

## Planning Committee Tuesday 30 March 2021

A meeting of the above Committee will be held remotely on Tuesday 30 March 2021, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

Councillor Boad (Chairman)  
Councillor Morris (Vice Chairman)

Councillor M Ashford  
Councillor R Dickson  
Councillor M-A Grainger  
Councillor T Heath  
Councillor O Jacques

Councillor J Kennedy  
Councillor V Leigh-Hunt  
Councillor N Tangri  
Labour Vacancy

### 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. 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 disclosed 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.

#### 3. Site Visits

The Chairman to report the location of the planning application sites visited and the names of the Committee Members who attended.

4. **Minutes**

To confirm the minutes of the meetings held on

- a. 2 February 2021
- b. 3 February 2021
- c. 3 March 2021

**(Pages 1 to 28)**  
**(Pages 1 to 24)**  
**(Pages 1 to 5)**

**Part B – Planning Applications**

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

- 5. **W/20/1773 - 75 Rounds Hill, Kenilworth** **(Pages 1 to 5)**
- 6. **HS2 CAAD - Land opposite 34 Hodgetts Lane, Burton Green** **(Pages 1 to 3)**

**Part C – Other matters**

- 7. **Appeals Report** **(Pages 1 to 10)**

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 [Speaking at Planning Committee](#) any time after the publication of this agenda, but **before 10.00am** 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.

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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 remote meeting held on Tuesday 2 February 2021 at 6.05pm, which was broadcast live via the Council's YouTube Channel.

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

**Also Present:** Principal Committee Services Officer – Mrs Dury; Legal Advisor – Mrs Gutteridge; Manager, Development Services – Mr Fisher; Principal Planning Officer – Mr Charles and Warwickshire County Council Highways Department Officer – Mr Pilcher.

The meeting, scheduled to start at 6.00pm, began at 6.05pm. The Chairman adjourned the meeting until 6.20pm to allow Members time to read the addendum papers which had been circulated to them not long before the meeting start time. Councillor Ashford joined the meeting during this period.

## 102. **Apologies and Substitutes**

There were no apologies or substitutes.

## 103. **Declarations of Interest**

Minute Number 106 – W/20/0617 – Land South of Chesterton Gardens, Royal Leamington Spa

Councillor Heath made a general statement advising that he was a Ward Member and a Town Councillor for East Whitnash.

Both Councillors Weber and Jacques advised that they would leave the meeting whilst this item was discussed.

Councillor Weber had signed a petition objecting to plans for this site back in August 2018, when he was not an elected District Councillor. To ensure transparency, after careful consideration, he had decided to withdraw from the meeting whilst this application was discussed, even though he did not feel that he was pre-determined.

Councillor Jacques advised that he would leave the meeting because he had spoken to residents when he had made an independent site visit. He had subsequently taken advice and felt that he should not participate, to avoid any suggestion of bias.

Minute Number 107 – W/20/1402 – Kenilworth Rugby Football Club, Warwick Road, Kenilworth

Councillor Dickson advised that he was a Ward member for this application site.

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

### **104. Site Visits**

#### W/20/0617 – Land South of Chesterton Gardens, Royal Leamington Spa

Councillors Dickson and Jacques had made independent site visits to this application site. Councillor Jacques had made a declaration of interest in respect of his site visit to this site.

#### W/20/1402 – Kenilworth Rugby Football Club, Warwick Road, Kenilworth

Councillor Dickson advised that he had made an independent site visit to this address.

#### W/20/1669 – 2 Woodcote Road, Royal Leamington Spa

Councillors Dickson, Jacques and Leigh-Hunt advised that they had made independent site visits to this address.

### **105. Minutes**

The minutes of the meeting held on 12 January 2021 were taken as read and signed by the Chairman as a correct record.

(Councillors Jacques and Weber left the meeting.)

### **106. W/20/0617 – Land South of Chesterton Gardens, Royal Leamington Spa**

The Committee considered an outline application from AC Lloyd (Homes) Ltd for a residential development of up to 200 dwellings with associated access, landscaping and public open space (all matters reserved apart from access).

The application was presented to Committee because of the number of objections received including objections from Whitnash Town Council and Radford Semele Parish Council.

The officer advised that the application site was allocated within the Local Plan for residential development as part of allocation H03 which identified approximately 500 dwellings for the wider area of the site and formed a first phase of development pending further negotiations into the second access point.

The development was only in outline form at this stage but the indicative site plan demonstrated that the site was capable of accommodating a very high quality scheme of up to 200 dwellings, 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 an appropriate highway linkage to the adjacent site to provide a comprehensive development across the overall allocation.

The indicative Masterplan demonstrated that the scheme retained existing green features and delivered a high-quality environment with accessible sustainable transport links to the surrounding areas, together with areas of

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

open space that were in excess of the requirements set out within the Open Space SPD.

Technical Matters relating to highway safety and the mitigation of increased demand on the highway network had been satisfactorily addressed and these works were to be secured through contributions within the Section 106 Agreement. The site-specific matters could be controlled by planning condition.

Officers recommended that outline planning permission should be granted, subject to the conditions listed in the report and the signing of a Section 106 Agreement.

An addendum circulated at the meeting included further comments and representations against the proposals that had been received about the application, including those from Matt Western MP and Campaign for the Protection of Rural England (CPRE). Officers also gave a verbal update at the meeting advising that a couple of additional letters of objection had just been received that afternoon, making objections on similar grounds to those detailed in the report and addendum. For completeness, the officer read out the letter of objection received after the point that the addendum was prepared. There were objections because there were no safety measures implemented to reduce traffic speeds and a request for a second access point to be provided before any new housing was built on the land. There were questions about medical services, schools and shops provision and a statement that the short and long-term impact of traffic would be catastrophic for existing residents and residents on Brimstone End would be forced to keep their windows closed. The request was that all issues should be resolved. It was felt that financial contributions to improve facilities would be useless if a car was required to use them.

The following people addressed the Committee:

- Councillor Franklin, on behalf of Whitnash Town Council, objecting;
- Ms Duffy, Mr Mackay, Mrs Mangat and Ms White, objecting;
- Mr Green and Mr Wynne, supporters; and
- Councillor Roberts, District Councillor, objecting.

Members raised the issue about a previous application, W/12/0027, which had gone to appeal. The appeal was upheld but the Inspector had stated that it was not suitable to have an access to the new site through the existing site. Officers advised that the appeal decision was a material consideration, but the length of time that had subsequently passed and the more up to date transport assessment should determine the weight placed on the Inspector's comments.

Noise impact after the development was completed was raised as a concern, because there would be 200 additional households using the road, meaning approximately 400 additional windows passing people's homes. It was noted that the assessment made by the Environmental Health Officer had identified six existing residential properties on Brimstone End which would experience a large increase of road traffic noise as a result of the proposed access route into the new development. Mitigation had been proposed and again officers advised that Members would have to weigh up

## PLANNING COMMITTEE MINUTES (Continued)

the balance between advice given by experts and what had been said by speakers.

A motion to grant the application, proposed by Councillor Ashford and seconded by Councillor Heath, was defeated.

(The meeting was adjourned at 7.55pm for 15 minutes to allow for a comfort break.)

Councillor Morris suggested that had the second access point been available, concerns about access would not have been so prominent in the debate. If permission were to be granted, the risk was that the second access point might never come to exist. The single access road would represent a loss of amenity to the current residents of the existing development that the proposed development would adjoin.

Councillor Morris made a proposal for refusal of the application on grounds of Policy TR1 access and traffic and BE3, loss of amenity to existing residents. The proposal was not seconded at this stage because Councillor Morris had indicated that he was willing for further debate to take place and the Chairman accepted the offer for further discussion to get the views of other Members.

During these discussions, a motion to defer the application, made by Councillor Heath and seconded by Councillor Ashford, was brought forward to allow further discussions with the Developer on traffic calming measures and noise abatement. The Committee Services Officer advised that this motion should be dealt with first because Councillor Morris's proposal had not been seconded, however, the Chairman made the decision to deal with Councillor Morris's proposal first on the basis that the situation had only arisen because of the delay in seeking a seconder.

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

The Committee therefore

**Resolved** that W/20/0617 be **refused** on grounds of policy TR1 access and traffic and BE3, loss of amenity to existing residents.

(Councillors Jacques and Weber re-joined the meeting.)

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

### **107. W/20/1402 – Kenilworth Rugby Football Club, Warwick Road, Kenilworth**

The Committee considered an application from Kenilworth Rugby Football Club for the relocation of Kenilworth Rugby Football Club, including the construction of a new clubhouse, sports pitches, landscaping, earthworks, parking, access and ancillary facilities.

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

The officer was of the opinion that the development had been submitted in accordance with a strategic allocation within the Local Plan. The proposal was considered to comply with the requirements of DS23 and was therefore also considered as appropriate development within the Green Belt.

Site specific details could be adequately controlled by condition and for the reasons stated in the report, officers recommended that planning permission should be granted.

An addendum circulated at the meeting advised details of an additional consultation response from Warwickshire County Council Highways, which following the submission of a required drawing by the applicant, indicating the access arrangements in line with the recommendations of the Transport Statement and the submission of a Stage 1 Road Safety Audit, did not object to the proposals, subject to conditions.

Councillor Milton, District Councillor, addressed the Committee in support of 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 Dickson and seconded by Councillor Kennedy that the application should be granted.

The Committee therefore

**Resolved** that W/20/1402 be **granted** subject to the following conditions:

- | <b>No.</b> | <b>Condition</b>   |
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| (1)        | the development hereby permitted shall begin not later than three years from the date of this permission.<br><br><b>Reason:</b> 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) 4894-053, 4894-054, 4893-056, 4894-057, 19-7877-SK0005-P4, 19-7877-SK0006-P2, 7044.LSP.03.FINAL, |



## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
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|            | <p>2257-EX-001-P1 and 2257-EX-002-P2, and specification contained therein, submitted on 8 September 2020, approved drawing 4894-052-Rev A and specification contained therein, submitted on 29 September 2020 and approved drawing 4894-051-Rev B and specification contained therein, submitted on 27 November 2020.</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>   |
| (3)        | <p>the development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; site working hours and delivery times; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website (<a href="https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan">https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan</a>) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP.</p> <p><b>Reason:</b> In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;</p> |
| (4)        | <p>the development hereby permitted shall not commence unless and until arboricultural</p>  |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
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|            | <p>mitigation measures have been submitted to and approved in writing by the LPA and the approved measures have been put into place. The approved measures must remain in place for the duration of construction works. The information to be submitted for all of the trees within the site as well as those off-site trees affected by the proposed demolition and re-development must include:</p> <p>a] a comprehensive arboricultural method statement and robust tree protection plan that recognises in particular the significance of the Ancient Woodland on the site boundary and the three high quality oak trees within the site, the statement to be prepared in accordance with Clause 7 of British Standard BS5837 - 2012 Trees in Relation to Design, Demolition &amp; Construction</p> <p>b] an arboricultural site monitoring protocol that will confirm to the local planning authority by independent examination that the agreed tree protection measures are in place for the duration of the development</p> <p><b>Reason:</b> In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;</p> |
| (5)        | <p>no development other than site clearance and preparatory works shall take place until a method statement and risk assessment for all works within the vicinity of the railway line has been submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail. Thereafter, the development shall be carried out strictly in accordance with the approved method statement.</p> <p><b>Reason:</b> To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway;</p>  |
| (6)        | <p>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</p>   |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
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|            | development shall only be carried out in accordance with the approved details.<br><br><b>Reason:</b> 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;  |
| (7)        | the development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details.<br><br><b>Reason:</b> In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029;  |
| (8)        | no development other than site clearance and pitch preparation works shall commence unless and until a surface water drainage strategy which demonstrates an appropriate site outfall and a surface water discharge rate limited to QBar is provided 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.<br><br><b>Reason:</b> 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; |
| (9)        | no use of the proposed playing pitches of the development hereby permitted shall commence unless and until a suitable scheme for the provision of appropriate mitigation measures to be implemented that minimise any risks associated with the proximity of the adjacent residential development and proximity of the railway line to the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter  |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
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|            | be carried out in strict accordance with the approved details.<br><br><b>Reason:</b> In the interests of visual amenity and to safeguard the amenity of adjacent occupiers and the safe operation of the rail network in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;  |
| (10)       | no development shall be carried out above slab level until further details of measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques, materials, natural ventilation methods and sustainable energy sources shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be occupied until the works within the approved scheme have been completed 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.<br><br><b>Reason:</b> To ensure planning for climate change adaptation and to satisfy the requirement of Policy CC1 of the Warwick District Local Plan 2011-2029;   |
| (11)       | no development other than pitch preparation works shall commence unless and until an updated soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of additional landscaping works shall include further details of the proposed landscaping along the Warwick Road boundary, additional tree planting to the southern boundary, planting to car parking areas together with additional planting areas within the site.<br><br>Thereafter, 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 |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
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|            | same size and species as that 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.  |
|            | <b>Reason:</b> 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;  |
| (12)       | no lighting or illumination of any part of any building or floodlighting within the site shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the local planning authority to include the hours of use. Thereafter, the use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.   |
|            | <b>Reason:</b> To ensure that any lighting is designed and operated so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;  |
| (13)       | no development above slab level shall take place until an appropriate scheme of mitigation in accordance with Warwick District Council's Air Quality Supplementary Planning Document (January 2019) has been submitted to and approved by the local planning authority. The approved scheme shall then be implemented in full and shall not be altered in any way without expressed written consent from the local planning authority. |
|            | <b>Reason:</b> To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;   |
| (14)       | no development other than site clearance and preparatory works shall take place unless and until:  |

