

A meeting of the above Committee will be held remotely on Tuesday 26 May 2020, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

Membership, subject to confirmation by Council on 20 May 2020:

Councillor M Ashford  
Councillor A Boad  
Councillor R Dickson  
Councillor T Heath  
Councillor O Jacques  
Councillor J Kennedy

Councillor V Leigh-Hunt  
Councillor T Morris  
Councillor N Murphy  
Councillor N Tangri  
Councillor J Weber

## Agenda Part A – General

### 1. **Apologies & Substitutes**

- (a) to receive apologies for absence from any Councillor who is unable to attend; and
- (b) to receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting.

### 2. **Appointment of Chairman**

To appoint the Chairman of the Committee for the municipal year 2020/21.

### 3. **Appointment of Vice-Chairman**

To appoint the Vice-Chairman of the Committee for the municipal year 2020/21.

### 4. **Declarations of Interest**

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be declared during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

5. **Minutes**

(a) To confirm the minutes of the meeting held on 3 March 2020  
(Pages 1 to 13)

(b) To confirm the minutes of the meeting held on 4 March 2020  
(Pages 1 to 18)

**Part B – Planning Applications**

To consider the following report from the Head of Development Services:

6. **W/20/0210 – 16 Princes Drive, Edmondscote, Royal Leamington Spa**  
(Pages 1 to 5)

Application W/20/0210 – 16 Princes Drive, Edmondscote, Royal Leamington Spa - withdrawn from tonight's Committee Agenda for further publicity to be undertaken.

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with the Council's Public Speaking Procedure, members of the public can address the Planning Committee meeting remotely by joining the remote meeting through their personal device on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please register online at <https://estates7.warwickdc.gov.uk/PlanningSpeaking/> any time after the publication of this agenda, but before 9.00am on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.
- (e) occasionally, items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's website, and where possible, the applicant and all registered speakers (where applicable) will be notified.

General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.

Telephone: 01926 456114

E-Mail: [committee@warwickdc.gov.uk](mailto:committee@warwickdc.gov.uk)

For enquiries about specific reports, please contact the officers named in the reports.

You can e-mail the members of the Committee at

[planningcommittee@warwickdc.gov.uk](mailto:planningcommittee@warwickdc.gov.uk)

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# Planning Committee

Minutes of the meeting held on Tuesday 3 March 2020 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillor Boad (Chairman); Councillors Ashford, R. Dickson, Falp, Grey, Jacques, Kennedy, Leigh-Hunt, Murphy, Tangri and Weber

**Also Present:** Civic and Committee Services Manager – Mrs Tuckwell; Committee Services Officer – Mr Edwards; Legal Advisor – Mr Howarth; Head of Development Services – Mr Barber; Business Manager-Development Management– Mr Sahota; Warwickshire County Council Highways Officer - Mr Pilcher; and Senior Environmental Health Officer - Mr Shirley

## 137. **Apologies and Substitutes**

- (a) There were no apologies made; and
- (b) Councillor Falp substituted for Councillor Heath, Councillor Grey substituted for Councillor Morris and Councillor Tangri substituted for Councillor Roberts.

## 138. **Declarations of Interest**

There were no declarations of interest.

## 139. **Site Visits**

To assist with decision making, Councillors Ashford, Boad, Dickson, Falp, Grey, Jacques, Kennedy, Leigh-Hunt and Tangri had visited the following application sites on Saturday 29 February 2020:

W/19/0860 – 6 Phillippes Road, Woodloes Park; and  
W/19/1858 – Former Tamlea Building, Nelson Lane, Warwick.

## 140. **Minutes**

The minutes of the meeting held on 4 February 2020 were taken as read and signed by the Chairman as a correct record.

## 141. **W/19/1858 – Former Tamlea Building, Nelson Lane, Warwick**

The Committee considered an application from Orbit Group Limited for the redevelopment of the former Tamlea Building for residential purposes, including the demolition of all existing buildings and creation of associated access, parking, landscaping and associated infrastructure.

The application was presented to Committee because five letters of support had been received and it was recommended for refusal.

The officer was of the opinion that material planning benefits could be identified as a result of the proposed development, including the provision of 29 affordable housing units and provision of economic benefits, such as

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

employment opportunities and increased spending from future residents within the District. Members of the public considered that the site had been vacant and out of use for a few years, leading to deterioration and degradation of the area and impacting local residents, as it created an unappealing and neglected feel to the area. They considered that the plans would create much-needed regeneration and investment and would improve the look of the whole road. Supporters also stated that the development matched the desire for the areas around the canals to be improved through regeneration and investment. The scheme was of a sensible size, would fit in well and would enhance the surrounding area.

Conversely, officers identified that the level of amenity for the future occupiers of parts of the development was poor and could be adequately mitigated if the number of units was reduced. The proposed garden sizes alone were sufficiently substandard, which would warrant reason for refusal. However, this combined with the fact that some of the occupiers would then be subject unacceptable noise disruption, further emphasised the harm caused. This could also preclude a lawful business from operating through noise complaints to the Council. Officers considered that the delivery of affordable housing should not be at the cost of acceptable living conditions. Officers also had concerns that approving such substandard living conditions could set a harmful precedent for future housing development more widely.

Therefore, on balance, it was not considered that the provision of 29 affordable housing units outweighed the substandard living conditions provided by the proposed development. It was recommended that planning permission should be refused on this basis.

An addendum circulated at the meeting advised that the agent had requested the following information to be presented to Councillors:

*"Proposed Living Conditions for the Future Occupiers*

*With reference to Kates Boats, Members have been advised in the report that the Canal and River Trust own the land on which Kates Boats operates. That is incorrect. The freehold of the buildings, car park and the 'boat building' are owned by Mr & Mrs Howes of Kates Boats, and they or their representative intend to speak at the Committee to address this matter next week.*

*Furthermore, as advised by the Environmental Health Officer at our meeting last year, the owners of Kates Boats intend to cease operations in Warwick with all activities moving to their Stockton Marina. The Applicant has therefore been in discussions with the owners, and now have an agreement with the owners to purchase the Kates Boats land and property.*

*This has a number of benefits for the proposed development (as well as surrounding residential properties). The removal of the 'boat building' and the source of the noise concerns raised by Environmental Health. Further, the ability to open up more of the view of the canal for some of the proposed properties through negating the need for the proposed brick wall to the rear of the 'boat building'.*

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

*This change in circumstances removes the main strand of the first reason for refusal in the recommendation, and the second reason for refusal entirely. If it were to grant permission, the Applicant acknowledges the Council will wish to control the noise environment within the proposed development, and is therefore willing to accept a condition that requires the removal of the 'boat building' prior to occupation of the proposed dwellings. We would be happy to discuss the wording of any condition with you. Such condition would meet the relevant tests as there are now reasonable prospects of the action in question (removal of the 'boat building') being performed within the time-limit imposed by the permission.*

