers' report and presentation and the public speakers that addressed the Committee, the Committee were of the opinion that the application should be deferred for a site visit.

**RESOLVED** that application W07/0183, be deferred for a site visit.

**1022. 39 EDMONDSCOTE ROAD, ROYAL LEAMINGTON SPA**

The Committee considered an application from Miss C A Smith for the erection of a ground floor rear extension.

The application had been submitted to the Committee following a request from Councillor Gifford.

The Head of Planning and Engineering believed the following policies to be relevant to the application:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

## PLANNING COMMITTEE MINUTES (Continued)

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 refused.

**RESOLVED** that application W07/0097 be REFUSED because Policy (DW) ENV3 of the Warwick District Local Plan requires all development proposals to achieve a high standard of design which harmonises with its surroundings. This is reflected by Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011 (First Deposit Version) which states development will only be permitted which positively contributes to the character and quality of its environment and does not have an adverse effect on neighbours' amenities. The District Council has also adopted Supplementary Planning Guidance on the 45 Degree Guideline which aims to prevent any unreasonable effect on the neighbouring property by reason of loss of daylight or sunlight and by creating an unneighbourly and overbearing effect.

The application site relates to a 2-storey semi-detached property which was situated on Edmondscote Road. Due to the proximity of the principal dining room window of 37 Edmondscote Road to the application site, this proposed development breached the Council's adopted Supplementary Planning Guidance on the 45 Degree Guideline. In the opinion of the District Planning Authority the proposed single storey extension would therefore have an unacceptable overbearing effect on the principal dining room window of 37 Edmondscote Road. The proposal would therefore be unneighbourly and contrary to the aforementioned policies.

### **1023. 54 GOLF LANE, WHITNASH**

The Committee considered an application from Mr C Godfrey for the erection of an open porch with pillars.

The application had been submitted to the Committee because an objection had been received from Whitnash 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).

## PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the officers' report and presentation and addendum, the Committee were of the opinion that the application should be granted because the development does not adversely impact on the character and appearance of the area. The proposal was therefore considered to comply with the policies listed.

**RESOLVED** that application W07/0104, be GRANTED.

### 1024. **STONELEIGH PARK, NATIONAL AGRICULTURAL CENTRE, STONELEIGH, KENILWORTH**

The Committee considered an application from Nuffield Hospital for the use of land for stationing of mobile hospital units at Stoneleigh Park, National Agricultural Centre.

The application had been submitted to the Committee because an objection had been received from Ashow, Burton Green and Stoneleigh 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) EMP9 - National Agricultural Centre, Stoneleigh (Warwick District Local Plan 1995)

(DW) ENV3 - Development Principles (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)

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

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

SSP3 - Stoneleigh Park (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 because the development would not have a seriously detrimental impact on the amenities of the area, or on the openness of the Green Belt and a temporary planning permission was justified in the very special circumstances put forward by the applicants. The proposal was therefore considered to comply with the policies listed.

**RESOLVED** that application W07/0147 be GRANTED subject to permission be limited to a period of time expiring on 31 March 2012. At or before the expiration of the period specified in this permission, the land shall be restored to the former condition and use. **REASON:** The site is inappropriate for a permanent permission for the use hereby permitted and permission is granted in the very special circumstances put forward by the applicant.

**1025. SHERIFFS, HOLLY WALK, BAGINTON, COVENTRY**

The Committee considered an application from Mr Morgan for the erection of a first floor side extension.

The application had been submitted to the Committee because an objection had been received from Baginton 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 deferred for a site visit.

**RESOLVED** that application W07/0175, be deferred for a site visit.

**1026. 28 ASHFORD GARDENS, WHITNASH**

The Committee considered an application from Mr S Wellings for the erection of a two storey side extension.

The application had been submitted to the Committee because objections had been received from Whitnash 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 subject to conditions, because the proposed development was of an acceptable standard of design which would harmonise with the design and appearance of the main dwelling and its surroundings and did not result in an unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy. The proposal was therefore considered to comply with the policies listed.



**RESOLVED** that application W07/0192 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 nos. 5209-10 and 11, and specification contained therein, submitted on 6<sup>th</sup> February 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) 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.

**1027. LAND NORTH OF BAKERS LANE, LAPWORTH, SOLIHULL**

The Committee considered an application, which was a re-submission of W06/1724, from Mrs G Oxnard for the erection of a stable block and ménage.

The application had been submitted to the Committee because an objection had been received from Lapworth 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) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)

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

PPG2

Following consideration of the officers' report and presentation, the Committee were of the opinion that the application should be granted because the development did not prejudice the openness and rural character of this green belt area and was considered to comply with the policies listed.