1. A detailed assessment of ground conditions of the land proposed for

## PLANNING COMMITTEE MINUTES (Continued)

<b>No.</b>	<b>Condition</b>
2.	the new playing field land as shown on drawing number 7044/ASP3 shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and Based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.

The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the Local Planning Authority after consultation with Sport England.

**Reason:** To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with Policy HS4 of the Local Plan;

- (15) prior to the bringing into use of the playing fields of Kenilworth RFC, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the playing fields at Kenilworth RFC.

**Reason:** To ensure that new playing fields are capable of being managed and maintained to deliver playing fields which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport (National Planning Policy Framework (NPPF) para 97) and to accord with Policy HS4 of the Local Plan;

## PLANNING COMMITTEE MINUTES (Continued)

<b>No.</b>	<b>Condition</b>
(16)	prior to the occupation of the site a scheme ("the scheme") to ensure that there is no net biodiversity loss as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the Warwickshire County Council metric version 19.1 and should there be a net biodiversity loss the scheme shall include:

1. Proposals for off-site offsetting;
2. A methodology for the identification of any receptor site(s) for offsetting measures;
3. The identification of any such receptor site(s);
4. The provision of arrangements to secure the delivery of any offsetting measures (including a timetable for their delivery); and
5. A management and monitoring plan (to include for the provision and maintenance of any offsetting measures for a minimum of 30 years).

The written approval of the Local Planning Authority shall not be issued before the arrangements necessary to secure the delivery of any offsetting measures have been executed. The scheme shall be implemented in full accordance with the requirements of the scheme or any variation so approved.

**Reason:** To ensure the proposal results in a net biodiversity gain in accordance with Policy NE3 of the Local Plan, Policy KP6B of Kenilworth Neighbourhood Plan together with national guidance contained within the NPPF;

(17)	the proposed clubhouse building shall be constructed in accordance with the noise mitigation measures proposed in the Hepworth Acoustics noise impact assessment report (Ref. P20-197-R01v1, dated December 2020) and the installed mitigation measures being retained thereafter.
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**Reason:** To ensure that the level of noise emanating from the building is confined to

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
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|            | levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;  |
| (18)       | <p>noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.</p> <p><b>Reason:</b> To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;</p> |
| (19)       | <p>the accommodation identified on the approved drawings as "Stewards Accommodation" shall be occupied by persons solely working at the rugby club and any spouse or dependents only and at no time shall the premises be occupied by person(s) not associated with the operation of the club.</p> <p><b>Reason:</b> The accommodation is needed for occupation by staff members only working on the site and in order to protect the Green Belt, occupation is restricted so that the dwelling continues to serve the needs of business only and does not create an unrestricted dwelling in an open countryside location, in accordance with Policies DS18 and H12 of the Warwick District Local Plan;</p>   |
| (20)       | <p>no works shall be carried out within the Great Crested Newt protection area until the appropriate licence has been granted by Natural England. Thereafter, all works shall be carried out in accordance with the terms of the licence.</p>  |



## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
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|            | <p><b>Reason:</b> To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029;</p>  |
| (21)       | <p>in the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.</p> <p><b>Reason:</b> To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;</p> |
| (22)       | <p>the access to the site for vehicles shall not be used unless a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority.</p> <p><b>Reason:</b> In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;</p>   |
| (23)       | <p>the development shall not be brought into use until visibility splays have been provided to the vehicular access to the site with an 'x' distance of <b>2.4</b> metres and 'y' distances of <b>160</b> metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained</p>   |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
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|            | within the splays exceeding, or likely to exceed at maturity, a height of <b>0.6</b> metres above the level of the public highway carriageway.  |
|            | <b>Reason:</b> In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029; and |
| (24)       | the development hereby permitted shall not be occupied unless and until the parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times.                |
|            | <b>Reason:</b> To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.                       |

### 108. **W/20/1669 – 2 Woodcote Road, Royal Leamington Spa**

The Committee considered an application from Mrs Parker for the demolition of the existing dwelling and erection of a six apartment building with associated car parking, bin store and landscaping works. Proposals included the removal of an existing TPO tree and details of replacement tree planting.

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

The officer advised that the application site was within the identified Urban Area boundary for Royal Leamington Spa as shown on the Policies Map. The principle of new residential development was therefore acceptable in accordance with Policy H1 of the Local Plan. Officers considered the proposal for the demolition of the dwelling and erection of a two-storey block containing six flats to be of a scale and form of development which was still suitable in character and visual terms and was also proportionate to the size of the site and as such did not represent an overdevelopment of the site.

The visual impacts of the development were acceptable, and the proposals would not give rise to any demonstrable harm to neighbouring amenity by reason of overbearing, overlooking or overshadowing.

Sufficient parking was proposed for the new dwellings and the scheme was acceptable in regard to ecology and for all the reasons in the report,

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

officers recommended that planning permission should be granted with conditions.

An addendum circulated at the meeting advised that on page 8, paragraph 1, line 3, the word "not" should be placed after the word "should". There was clarification on information provided about facing windows to 3 Hirsell Gardens; a summation of additional public representation received and notification that a summary of objections document had been received from a group of five residents. This had been circulated to all Members on 28 January.

The following people addressed the Committee:

- Councillor Brunson from Royal Leamington Spa Town Council, objecting;
- Mr Fleming, objector;
- Mr Sercombe, speaking in support; and
- Councillor B Gifford, District Councillor, objecting.

A proposal to refuse permission failed to find a seconder.

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

The Committee therefore

**Resolved** that W/20/1669 be **granted** subject to the following conditions:

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
| (1)        | the development hereby permitted shall begin not later than three years from the date of this permission.<br><br><b>Reason:</b> 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) 3649-04E, 3649-05E, 3649-09E and 3649-10H, and specification contained therein, submitted on 15 December 2020 and approved drawing(s) EW989-02P1 and EW989-03P0, and specification contained therein, submitted on 16 October 2020.<br><br><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; |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
| (3)        | <p>the development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; site working hours and delivery times; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website (<a href="https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan">https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan</a>) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP.</p> |

**Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;

- |     |   |
|-----|---|
| (4) | <p>no development (including demolition) shall commence unless and until a survey for the presence of bats has been carried out by a suitably qualified surveyor, and has been submitted to and approved in writing by the local planning authority. Should the presence of bats be found then no demolition shall take place until full details of measures for bat migration and conservation have been submitted to and approved by the local planning authority. These measures should include:</p> |
|-----|---|

a) inspection of existing buildings and trees on site not more than 28 days/one calendar

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
|            | month prior to their demolition to determine presence or absence of roosting or hibernating bats;  |
|            | b) no building containing bats shall be demolished and no tree containing bats until bats have been safely excluded using measures as have been previously submitted to and approved in writing by the local planning authority;       |
|            | c) provision of a new bat roost/hibernacula constructed to a design and in a location previously approved in writing by the local planning authority;  |
|            | d) provision of new bat roost/hibernacula within new construction;   |
|            | e) provision of an area of buffer/habitat around the new bat roost/hibernacula, details of the buffer to be submitted to and approved in writing by the local planning authority;  |
|            | f) retention of hedgerows identified as being important for foraging bats within the development site, details of the location of hedges to be submitted to and approved in writing by the local planning authority;                   |
|            | g) provision for the management in perpetuity of the buffer habitat, hedgerows used for foraging and the new bat roost/hibernacula. The works shall be implemented in strict accordance with the approved details and timing of works. |

**Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029;

- (5) the development hereby permitted shall not commence until a protected species method statement for bats, nesting birds, hedgehogs and amphibians (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;

- (6) the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
|            | <p>submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include <i>details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles)</i>. Such approved measures shall thereafter be implemented in full.</p> <p><b>Reason:</b> To ensure a net biodiversity gain in accordance with NPPF;</p>           |
| (7)        | <p>the development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition, the LPA expect to see details concerning pre-commencement checks for protected species (<i>detail as appropriate e.g. badger, bats, breeding birds and otter</i>) and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.</p> <p><b>Reason:</b> To ensure that protected species are not harmed by the development;</p> |
| (8)        | <p>before the commencement of development, the net biodiversity impact of the development shall have been measured in accordance with the DEFRA biodiversity offsetting metric as applied by Warwickshire County Council ("the County Council") in the area in which the site is situated at the relevant time and, if the measures for on-site mitigation approved in accordance with the Landscape and Ecological Management Plan condition are not sufficient to prevent a net biodiversity loss, arrangements to secure measures on another site which ensure that there is no net biodiversity loss as a result of the development shall have been submitted</p>  |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
|            | <p>to and approved in writing by the County Planning Authority. Unless those arrangements comprise a proposal to enter an agreement with the County Council under which the County Council will secure the implementation of suitable measures, the submitted arrangements shall include:</p> <ol style="list-style-type: none"><li>1. Proposals for off-site offsetting measures;</li><li>2. A methodology for the identification of any receptor site(s) for offsetting measures;</li><li>3. The identification of any such receptor site(s);</li><li>4. The provision of arrangements to secure the delivery of any offsetting measures (including a timetable for their delivery); and</li><li>5. A management and monitoring plan (to include for the provision and maintenance of any offsetting measures in perpetuity).</li></ol> |

The written approval of the County Planning Authority shall not be issued before the arrangements necessary to secure the delivery of any offsetting measures have been executed. The scheme shall be implemented in full accordance with the requirements of the arrangements or any variation so approved.

**Reason:** To ensure a net biodiversity gain in accordance with NPPF;

- (9) the development hereby permitted shall not commence unless and until a schedule of on-site arboricultural supervision, including the provision to instruct the establishment of tree protection measures required by operations in proximity to retained trees, has been submitted to and approved in writing by the Local Planning Authority. The approved schedule, and any necessary amendments occasioned by incidents on site, must remain in place for the duration of the works.

This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous supervision and monitoring of the tree protection during construction by a suitably qualified and pre-appointed tree specialist.