*In relation to garden sizes, the report refers to garden sizes of plots 2, 3, 4 and 16 being between 33.3 and 38.6 sq.m. That is incorrect, as plot 16 has a garden size of 43.4 sq.m. This garden is therefore only 6.6 sq.m (2m by 3.3m) below the Council's guidance.*

*The suggestion is made within the report that garden sizes could be increased by removing dwellings. As explained in previous meetings, to comply with the Council's guidance would require the removal of dwellings facing onto the canal to the detriment of the character and appearance of the Canalside Conservation Area. In any event, in the context of the Applicant owning the Kates Boats land, there is potential to increase garden sizes for plots 2, 3, 4, 16, 18 and 19 subject to a subsequent planning application.*

### *Conclusion*

*Finally, reference is made in the Conclusion to this proposed development setting a harmful precedent for future housing development more widely in relation to garden sizes. As the Council will be aware, each application is considered on its own merits. Indeed, the Council's Guidance itself recognises that garden sizes below the standards can be acceptable in certain cases. No precedent will be set from granting permission in this case."*

In response to these comments, officers clarified in the addendum that advice was given from the Council's Legal Services department, that the removal of the boat building and cessation of use of this part of the Kate's Boats site would need to be secured through a legal agreement, which had not been provided, and could not be secured by condition. Furthermore, officers were advised that it would be unreasonable to grant permission on the basis of a suitable legal agreement coming forward, as officers had no guarantee that the owners of Kate's Boats would agree to the demolition of the boat building.

Importantly, the addendum also advised that the removal of the boat building would not address the other reasons for the refusal of the application identified in the report.

The following people addressed the Committee:

- Mrs Howes, supporting;
- Mrs Rai, supporting; and
- Mr Stephens, supporting.

## PLANNING COMMITTEE MINUTES (Continued)

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

The Committee therefore

**Resolved** that W/19/1858 be **refused** for the following reasons:

- (1) Policy BE3 of the Warwick District Local Plan 2011-2029 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development.

It is likely that an existing neighbouring industrial use would cause undue adverse noise disturbance for the future occupiers of four of the proposed properties. Furthermore, this is exacerbated by substandard garden sizes provided for six of the dwellings. Plot 16 is most severely affected by the substandard conditions provided, as they are likely to be impacted by noise disturbance from the boat yard and have a substandard sized private amenity area. It should also be noted that the gardens serving plots 1 - 4 and 18 - 20 would not be completely "private" as required by the Residential Design Guide as they benefit from railings along the rear boundary which allows views in from passers-by along the canal.

It is not considered that the adverse noise impacts have been reduced to a minimum as required by paragraph 180 of the NPPF.

The proposal is thereby considered to be contrary to the aforementioned policies and guidance;

- (2) Paragraph 182 of the NPPF states that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before
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## **PLANNING COMMITTEE MINUTES (Continued)**

the development has been completed.

It has not been demonstrated that the proposal would not lead to unreasonable restrictions being placed on an existing business adjacent to the application site as a result of legitimate noise complaints which would likely be generated by the future occupiers of the development owing to the proximity of the proposed dwellings to an industrial activity.

The proposal is therefore considered to be contrary to the aforementioned policy; and

- (3) the application proposes the erection of a significant number of new dwellings and this would place significant pressure on local services. A development of this size would require significant additional capacity in terms of highways improvements, need for sustainable travel packs and road safety initiatives, education facilities, open space and indoor and outdoor sports facilities. No Unilateral Undertaking or Section 106 agreement has been submitted to secure contributions towards these facilities. Therefore, in the opinion of the Local Planning Authority, the application makes insufficient provision for the increased capacity in local services that will be required to serve the proposed development.

The proposal is therefore considered to be contrary to the Policies HS4 and DM1 of the Warwick District Local Plan 2011 - 2029.

### **142. W/19/0827 – Homebase Ltd, 46-48 Emscote Road, Warwick**

The Committee considered an application from Lidl Great Britain Ltd for the demolition of the existing building and erection of a Class A1 retail food-store with associated car parking, access, landscaping, substation and engineering works.

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

The officer was of the opinion that the proposed development was likely to result in the generation of significant traffic movements, which would lead to significant delays and further congestion along a route which already experienced a high level of congestion. Inadequate measures were proposed which did not mitigate the adverse impacts of such additional traffic generation and congestion. Furthermore, it was considered that the parking provision was inadequate in order to serve the development, which could lead to increased demands on nearby residents parking, leading to



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

parking stress and a detrimental impact on neighbouring amenity. The proposal was therefore considered to be contrary to Local Plan policies TR2, TR3, and BE3.

An addendum circulated prior to the meeting advised of an objection to do with congestion on Emscote Road and the size of the site being inappropriate having been received. A comment of support had also been received. The addendum advised that, in error, the following five paragraphs were missing from the Committee Report, in the section headed "Highway Safety and Traffic Generation":

*"WCC Highways have reservations about adopting the standard trip rates for discount stores available in the TRICS database. WCC Highways decided to develop a database of trip generation information to inform the assessment proposals of certain development types in Warwickshire. This decision was based on the lack of suitably representative and up to date site information being available on the TRICS database. The trip generation linked to certain types of development site has changed significantly in recent years as a result of changes in shopping behaviour and choice of travel modes. This approach has been adopted by other councils on the Midlands Service Improvement Group. Concerns over the apparent increase in footfall and trip generation linked to discount food stores, ensuring sites are geographically representative, a number of recent applications for increased parking provision in the County and known issues with access to discount supermarket sites highlighted this type of development as needing an increased level of scrutiny in the calculation of trip generation.*

*The applicant suggests that the proposed development should be assessed using the existing trip rates of one other discount store which was surveyed by WCC Highways, as this would be the most representative for the proposed development. However, the data collected by the Highways Authority across 9 sites surveyed shows that trip generation differences between days of the week and geographical location does not present a consistent picture across all datasets. When selecting sites in the TRICS database, the user must select a reasonable range of sites in terms of site size, to be both representative and not overly restrictive, in order to present a reasonable array of sites. Therefore, WCC Highways consider that the range of site sizes surveyed in Warwickshire is considered reasonable for this application, rather than just using one existing site as proposed by the applicant.*

*The applicant has provided further information using existing TRICS data in order to try and demonstrate that the development would not generate a significant increase in trip rates to the site, however, WCC Highways state that the TRICS data is not as accurate as the information they have collected, as the TRICS data is now three years old, not geographically representative, and has not used a range of discounter stores, using only data from Lidl stores. As the development would be for a discount retailer, rather than a personal permission for a Lidl store, using a broader range of information, to also include Aldi stores for example, would provide a more robust dataset which would be representative of the proposed use. Notably, WCC Highways inform that Lidl traditionally has fewer trip rates, therefore, it is important to consider the trip rates of competitors.*

