

# Planning Committee

Minutes of the meeting held on Wednesday 17 August 2022 at the Town Hall, Royal Leamington Spa at 6.00pm.

**Present:** Councillor Boad (Chairman); Councillors R Dickson, B Gifford, Jacques, Kennedy, Margrave, Murphy, Noone, Norris and Quinney.

**Also Present:** Committee Services Officer – Rob Edwards; Legal Advisor – Aimee Shipley; Development Manager – Gary Fisher; Principal Planning Officer – Dan Charles; and Enforcement Manager – Will Holloway.

## 52. Apologies and Substitutes

- (a) Apologies were received from Councillor Tangri; and
- (b) Councillor Ashford was due to substitute for Councillor Morris but gave his apologies shortly before the meeting.

## 53. Declarations of Interest

There were no declarations of interest made.

## 54. Site Visits

To assist with decision making, the following Councillors made independent site visits to the following application sites:

Councillor Dickson:

- W/21/0550 – Land at Glasshouse Lane, Kenilworth
- W/22/0178 - Waitrose Foodstore, 51 Bertie Road, Kenilworth

Councillor Kennedy:

- W/21/0550 – Land at Glasshouse Lane, Kenilworth
- W/22/0178 - Waitrose Foodstore, 51 Bertie Road, Kenilworth

Councillor Quinney visited the site of W/22/0623 - 32-34 Clarendon Street, Royal Leamington Spa – and engaged with the developer in order to get access to the site, but this did not influence him and he retained an open mind.

## 55. Minutes

The minutes of the meetings held on 21 June 2022, 22 June 2022 and 19 July 2022 were taken as read and signed by the Chairman as a correct record.

## 56. W/21/0550 – Land at Glasshouse Lane, Kenilworth

The Committee considered an application from Mr and Mrs Steele for 99 dwellings, with associated infrastructure and landscaping.

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

## PLANNING COMMITTEE MINUTES (Continued)

The proposed development sought to deliver 99 new dwellings as granted under the original outline planning application for the site.

The officer was of the opinion that the proposal represented a high-quality scheme which was 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 linkages with the adjacent sites to provide a comprehensive development across the overall allocation.

For the above reasons, officers recommended that the Reserved Matters submission should be approved subject to conditions.

An addendum circulated prior to the meeting advised of officer responses to a series of questions received from Councillor Quinney.

The following people addressed the Committee:

- Councillor Jones, Kenilworth Town Council, objecting; and
- Ms Doyle, supporting.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Kennedy and seconded by Councillor Dickson that the application should be granted.

The Committee therefore

**Resolved** that W/21/0550 be **granted** subject to

- (1) a note advising the applicant that the Committee would strongly encourage the provision of the access which is indicated on the approved plans to the adjacent school;
- (2) officers exploring the extent to which sustainability objectives can be maximised and controlled as part of this permission and reporting the outcome to the Chairman of the Committee prior to the issue of the decision notice;
- (3) a note expressing the Committee's view that national internal space standards should be achieved across the site;
- (4) a note to state that the Committee was keen to encourage the applicant to meet the requirements for Biodiversity Net Gain in advance of the provisions in Environment Act coming into force; and
- (5) the following conditions:  
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## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No</b> | <b>Condition</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1)       | <p>the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s);</p> <p>A1824_001 Location Plan<br/>P21-2961_004C Planning Layout<br/>P21-2961_006B Materials Plan<br/>P21-2961_007B Boundary Treatments Plan<br/>P21-2961_011A Building Heights Plan<br/>P21-2961_013A Open Space Plan<br/>P21-2961_01E Detailed Soft Landscape Proposals (Sheet 1 of 2)<br/>P21-2961_02E Detailed Soft Landscape Proposals (Sheet 2 of 2)<br/>P21-2961_05C Landscape Composite Plan<br/>P21-2961_G001A Southcrest Farm Design Statement<br/>P21-2961_G002 House Type Pack<br/>AH006_002_Rev-Regulating_Plan_HiRes (002)</p> <p>Together with the specification contained therein, submitted on 31 March 2022 and 28 July 2022.</p> <p><b>Reason:</b> 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;</p> |
| (2)       | <p>no development above slab level shall be permitted unless and until a noise mitigation mark up plan for the proposed layout indicating the relevant facades and boundary fences where noise mitigation measures are proposed in pursuance of Condition 19 of outline planning permission W/19/1200 has been submitted to and approved in writing by the Local Planning Authority. Thereafter the mitigation measures shall be completed in full accordance with the approved details.</p> <p><b>Reason:</b> To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;</p>                                                                                                                                                                                                                                                                                                                        |
| (3)       | <p>the development shall not be occupied until it has been laid out in general accordance with drawing no. Drawing no. Site-SK-001 Rev C Planning Layout.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