**Reason:** In order to protect and preserve existing trees within the site which are of

## PLANNING COMMITTEE MINUTES (Continued)

**No.** amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;

**Condition**

- (10) no development shall be carried out until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details.

**Reason:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

- (11) no development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall include the following information:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753 through the submission of plans and cross section of all SuDS features.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate or rate to be agreed with the LLFA.
- Demonstrate the provisions of surface water run-off attenuation storage are provided in accordance with the requirements specified in 'Science Report SC030219 Rainfall Runoff Management for Developments'.



## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
|            | <ul style="list-style-type: none"><li>• Provide evidence to show an agreement from Severn Trent Water to connect surface water to their asset at the location and rate proposed in the drainage strategy.</li></ul>  |
|            | <p><b>Reason:</b> To prevent the increased risk of flooding;</p>   |
| (12)       | <p>no occupation and subsequent use of the development shall take place until a detailed maintenance plan, written in accordance with CIRIA C753, is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details, shall be provided to the LPA and LLFA within the maintenance plan.</p>  |
|            | <p><b>Reason:</b> To ensure the future maintenance of the sustainable drainage structures;</p>   |
| (13)       | <p>no development shall commence unless and until details of 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.</p>  |
|            | <p><b>Reason:</b> 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;</p>  |
| (14)       | <p>prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be</p> |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
|            | removed or altered in any way (unless being upgraded).  |
|            | <b>Reason:</b> To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document;   |
| (15)       | no development shall be carried out above slab level unless and until samples of the external facing materials together with a schedule of all hard landscaping 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.   |
|            | <b>Reason:</b> 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;  |
| (16)       | no development shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. |
|            | <b>Reason:</b> To ensure an appropriate standard of design and appearance to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029;   |
| (17)       | no development shall be carried out above slab level unless and until details of the proposed acoustic fencing have been submitted to and approved by the Local Planning Authority. Thereafter, the development shall not be carried out otherwise than in strict accordance with such approved details prior to the first occupation and maintained in perpetuity.   |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
|            | <b>Reason:</b> To ensure an appropriate standard of amenity and appearance to satisfy Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;   |
| (18)       | 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 gate, fence, wall or other means of enclosure shall be erected on any land between the front or side elevation of any dwelling and any road or footpath.<br><br><b>Reason:</b> To retain the character of the proposed development it is considered important to ensure that control is maintained over boundary treatments fronting the public highway;  |
| (19)       | no lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures (including details of hours of operation) shall have been submitted to and approved in writing by the Local Planning Authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.<br><br><b>Reason:</b> To ensure that any lighting is designed and operated so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;                        |
| (20)       | notwithstanding the details on the submitted plans, the hard landscaping (to include the revised details required by Condition 15), including boundary treatment, paving and footpaths, shall be completed in all respects within the 6 months of the first use of the development hereby permitted. Any soft landscaping shown on the approved plans, including any tree(s) and shrub(s), shall be planted within the first planting season following that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
|            | <p>within the next planting season by tree(s) or shrub(s) of the same size and species to those originally required to be 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.</p> <p><b>Reason:</b> 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;</p>  |
| (21)       | <p>notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied unless and until:</p> <p>(a) details of refuse and recycling storage areas for the development have been submitted to and approved in writing by the Local Planning Authority; and</p> <p>(b) the refuse and recycling areas approved under (a) have been constructed or laid out in strict accordance with the approved plans, and made available for use by the occupants of the development.</p> <p>Thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development.</p> <p><b>Reason:</b> To ensure the satisfactory provision of refuse and recycling storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029; and</p> |
| (22)       | <p>the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times.</p> <p><b>Reason:</b> To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with</p>   |

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

<b>No.</b>	<b>Condition</b>
	Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.

The Chairman adjourned the meeting until Wednesday 3 February, with the remaining planning applications on the agenda to be discussed then.

(The meeting was adjourned at 10.40pm)

Resumption of the adjourned Planning Committee remote meeting held on Wednesday 3 February 2021 at 6.05pm, which was broadcast live via the Council's YouTube Channel.

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

**Also Present:** Civic & Committee Services Manager – Mrs Tuckwell; Committee Services Officer – Mr Edwards (observing only); Legal Advisor – Mrs Gutteridge; Manager - Development Services – Mr Fisher; Principal Planning Officer – Ms Obremski; Site Delivery Officer - Mr Garden; and Warwickshire County Council Highways Officer – Mr Pilcher.

Before proceeding with the agenda, the Chairman asked Members to hold a moment of silence, having started the meeting five minutes late to allow for clapping for Captain Sir Tom Moore. The Chairman informed Members that the flags at Leamington Town Hall had flown at half-mast in tribute to Captain Tom.

### **109. Apologies and Substitutes**

There were no apologies for absence made.

### **110. Declarations of Interest**

There were no declarations of interest made.

### **111. W/17/2371 – Land off Rugby Road and Coventry Road, Cubbington**

The Committee considered an application from Bellway Homes (South Midlands) Ltd for the development of 120 dwellings (including 48 affordable units), formation of single access point from Coventry Road and single access point from Rugby Road, highway works, landscaping, public open space and ancillary works.

The application was presented to Committee because it included a proposed Deed of Variation to the signed Section 106 Agreement.

The report related to planning permission W/17/2371 which was previously presented to Members of the Planning Committee on 11 September 2018. The recommendation was to grant planning permission, subject to the various conditions listed in the report, as well as a Section 106 Agreement to secure a range of obligations from the owner. The Section 106 was thereafter signed and the decision issued on 29 March 2019.

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

The application site was now well advanced and the applicants were in the process of negotiating for the provision of the affordable housing with a Registered Provider of Social Housing ("the Registered Provider").

During these negotiations, it had become apparent that the Council's standard Mortgagee in Possession (MIP) Clause used within the Council's Section 106 precedent and the Council's SPD relating to affordable housing, was likely to cause the Registered Provider difficulty when seeking to secure funding for future affordable housing. Such funding would usually be secured against the Registered Provider's current stock of affordable housing including the affordable housing units to be transferred to the Registered Provider in this matter.

In the officer's opinion, the agreement of a standard clause was not affected by the CIL regulations and was purely the mechanism to secure appropriate delivery of affordable housing by a registered social landlord. Officers' recommendation was therefore to approve the revisions of the MIP Clause through a Deed of Variation to the Section 106 Agreement.

Following consideration of the report and presentation, it was proposed by Councillor Ashford and seconded by Councillor Heath that the application should be granted in accordance with the recommendation in the report.

The Committee therefore

**Resolved** that W/17/2371 be **granted** in accordance with the recommendation in the report, and the additions to allow the elements to be incorporated through a Deed of Variation to the Section 106 Agreement, be approved.

### **112. W/19/1200 – Land at Southcrest Farm, Crewe Lane, Kenilworth**

The Committee considered an outline application from Gleeson Strategic Land for the demolition of existing dwelling house and outbuildings, and residential development of up to 99 dwellings including the creation of a new vehicular access, open space, landscaping and surface water attenuation (all matters reserved except access).

The application was presented to Committee because it included a proposed Deed of Variation to the signed Section 106 Agreement.

The report related to planning permission W/19/1200, which was previously presented to Members of the Planning Committee on 6 October 2020. The recommendation was to grant outline planning permission, subject to the various conditions listed in the report, as well as a Section 106 Agreement to secure a range of obligations from the Owner. The Section 106 was thereafter signed and the decision issued on 17 December 2020.

Upon review of the Section 106 Agreement, it became apparent that there were two elements missing from the completed agreement, namely:

- the provision of a custom/self-build housing clause; and

## PLANNING COMMITTEE MINUTES (Continued)

- the inclusion of the principles agreed in the Memorandum of Understanding (MOU) between Warwickshire County Council and Warwick District Council relating to the education contributions.

In the officer's opinion, the revisions were not affected by the CIL regulations. The inclusion of the Self Building House Clause defined the requirements for the developer and any potential purchaser of one of the plots. The MOU was purely the mechanism to ensure that the education contributions could be utilised appropriately. There would be no difference to the level of contributions to be received through the Section 106 Agreement. The officers' recommendation was therefore to approve the additions to allow the elements to be incorporated through a Deed of Variation to the Section 106 Agreement.

Following consideration of the report and presentation, it was proposed by Councillor Morris and seconded by Councillor Ashford that the application should be granted in accordance with the report.

The Committee therefore

**Resolved** that W/19/1200 be **granted**, and the additions to allow the elements to be incorporated through a Deed of Variation to the Section 106 agreement, be approved.

(The meeting ended at 6.22pm)

CHAIRMAN  
30 March 2021

# Planning Committee

Minutes of the remote meeting held on Wednesday 3 February 2021 at 6.30pm, which was broadcast live via the Council's YouTube Channel.

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

**Also Present:** Civic & Committee Services Manager – Mrs Tuckwell; Committee Services Officer – Mr Edwards (observing only); Legal Advisor – Mrs Gutteridge; Manager - Development Services – Mr Fisher; Principal Planning Officer – Ms Obremski; Site Delivery Officer - Mr Garden; and Warwickshire County Council Highways Officer – Mr Pilcher.

Before proceeding with the agenda, the Chairman asked Members to hold a moment of silence, having earlier clapped for Captain Sir Tom Moore. The Chairman informed Members that the flags at Leamington Town Hall had flown at half-mast in tribute to Captain Tom.

The Chairman also reminded those present that the meeting started 30 minutes late so that the Committee could first finish the business of the 2 February 2021 adjourned meeting.

## 113. **Apologies and Substitutes**

There were no apologies for absence made.

## 114. **Declarations of Interest**

There were no declarations of interest made.

## 115. **Site Visits**

There were no arranged site visits made by the Committee but Councillor Jacques independently visited the following application site:

W/20/1364 – Homebase Ltd, 46-48 Emscote Road, Warwick.

## 116. **W/20/1842 – Stags Head Farm, Bubbenhall Road, Baginton**

The Chairman informed Members that, as circulated in the addendum earlier that day, this item had been withdrawn by the applicant and would therefore not be considered by the Planning Committee.

## 117. **W/20/1364 – 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 E discount foodstore, with car parking, access, landscaping, substation and associated engineering works.

The application was presented to Committee because of the number of objections having been received, including one from Warwick Town Council.



## PLANNING COMMITTEE MINUTES (Continued)

In the officer's opinion, the proposed development would result in enhancements to the street scene and make use of a vacant site. Evidence had been submitted to demonstrate compliance with retail policies. The scheme was considered to adequately mitigate the impact on neighbouring amenity and highway infrastructure, subject to a legal agreement and conditions as set out in the report. Furthermore, adequate parking arrangements were considered to have been provided and the development would result in a small net biodiversity gain. For these reasons, it was recommended by officers that planning permission should be granted.

An addendum circulated prior to the meeting informed Members of an amendment to condition 17, which should relate to 'Lidl Great Britain Limited' and not 'Lidl Ltd'.

The addendum also advised that condition 10 should be amended to the following: No development shall be carried out above slab level unless and until a Design Stage Assessment by an accredited BREEAM assessor demonstrating how the development will be designed and constructed to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. Within three months of occupation, a Completion Stage Assessment by an accredited BREEAM assessor demonstrating that the development achieves as a minimum BREEAM standard 'very good' (or any future national equivalent) shall be submitted to and approved in writing by the Local Planning Authority. **Reason:** To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029.

Following on from detailed discussions between WCC Highways, Legal Services advisors and Planning Officers, as it was considered that it had been demonstrated by the applicant that the sufficient parking was provided on site for the development (subject to a condition limiting the permission to Lidl only), there was no requirement by condition, or legal agreement for a car parking management plan. This was because these requirements would not meet the relevant tests for conditions and planning obligations, i.e. they were not necessary for the purposes of the development, directly related to the development, or fair and reasonable.

In addition, the addendum also informed Members that Warwick Town Council wished to remove their objection as there had been revised comments from Highways which now removed their concerns.