## PLANNING COMMITTEE MINUTES (Continued)

*In terms of determining the severity of the impact on congestion, the WCC Model Use Protocol – Model Analysis and Reporting note highlights the following highway impact thresholds:*

*An impact on the network would be categorised as severe if it exceeds the following thresholds:*

*Queuing Criteria: An increase over 10 vehicles*

*Journey Time Criteria: An increase over 10%.*

*The analysis of the "with development" scenario using the WCC trip rates presented "severe increases" of journey times at the approach to Pickard Street junction, with additional delays between 10% and 13% compared to 2024 Reference Case scenario. Whilst the developer offers MOVA (Microprocessor Optimised Vehicle Actuation) as a potential mitigation strategy for this single junction (without sufficient supporting evidence), it is not clear how the knock-on impact of releasing this traffic could be mitigated on the further sections of the corridor which are already on MOVA and options for further mitigation are highly constrained by the built-up environment. Additionally, during the PM post-peak (18:00 – 19:00) the wider network presented "very severe increase" of delays when comparing the "with development" scenario with the Reference Case (+25%) and with the Local Plan scenarios (+30%)."*

The following people addressed the Committee:

- Mr Budd, supporting; and
- Mr Hardy, supporting.

The Head of Development Services clarified that it was up to Members to decide whether the data cited by the applicant, which was national data, was more relevant, or whether the data used by officers in the report and provided by Warwickshire County Council, which was local data and taken from 2019, was more likely to be accurate. It was clarified that the officers' recommendation was based on the Warwickshire County Council data, which they felt gave a better representation.

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

The Committee therefore

**Resolved** that W/19/0827 be **refused** for the following reasons:

- (1) Local Plan policy TR2 states that all large-scale developments that result in the generation of significant traffic movements should be supported by a Transport Assessment, and where necessary a Travel Plan, to demonstrate the practical and effective measures to be taken to avoid the adverse impacts of traffic.

The information submitted indicates that there would be severe levels of delay resulting from  
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## **PLANNING COMMITTEE MINUTES (Continued)**

additional trips to the site, significantly increasing journey times and adding to existing highway congestion. There is a lack of capacity for the existing highway network to cope with the additional trip generation. The measures proposed are considered to be inadequate and would not mitigate the adverse impacts of additional traffic generated as a result of the proposed development.

The proposal is therefore considered to be contrary to the aforementioned policy; and

- (2) Policy TR3 states that development will only be permitted which makes provision for parking. Policy BE3 states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

The development has an under-provision of car parking by 65 spaces in accordance with the recommendations of the Vehicle Parking Standards. It is considered that it has not been adequately demonstrated that a departure from the standards would not lead to additional vehicles parking within the limits of the public highway. This is likely to cause harm to highway safety and inconvenience to road users.

The development is therefore considered to be contrary to the aforementioned policies.

(The meeting was adjourned for five minutes at 7:23pm for a comfort break.)

### **143. W/19/0860 – 6 Phillippes Road, Woodloes Park, Warwick**

The Committee considered a retrospective application from Mr Lakhbir Singh for the erection of 1.95m high fence and change of use of land from open space to garden land.

The application was presented to Committee because more than five letters of support had been received and the application was recommended for refusal.

The officer was of the opinion that the proposed re-siting of the fence was harmful to the character and appearance of the area. The development was also considered to be harmful to the amenity of 29 Brese Avenue, due to a significant breach of the 45-degree line from a ground floor window fitted within the principle elevation of the property, which served a habitable room. The development therefore conflicted with Local Plan Policies BE1 and BE3 of the Local Plan, the Residential Design Guide SPD and the NPPF.

An addendum circulated at the meeting advised that there had been a further objection received, stating that the site did not experience incidents

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

of anti-social behaviour, dog fouling and littering any more regularly than anywhere else. It stated that the trees on the property were an eyesore but were planted by the previous owner of the property, and once removed, would make the area feel more open and safer. The tall fence made the footpath feel less safe. The objection explained that the Council contractors regularly cut the grass on the site and stated that the proposed fence would be out of character with the area and the Woodloes Park open landscape.

Following consideration of the report, presentation and the information contained in the addendum, it was proposed by Councillor Ashford and seconded by Councillor Weber that the application should be refused.

The Committee therefore

**Resolved** that W/19/0860 be **refused** for the following reasons:

- (1) Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design.

The Woodloes Estate is characterised by open plan frontages and green landscaping which gives the estate a pleasant, spacious and open character. In contrast, the re-sited fence results in the enclosure of green landscaping and results in a 1.95m high boundary treatment located adjacent to the public highway. This is not characteristic of this area and results in unacceptable harm to the character and appearance of the area.

The granting of planning permission for this fence would set an undesirable precedent which would make it increasingly difficult for the Council to resist similar future proposals relating to other residential properties in this development which cumulatively would result in serious harm to the open character of the estate.

The development is thereby considered to be contrary to the aforementioned policies; and

- (2) Policy BE3 of the Warwick District Local Plan 2011-2029 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. The Local Planning Authority (LPA) has also adopted the 45 Degree Guideline as part of its Residential Design Guide SPD which

## PLANNING COMMITTEE MINUTES (Continued)

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.

In the opinion of the LPA, the development has an adverse impact on the living conditions of the occupiers of 29 Brese Avenue. The fence breaches the 45-degree line when taken from the mid-point of a window which serves a habitable room fitted within the front elevation of the single storey front extension. The development is therefore considered to have an unacceptable impact on the amenity of this neighbour by reason of loss of light and outlook.

The proposal is thereby considered to be unneighbourly and contrary to the aforementioned policy.

### 144. **W/19/1985 – 44-46 Queen Street, Cublington**

The Committee considered an application from Mr Khera for the erection of one front and one rear dormer windows and installation of a second floor side facing window to facilitate a loft conversion.

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

The officer was of the opinion that the proposed dormers were of an acceptable design in the context of the street scene and did not present an unacceptable level of amenity to the neighbouring properties in terms of light, outlook and privacy. Furthermore, the proposal provided sufficient parking to the rear of the building in accordance with the adopted standards.

Following consideration of the report, presentation and the information contained in the addendum, it was proposed by Councillor Weber and seconded by Councillor Jacques that the application should be granted.

The Committee therefore

**Resolved** that W/19/1985 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin no 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 Item 5a / Page 10

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

approved drawing(s) 1434-0500-01, and specification contained therein, submitted on 22nd November 2019, except as required by condition 4 below. **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;

- (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 BE1 of the Warwick District Local Plan 2011-2029; and
- (4) notwithstanding the details shown on the approved drawings, the second floor side facing window hereby permitted shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **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.

