

Planning Committee

Minutes of the meeting held on Thursday 14 December 2023 at the Shire Hall, Warwick, at 6.00pm.

Present: Councillor Boad (Chairman); Councillors Cron, King, Margrave, Redford, Russell, Tangri, and Williams.

Also Present: Principal Committee Services Officer – Rob Edwards; Committee Services Officer - Mia Matthews (observing only); Legal Advisor – Ross Chambers; Principal Planning Officer – Dan Charles; Planning Officers – Millie Flynn and Jack Lynch; and Business Manager – Sandip Sahota.

107. **Apologies and Substitutes**

- (a) Apologies for absence were received from Councillors B Gifford and Noonan; and
- (b) Councillor King substituted for Councillor Sullivan, Councillor Russell Substituted for Councillor Dickson and Councillor Redford substituted for Councillor Phillips.

108. **Declarations of Interest**

There were no declarations of interest.

109. **Site Visits**

There were no site visits made.

110. **W/23/1689 – Land on the North-East Side of Birmingham Road, Hatton**

The Committee considered an application from Taylor Wimpey Midlands to allow for the use of the temporary access for up to 40 residential occupations which was a variation of conditions 14 and 17 of Planning Permission reference W/19/0933.

This application was presented to Committee because it was recommended for approval and more than five objections had been received.

The officer was of the opinion that authority should be delegated to officers to grant the Section 73 application to W/19/0933, subject to the relevant conditions upon the expiry of the consultation period on 22 December 2023.

An addendum circulated at the meeting advised of the following update to the recommendation:

“Authority be delegated to the Head of Place, Arts & Economy and the Chair of the Planning Committee to review any objections which come in after the committee meeting and before the expiry of the consultation, and if any are received, to decide whether these raise new significant material planning

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matters which, in their view, should be brought back to Planning Committee for further consideration. Subject to them agreeing that there is no need for the application to be considered further by Planning Committee, to delegate authority to Officers to grant the Section 73 application to W/19/0933, subject to the relevant conditions”.

The addendum also advised of an update to recommendation 16, and additional objections including from Hatton Parish Council.

The following people addressed the Committee:

- Mrs Chapman, Hatton Parish Council, objecting;
- Mrs Kemp, objecting;
- Mrs Ventham, Supporter/ Applicant; and
- Councillor Phillips, Warwick District Councillor, objecting.

Following consideration of the report and presentation, representations made at the meeting, it was proposed by Councillor Tangri and seconded by Councillor King that the application should be deferred to enable further information regarding traffic management, in particular the number of HGV's, volume of traffic at peak times and information around traffic turning practices.

The Committee therefore

Resolved that W/23/1689 be **deferred**.

111. W/23/0415 – Woodside Conference Centre, Glasshouse Lane, Kenilworth

The Committee considered an application from Vistry Homes for the demolition of the existing buildings and the erection of 55 dwellings and associated works.

The application was presented to Committee because of the number of objections received, including an objection from Kenilworth Town Council.

The officer was of the opinion that the proposals were acceptable in overall terms, including in respect of the integration of built development within the surrounding landscape, and the site provided additional benefits in securing appropriate links to the surrounding site in order to provide a comprehensive development across the overall allocation. Therefore, officers recommended the application should be approved subject to the conditions listed in the report and the signing of a Section 106 Agreement.

An addendum was circulated at the meeting which consisted of pre-meeting questions from Members and answers provided.

The following people addressed the Committee:

- Councillor Eaton, Kenilworth Town Council, objector;
- Mr Peacock, objector; and
- Mr West, Supporter/Applicant.

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At 7.35pm, it was proposed by the Chair and seconded by Councillor Williams that the Committee go into confidential session in order to receive privileged legal advice. The meeting resumed in public session at 8.02pm.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Williams and seconded by Councillor Redford that the application should be refused contrary to the recommendation in the report.

The Committee therefore

Resolved that W/23/0415 be **refused** contrary to the recommendation in the report on the grounds that the sustainability of the proposed dwellings did not comply with the Net Zero DPD which will be adopted imminently; the precise wording of the reason for refusal is delegated to Head of Place, Arts & Economy in consultation with the Chairman of Planning Committee.