The following people addressed the Committee:

- Mr Sullivan, objecting;
- Mr Budd, supporting; and
- Mr Hardy, 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 Jacques that the application should be granted in accordance with the recommendation in the report, subject to the amendments in the addendum, an additional

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

condition regarding provision of signage and painted markings for pedestrians over the service ramp and a note to the applicant to do with landscaping.

The Committee therefore

**Resolved** that W/20/1364 be **granted** in accordance with the recommendation in the report, subject to the conditions listed in the report and amendments in the addendum, an additional condition regarding provision of signage and painted markings for pedestrians over the service ramp and a note to the applicant asking for further discussions with officers around landscaping. Members noted that, based on the information provided by officers in the addendum and at the meeting, the legal agreement was no longer required.

Authority be delegated to the Head of Development Services in consultation with the Chair of Planning Committee to finalise the wording of Condition 17 in the Officer's report.

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
| (1)        | the development hereby permitted shall begin no later than three years from the date of this permission. <b>Reason:</b> 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 PL-03 Rev A (site plan), PL-04 Rev A (floor plan), PL-05 Rev A (roof plan), PL-06 Rev C (elevations) and SK-07 Rev C (site plan including finished floor levels) submitted on 27th August 2020 and drawing 8934-L-01 Rev F (soft landscaping) submitted on 9th October 2020, and specification contained therein. <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; |
| (3)        | no development shall take place until: <ol style="list-style-type: none"><li>1. A site investigation has been designed for the site using the information obtained from the approved desk-top / preliminary study and any diagrammatical representations (conceptual model). The investigation must be comprehensive enough to enable:</li></ol>   |

## PLANNING COMMITTEE MINUTES (Continued)

### **No.**

### **Condition**

- a risk assessment to be undertaken relating to human health;
- a risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected;
- an appropriate gas risk assessment to be undertaken;
- refinement of the conceptual model;
- the development of a method statement detailing the remediation requirements.

a) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.

b) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the local planning authority prior to the remediation being carried out on the site.

2. All development of the site shall accord with the approved method statement.

3. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be deal with.

Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
|            | monitoring proposals and reporting shall also be detailed in the report  |
|            | <b>Reason:</b> To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;   |
| (4)        | <p>the development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, noise and vibration, demolition or clearance works, details of wheel washing, site working hours and delivery times, restrictions on burning and details of all temporary contractors buildings, plant and storage of materials associated with the development process. A model CMP can be found on the Council's website (<a href="https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan">https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan</a>) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. <b>Reason:</b> In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;</p> |
| (5)        | <p>no development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall include the following information:</p>  |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
|            | <ul style="list-style-type: none"><li>• Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753 through the submission of plans and cross sections of all SuDS features including the underground cellular storage.</li></ul> <p><b>Reason:</b> To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity, in accordance with Policies FW1, NE2 and BE3 of Warwick District Local Plan 2011 – 2029;</p>   |
| (6)        | <p>no development shall be carried out above slab level unless and until a hard 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 details contained within the approved soft landscaping plan 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 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. <b>Reason:</b> 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;</p> |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
| (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.<br><b>Reason:</b> 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, one twin 50kW DC rapid electric vehicle recharging point and two twin 7kW fast electric vehicle recharging points shall be installed in accordance with the approved details along with cabling for an additional four 7kW fast electric vehicle recharging points. Thereafter the electric vehicle recharging points shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). <b>Reason:</b> To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan; |
| (9)        | no development shall take place above slab level until an appropriate scheme comprising of Type 2 mitigation measures in accordance with Warwick District Council's Air Quality Supplementary Planning Document (January 2019) has been submitted to and approved by the local planning authority. The approved scheme shall then be implemented in full and shall not be altered in any way without expressed written consent from the local planning authority. <b>Reason:</b> To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;  |
| (10)       | no development shall be carried out above slab level unless and until a Design Stage Assessment by an accredited BREEAM assessor demonstrating how the development will be designed and constructed to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent) has been  |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
|            | submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. <b>Within three months of occupation</b> , a Completion Stage Assessment by an accredited BREEAM assessor demonstrating that the development achieves as a minimum BREEAM standard 'very good' (or any future national equivalent) shall be submitted to and approved in writing by the Local Planning Authority. <b>Reason:</b> To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029; |
| (11)       | the development shall not be occupied until MOVA (Microprocessor Optimised Vehicle Actuation) method of control has been installed at the Emscote Road/Pickard Street junction in accordance with the details approved under this planning permission. <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;   |
| (12)       | the development hereby permitted shall not be occupied unless and until the cycle and car parking areas, and loading/unloading areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. <b>Reason:</b> To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029;   |
| (13)       | prior to installation of any lighting, a detailed lighting strategy for the development shall be submitted to the Local Planning Authority for approval and the development shall be carried out in strict accordance with these approved details. The detailed lighting strategy shall include: <ul style="list-style-type: none"><li>• a layout plan detailing the position and type of the proposed lighting for both the construction and operational phase lighting. This should incorporate a zone of influence contour plan showing illuminance levels in</li></ul>  |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
|            | <p>relation to residential receptors prior to work starting. The lighting assessment should provide maximum vertical illuminance levels at nearby residential receptors;</p> <ul style="list-style-type: none"><li>• mounting heights and beam orientation, description and type of luminaries / lamp and angle of lighting and predicted light spill/ trespass beyond the site;</li><li>• steps taken to minimize light trespass, glare and sky glow;</li><li>• proposed time of operation of the lighting in the scheme including details of any control such as movement detectors and timers and a CMS (Central Management System); and</li><li>• purpose of the lighting – e.g. general amenity, security, advertising.</li></ul> |

**Reason:** To ensure that the development would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

- (14) noise arising from any plant or equipment, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

**Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

- (15) no deliveries, waste collections or other noisy external activities likely to cause nuisance to nearby residents shall take place before 0730 hours or after 2130 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays. **Reason:** To ensure that the development would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby



## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
|            | properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;   |
| (16)       | <p>The development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) and outline drainage strategy (by Baynham Meikle, ref: W_20_1364-Revised_FRA, dated July 2019) and in particular the following mitigation measures detailed within the document:</p> <ul style="list-style-type: none"><li>• Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to 35.95 l/s for the site.</li><li>• Provide provision of surface water attenuation storage as stated within the FRA of 120m<sup>3</sup> in accordance with '<i>Science Report SC030219 Rainfall Management for Developments</i>'.</li><li>• Installation of a Class I full retention separator to remove fuels/oils from surface water runoff upstream of the attenuation.</li></ul> |

**Reason:** In the interests of preventing increased flood risk, in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029;

- (17) the development hereby permitted shall be carried out only by Lidl Great Britain Limited and must be occupied only by Lidl Great Britain Limited. **Reason:** Planning permission is granted only on the basis of Lidl trip rates and the associated impact on the Highway Network. Use of the development by an alternative company would require a further assessment to be made by the LPA in conjunction with the Highways Authority;
- (18) the development hereby permitted shall be used as a foodstore and for no other purpose including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 2005, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). **Reason:** Since the retail planning assessment has been based on the fact that the proposals are for a foodstore and not any other type of retail use, in

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
|            | accordance with Policy TC2 of the Warwick District Local Plan 2011-2029;   |
| (19)       | an additional condition regarding provision of signage and painted markings for pedestrians over the service ramp; and |
| (20)       | a note to the applicant asking for further discussions with officers around landscaping.                               |

### 118. **W/20/1642 – Asps Farm, Banbury Road, Bishop’s Tachbrook**

The Committee considered an application from BSL II LLP for the variation of conditions 1, 2, 5, 9, 10 and 18 and removal of conditions 19 and 21 of planning permission W/14/0300 (Outline planning application with all matters reserved except access for the erection of up to 900 dwellings, a primary school, a local centre and a Park and Ride facility for up to 500 spaces together with associated infrastructure, landscaping and open space).

The application was presented to Committee because it was recommended that planning permission should be granted, subject to the completion of a legal agreement.

The officer was of the opinion that the proposed revisions set out in the report retained and strengthened the controls in place to ensure the delivery of the infrastructure required to service the development within the surrounding area. It was therefore recommended by officers that planning permission should be granted subject to the revised conditions and Section 106 Agreement proposed.

An addendum circulated prior to the meeting advised Members that Warwick Town Council had raised no objection to the proposal.

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

The Committee therefore

**Resolved** that W/20/1642 be **granted** subject to the conditions listed below and the completion of a Section 106 Agreement duplicating the requirements of the agreements completed in connection with planning permission reference W/14/0300 and the revisions identified in the report.

Authority be delegated to the Head of Development Services in consultation with the Chair of Planning Committee to finalise the terms of the Section 106 agreement including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test.