### **145. W/19/1987 – The Pheasantry, Grovehurst Park, Stoneleigh**

The Committee considered an application from Mrs Besson for the erection of a single storey courtyard extension to kitchen & enlarged dormer to bedroom.

The application was presented to Committee because Stoneleigh Parish Council supported the application and it was recommended for refusal.

The officer was of the opinion that the proposed development, by virtue of its scale, massing and design, would result in less than substantial harm to the character and architectural significance of the Grade II Listed Pheasantry and there were no public benefits identified that outweighed the harm.

Following consideration of the report and presentation, it was proposed by Councillor Falp and seconded by Councillor Ashford that the application should be refused.

The Committee therefore

## PLANNING COMMITTEE MINUTES (Continued)

**Resolved** that W/19/1987 be **refused** because Policy HE1 of the Warwick District Local Plan 2011-2029 states that consent will not be granted to alter or extend a listed building where those works will adversely affect its special character or historic interest, integrity or setting.

In the opinion of the Local Planning Authority, it is viewed that the proposed extensions and alterations to the Pheantry would result in material harm to the setting and form of the heritage asset, failing to preserve its historic integrity and character. This is a result of the proposed works compromising the existing courtyard space of the site that contributes to the setting and significance of the building. It is also considered an inappropriate design and facing materials have been proposed.

The proposal is thereby considered to be contrary to the aforementioned policy.

### 146. **W/19/1988/LB – The Pheantry, Grovehurst Park, Stoneleigh**

The Committee considered an application from Mrs Besson for the erection of a single storey courtyard extension to kitchen & enlarged dormer to a bedroom.

The application was presented to Committee because Stoneleigh Parish Council supported the application and it was recommended for refusal.

The officer was of the opinion that the proposed development, by virtue of its scale, massing and design, would result in less than substantial harm to the character and architectural significance of the Grade II Listed Pheantry and there were no public benefits identified that outweighed the harm.

Following consideration of the report and presentation, it was proposed by Councillor Falp and seconded by Councillor Leigh-Hunt that the application should be refused.

The Committee therefore

**Resolved** that W/19/1987/LB be **refused** because Policy HE1 of the Warwick District Local Plan 2011-2029 states that consent will not be granted to alter or extend a listed building where those works will adversely affect its special character or historic interest, integrity or setting.

In the opinion of the Local Planning Authority, it is viewed that the proposed extensions and alterations to the Pheantry would result in material harm to the setting and form of the heritage asset, failing to preserve its historic integrity and character. This is a result of the proposed works compromising the

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

existing courtyard space of the site that contributes to the setting and significance of the building. It is also considered an inappropriate design and facing materials have been proposed.

The proposal is thereby considered to be contrary to the aforementioned policy.

### **147. W/19/2128 – Intwood, Leamington Road, Bubbenhall**

The Chairman informed Members that this item had been withdrawn by officers following publication of the agenda.

An addendum circulated prior to the meeting advised that this item had been withdrawn from the agenda because the objection raised by Cubbington Parish Council was not made on material planning grounds. The objection related to the loss of trees that were not protected, had been removed and the Local Planning Authority had no powers to require replacement trees in these circumstances. The removal of the trees whilst the application was being determined was not in breach of planning control and was not a material planning consideration in the assessment of the application for a replacement dwelling.

The application would therefore be determined under delegated powers.

### **148. Planning 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 7.51pm)

CHAIRMAN  
31 March 2020



# Planning Committee

Minutes of the meeting held on Wednesday 4 March 2020 in the Town Hall, Royal Leamington Spa at 6.00pm.

**Present:** Councillor Boad (Chairman); Councillors Ashford, R. Dickson, Falp, Grey, Kennedy, Leigh-Hunt, Luckhurst, Murphy, Norris and Weber.

**Also Present:** Civic & Committee Services Manager – Mrs Tuckwell; Legal Advisor – Mrs Amphlett; Manager – Development Services – Mr Fisher; and Principal Planning Officer – Ms Hammond.

## 149. **Apologies and Substitutes**

- (a) There were no apologies made.
- (b) Councillor Falp substituted for Councillor Heath, Councillor Norris substituted for Councillor Jacques, Councillor Grey substituted for Councillor Morris and Councillor Luckhurst substituted for Councillor Roberts.

## 150. **Declarations of Interest**

Minute Number 155 – W/19/2006 – Unit 1, Moss Street, Royal Leamington Spa

Councillor Ashford declared a personal interest because he lived on one of the roads mentioned in the report.

Minute Number 158 – W/19/2006 – Land South of Gallows Hill/West of Europa Way, Heathcote, Warwick

Councillors Falp and Norris left the room during the debate and did not vote on this item because they were Members of the Executive and therefore the applicant for this item.

## 151. **Site Visits**

To assist with the decision making, Councillors Ashford, Boad, Dickson, Falp, Grey, Kennedy, Leigh-Hunt and Luckhurst had visited the following application site on Saturday 29 February 2020:

W/19/0121 - 129 Warwick New Road, Royal Leamington Spa

## 152. **W/20/0121 – 129 Warwick New Road, Leamington Spa, CV32 6AB**

The Committee considered a retrospective application from Mr Scott for the erection of a single storey rear extension.

The application was presented to Committee because of the number of representations in support that were received and because Councillor Gifford had also requested that the application should be presented to the Committee.

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

The officer was of the opinion that the main issues relevant to the consideration of the application were the impact on the character and appearance of the area and the impact on the living conditions of neighbouring dwellings.

The single storey rear extension was considered to be acceptable in terms of design. The materials used on the extension matched those on the existing property. Furthermore, the design and form of the extension was in keeping with that of the existing dwelling.

Local Plan Policy BE3 required all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide SPD provided a design framework for Policy BE3 and stated that extensions should not breach a 45-degree line taken from the nearest habitable room of a neighbouring property. This served to protect against loss of light and outlook.

The rear extension breached the 45-degree line when taken from the middle of the two principal light sources (window and the French door) on the rear elevation of 127 Warwick New Road which served a kitchen. The development breached the 45-degree line by 1.6 metres. Therefore, it was considered that the extension contravened the 45-degree guideline as set out on the Residential Guide SPD (2018). As a result, it was considered that the rear extension caused unacceptable loss of light and loss of outlook for the affected windows.

There were no overriding considerations for the 45-degree line not to be applied on this instance and for this reason, the rear extension was contrary to Local Plan Policy BE3. It was therefore recommended that the application should be refused.