(The meeting was adjourned at 8.05pm for 10 minutes to allow for a comfort break).

112. W/23/1094 – Burrow Hill House, Hob Lane, Burton Green

The Committee considered an application from Mrs Watkinson for the erection of one dwelling.

The application was presented to Committee because of the number of support comments, including a supporting comment from Burton Green Parish Council.

The officer was of the opinion that the application should be refused planning permission because of inappropriate development within Green Belt which was harmful by definition.

An addendum circulated at the meeting which advised of additional comments from the public and the agent.

The following people addressed the Committee:

- Councillor Taylor, Burton Green Parish Council, objecting;
- Mrs Watkinson, applicant/ supporter; and
- Councillor Aizlewood, District Councillor, speaking in support.

In response to questions from Members, the Legal Officer confirmed that a legal agreement could be formed to ensure the dwelling could only be occupied by persons with a local connection. The Business Manager stated there was no definition for very special circumstances, it was based on a case-by-case basis.

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Following consideration of the report, presentation, information contained in the addendum and the representation made at the meeting, it was proposed by Councillor Williams and seconded by Councillor Redford that the application should be granted contrary to the recommendation in the report.

The Committee therefore

Resolved that W/23/1094 be **granted**, contrary to the recommendation in the report, as the Committee felt the harm to the Green Belt by reason of inappropriateness and any other harm was clearly outweighed by other considerations so as to constitute very special circumstances; and subject to entering into a legal agreement to secure the dwelling as a local needs-dwelling in perpetuity. Conditions to be agreed by the Head of Place, Arts & Economy in consultation with the Chairman of Planning Committee.

113. **W/23/0961 – Land Off Hob Lane, Burton Green**

The Committee considered an application from Ms Scarlett for the change of use of land for siting of two holiday accommodation igloos and formation of hardstanding to provide a car park.

The application was presented to Committee because it was recommended for refusal and more than five support comments had been received.

The officer was of the opinion that the proposal for visitor accommodation was considered to be unacceptable in principle as the location failed to comply with Policy CT7. The development was also considered to constitute inappropriate development in the Green Belt by reason of not falling into any of the exceptions listed under paragraph 149 of the NPPF and was harmful by reason of inappropriateness and harm to openness. Furthermore, the proposal was considered to be harmful to the character and appearance of the local rural landscape and also failed to address the concerns of the County Ecologist in regard to biodiversity net gain. The development was therefore contrary to Local Plan Policies CT2, DS18, NE2, NE3 and NE4 and Policy BG2 of Burton Green Neighbourhood Development Plan. Officers therefore recommended the application should be refused.

Ms Scarlett addressed the Committee speaking as a Supporter/Applicant.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor King and seconded by Williams that the application should be refused.

The Committee therefore

Resolved that W/23/0961 be **refused** for the following reasons:

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- | No. | Condition |
|------------|--|
| (1) | <p>the NPPF and Policy DS18 of the Warwick District Local Plan state that new buildings in the Green Belt constitute inappropriate development in the Green Belt and are harmful by definition and by reason of harm to openness.</p> <p>Whilst the proposal includes the redevelopment of previously developed land, the cumulative impacts of the development would result in a significant increase in the bulk and mass of built form on the site. In the opinion of the Local Planning Authority, the development would reduce the openness of the Green Belt both visually and spatially and would therefore fail to meet the relevant exception to inappropriate development in the Green Belt.</p> <p>In the opinion of the Local Planning Authority, the proposal represents inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. No very special circumstances are considered to exist which outweigh the harm identified.</p> <p>The proposed development is therefore contrary to the aforementioned policy and the NPPF;</p> |
| (2) | <p>Warwick District Local Plan Policy CT2 - Directing New Visitor Accommodation, states that the principle of such development in rural areas is acceptable where it is located within a Growth Village or is for the conversion of a rural building as defined in Policy BE4. The application site is not located within a Growth Village boundary and does not propose the conversion of an existing rural building. Furthermore, due to the characteristics of the site (surrounded by paddock land and accessed along a narrow, single road), the site is seen as an intrinsic part of the countryside rather than a part of the main village settlement.</p> <p>The proposal is therefore considered to be contrary to the aforementioned policy and is considered unacceptable in principle;</p> |
| (3) | <p>policy NE3 of the Warwick District Local Plan 2011-2029 stipulates that new development will be permitted provided that it protects,</p> |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>enhances and / or restores habitat biodiversity. Where proposals lead to a net loss of biodiversity, and suitable mitigation measures are unable to be accommodated within the development site, the policy requires compensatory measures involving biodiversity offsetting.</p>
	<p>Whilst an updated Biodiversity Metric and a Biodiversity Feasibility Report have been submitted, the Local Planning Authority are unable to determine whether the applicants will achieve a Biodiversity Net Gain for the proposals following an agreed figure for the units of biodiversity already lost. The submitted Biodiversity Metric is also required to be updated to accurately show the achievable condition for the on-site proposed habitat enhancement and creation measures.</p>
	<p>In order for the application to be acceptable under the NPPF, the applicant must demonstrate how a net biodiversity gain will be achieved through protection and enhancement of habitats on site. The documents submitted do not sufficiently provide this information. Therefore, the criteria of Policy NE3 has therefore not been met;</p>
(4)	<p>policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. Policy NE4 sets out provisions relating to landscape impact.</p>
	<p>The application site forms part of the small-scale, irregular field pattern characteristic of the Ancient Arden landscape type and makes an important contribution to the irregular pattern of woodland along the farmland fringe, visually connecting Stonemoor Wood to other wooded areas beyond the settlement edge. The application site helps to retain the rural appearance of the locality. In the opinion of the Local Planning Authority, the proposal would increase the continuity of the built form and establish a more suburban appearance to the frontage of the lane, which would result in harm to the rural setting and would be contrary to Policy NE4; and</p>

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
(5)	policy NE2 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to wider biodiversity objectives and connectivity. Policy NE2 goes on to state that all proposals likely to impact on these assets will be subject to an ecological assessment.

Paragraph 99 of Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System advises that it is essential that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations will not have been addressed on making the decision. Circular 06/2005 advises that the need to ensure that ecological surveys are carried out should only be left to conditions in exceptional circumstances. No such circumstances exist in this case.

Therefore, in the opinion of the Local Planning Authority insufficient information has been provided to demonstrate that the proposed development would not adversely affect protected species. The development is thereby considered to be contrary to the aforementioned policy and guidance.

(The meeting was adjourned at 8.05pm for a comfort break and resumed at 8.15pm).

114. W/23/1316 – 106 Leicester Lane, Cubbington

The Committee considered an application from Mr Bishop for the erection of two storey side extension, single and two storey rear extension, front door canopy and the application of render and timber cladding to the external walls.

The application was presented to Committee because the applicant was a former employee of Warwick District Council.

The officer was of the opinion that the proposal constituted good quality design in respect of providing a subservient addition which enhanced the existing dwellinghouse whilst respecting the surrounding buildings in terms

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of its scale, form and adoption of appropriate materials. The proposal had been considered to have an acceptable impact on neighbouring amenity levels, ecology and parking. As such, the proposal was in accordance with the aforementioned policies, and officers therefore recommended that the application should be approved.

Following consideration of the report and the presentation it was proposed by Councillor Russell and seconded by Councillor Redford that the application should be granted.

The Committee therefore

Resolved that W/23/1316 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|--|
| (1) | the development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); |
| (2) | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 1975-PL03 REV A and 1975-PL04 REV A, and specification contained therein, submitted on 23/11/2023.

Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and |
| (3) | notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no part of the dwellinghouse shall be clad in timber other than as shown on the approved drawings.

Reason: To secure a satisfactory form of development in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029. |

115. Appeals Report

The appeals report was noted.

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(The meeting ended at 8.57pm)

CHAIRMAN
13 February 2024