## PLANNING COMMITTEE MINUTES (Continued)

Should a satisfactory Section 106 Agreement not have been completed by 28 February 2021, authority be delegated to the Head of Development Services to refuse planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
| (1)        | <p>details of appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') relating to each phase of development shall be submitted to and approved in writing by the local planning authority before any development begins in respect of that phase. Development shall be carried out in accordance with the approved details.</p> <p>The reserved matters for the advanced planting phase and sub-phase 1a for 65 dwellings shall be carried out in accordance with the details approved by planning permission references W/18/2336 and W/19/0229 respectively or in accordance with details approved under this condition;</p> |
| (2)        | <p>following the approval of the first reserved matters application which took place within three years from the date of the original permission, all outstanding reserved matters applications shall be submitted to the local planning authority for approval no later than ten years from the date of commencement of the development;</p>  |
| (3)        | <p>the development to which this permission relates shall begin within three years of the date of this permission or within two years of the approval of the first application for reserved matters, whichever is the later;</p>   |
| (4)        | <p>insofar as access is concerned, the development hereby permitted shall be carried out in accordance with the following plans: Europa Way Access Peter Brett Associates plan 28353/015/003 Rev A; and Banbury Road Access Peter Brett Associates plan 28353/015/004 Rev B;</p>   |
| (5)        | <p>the development shall be undertaken in accordance with the phasing plan submitted in accordance with condition no. 5 imposed on planning permission reference W/14/0300</p>   |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
|            | and approved on 19th December 2018 and in the following documents: <ul style="list-style-type: none"><li>• Plan SK10 – Residential and Open Space Phasing (10/8/18) and letter dated 14th August 2018</li><li>• Email dated 19th December 2018 (which confirms that that the advanced planting stage would be completed before the occupation of the 100th dwelling)</li></ul>  |
|            | or in accordance with any updated phasing plan which is subsequently submitted to and approved in writing by the Local Planning Authority pursuant to this condition;   |
| (6)        | the development hereby permitted shall be carried out substantially in accordance with the details described on the following plans:<br><br>Site Location Plan EDP 1871/125<br>Illustrative Masterplan EDP 1871/140a<br>Parameters Plan: Land Use EDP 1871/116c<br>Parameters Plan: Maximum Building Heights EDP 1871/117b<br>Parameters Plan Advanced Planting EDP/1871/143;   |
| (7)        | an area of land measuring no less than 0.5 hectare shall be reserved for a local centre. This area of land should broadly be in the location identified on drawing No EDP 1871/116C. Any reserved matters proposal for development on this land must provide a mix of A1 and A2 and A3 and A4 and D1 floorspace, and a police post and associated off-street servicing and parking facilities, all of which shall be delivered in accordance with the phasing plan; |
| (8)        | prior to the commencement of development in any phase, details of the mix of type and size of market dwellings to be provided in that phase, informed by the most up to date version of the Council's " <i>Development Management Policy Guidance: Mix of Market Housing on New Development Sites</i> " shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details;    |
| (9)        | all reserved matters applications shall be informed by the Site Wide Design Code "The   |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
|            | Asps Warwickshire Design Code" dated 18th December 2018, submitted in accordance with condition no. 9 imposed on planning permission reference W/14/0300 and approved on 20th December 2019 or with any revisions to that Design Code which shall first have been submitted to and approved in writing by the Local Planning Authority;   |
| (10)       | <p>no phase of development shall commence until a Construction Method Statement for that phase has been submitted to and approved in writing by the local planning authority. The approved Construction Method Statement shall thereafter be adhered to throughout the construction period for that phase. The Construction Method Statement shall include, but is not limited to, the following matters:</p> <ul style="list-style-type: none"><li>• the parking of vehicles of site operatives and visitors;</li><li>• the loading and unloading of plant and materials;</li><li>• the storage of plant and materials used in constructing the development;</li><li>• the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate;</li><li>• wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway;</li><li>• measures to control the emission of dust and dirt during construction;</li><li>• a scheme for recycling/disposing of waste resulting from construction works; and</li><li>• the positioning and alignment (both vertical and horizontal) of a temporary construction access road, the details of which shall be agreed in consultation with the Highways Authority;</li></ul> |
| (11)       | <p>no phase of development shall commence until a Construction and Environmental Management Plan for that phase has been submitted to and approved in writing by the local planning authority. The approved</p>   |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
|            | <p>Construction and Environmental Management Plan shall thereafter be adhered to throughout the construction period for that phase. The Construction and Environmental Management Plan shall address, but is not limited to, the following matters:</p> <ul style="list-style-type: none"><li>• pre-commencement checks for protected and notable species, with subsequent mitigation as deemed appropriate; and</li><li>• appropriate working practices and safeguards for other wildlife (dependent on further survey work) that are to be employed whilst works are taking place on site;</li></ul>  |
| (12)       | <p>no phase of development shall commence until a detailed Landscape, Arboriculture and Ecological Management Plan for that phase has been submitted to and approved in writing by the local planning authority. The Plan shall include details of maintenance of all new planting. The plan shall also include details of habitat management, such as for pond, wildflower grasslands, and habitat for protected species. Development shall be carried out in accordance with the approved Plan;</p>   |
| (13)       | <p>no phase of development shall commence, nor shall any equipment machinery or materials for the purpose of the development hereby permitted be brought onto any phase, until all existing trees and hedges to be retained within that phase have been protected by fencing in line with BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations, pursuant to a scheme that shall previously have been submitted to and approved in writing by the local planning authority.</p> <p>Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the local planning authority. The approved protection measures shall not be removed other than in accordance with a timetable that shall previously have been submitted to and approved in writing by the local planning authority;</p> |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
| (14)       | <p>no phase of development shall take place under any reserved matters consent until a scheme for that phase showing how either:</p> <ul style="list-style-type: none"><li>a) at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources; or</li><li>b) a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the local planning authority.</li></ul> <p>No dwelling within that phase shall be occupied until all the works within the scheme that relate to that dwelling have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications;</p> |
| (15)       | <p>no phase of the development shall commence unless and until a programme of archaeological works has been secured in accordance with a written scheme of investigation which has previously been submitted to and approved in writing by the local planning authority in respect of that phase. Development shall be carried out in accordance with the approved scheme. The details to be submitted shall include provision to be made for publication and dissemination of the analysis and recording, and provision to be made for archive deposition of the analysis and records of the site investigation;</p>  |
| (16)       | <p>no phase of development shall commence until the following information has been submitted and approved by the local planning authority in respect of that phase:</p> <ul style="list-style-type: none"><li>(1) (a) A site investigation has been designed for the site using the information obtained from the desk-top study as identified at Chapter 10 of the Environmental Statement and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:</li></ul>  |

## PLANNING COMMITTEE MINUTES (Continued)

<b>No.</b>	<b>Condition</b>
	<ul style="list-style-type: none"><li>• a risk assessment to be undertaken relating to human health;</li><li>• a risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected;</li><li>• an appropriate gas risk assessment to be undertaken; refinement of the conceptual model; and</li><li>• the development of a method statement detailing the remediation requirements.</li></ul>
	<p>(b) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.</p>
	<p>(c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion and shall be approved in writing by the local planning authority prior to the remediation being carried out on the site.</p>
	<p>(2) Development of the site shall accord with the approved method statement.</p>
	<p>(3) If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless an addendum to the method statement, detailing how the unsuspected contamination shall be dealt with, has been submitted to and approved in writing by the local planning authority). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.</p>
	<p>(4) Upon completion of the remediation detailed in the method statement, a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate</p>



## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
|            | that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report;  |
| (17)       | <p>no phase of development hereby permitted shall commence until details of surface water drainage works for that phase have been submitted to and approved in writing by the local planning authority, demonstrating means of disposing of surface water and associated SUDS facilities from the development, that surface water runoff would not exceed runoff from the undeveloped site and would not increase the risk of flooding off-site, in accordance with the Flood Risk Assessment dated November 2013 ref: 28353/019 and The Asps Hydraulic Modelling Report prepared by Peter Brett Associated Ref. 28353. The scheme to be submitted, which shall be based on an assessment of the hydrological and hydrogeological context of the site, shall:</p> <ul style="list-style-type: none"><li>i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;</li><li>ii) include a timetable for its implementation in relation to each phase of the development; and,</li><li>iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime.</li></ul> <p>The approved scheme shall be installed in strict accordance with the approved details and timetable. It shall be retained thereafter and shall be managed and maintained in strict accordance with the approved details;</p> |
| (18)       | <p>a) No dwellings shall be occupied until the access to the site from Banbury Road has been constructed in accordance with a Highways Agreement with the Highways Authority in general accordance with Drawing 28353-015-004 Rev B, which secures its subsequent adoption as publicly maintainable</p>  |

## PLANNING COMMITTEE MINUTES (Continued)

<b>No.</b>	<b>Condition</b>
	highway, or an alternative arrangement is agreed with the Highways Authority to secure the necessary mitigation.
	b) No more than 200 dwellings shall be occupied until a Site access is provided to Europa Way. No more than 400 dwellings shall then be occupied until the Europa Way Corridor Potential Mitigation Scheme has been constructed in accordance with a Highways Agreement with the Highways Authority in general accordance with Drawing 28353-5501-005, which secures its subsequent adoption as publicly maintainable highway, or an alternative arrangement is agreed with the Highways Authority to secure the necessary mitigation.
	c) No more than 200 dwellings shall be occupied until the Banbury Road/Myton Road Junction Mitigation Scheme has been constructed in accordance with a Highways Agreement with the Highways Authority in general accordance with Drawing 28353-5501-002 which secures its subsequent adoption as publicly maintainable highways, or an alternative arrangement is agreed with the Highways Authority to secure the necessary mitigation.
	d) No more than 200 dwellings shall be occupied until the Banbury Road/Gallows Hill Junction Mitigation Scheme and no more than 400 dwellings shall be occupied until the Greys Mallory Roundabout (including section of Warwick bypass) have been constructed in accordance with a Highways Agreement with the Highways Authority in general accordance with Drawings 28353-5501-003 and 28353-85501-004, which secures their subsequent adoption as publicly maintainable highways, or an alternative arrangement is agreed with the Highways Authority to secure the necessary mitigation.
	e) No more than 100 of the dwellings hereby permitted shall be occupied until the Europa Way/Gallows Hill/Heathcote Lane/Harbury Lane roundabout scheme is constructed in accordance with a Highways Agreement with the Highways Authority in general accordance with Drawing 28353-5501-001 which secures its subsequent adoption as publicly maintainable highways, or an alternative

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
|            | arrangement is agreed with the Highways Authority to secure the necessary mitigation;  |
| (19)       | each phase of development hereby permitted shall be carried out in strict accordance with details of a scheme for the provision of onsite footpaths which link with the wider public rights of way network, that shall previously have been submitted to and approved in writing by the local planning authority in respect of that phase;   |
| (20)       | no phase of development shall commence until a detailed lighting scheme for public areas in that phase, including roads and footways, has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details;   |
| (21)       | no phase of development shall commence until a scheme for that phase, detailing arrangements to protect future residents of the development hereby permitted from traffic noise, in accordance with the mitigation measures set out in Chapter 14 of the Environmental Statement, has been submitted to and approved in writing by the local planning authority. No dwelling within a phase shall be occupied until the commensurate noise mitigation measures have been implemented in accordance with the approved details, which measures shall be retained thereafter;   |
| (22)       | noise arising from any plant or equipment installed at any of the commercial units hereby permitted (i.e. any unit falling within Use Classes A1, A2, A3, A4 or D1), when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level; |
| (23)       | none of the commercial units hereby permitted shall be used as a restaurant; cafe or drinking establishment, i.e. for purposes   |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
|            | falling within the former Use Class A3 and use Class A4 unless and until: <ul style="list-style-type: none"><li>(a) an odour assessment has been undertaken to assess the impact of odour arising from cooking and any proposed fume extraction system that is required to serve that unit;</li><li>(b) the results of the odour assessments carried out to comply with criterion (a), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority; and</li><li>(c) any necessary mitigation measures approved under (b) have been implemented in full accordance with the approved details.</li></ul> The odour mitigation measures installed and shall be retained thereafter and shall be operated and maintained in accordance with manufacturer's instructions; and |
| (24)       | no phase of the development shall commence until a scheme for the provision of adequate water supplies and fire hydrants necessary for fire fighting purposes in that phase, has been submitted to and approved in writing by the local planning authority. That phase of development shall not then be occupied until the scheme has been implemented in accordance with the approved details.   |

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

### **119. W/17/0440 – Land off Bremridge Close, Barford**

The Committee considered an application from Taylor Wimpey West Midlands Ltd for the erection of 63 dwellings together with all ancillary works including infrastructure, surface water attenuation measures and on-site open space provision.

The application was presented to Committee because it was a Proposed Deed of Variation to the signed Section 106 Agreement.

This report related to planning permission W/17/0440, which was previously presented to Members of the Planning Committee on 20 June 2017. The officer's recommendation was to grant planning permission, subject to the various conditions listed in the report as well as a Section 106 Agreement to secure a range of obligations from the Owner. The Section 106 was thereafter signed and the decision issued on 7 September 2017.

The application site was now substantially complete and occupied.

The Housing Team had been approached by an occupier of one of the affordable properties who wished to exercise their Right to Buy their property.

The current wording within the Section 106 prohibited the disposal of the affordable housing units to any party other than a Registered Provider. This prevented individual tenants from exercising their statutory Right to Buy the affordable housing units.

In order to overcome the conflict between the tenants' statutory Right to Buy and the terms of the agreement, the Housing Services Team of the District Council had recommended that the wording should be amended.

The change required is to Paragraph 1.9 of the Third Schedule of the Section 106 Agreement and needed to be amended to include the words "SAVE THAT this clause shall not apply to or prohibit any statutory right to purchase" at the end of the paragraph. This would allow the occupier to exercise their Right to Buy.

It was the officer's opinion that the agreement of a standard clause was not affected by the CIL regulations and was purely the mechanism to provide conformity with the legislation relating to Right to Buy.

Following consideration of the report and presentation, it was proposed by Councillor Heath and seconded by Councillor Dickson that the application should be granted.

The Committee therefore

**Resolved** that W/17/0440 be **granted** and the revisions to the wording through a Deed of Variation to the Section 106 Agreement be approved.

### **120. W/20/1331 – Land adjacent, Daly Avenue, Hampton Magna, Budbrooke**

## PLANNING COMMITTEE MINUTES (Continued)

The Committee considered an application from Mr R Earley for the display of 12 flag poles and flags, and one free standing, V-board sign (all non-illuminated).

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

In the officer's opinion, the proposed signage was appropriately positioned within the development and proportionate relative to the overall scale and character of the wider development site and would not result in any visual harm to the amenity of the area, nor would there be any detriment to highway safety. Accordingly, it was recommended that Advertisement Consent should be approved.