**RESOLVED** that application W07/0209 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 unnumbered, and specification contained therein, submitted on 1st February 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) 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; and
- (4) the stables hereby permitted shall only be used for purposes in connection with and incidental to the use of the land for grazing purposes and shall not be used for the purposes of a livery or riding school or any other commercial purposes. **REASON:** To protect the rural character of the area.

**1028. 10 CLARENDON AVENUE, ROYAL LEAMINGTON SPA**

The Committee considered an application from Mr H Bagga for the change of use from bridal wear retail (Class use A1) to hot food takeaway (Class use A5).

The application had been submitted to the 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)

## PLANNING COMMITTEE MINUTES (Continued)

(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)

TCP5 - Secondary Retail Areas (Warwick District 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)

Following consideration of the officers' report and presentation, the Committee were of the opinion that the application should be granted because the development would not result in an unacceptable overprovision of non A1 uses within this particular section of Clarendon Avenue and the impact of the use on nearby dwellings and the wider conservation area could be satisfactorily ameliorated by means of imposition of appropriate conditions. The proposal was therefore considered to comply with the policies listed.

**RESOLVED** that application W07/0210 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.  
**REASON:** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings submitted on 8<sup>th</sup> February 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) no development shall be carried out on the site which is the subject of this permission, until details of a fume extraction system have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details.  
**REASON:** To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan;

- (4) no development shall be carried out on the site which is the subject of this permission, until satisfactory details of a noise insulation scheme to minimise transmission of airborne noise between the ground floor premises and the upper floor flat have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** In the interests of the amenities of future occupiers of the building; and
- (5) Premises be closed between the hours of 23:00 and 08:00.

**1029. 16 LAMINTONE DRIVE, ROYAL LEAMINGTON SPA**

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

The application had been submitted to the 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).

Following consideration of the officers' report and presentation, the Committee were of the opinion that the application should be granted because the development respected surrounding buildings in terms of scale, height, form and massing and did not adversely affect the amenity of nearby residents. The proposal was therefore considered to comply with the policies listed.

**RESOLVED** that application W07/0254 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.  
**REASON:** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings (PCM/RD 01, PCM/RD 02, PCM/RD 03, PCM/RD 04, PCM/RD 05), and specification contained therein, submitted on 16th February, 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) 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.

**1030. 60 THE FAIRWAYS, ROYAL LEAMINGTON SPA**

The Committee considered an application from Mr K Gill for the erection of a front, side and rear two storey extension with a single storey sunlounge.

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

The site had been visited by the Committee because the Chair had decided it would be beneficial to visit the site before the application was considered by them.

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 and addendum, the Committee were of the opinion that the application should be refused, against the recommendation of the report because the height and mass of the 2 storey extension created an unacceptable loss of light and overbearing effect, on the neighbour at number 58 The Fairways, and was therefore unneighbourly.

**RESOLVED** that application W07/0262 be REFUSED because the height and mass of the 2 storey extension creates an unacceptable loss of light and overbearing effect, on the neighbour at number 58 The Fairways, and is therefore unneighbourly.

**1031. TREE PRESERVATION ORDER 316 – NO.8 EDEN CROFT, KENILWORTH**

The Committee considered a report on a Tree Preservation Order (TPO) which took effect, on a provisional basis, on 19 February 2007 and continued in force on this basis for a further six months or until the Order was confirmed by the Council, whichever occurred first.

Objections to the TPO had been received, but the Head of Planning and Engineering recommended that the TPO should be confirmed because the Deodar Cedar tree had a positive affect on the area and its removal or reduction in height would be a loss to Eden Croft. It was the only large tree in a central position in the area and contributed in a very positive way to the surrounding area.

Following consideration of the officers' report and presentation, the Committee were of the opinion that the TPO should be confirmed.

**RESOLVED** that TPO 316, be confirmed.

**1032. TREE PRESERVATION ORDER 317 – TULIP TREE COURT, TULIP TREE AVENUE, KENILWORTH**

The Committee considered a report on a Tree Preservation Order (TPO), which took effect on a provisional basis, on 23 January 2007 and continued in force on this basis for a further six months or until the Order was confirmed by the Council, whichever occurred first.

Objections to the TPO had been received, but the Head of Planning and Engineering recommended that the TPO should be confirmed because the Atlas Cedar tree had a positive affect on the area and its removal or reduction in height would result in a significant loss of amenity to Tulip Tree Court and Avenue.

Following consideration of the officers' report and presentation, the Committee were of the opinion that the TPO should be confirmed.

**RESOLVED** that TPO 317, be confirmed.

(The meeting ended at 10.00pm)