An addendum circulated at the meeting advised of additional comments received after the agenda was published. Some further 13 objections had been received, including one from Councillor Jacques, making the following points:

- the development destroyed the historical characteristics of the area due to its unsympathetic nature;
- it was out of character and harmed the amenity of neighbours and as a result there was overshadowing, visual impact and loss of amenity;
- the development was of overbearing design and was in breach of local Council's policies thus undermining Council's planning policies;
- rules and regulations had been completely overlooked and granting this application would set a negative precedent for future unlawful development;
- the development was not in compliance with building regulations in respect of height or depth and undermined the Council's planning authority and its values;
- it resulted in loss of daylight, sunlight and created an unneighbourly overbearing impact;
- the development was pre-meditated and intentional from the beginning to gain retrospective approval for its unlawful extension;
- it had a negative and intrusive impact on the neighbouring properties which did not preserve neighbourly relations;

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

- the extension was overbearing because it had been built on an already raised platform, and greatly impacted on the natural light and privacy previously enjoyed at 127 and 131;
- the development was imposing and overlooked both sides which constituted a serious invasion of privacy and impacted both neighbours, resulting in the diminution of the enjoyment of their living areas and outside spaces;
- the development would increase the householders' carbon footprint by default; and
- the value of property would decrease as a result of the extension.

The addendum advised that the objection made by Councillor Oliver Jacques was on the following grounds:

- the length and height of the extension breached the 45-degree line in relation to the rear living room and kitchen at 127. This appeared to significantly impact upon the amount of light and warmth entering the properties and breached the Council's policy BE3;
- he commented on a previous application that was not in compliance with the limitations of permitted development; and
- the possible impact of a precedent being set if the application was to be granted.

In addition, the addendum advised of 11 comments of support received making the following comments:

- the extension would enhance the property and help to bring lovely but dated properties in line with modern family housing requirements with sympathetic additions;
- it was in keeping with the neighbourhood and the applicant had followed the advice of the planning officer;
- the development was not obtrusive and was in keeping with the existing building. The decision should be based on a previous judgement of lawful development;
- the extension was complimentary to the property and similar extension had been carried out on street scene;
- the extension was not visible from the front of the property and looked in line with the style of the house; and
- the extension was not overbearing, nor did it limit the amount of light to neighbours. The extension was permitted development.

The following people addressed the Committee:

- Mr Bansal, objecting;
- Miss Plummer, objecting;
- Mr Scott, supporting;
- Councillor Syson, District Councillor, objecting; and
- Councillor B Gifford, Ward Councillor, supporting.

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

The Committee therefore

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

**Resolved** that W/20/0121 be **refused** because Policy BE3 of the Warwick District Local Plan 2011-2029 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. Furthermore, 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 45-degree line taken from No.129 Warwick New Road is breached by the rear extension and therefore the development results in material harm to that property by reason of loss of light and outlook.

The proposal is thereby considered to be unneighbourly and contrary to the aforementioned policy.

### **153. W/19/1977 – Ranibagh, Mill Lane, Little Shrewley, Shrewley**

The Committee considered an application from Mr & Mrs Saunders for the proposed erection of two three-bedroom dwellings.

The application was presented to Committee because of the number of objections received, including one from Cubbington Parish Council.

The officer was of the opinion that the application site had previously been deemed acceptable as a limited infill housing site and the proposal would deliver two additional dwellings which sat comfortably within the street scene and would add to the Council's windfall housing delivery. The development would have an acceptable impact on neighbouring residential amenity and would not cause harm to protected species, subject to conditions. The development provided adequate parking in accordance with the Council's requirements and would not cause harm to highway safety. Therefore, the officer was of the opinion that the proposed development should be approved.

An addendum circulated at the meeting advised that the proposed Condition 9 (removal of permitted development rights for roof alterations) would also include the removal of rights to install windows at the first floor on the rear elevation of both proposed dwellings in order to protect the amenity of neighbouring properties against overlooking and loss of privacy.

The following people addressed the Committee:

- Councillor Westbury, Cubbington Parish Councillor, objecting;
- Mrs Aggiss, objecting;
- Mr Saunders, supporting; and
- Councillor Illingworth, Ward Councillor, objecting.

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

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

The Committee therefore

**Resolved** that W/19/1977 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin no 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 drawings CV35.17-44.02E and CV35.17-44.05B submitted on 9 January 2020 and drawing CV35.17-44.0K submitted on 27th January 2020, and specification contained therein. **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;
- (3) the development hereby permitted (including ground clearance works) shall not commence until a protected species method statement for great crested newts and reptiles (to include timing of works, supervision of vegetation clearance and reasonable avoidance measures) has been submitted to and approved in writing by the Local Planning Authority. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011 – 2029;
- (4) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed

## PLANNING COMMITTEE MINUTES (Continued)

development in accordance with Policy NE5 of the Warwick District Local Plan;

- (5) 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. **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;
- (6) the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit 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 manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029;
- (7) the access to the site for vehicles shall not be used unless a public highway verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety in accordance with Policy TR1 of Warwick District Local Plan 2011 – 2029;
- (8) the access 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. **Reason:** In the interests of highway safety in accordance with Policy TR1 of Warwick District Local Plan 2011 – 2029;
- (9) notwithstanding the provisions of the Town and Country Planning (General Permitted

## PLANNING COMMITTEE MINUTES (Continued)

Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to the roof of, or installation of first floor rear facing windows to the southern elevation of either dwelling hereby permitted.

**Reason:** That due to the restricted nature of the application site and its relationship with adjoining properties it is considered important to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

- (10) prior to the occupation of the development hereby permitted, the first floor window(s) in the rear elevations and the first floor side facing windows serving the bathrooms on the approved plans in both dwellings hereby permitted shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times.

**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; and

- (11) no dwelling hereby permitted shall be occupied unless and until the car parking provision for that dwelling has been constructed or laid out, and made available for use by the occupants and / or visitors to the dwelling and thereafter those spaces shall be retained for parking purposes at all times. **Reason:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies BE1 and TR3 of the Warwick District Local Plan 2011-2029.

### 154. **W/19/2095 – 18 Taylor Avenue, Lillington, Royal Leamington Spa**

The Committee considered an application from Mr Tanna for the change of use from a dwelling-house (Use Class C3) to a five-bed HMO (Use Class C4).

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

The application was presented to Committee because of the number of objections received, including one from the Royal Leamington Spa Town Council.

The officer was of the opinion that the proposed change of use to a House in Multiple Occupation (HMO) within this area adhered to the criteria set out within the Local Plan and more specifically, Policy H6. There would be no material harm to nearby uses or residents as a result of the proposal and the parking arrangements were considered to be acceptable. Adequate waste storage was already provided and therefore it was recommended that the application should be approved.

The following people addressed the Committee:

- Mr Ferguson, objecting;
- Mr Conway, objecting; and
- Councillor Russell, Ward Councillor, objecting.

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

The Committee therefore

**Resolved** that W/19/2095 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin no 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); and
- (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) AL (P) 00 A, AL (P) 02 C, and specification contained therein, submitted on 22nd January 2020. **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.

(At 8.02pm, the meeting was adjourned for 15 minutes for a comfort break.)