An addendum circulated prior to the meeting advised Members of some additional information which had been submitted by the applicant regarding the construction of the flagpoles, summarised below:

- the poles were made out of steel so they did not sway in the wind;
- no ropes were present;
- the flags were fixed at the top section along a metal bar to minimise the flapping and noise; and
- there was a metal tether tag to the bottom of the flag.

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

The Committee therefore

**Resolved** that W/20/1331 be **granted** and Advertisement Consent be approved, subject to the five Statutory Advertisement Conditions and the two conditions below:

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
| (1)        | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing SK200 Rev.P2, and specification contained therein, submitted on 11 November 2020. <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; and |
| (2)        | within 14 days of the occupation of the last residential unit approved under application reference W/19/2112, or any subsequent amendments, the advertisements hereby permitted shall be removed in full. <b>Reason:</b> In the interest of visual amenity in   |

**PLANNING COMMITTEE MINUTES (Continued)**

**No.**

**Condition**

accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

**121. 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 7.42pm)

CHAIRMAN  
30 March 2021

# Planning Committee

Minutes of the remote meeting held on Wednesday 3 March 2021 at 6.00pm, which was broadcast live via the Council's YouTube Channel.

**Present:** Councillor Boad (Chairman); Councillors Ashford, R. Dickson, Grainger, Heath, Jacques, Kennedy, Leigh-Hunt, Morris, Tangri and Weber.

**Also Present:** Committee Services Officer – Mr Edwards; Democratic Services Manager & Deputy Monitoring Officer – Mr Leach; Legal Advisor – Mrs Amphlett; and Manager - Development Services – Mr Fisher.

## 122. Apologies and Substitutes

There were no apologies for absence.

## 123. Declarations of Interest

There were no declarations of interest made.

## 124. Site Visits

There were no arranged site visits made by the Committee but Councillors Kennedy and Dickson independently visited the following application site:

TPO 564 – 33 Rouncil Lane, Kenilworth.

## 125. W/20/1541 – 12 Coventry Road, Baginton, Coventry

The Committee considered an application from Mr Holcroft for the erection of a detached garage.

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

The officer was of the opinion that that the proposal would sit comfortably in the street scene, and would not result in harm to amenity or ecology. The proposal was therefore considered to comply with the policies listed in the report.

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

The Committee therefore

**Resolved** that W/20/1541 be **granted** subject to the conditions listed below.

<b>No.</b>	<b>Condition</b>
(1)	the development hereby permitted shall begin no later than three years from the date of this permission. <b>Reason:</b> To comply with



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

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
|            | 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, P/02, P/03, and specification contained therein, submitted on 29/09/2020. <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; and   |
| (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. <b>Reason:</b> 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. |

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

With the Chairman's approval, the Committee considered an urgent item from L&Q Housing Trust for the residential development of up to a maximum of 450 dwellings, the 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, foul and surface water drainage infrastructure, including an attenuation pond, ancillary infrastructure and ground modelling.

The report related to the above planning application which was allowed on appeal on 14 January 2016. As part of the appeal process, a Section 106 Agreement to secure a range of obligations was agreed prior to the determination of the appeal.

The applicants had actively pursued the permission and the Reserved Matters had been approved and conditions discharged accordingly. Works had recently commenced on site. In reviewing the Section 106 Agreement, the applicants had requested a revised payment schedule for the Section 106 contributions.

There was no change to the overall contribution amounts, only the payment schedules were proposed to change.

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

The report was brought forward as an urgent item and could not wait until the next meeting of the Planning Committee because the agreement needed to be updated as speedily as possible, to give all relevant parties clarity in respect of the revised requirements of the agreement and in the wider sense to assist with the ongoing delivery of this site.

The officer was of the opinion that the revisions were not affected by the CIL regulations.

There would be no difference to the level of contributions to be received through the Section 106 Agreement as a result of the changes, and levels of funding would be maintained and provided in a more balanced manner. The changes had the agreement of the statutory consultees and as such, there was no objection from officers.

The associated legal costs in providing the Deed of Variation would be met by the applicants, so there was no cost to the Local Planning Authority.

An addendum circulated prior to the meeting advised Members of a correction to the planning history section of the report, to read: "planning permission ref: W/19/1887 has not been built in accordance with the approved plans and has been sited closer to the road than approved."

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

**Resolved** that the additions to allow the elements to be incorporated through a Deed of Variation to the Section 106 Agreement, be approved.

### **127. 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.

### **128. TPO 564 – Rouncil Lane, Kenilworth**

The Committee considered the confirmation of a Tree Preservation Order (TPO) relating to a pine tree at 33 Rouncil Lane, Kenilworth.

The application was presented to Committee because two objections had been received against the TPO being confirmed.

The Council was made aware in October 2020 of the potential felling of a mature pine tree. Following a site visit on 2 November 2020, a provisional Tree Preservation Order was made.

The tree was considered to be of significant amenity value within the surrounding area. That amenity value would take years to replicate if the tree was removed and replaced.

## PLANNING COMMITTEE MINUTES (Continued)

The tree was, without doubt, the source of significant concern for one commentator and if removed, there would be benefits in that respect which officers had considered very carefully and were reported to Members at the meeting, in confidential session.

The key issue therefore was whether the public amenity benefits of the tree outweighed those benefits.

If it was considered that the amenity of the tree was so significant that it overrode those private concerns, then it would be expedient to confirm this TPO.

In contrast, if those concerns were considered to outweigh those amenity benefits, then it would be appropriate to allow the TPO to lapse without being confirmed.

Alternatively, the Order could be confirmed, and then consent immediately granted for the tree to be removed and replaced. However, as any replacement tree would provide little public amenity for some years, there would be no short-term amenity benefit, and as the primary purpose of an Order was to preserve the public amenity, this might seem counter to the spirit of the Regulations.

Having considered the above matters very carefully and balanced the very significant amenity value of the tree with the private impacts referred to above, taking account of the likelihood of the tree being in the later part of its life expectancy, officers' recommendation was to allow the Order to lapse without confirmation.

The officer laid out the presentation, and then the Chairman proposed that under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting by reason of the likely disclosure of exempt information within the paragraph of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, for reason 1 – Information relating to an individual – and reason 2 – Information which is likely to reveal the identity of an individual.

Members were provided full details of the sensitive and confidential response to the order and debated the merits of this in relation to the proposed order.

Following consideration of the report and presentation, it was proposed by Councillor Morris and seconded by Councillor Ashford that the TPO be confirmed because of the significant amenity value of the tree, as stated in the TEMPO report.

**Resolved** that officers be authorised to confirm TPO 564.

(The meeting ended at 7.15pm)

**PLANNING COMMITTEE MINUTES (Continued)**

CHAIRMAN  
30 March 2021

**Planning Committee:** 30 March 2021

**Item Number:** 5

**Application No:** [W 20 / 1773](#)

**Town/Parish Council:** Kenilworth

**Registration Date:** 02/11/20

**Case Officer:** Jonathan Gentry

**Expiry Date:** 28/12/20

01926 456541 [jonathan.gentry@warwickdc.gov.uk](mailto:jonathan.gentry@warwickdc.gov.uk)

**75 Rounds Hill, Kenilworth, CV8 1DW**

Erection of single storey front and side extension and garage conversion together with revised detailing and fenestration FOR Mrs Naomi McAnish

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This application is being presented to Committee due to the number of objections received.

**RECOMMENDATION**

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of the report.

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought for the proposed erection of a single storey front and side extension, proposed garage conversion together with revised detailing and fenestration.

The proposal as initially submitted has been amended following Officer feedback with regard to design.

**THE SITE AND ITS LOCATION**

The application site is a semi-detached, hipped roof property sited on the southwest side of Rounds Hill, Kenilworth. The property is adjoined by neighbouring property No.77 to the northwest and adjacent No.73 to the southeast.

**PLANNING HISTORY**

W/16/1355 - Erection of a first floor rear extension and change from flat to pitched roof over existing single storey rear extension – Granted.

**RELEVANT POLICIES**

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- TR3 - Parking

- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Parking Standards (Supplementary Planning Document)
- Kenilworth Neighbourhood Plan (2017-2019)
- KP13 - General Design Principles

## **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council** - Members raise no objection, but ask that compliance with the WDC Residential Design Guide is confirmed.

**WCC Ecological Services** - Recommend advisory notes in relation to bats, nesting birds and hedgehogs are attached to any grant of permission.

**Public Response** - Six neighbour objections have been received, citing the following concerns:

- Proposed design and appearance of the property within the street scene.
- Amenity impacts as a result of the works, namely loss of privacy and overlooking.
- Parking constraints within the application site leading to on-street parking.
- Constraint of access to neighbouring parking area.
- Drainage concerns.
- Structural implications of building works.
- Access to the application site during construction works.

## **ASSESSMENT**

### Impact on the amenity of neighbouring uses

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of neighbouring residents, in terms of light, outlook and privacy. Furthermore, the District Council has also adopted Supplementary Planning Guidance on the 45 Degree Guideline which aims to prevent harm to neighbouring properties by reason of loss of light or outlook.

The scheme has been designed to comply with the 45 degree line taken from the nearest habitable ground windows of both adjacent neighbouring properties. While the single storey extension would extend towards the side of No.73, this is not considered to result in a material loss of light and outlook to justify the refusal of planning permission. While the bulk of the dwelling is increased as a result of the works, overall it is considered that proposal would not result in an overbearing or unneighbourly development.

At the rear of the property, the converted garage space would feature a rear and side facing window that looks out to the northwest of the property. Public comments on the scheme include objection on the grounds of harmful amenity impact through loss of privacy caused by the opening. As this opening is positioned on a single storey building, positioned away from the boundary with No.77 it is not considered to result in material harm to amenity in this regard. A proposed

first floor side facing window is positioned atop the extension area. While facing towards the neighbour at No.73, much of the outlook is centred towards the open driveway areas of both properties. In addition, windows in this position feature on nearly all properties of this design along Rounds Hill. With mind to these considerations, and the fact that a first floor window is already in place to this elevation, it is considered that the additional opening would not result in material harm. As a result, the scheme is considered not to result material harm by reason of overlooking and loss of privacy to the immediate neighbours.

No other properties are viewed to be harmfully affected as a result of the works, and it is therefore considered that the proposals are in accordance with Local Plan Policy BE3.

### Design and impact on the street scene

Local Plan Policy BE1 and Kenilworth Neighbourhood Plan Policy KP13 state that development will be permitted where it harmonises with and improves the character of the surrounding area. The adopted WDC Residential Design Guide SPD also sets out design principles which development proposals will be expected to comply with.

The proposed side/ front extension is limited to single storey. It features a mono-pitch lean-to roof adjoining the existing flat roof garage at its rear. Following the provision of Officer feedback, the proposed design has been revised in order that it does not extend beyond the forward footprint of the existing dwelling, and adopts a more subservient roof profile. As revised, the extension is considered to sit comfortably on the property and accords with the principles of the WDC Residential Design Guide and addresses public consultation responses referring to the design of the scheme.

The proposed garage conversion is considered acceptable in principle, with no notable design implications outside of the aforementioned window opening at its rear.

A number of revisions to the appearance of the existing dwelling are also proposed, including facing materials and fenestration. Large Juliet balcony style windows are proposed to the front elevation. These works constitute permitted development and are therefore not assessed as part of this application.

Facing materials comprising timber cladding and render are proposed. While the run of comparably designed properties to the south feature generally uniform facing brick, a number of properties in relative proximity, including No.83 to the north feature render. On balance, the revised detailing, fenestration and materials help to modernise the property and are considered acceptable in line with the relevant policy considerations. The proposed frontage driveway area and minor landscaping works are also viewed acceptable with mind to the surrounding street scene and built form.

The development is therefore viewed to accord with the guidance set out in the Council's Residential Design Guide SPD, Policy BE1 of the Local Plan and Neighbourhood Plan Policy KP13.