## PLANNING COMMITTEE MINUTES (Continued)

- | No  | Condition                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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|     | <b>Reason:</b> In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;                                                                                                                                                                                                                                                                                          |
| (4) | the construction of the estate roads serving the development including footways, verges and footpaths shall not be other than in accordance with the standard specification of the Highway Authority.<br><b>Reason:</b> In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;                                                                                 |
| (5) | no structure, tree or shrub shall be erected, planted or retained within the junction, FSSD or pedestrian visibility splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.<br><b>Reason:</b> In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;                                     |
| (6) | the accesses to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.<br><b>Reason:</b> In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;                                                                                                                 |
| (7) | prior to first occupation, a plan will be required to be submitted detailing the provision and placement of 20mph Zone signs at the entrance into the 20mph areas of the development for the approval of the Local Planning Authority in consultation with the Highway Authority.<br><b>Reason:</b> In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; and |

## PLANNING COMMITTEE MINUTES (Continued)

<b>No</b>	<b>Condition</b>
(8)	no development above slab level shall be commenced unless and until a Sustainable Energy Compliance Statement to demonstrate how sustainability measures will be incorporated into the final construction of the dwellings hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The Statement shall detail how all proposed measures have been incorporated into the proposed dwellings.

No dwellings shall be first occupied until the works within the approved scheme have been completed for each dwelling in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with any relevant manufacturer's specifications.

**Reason:** To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019).

### 57. **W/22/0178 – Waitrose Foodstore, 51 Bertie Road, Kenilworth**

The Committee considered an application from C/O FirstPlan Ltd for a variation of Condition 15 for planning permission W/16/0851 (Variation of W/05/2054) to read: "Deliveries for the supermarket shall be undertaken between 0600 hours and 2300 hours Mondays to Sundays, and in accordance with the 'Update Quiet Delivery Procedures – Delivery Management Plan', dated August 2022".

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

The original planning permission was granted under application reference W/16/0851. The policies and material considerations that were relevant to that decision were set out in the associated officer report.

The variation of condition 15, comprising revised delivery hours and loading/unloading arrangements, was considered to be acceptable. There were no material changes in planning policy that would lead officers to a different conclusion to that which was reached previously through the assessment and determination of the previous application. Officers therefore considered that the development remained in accordance with the relevant provisions of the Development Plan and should be granted.

The following people addressed the Committee:

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

- Councillor Milton, Town Councillor, objecting; and
- Mr Winyard, objecting.

Members raised concerns about the excessive nature of the requested variation. There had not been any information given on the reasons why the variation had been asked for, or proof that the extra hours would be beneficial. The Committee also raised concerns about the impact of noise on neighbouring properties as a result of the application, potentially infringing on residents right for the peaceful enjoyment of their property. It was particularly the change of hours on Sundays which Members felt excessive and needed re-working.

A motion to refuse the application, proposed by Councillor Murphy and seconded by Councillor Noone, when put to a vote failed.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Jacques and seconded by Councillor Margrave that the application should be deferred.

The Committee therefore

**Resolved** that W/22/0178 be **deferred** for further discussions to take place with the applicant with a view to revising elements of the proposal to address Members' concerns regarding the level of amenity for nearby residential properties.

### **58. W/22/0623 – 32-34 Clarendon Street, Royal Leamington Spa**

The Committee considered an application from Housestyle Countrywide Ltd for the remodel/reconfiguration of an existing single storey entrance, fenestration alterations, replacement front boundary railings and rear external terrace balustrading.

The application was presented to Committee because of the number of objections received.

The officer was of the opinion that the proposal had been sensitively designed to compliment the surrounding buildings and the Conservation Area whilst not causing harm to the amenity of neighbouring residential buildings.

An addendum circulated prior to the meeting advised that the wording of the proposed condition number 4 had been updated to strengthen the requirement to retain the obscurely glazed balustrading at a height of 1.8m in perpetuity. The addendum also advised of officer responses to a series of questions received from Councillor Quinney.

Mr Pigg addressed the Committee, objecting to the application. Following consideration of the report, presentation, information contained in the addendum and the representation made at the meeting, it was proposed by Councillor Gifford and seconded by Councillor Norris that the application should be granted.

## PLANNING COMMITTEE MINUTES (Continued)

The Committee therefore

**Resolved** that W/22/0623 be **granted** subject to

- (1) revisions to condition 4 preventing any openable element in the required balustrading the subject of that condition; and
- (2) the following conditions:

<b>No</b>	<b>Conditions</b>
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| (1) | the development hereby permitted shall begin not later than three years from the date of this permission. |
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**Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);

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| (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) 02g, 03g, 04g, and specification contained therein, submitted on 08th April 2022 and 12th July 2022. |
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**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;

- |     |                                                                                                                                                                                                                                                                                              |
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| (3) | no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. |
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**Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029; and

- |     |                                                                                                                                                                                                                                                                                                                                                           |
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| (4) | prior to the occupation of the development hereby permitted, the 1.8 metre high glazed balustrade to the north, west and south elevations, as shown on the approved plans, shall be installed in its entirety and be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view. The |
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**PLANNING COMMITTEE MINUTES (Continued)**

**No**

**Conditions**

1.8 metre high glazed balustrading shall be retained and maintained in that condition in its entirety at all times thereafter and for the avoidance of doubt shall not include any openable element enabling access onto the remainder of the flat roofed area upon which it is situated.

**Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.

**59. Appeals Report**

Members received a report from officers outlining the existing enforcement matters and appeals currently taking place.

**Resolved** that the report be noted.

(The meeting ended at 9.12pm)

CHAIRMAN  
11 October 2022