### **155. W/19/2006 – Unit 1, Moss Street, Royal Leamington Spa**

The Committee considered an application from Sureway Property Services Group for the removal of Condition 15 of planning permission ref: W/15/2154 [Demolition of existing commercial buildings and erection of a 47 bedroomed House in Multiple Occupation (HMO)] to allow for unrestricted occupancy. This was a resubmission of application W/18/2212.



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

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

The officer was of the opinion that the Inspector allowed the appeal for a reduced number of parking spaces than was required in the Parking Standards SPD (2007) relevant at that time on the basis that the development would be occupied by students. This was because students led to a relatively low proportion of occupiers requiring car parking, such that the demand could be actively managed. In the absence of a parking survey which had been carried out in accordance with the requirements of the Council's adopted Vehicle Parking Standards of all of the nearby unrestricted streets within walking distance of the site that could demonstrate there was sufficient capacity in the area for on-street parking to accommodate the shortfall in parking on the site if the development was to be used as an unrestricted HMO, the proposed development would lead to additional demand for limited spaces which would be harmful to resident's amenities. The proposal was therefore contrary to Policy TR3 of the Warwick District Local Plan (2011 - 2029) and the adopted Parking Standards SPD.

An addendum circulated at the meeting advised that the agent had requested that the following information was presented to Councillors:

- "a) The proposal would allow potential mixed occupation of the whole accommodation for both students and professional persons employed locally.
- b) This should provide an opportunity for high quality accommodation for a wider range of the local community.
- c) Each tenancy agreement would relate to the requirements set out in the Management and Green Travel Plan.
- d) At night there is only 8% occupancy of the Court Street and Packington Street car parks.
- e) There are eleven letters of support.
- f) A Legal Agreement can be entered into to restrict occupiers applying for residents parking permits which will address concerns regarding on street parking issues.
- g) The question of compliance with condition 12 of planning application reference 13/2154 can be addressed by a further application and the use of the proposed electric vehicle charging point for the general public would meet the aims of the Councils long term energy strategy for the District."

In response to the above comments, officers confirmed that a legal agreement had not been provided in support of the application to restrict the right of occupiers from obtaining parking permits.

The addendum also advised of further comments of objection that had been received after the report had been published stating that the traffic surveys did not comply with Warwick District Council's requirements and failed to provide the necessary evidence to support the applicant's case. In addition, the applicant failed to consider that there were eight places of worship within two minutes' walk of the site, which had not been taken into consideration as part of the parking surveys provided. Their communities were widespread so attendees came in cars, and because there was little or no on-site parking, they had to find spaces in streets nearby. The presence

## PLANNING COMMITTEE MINUTES (Continued)

of so many places of worship with well-used community facilities in this small and densely populated neighbourhood between the river and canal created unrecognised additional demand for on-street parking. Only a few dwellings had on-site parking and Conservation Area status now precluded the conversion of front gardens into off-street parking, so most residents had no option but to park on the road.

Another comment of objection in the addendum advised that there were additional smaller developments increasing on-street parking demands on these same side streets north of Radford Rd. The extension to L6 parking zone took out of contention a significant section of unrestricted parking which previous Planning Inspectors had identified as available to accommodate the Moss St shortfall. This was unrecognised by the applicant and understated in the case officer's report. In addition, the objector was of the opinion that Warwickshire County Council Highways failed to recognise recent accidents which highlighted parking stress and safety hazards.

Another objection presented in the addendum was that for the last 12 months, bins had been constantly stored illegally on the pavement, thereby obstructing pedestrians. There was room for them on site against the railway arches but the commitment was never honoured. There was every chance that the outcome would be the same with respect to overseeing parking, particularly since on-street parking would be beyond their control.

The addendum also advised of an objection that the application had the look of hotel accommodation or an Airbnb, and mixing up the two categories of tenure, students and short-lets, was not a good idea for either categories. The combination of demand for student and Airbnb would continue to crowd out family dwellings, and that the various supporters of the application did not live near the development.

The following people addressed the Committee:

- Mrs Bond, objecting, who also circulated a map and two images with the Chairman's approval; and
- Mr Dickinson, 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 Ashford that the application should be refused.

The Committee therefore

**Resolved** that W/19/2006 be **refused** because Policy TR3 states that development will only be permitted which makes provision for parking. Policy BE3 states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

The Inspector allowed the original appeal for a reduced number of parking spaces than was required in the Parking Standards SPD (2007) relevant at that time largely on the basis that the development would

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

be occupied by students. This he reasoned was because students led to a relatively low proportion of occupiers requiring car parking such that the demand could be actively managed.

In the opinion of the LPA, in the absence of a parking survey which has been carried out in accordance with the requirements of the adopted Vehicle Parking Standards that can demonstrate that there is sufficient capacity in the area for on-street parking to accommodate the shortfall in parking for the development if it were to be used as an unrestricted HMO, it is considered that the development would lead to additional demand for limited spaces which would be harmful to resident's amenities (by reason of parking stress). The proposal is therefore contrary to the aforementioned policies.

### **156. W/19/1887 – 12 Coventry Road, Baginton**

The Committee considered an application from Mr Holcroft for a detached bungalow in the garden of 12 Coventry Road, Baginton.

The application was presented to Committee because of the number of letters of objection that had been received, including one from Baginton Parish Council.

The officer was of the opinion that the proposal was considered to comply with the policies listed in the report and therefore it should be granted.

An addendum circulated at the meeting advised of two additional comments received from individuals who had responded previously since the officer's report had been published, reiterating their objections, plus the following:

- the officer's report did not pick up that the proposed dwelling was in front of Sheriffs;
- the dimensions or ground levels were not addressed;
- there was no limit set on the maximum height of the proposed dwelling;
- it was far taller than the existing bungalow on the plot; and
- roof lights overlooked neighbouring properties.

The addendum also advised that an email exchange with one of the objectors confirmed that very special circumstances did not need to be put forward because the site was not in the Green Belt.

The following people addressed the Committee:

- Mr Hooper, objecting, who, with the Chairman's approval, also circulated his written objection available on the Council's website; and
- Mr Holcroft, supporting.