## Parking

The proposed extension would result in the loss of an existing tandem parking area to the side of the dwelling, while the proposed garage conversion works would also result in the loss of this internal area.

The submitted scheme indicates that the parking area lost through the proposed enlargement would be offset through the creation of an enlarged area of driveway hardstanding at the frontage of the site, providing off-road provision for three vehicles, in line with the dimensional requirements of the WDC Parking Standards SPD. No additional bedrooms are proposed under the submitted scheme, meaning the provision of three spaces fulfils the number of spaces required in order to accord with the Parking Standards SPD.

The existing parking area to the side of the property shares an open boundary with neighbouring No.73 which features a comparable tandem parking area at its side.

A number of neighbour objection comments received refer to the position of the proposed extension in close proximity to the boundary line of the site, thus resulting in constraint to the parking area of No.73. It appears that in order to comfortably access vehicles within this shared side driveway area, use of the neighbouring properties land/driveway is common.

While these comments are considered, Officers note that the proposed scheme does not exceed the boundary of the application site. In addition, it is acknowledged that a side extension or boundary structure could be constructed adjacent to this shared side boundary without requirement for planning permission under Permitted Development, thus forming a viable fall-back position for the proposed works. As a result, it is not considered reasonable to refuse permission on the basis of more constrained access to the driveway area of the neighbouring property. It is not viewed that access to the garage of this neighbouring property would be impacted by the scheme.

The proposal is therefore considered to be in accordance with Local Plan Policy TR3 and Kenilworth Neighbourhood Plan Policy KP12.

## Ecology

The Ecologist at Warwickshire County Council has commented on the application, recommending that advisory notes in relation to bats, nesting birds and hedgehogs are attached to any grant of consent. Officers agree with this recommendation and consider the imposition of advisory notes regarding the applicant's responsibility with regard to the noted species is an appropriate and proportionate measure in this instance.

The proposal is therefore considered to be in accordance with Local Plan Policy NE2

## Other Matters

Public consultation responses received raised a number of other matters which are addressed as below.



Matters relating to the structural integrity of the building and relationship with neighbours are addressed through building control measures and as such do not form a material planning consideration.

A number of comments refer to the matter of foul water drainage. While this is not typically a material issue for proposals of this scale, the submitted plans show that the existing manhole to the frontage of the property will not be directly impacted by the proposed works. In addition, rainwater drainage is included in the designed extension area. It is the responsibility of the applicant to ensure that rainwater drainage does not adversely impact neighbouring properties.

One objection comment referenced a potential need to access the application site across neighbouring land during construction works. Grant of planning permission does not grant access through or use of neighbouring sites, and this matter remain a civil matter.

### **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan submitted on the 2nd November 2020, and revised drawing 01 RevB submitted on the 16th March 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 extensions hereby permitted shall not be commenced unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.

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**Town/Parish Council:** Burton Green

**Case Officer:** Debbie Prince  
01926 456529 [debbie.prince@warwickdc.gov.uk](mailto:debbie.prince@warwickdc.gov.uk)

**Land opposite 34 Hodgetts Lane, Burton Green, Kenilworth, CV8 1PJ**

Application for a Certificate of Appropriate Alternative Development  
LAND COMPENSATION ACT 1961, SECTION 17 AS SUBSTITUTED BY SECTION 63  
OF THE PLANNING AND COMPENSATION ACT 1991

Change of Use of land from agriculture to land for the grazing, riding and accommodation of horses for amenity/recreational (non-agricultural) purposes together with the storage and use of animal feed, bedding, other materials and equipment all used in connection with such use.

.....

This application has been made by Andrew and Jenny Jones, where land is being compulsorily purchased by HS2 Ltd.

**RECOMMENDATION**

Planning Committee are recommended to authorise the issuing of a Certificate of Appropriate Alternative Development.

**BACKGROUND**

The proposals the subject of this report arise from legislation which has been enacted to facilitate the delivery of the HS2 proposal and in particular are designed to assist homeowners and landowners in realising an appropriate financial return upon the compulsory purchase of a property by HS2 Limited.

A Certificate of Alternative Appropriate Development does not comprise a planning permission and does not permit development to be undertaken. Rather, it is intended to identify development which is considered to be acceptable and likely to obtain planning permission (were an application to be made) in order to assist in the valuation (for the purpose of compulsory purchase) of the property in question.

An application for a certificate can only be made by persons owning the land or property in question or the Authority making the compulsory purchase (in this case HS2). Where a Certificate is granted, it relates to the principle of a proposal only and for that reason the legislation does not require applicants to submit detailed plans.

Similarly, there is no requirement for the Local Planning Authority to undertake any consultation or publicity and the proposal should be considered under "normal" circumstances (i.e. without considering the HS2 proposal) taking into account the relevant material considerations.

## **THE SITE AND ITS LOCATION**

The application site is land owned by Andrew and Jenny Jones on Hodgetts Lane, Burton Green adjacent to the disused railway (which is now the proposed route of HS2) and is also located in the Green Belt. The land comprises established brick built loose boxes, timber shelters and grazing land. The land is being Compulsorily Purchased by HS2 Ltd for the construction of the high speed railway line.

## **DETAILS OF THE DEVELOPMENT**

This is an application for a Certificate of Alternative Appropriate Development for Change of Use of land from agriculture to land for the grazing, riding and accommodation of horses for amenity/recreational (non-agricultural) purposes together with the storage and use of animal feed, bedding, other materials and equipment all used in connection with such use. The application is submitted on the basis that this change of use would be granted planning permission under normal circumstances.

## **RELEVANT POLICIES**

- National Planning Policy Framework.
- Burton Green Neighbourhood Plan 2019
- DS18 - Green Belt
- HS6 - Creating Healthy Communities
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets

## **ASSESSMENT**

The main issue relevant to the consideration of this application is the impact on the Greenbelt.

The use of the land for equestrian purposes would have very little impact on the visual amenity of the rural area. It is not considered that the change of use of the land will reduce the openness of the Green Belt. The provision of loose boxes, timber shelters and storage facilities would replace existing facilities of a similar scale and nature. This would be appropriate development within the Green Belt because it would meet the exception for replacement buildings that are in the same use and not materially larger than the building to be replaced. The buildings and change of use would also meet the exception for the provision of facilities for outdoor sport and recreation. Therefore, the proposed change of use and new buildings would comply with the NPPF.

Turning to other considerations, equestrian-related structures would be in keeping with the character and appearance of the area in principle. Furthermore, in view of the distance from neighbouring properties there are unlikely to be any issues relating to residential amenity.

## **CONCLUSION**

It is therefore concluded that planning permission would have been granted, subject to the condition mentioned in this report for the grazing, riding and accommodation of horses for amenity/recreational (non-agricultural) purposes together with the storage and use of animal feed, bedding, other materials and equipment all used in connection with such use. It therefore follows that a Certificate of Appropriate Alternative Development should be issued.

**List of Current Planning and Enforcement Appeals  
Late March 2021**

Public Inquiries

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Inquiry	Current Position

Informal Hearings

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing	Current Position

Written Representations

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Current Position
W/19/1973	Wooton Grange Farm House, Warwick Road, Kenilworth	Extensions and Alterations <b>Delegated</b>	Jonathan Gentry	Questionnaire: 23/4/20 Statement: 15/5/20	Ongoing
W/19/0860	6 Phillipps Road, Warwick	Change of use to Garden and Erection of Fencing <b>Committee Decision in accordance with Officer Recommendation</b>	Emma Booker	Questionnaire: 22/7/20 Statement: 13/8/20	Ongoing

W/19/1604	17 Pears Close, Kenilworth	First and Ground Floor Extensions <b>Delegated</b>	George Whitehouse	Questionnaire: 19/6/20 Statement: N/A	Ongoing
W/20/0097	10 Wasperton Road, Wasperton	Change of Use of Store Room to Dog Grooming Salon <b>Delegated</b>	Rebecca Compton	Questionnaire: 19/8/20 Statement: 16/9/20	Ongoing
W/20/0980	9 Camberwell Terrace, Leamington	Front Lightwells <b>Delegated</b>	Emma Booker	Questionnaire: 25/9/20 Statement: 19/10/20	Ongoing
W/20/0285	Pool Peace Bungalow Five Ways Road, Shrewley	Appeal against the refusal of a Certificate of Lawfulness for the Continued Occupation of a Dwelling without complying with an Agricultural Occupancy Condition. <b>Delegated</b>	Andrew Tew	Questionnaire: 26/11/20 Statement: 24/12/20	<b>Appeal Allowed</b>

The Council's main concern was whether any potential breach of Condition 2 through physical occupancy had been continuous. However, the Inspector made reference to a judgement which established that "*continuous physical occupation is not required for there to be occupation in breach*". He made further reference to another judgement in which it was held that "*it is not a question of continuous occupation contrary to a condition; it is a question whether, over the relevant 10-year period, there has been a continuing breach of the condition. The correct approach is to ask the question whether enforcement action could have been taken at all material times, successfully, in relation to what was happening in the premises, or to the premises, at any material time*". Consequently, it is necessary to consider whether enforcement action could have been successfully taken at all material times during a 10-year period prior to the date of the LDC application (19 February 2010 to 19 February 2020).

It was apparent to the Inspector from the evidence before him that there was not continuous physical occupation of the bungalow by the appellant prior to June 2011. Even though, the appellant and his wife were only occupying the bungalow on a second home basis prior to June 2011 they had declared to the Council that they were occupying the bungalow. Additionally, the prior approval for a substantial extension and garage was submitted in 2010 and the appellant stated, within his letter in relation to Council Tax, that once those works were complete, he and his family would live there 'full-time'. Therefore, the Inspector considered it reasonable to consider that those works were carried out in order to further the breach of the condition. On the balance of probabilities, he considered that over the whole 10-year period, February 2010 to February 2020, enforcement action could have been taken successfully in relation to the breach of Condition 2 of planning permission W870247. It is now too late to take enforcement action against that specific breach, and it follows that the Council's decision to refuse to grant the LDC in the terms applied for was not well-founded.

W/20/0331	The White House, Five Ways Road, Shrewley	Replacement Dwelling <b>Delegated</b>	Andrew Tew	Questionnaire: 13/11/20 Statement: 11/12/20	Ongoing
W/20/0940	Glenthorne, Five Ways Road, Shrewley	Appeal against a Certificate of Lawfulness for the use of a Building as a Dwelling. <b>Delegated</b>	Helena Obremski	Questionnaire: 14/12/20 Statement: 4/1/21	<b>Appeal Dismissed and Costs Award Refused for both parties</b>

The Council refused the application for a LDC on the basis that the building had not been used as a separate residential dwelling continuously for 4 years prior to the submission of the application. The Inspector noted that the building was not substantially completed until the end of 2018 and considered the appeal would therefore turn on whether a new planning unit has been created and if so, whether its creation is permitted by W/17/2164.

The appellant suggests that due to the physical separation between the appeal building and the dwellinghouse of Glenthorne, along with the provision for separate car parking and vehicular access onto Five Ways Road, a separate planning unit would be created. However, the Inspector noted that case law has established it is necessary to assess both the physical and functional links between the use of the outbuilding and main dwelling and consider whether a separate planning unit has been created as a matter of fact and degree.

The Inspector considered that whilst the appeal building appears to be physically separate from the main dwelling of Glenthorne, it appears that there remains a functional link between the use of the main dwelling and the appeal building. Moreover, the appellant confirms within his statement of case that he has never stated that the appeal building was converted to a separate dwelling.

The Inspector clarified that planning permission for the outbuilding is only granted by the GPDO if the building is 'incidental', Class E cannot grant planning permission for a building which is not incidental and whilst the Council issued a decision in respect of W/17/2164, this is not the equivalent of a planning permission.