## PLANNING COMMITTEE MINUTES (Continued)

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

The Committee therefore

**Resolved** that W/19/1887 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin no 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) P/02 REV C, P/03 REV C and P/04 REV C and specification contained therein, submitted on 29/01/2020 & 06/02/2020. **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;
- (3) the development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that

## PLANNING COMMITTEE MINUTES (Continued)

originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;

- (4) no development shall take place until:
- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work shall be submitted to and approved in writing by the LPA in consultation with the Warwickshire County Council Archaeological Information and Advice team.
  - b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI is to be undertaken. A report detailing the results of this fieldwork is to be submitted to the planning authority. **Reason:** To ensure a satisfactory programme of works is undertaken to secure and assess any archeological remains in connection to the site in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;
- (5) no development shall commence unless and until details of surface and foul water drainage works have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details. **Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029;
- (6) notwithstanding the provisions 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 further development shall take place within the curtilage of the dwellinghouse hereby permitted. **Reason:** That due to the restricted nature of the application site and its relationship with adjoining properties it is considered important to ensure that no additional development is carried out without the permission of the local

## PLANNING COMMITTEE MINUTES (Continued)

planning authority in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

- (7) 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. **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;
- (8) prior to the occupation of the development hereby permitted, the first floor window in the west elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **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;
- (9) the accesses to the site for vehicles shall not be used until a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** In the interest of highways safety in accordance with Policy BE1 of the Warwick District Local Plan 2011 – 2029;
- (10) the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all

## PLANNING COMMITTEE MINUTES (Continued)

times and shall be maintained strictly in accordance with manufacturer's specifications.

**Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029;

- (11) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter.

**Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;

- (12) the access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a distance of at least 7.5 metres as measured from the near edge of the public highway carriageway. **Reason:** In the interests of highway safety and in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (13) the areas indicated on the approved drawings for vehicular manoeuvring space and parking shall at all times be kept free of obstruction and be available for those purposes unless otherwise agreed in writing by the local planning authority. **Reason:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies TR1 & TR3 of the Warwick District Local Plan 2011-2029;

- (14) the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial

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

completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029; and

- (15) the dwelling hereby permitted shall not be occupied unless and until the conservatory on the rear of the existing dwelling at No. 12 Coventry Road has been demolished in accordance with approved drawing no. P02C. **Reason:** To allow adequate separation between the existing and proposed property and to allow sufficient external private amenity space for both properties, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

### **157. W/19/1833 – Heathfield, Leicester Lane, Stoneleigh**

The Committee considered an application from Mr White for a two-storey purpose-built domestic dwelling.

The application was presented to Committee because over five letters of support had been received and the application was recommended for refusal.

Planning permission was sought for the proposed development of a two-storey, four-bedroomed dwelling in the Green Belt. The site was located off the A445, Leicester Lane, in open countryside. The proposed route of HS2 would pass within 500m of the application site. The site was washed over by the Green Belt. The proposed development would be in close proximity to "Heathfield", a large, detached property owned by the applicant. An existing stable block would be demolished as part of the proposal.

This was an outline application, with approval sought for access, appearance, layout and scale. Nevertheless, the site was not adjacent to the boundary of the urban area or a growth village. Furthermore, there was no identified housing need to which the proposed development could contribute. Finally, the nearest services were located at Cubbington, approximately 1.7 miles away, and could not be accessed safely on foot due to a lack of footpaths and street lighting. Therefore, the officer was of the opinion that the application should be refused based on the reasons in the report.



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

Mr Farrington addressed the Committee, speaking in support of the application.

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

The Committee therefore

**Resolved** that W/19/1833 be **refused** because of the following reasons:

- (1) the NPPF and Local Plan Policy DS18 state that the erection of new buildings should be considered to be inappropriate development within the Green Belt, subject to certain exceptions. The proposals do not meet any of these exceptions and therefore constitute inappropriate development. Furthermore, the proposals would reduce the openness of the Green Belt.

The NPPF and Policy DS18 state that inappropriate development should only be permitted in very special circumstances. In the opinion of the local Planning Authority the very special circumstances put forward by the applicant do not outweigh the conflict with Green Belt policy or the harm that would be caused to the openness of the Green Belt; and

- (2) the site is situated within open countryside. Local Plan Policy H1 and para. 79 of the NPPF state that housing development will not be permitted in open countryside, subject to certain exceptions. The proposals do not comply with any of these exceptions. The proposals therefore constitute an unsustainable form of development that would be contrary to the aforementioned policies.

(Councillors Falp and Norris left the meeting.)

### **158. Urgent Item – W/14/0681 – Land South of Gallows Hill/West of Europa Way, Heathcote, Warwick**

With the Chairman's approval, the Committee considered an urgent item from Gallagher Estates Ltd for 450 dwellings; provision of two points of access (one from Europa Way and one from Gallows Hill); comprehensive green infrastructure and open spaces including potential children's play space; potential footpaths and cycleways; and foul and surface water drainage infrastructure and ground modelling.

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

The report related to the above planning application W/14/0681 which was granted on appeal on the 14 January 2016.

The proposal sought minor variations to the content of the Section 106 Agreement dated the 3 September 2015, to extend the time period in which Warwickshire County Council (WCC) could call for payment of, and expend or commit, for expenditure on a highway contribution which was to be used towards improving Europa Way ("the Europa Way Contribution").

It had been agreed with the Chair of the Planning Committee that this matter could be dealt with as an urgent item as the proposed Deed of Variation was linked to a land transfer deal between WCC and Gallagher Estates Limited which had to be completed prior to the end of the financial year. As such, the Deed of Variation had to be completed prior to the 31 March 2020, which was before the next meeting of the Committee.

The proposed variations to the Section 106 Agreement required authority from Members. The proposals had been fully justified and Members were requested to authorise the variations as set out within the report.

Following consideration of the report and presentation, it was proposed by Councillor Kennedy and seconded by Councillor Leigh-Hunt that the application should be granted.

**Resolved** that W/14/0681 be **granted** and the proposed changes to the Section 106 Agreement be approved to:

- extend the time period in which the County Council can call for payment of the Europa Way Contribution until 31 May 2029; and
- extend the period in which the County Council must expend or commit for expenditure the Europa Way Contribution until 30th June 2029.

(The meeting ended at 9.24pm)

CHAIRMAN  
26 MAY 2020

**Application No:** [W 20 / 0210](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Rebecca Compton

**Registration Date:** 07/02/20  
**Expiry Date:** 03/04/20

01926 456544 rebecca.compton@warwickdc.gov.uk

**16 Princes Drive, Edmondscote, Leamington Spa, CV32 6AF**  
Change of use from dwelling (use class C3) to a 4 bed HMO (use class C4)  
(retrospective). FOR Mr. Rajesh Punj

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This application is being presented to Committee as the proposal does not comply with Local Plan policy H6 and officers are recommending approval.

### **RECOMMENDATION**

Committee are recommended to grant planning permission.

### **DETAILS OF THE DEVELOPMENT**

The application seeks retrospective permission for a change of use from a single dwelling (use class C3) to a 4 bedroomed House in Multiple Occupation (HMO) (use class C4). The application as originally submitted sought permission for a 5 bedroomed HMO, this has since been amended to 4 bedrooms following concerns from officers regarding living conditions for future occupiers and parking.

### **THE SITE AND ITS LOCATION**

The application site is a two storey, semi-detached residential dwelling located to the northern end of Princes Drive, Leamington Spa. The site benefits from driveway parking that is accessed off Princes Drive.