The appellant suggests that the Council would be estopped from succeeding in any enforcement action because he has relied upon its confirmation that the operational development responsible for the material change of use would be lawful. However, the Inspector stated that application W/17/2164 would not have this effect since it can do no more than confirm that the development as proposed by the appellant, namely a building incidental to the enjoyment of a dwellinghouse, would have been lawful if instituted or begun on the date of application. Therefore, even if the appellant had provided sufficiently precise and unambiguous evidence that the appeal building is actually being used as a separate dwellinghouse and a new planning unit had been created, the creation of a new planning unit and change of use of the outbuilding to a single dwellinghouse would be a material change in the use of the land and would be development for which planning permission is required.

**COSTS:**

The Inspector noted that S171C of the Town and Country Planning Act 1990 (as amended) gives LPAs the power to require information about activities on land where it appears to the LPA that there may have been a breach of planning control. The Council's decision to issue a PCN does not therefore constitute unreasonable behaviour. Whilst he notes there is disagreement between the parties on various matters, he does not believe the Council ignored the appellant's legal arguments. The Council clearly set out within its officer report and decision notice its reasons for refusing the application.

The Inspector considered it was evident from the appellant's submissions, who, by his own admission is not a planning professional, he had every expectation that his case had a prospect of success. He could not therefore agree that he was unreasonable in exercising his right of appeal in this case.

W/20/1091	Terets Lodge, Rising Lane, Lapworth	Single Storey Rear Extension <b>Delegated</b>	Jonathan Gentry	Questionnaire: 14/12/20 Statement: 4/1/21	<b>Appeal Allowed</b>
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With regard to Policy H14, in the Inspector's opinion, assessing the proportionality of an extension based purely on a mathematical calculation would be a limited exercise. He considered that whilst the proposal would add to the cumulative impact of previous extensions,



the increase in the size of the original dwelling would be very modest and the combined cumulative increase would not be disproportionate in this instance having regard to the scale, design and location of the proposal. This approach is at odds with what we have experienced from other Inspectors where development over the 30% guideline has generally tended to be considered disproportionate.

W/20/0483	17 Gaveston Road, Leamington	Appeal against the refusal of a Lawful Development Certificate for the Use of the Property. <b>Delegated</b>	Andrew Tew	Questionnaire: 3/12/20 Statement: 31/12/20	<b>Appeal Dismissed</b>
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The Inspector made reference to case law which established that children cannot form a household without the presence of a caregiver. He noted that although in this case a care-worker would be present on the site at all times, they would not live at the property but would occupy it on a rota basis. The appeal site would be occupied by up to 3 children at any one time. Carers would provide continuous 24-hour care on a rota basis. As set out in the North Devon judgement, in this circumstance, the children and the carers would not be living together as a single household, since the children could not form a household without the presence of the caregiver. He saw no reason to depart from established case law in this case and conclude that the proposed use would be a C2 use.

The appellant contends that even if it is concluded that the use class should be C2 rather than C3, no material change of use would occur if the use gives rise to no greater level of disturbance or has no greater impact than would be generated by a C3 use. The appellant advises that the children would be expected and actively encourage to attend mainstream school. However, the Inspector considered that whilst this may be the appellant's intention, it is likely that at least some of the children would require some form of home tutoring, particularly those who are not at the property on a long-term basis. Tutors visiting the property may access the site by car, which would generate vehicle movements and associated comings and goings which would be less likely to be generated by a typical family. The children would have allocated social workers who, after an initial 'settling in' period, would only need to visit once a month. It is not clear what the 'settling period' would be, or what the turnover of children is likely to be. As such, it is not clear from the information provided how often social workers are likely to visit the property. Whilst a child living with its parents may receive visits from a social worker, it's likely that there would be only one social worker for the whole family, whereas each child would have a social worker in this case, who may be different and may visit at different times and at different frequencies depending on the needs of the child concerned. It is not clear from the appellant's evidence what the working pattern of care-workers at the site would be, what would happen during a change-over or what vehicle movements would be generated. Although one of the care-workers may choose to park at the rear of the property, he considered it highly likely that during a change-over, at least one care-worker would need to park on the road. This would generate parking requirements along Gaveston Road which would be in addition to parking requirements generated by other visitors to the site, such as social workers and tutors.

In the Inspector's view, it is likely that the movements generated by the proposed use, including tutors, care workers and social workers, would be significantly greater than would be generated by a C3a use and would lead to increased parking demand in the area leading to a material change of use in this case.

W/20/1055	Hobournes, Upper Spring Lane, Kenilworth	Two Detached Dwellings <b>Committee Decision contrary to Officer Recommendation</b>	Helena Obremski	Questionnaire: 14/12/20 Statement: 25/1/21	<b>Appeal Dismissed</b>
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The Inspector noted that the area is characterised by large individual dwellings in generous plots with mature gardens, with a looser pattern of development to the east side of the Lane, whereas Upper Spring Lane and Tainters Hill has a general rural character, comprising few large residences and is an area where the maintenance of semi-rural limited residential use is identified as important. A semi-rural characteristic is evident at the appeal site, which is a corner plot where the existing bungalow is barely discernible from the public realm. It has a pleasing aesthetic by virtue of its mature vegetation, trees and essentially undeveloped quality. In these respects, he viewed it as significant in the graduation from denser town centre development to the less sparsely developed settlement edge and open space of Parliament Piece with surrounding countryside beyond.

He considered that the proposed dwellings would form a continuation of residential development along Fieldgate Lane. While the mass and height of the dwellings would not be dissimilar to those opposite the site and would have some individual design details, the pattern of the proposed built form would distinctly contrast with development at the southern boundary on the east side of the Lane, which is characterised by individual larger dwellings set in their own grounds. As such, the proposal would fail to harmonise with the existing character of the street scene in the immediate vicinity of the appeal site. Although the development would be set back from the road, limited to the south of the site and with some screening, the character of the site would be largely altered by the proposed suburban style of development, including the shared access. Despite the proposed density, the footprint and bulk of the development would be substantial and would detrimentally change the valued undeveloped appearance of the site. Furthermore, it would result in a significantly reduced plot size for the large existing dwelling which would be out of keeping with the spatial composition of development on this part of Upper Spring Lane. As such it would harmfully erode, and, therefore fail to preserve, the semi-rural character which distinguishes this part of the Conservation Area.

W/20/1264	The Lodge, Wattcote Farm, Manor Lane, Wroxall	Change of Use to Pilates Studio	Andrew Tew	Questionnaire: 19/1/21 Statement:	Ongoing
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		<b>Committee Decision in Accordance with officer Recommendation</b>		16/2/21	
W/20/0987	Grist Mill, Chesterton Drive, Leamington	Change of use of first Floor to HMO <b>Delegated</b>	Dan Charles	Questionnaire: 18/1/21 Statement: 15/2/21	Ongoing
W/20/0974	1 Edmondes Close, Woodloes Park, Warwick	Revisions to previously granted planning permission for domestic extensions <b>Delegated</b>	George Whitehouse	Questionnaire: 8/1/21 Statement: 1/2/21	Ongoing
W/20/1170	2 Adelaide Road, Leamington	Infill of Service Wing Roof <b>Delegated</b>	Rebecca Compton	Questionnaire: 8/1/21 Statement: 1/2/21	<b>Appeal Dismissed and Costs Award Refused</b>

The Inspector noted that due to the open character of the bowling greens directly to the front of the site there are long uninterrupted views of the dwelling on the approach from Adelaide Bridge to the north. The dwelling is characterised by the decorative main house which addresses both Adelaide Road and Archery Road and the much plainer service wing. Given the building is in a prominent location and is an attractive semi-detached building of the Regency style, its appearance positively contributes to the character and appearance of the CA.

He also noted that the current service wing roof design shows deference to the main building and there are several dwellings along Adelaide Road that have similarly designed rear outriggers. He considered that by infilling this section of the roof, the proposal would create a terracing effect with the host dwelling that would increase the dominance of what is a subservient, ancillary wing to the host dwelling. The proposal would fundamentally change the visual relationship between the two elements of the building and would impair the ability to appreciate the original form and function of the respective elements of the building. The creation of a large L shaped terrace dwelling in this prominent location on Adelaide Road would cause harm character of Adelaide Road within the CA, which is characterised by these large detached and semi-detached villas. The grand detached and semi-detached villas are an important characteristic of the

CA and the harm this terracing effect would cause to the host dwelling, which is located in a prominent location within the CA, would fail to preserve the character and appearance of the CA.

**COSTS:**

The Inspector considered that the reasons for refusing planning permission were clearly set out on the face of the decision notice. The reasons for refusing planning permission set out in the Officer's report explained the relevant policy considerations and the Council made their assessment in accordance with relevant sections of the Planning Whilst the applicant has concerns about the handling of the application, vague, generalised or inaccurate assertions about the proposal's impact were not made in the reasons for refusal or in the planning officer's report, he considered there was nothing to indicate that the Council refused planning permission for development that should have been permitted. Nor is there anything to suggest that the Council misapplied local and national planning policy when assessing the merits of the appeal scheme.

W/20/1321 and 1337	39 Northumberland Road, Leamington	i. Rear stair Tower and ii. One and two storey Extensions <b>Delegated</b>	Thomas Fojut	Questionnaire: 25/1/21 Statement: 16/2/21	<b>Appeal Dismissed</b>
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The Inspector noted that the highest point of the stair tower would sit above the ridge of the roof on the respective wing. He considered that the development would have a protruding, block-like appearance which would emphasise the vertical alignment of the structure in relation to the roof plane. As a result of these factors, the stair tower would appear discordant and poorly integrated with the curved façade of the turret and the pitched angle of the main roof of the dwelling. the disjointed appearance of the tower would be appreciable in views of the side and rear elevation of the dwelling from Beverley Road and from the side windows and garden serving the neighbouring dwelling at No 73 Beverley Road. As a result, the incongruity of the development would be evident to passers-by and neighbouring occupiers and this would detract from the character and appearance of the CA. He was not persuaded that there are no alternative design solutions that could be better integrated with the host dwelling.

W/20/1384	11 Edmondscote Road, Leamington Spa	Single storey extensions <b>Delegated</b>	Thomas Fojut	Questionnaire: 25/1/21 Statement: 16/2/21	Ongoing
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<b>New</b> W/20/1189	12 Warmington Grove, Warwick	Lawful Development Certificate for Use of Mobile Home as Ancillary Residential Accommodation <b>Delegated</b>	Andrew Tew	Questionnaire: 25/3/21 Statement: 19/4/21	Ongoing
<b>New</b> W/20/0729	4 Risdale Close, Leamington	Application of Render to Front and Rear Elevations <b>Committee Decision in Accordance with officer Recommendation</b>	Emma Booker	Questionnaire: 23/2/21 Statement: 17/3/21	Ongoing
<b>New</b> W/20/0358	Junction of Rising Lane and Birmingham Road, Baddesley Clinton	Erection of 2 Detached Houses <b>Delegated</b>	Rebecca Compton	Questionnaire: 10/3/21 Statement: 7/4/21	Ongoing
<b>New</b> W/20/1358	20 Ladycroft, Cubbington	Single Storey Extensions; Dormer Extension; Velux Roof lights and Front Parking Area <b>Delegated</b>	Thomas Fojut	Questionnaire: 11/3/21 Statement: 2/4/21	Ongoing
<b>New</b> W/20/1504	16 Aylesbury Court, Aylesbury Road, Lapworth	Extension to Garage to form Pool House <b>Delegated</b>	Thomas Fojut	Questionnaire: 126/2/21 Statement: 22/3/21	Ongoing

Enforcement Appeals

Reference	Address	Issue	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position
ACT 450/08	Meadow Cottage, Hill Wootton	Construction of Outbuilding	RR	Statement: 22/11/19	Public inquiry 1 Day	The inquiry has been held in abeyance

Tree Appeals

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position