There is an Article 4 Direction which covers the whole of Leamington Spa which prohibits changes of use of residential dwellings (C3) to small Houses in Multiple Occupation (HMO) (C4) without obtaining planning permission. The Article 4 Direction was put in place and Policy H6 was adopted on the basis of evidence which demonstrates that the concentration levels of HMO's within an area contribute to adverse impacts including noise and disturbance, social cohesion and litter.

### **PLANNING HISTORY**

None.

### **RELEVANT POLICIES**

- National Planning Policy Framework

## The Current Local Plan

- BE1 - Layout and Design
- BE3 - Amenity
- H6 - Houses in Multiple Occupation and Student Accommodation
- TR3 - Parking (Warwick District Local Plan - 2011-2029)

## Guidance Documents

- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** No objection.

**WCC Highways:** No objection.

**WDC Waste Management:** No objection.

**WDC Private Sector Housing:** No objection.

**Public response:** 10 letters of objection have been received raising the following concerns:

- the proposal does not comply with Local Plan policy H6
- a negative impact on the immediate and wider area
- potential for a precedent to be set for other HMO's in the wider area
- the HMO calculation is incorrect

## **ASSESSMENT**

### Principle of Development

*Whether the proposals would cause or add to a harmful over-concentration of HMOs in this area*

Policy H6 of the Local Plan states that planning permission will only be granted for Houses in Multiple Occupation (HMOs) where:-

- a). the proportion of dwelling units in multiple occupation (including the proposal) within a 100 metre radius of the application site does not exceed 10% of total dwelling units;
- b). the application site is within 400 metres walking distance of a bus stop;
- c). the proposal does not result in a non-HMO dwelling being sandwiched between 2 HMOs;
- d). the proposal does not lead to a continuous frontage of 3 or more HMOs; and

e). adequate provision is made for the storage of refuse containers whereby - the containers are not visible from an area accessible by the general public, and the containers can be moved to the collection point along an external route only.

Assessment:

a). Within a 100 metre radius there are 14 existing HMOs out of 69 residential units. The existing concentration level is at 20.2%. The addition of one further HMO would increase the breach of the 10% limit of HMOs within a 100 metre radius to 21.7%.

b). The nearest bus stop is located along Princes Drive which is within 400 metres walking distance of the property.

c). The existing property does not sandwich a non-HMO between another HMO.

d). It does not lead to a continuous frontage of HMOs.

e). The proposal would retain the existing waste and recycling storage arrangements to the rear of the property. The containers would be stored in an area not accessible by the general public and the bins would be moved outside on collection day.

Local Plan Policy H6 goes on to state that exceptions to a) may be made where the application site is located on a main thoroughfare in a mixed use area where the proposal would not lead to an increase in activity along nearby residential streets (for example, by way of pedestrian movements between the application site and the town centre or car parking). The proposal does not meet this exception.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. In this particular case officers have considered that all the existing HMOs within a 100m radius of the application site are student halls contained within the campus of Warwickshire College and are located approximately 60m from the nearest residential properties along Princes Drive. The HMOs within Warwickshire College are separated from the residential properties along Princes Drive by the railway line and the road. Policy H6 seeks to restrict the over concentration of HMOs in residential areas as they could be harmful to the neighbouring residents amenity in terms of noise, anti-social behaviour etc. Officers consider that in this particular case, the activity associated with the student halls would be experienced more along Warwick New Road rather than Princes Drive. Officers have taken into consideration that the student halls are within walking distance of the town centre and would anticipate activity and footfall to be directed in an easterly direction towards the town centre rather than westerly towards the application site that is in a predominantly residential area.

Officers have therefore assessed the impact of the proposed HMO on the residential areas surrounding the application site that would be most impacted by the development being Princes Drive and its adjoining streets. The proposal would result in one HMO within the residential area surrounding the application site. Officers are satisfied that the proposal for one HMO within this residential area would not lead to an over concentration of HMOs at the localised level nor would it present a harmful impact to the amenity of the neighbouring properties in terms

of noise, anti-social behaviour and other associated issues arising from a high concentration of HMOs in a particular area.

Whilst the proposal does not comply with Local Plan policy H6, officers consider that the location of the existing HMOs within 100m radius of the site are a material planning consideration in the determination of the application. The existing HMOs are student halls contained within the campus of Warwickshire College and are situated approximately 60m from the residential area of Princes Drive that the application sits within. Officers also anticipate that the activity and footfall associated with student halls would be directed towards Leamington Spa town centre and so away from the residential properties along Princes Drive. On balance, officers consider the proposal to be acceptable.

Objections from local residents have been received on the basis that the proposal would increase the percentage of HMOs within a 100 metre radius of the site to more than 10%, it should be refused. Whilst this concern is noted, officers consider in this particular case the proposal to be acceptable due to the location of the existing HMOs in the area and their relationship with the residential properties along Princes Drive and surrounding streets.

#### Impact on neighbouring properties

Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

The proposed change of use includes no external alterations. The proposal is therefore unlikely to have an impact on neighbouring residential amenity which would warrant reason for refusal of the application.

The proposal has been amended from a 5 bedroomed HMO to a 4 bedroomed HMO at the request of officers to ensure all habitable rooms benefit from light and outlook. As amended, the HMO would provide adequate living conditions for the future occupiers.

The proposal is therefore considered to be in accordance with Local Plan Policy BE3.

#### Parking & Highway Safety

The proposal as originally submitted was for a 5 bedroomed HMO which would be required to provide 3 off road parking spaces. The proposal has been amended from a 5 bedroomed HMO to a 4 bedroomed HMO at the request of officers as the front driveway parking is not of a sufficient size to accommodate 3 off road parking spaces. The existing parking requirement for a 3 bedroomed dwelling is 2 spaces and the requirement for the proposed 4 bed HMO would also be 2 spaces, in accordance with the Council's adopted Parking Standards SPD. The Highways Officer has raised no objection.

The proposal would therefore be in accordance with Policy TR3 of the Local Plan and the adopted Parking Standards SPD.

Other Matters

Private Sector Housing have raised no concerns from a space and facilities perspective and complies with the Council’s standards.

The plans show side access to the rear garden where refuse bins can be stored, Waste Management have raised no objection.

**Conclusion**

The proposed change of use is considered to be acceptable in principle and would not have a harmful impact on neighbouring residential amenity, or the character of the area. There would be no increased demand on parking as a result of the change of use. The proposed change of use is therefore recommended for approval.

**CONDITIONS**

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 2001-3A, and specification contained therein, submitted on 09th April 2020. **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.
  
- 2 The number of bedrooms shall not exceed 4. **REASON:** To ensure satisfactory living conditions for occupiers of the dwelling and to ensure the satisfactory provision of off-street parking in accordance with the local planning authority's standards and in the interests of highway safety in accordance with Policies BE3 and TR3 of the Warwick District Local Plan 2011-2029.

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