

Planning Committee

Minutes of the remote meeting held on Tuesday 20 October 2020 at 6.00pm, which was broadcast live via the Council's YouTube Channel.

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

Also Present: Civic & Committee Services Manager – Mrs Tuckwell; Principal Committee Services Officer – Mrs Dury (observing only); Legal Advisor – Mr Howarth; Business Manager - Development Management – Mr Young; Principal Planning Officers – Mrs Hammond.

Before proceeding with considering the items on the agenda, the Chairman informed Members of the sad passing of the Chairman of the Council's Consort. A moment of silence was held and the Chairman asked that sincere condolences be passed on behalf of the Planning Committee of which Councillor Ashford was a member.

59. **Apologies and Substitutes**

- (a) Apologies were received from Councillors Murphy and Tangri.
- (b) Councillor Norris substituted for Councillor Ashford.

60. **Declarations of Interest**

Minute Number 62 – W/20/1068 – 38 Rawnsley Drive, Kenilworth,

On behalf of the Committee, Councillor Boad declared an interest because the applicant, Mr Hales, was a fellow District Councillor and therefore known to all Members of the Committee.

During consideration of the item, Councillor Kennedy declared an interest because the application site was within his ward.

61. **Site Visits**

There were no site visits made.

The Chairman informed Members that agenda item 6 - W/20/1009 – 17 Woodland Road, Kenilworth had been removed from the agenda because Kenilworth Town Council had withdrawn its objection.

62. **W/20/1068 – 38 Rawnsley Drive, Kenilworth**

The Committee considered an application from Mr and Mrs Hales for the rendering of the front, side and rear elevations of the dwelling house, and the erection of a single storey wrap-around extension with rendered side elevations (the extension was previously approved with matching materials under planning permission ref: W/20/0093).

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to Committee because the applicant was an elected Member of Warwick District Council.

The officer was of the opinion that the main issue relevant to the consideration of this application was the impact of the proposal on the character and appearance of the area.

The wrap-around extension was granted planning permission in March 2020, albeit with matching materials rather than rendered side walls as proposed in the current application. As such, the principle of the extension and its impact on neighbouring properties had already been assessed and found to be acceptable, and therefore the assessment under the current application was limited to the proposed rendering of the side elevations, together with the rendering of the existing house as proposed.

The street scene was strongly characterised through the use of brick and tile construction and there was a notable absence of render as a facing material. Therefore, the proposal would result in an alien and incongruous feature in the street scene which would be out of keeping and harmful to the character and appearance of the street scene.

In the officer's opinion, the proposals were therefore considered to conflict with Local Plan Policy BE1 and paragraph 130 of the NPPF.

An addendum circulated prior to the meeting advised Members of support comments made by two neighbours which had been received. They stated that the proposals would improve the visual appeal of the property and the street, and that there were other rendered properties located on neighbouring roads. In addition, the rendering would improve the property's insulation and would improve the look of the local area.

Mr Hales, the applicant, addressed the Committee.

Councillor Kennedy disagreed with the officer's comments in the report and in fact, did not agree that the proposed development was incongruous with its surrounding street scene. Councillor Norris was aware that other properties on the same street were rendered, some in white, and believed these were part of the same street scene as the application site, which was not in a conservation area. He therefore considered that the proposal did not impact negatively on the street scene.

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

The Committee therefore

Resolved that W/20/1068 be **granted** subject to the addition of a condition regarding the approved plans.

PLANNING COMMITTEE MINUTES (Continued)

63. HS2/CAAD 20/01 - Application for Certificate of Appropriate Alternative Development, Kenilworth Golf Course

The Committee considered an application from Mr McCarthy, Club President of Kenilworth Golf Club, where land was being compulsorily purchased by HS2 Ltd., for a Change of Use of land from agriculture to an extension to Kenilworth Golf Course.

The application was presented to Committee because the application was made under the Land Compensation Act 1961, Section 17, as substituted by Section 63 of the Planning and Compensation Act 1991, and there was no delegation in place for officers.

The proposals arose from legislation which had been enacted to facilitate the delivery of the HS2 proposal and, in particular, were 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 did not comprise a planning permission and did not permit development to be undertaken. Rather, it was intended to identify development which was 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 could 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 was granted, it related to the principle of a proposal only and for that reason, the legislation did not require applicants to submit detailed plans.

Similarly, there was 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 officer was of the opinion that the development did not prejudice the openness and rural character of this Green Belt area, did not adversely impact on public footpaths, and was considered to comply with the policies listed. It was therefore concluded that planning permission would be granted again for the development, as with the previous planning permissions. It therefore followed that a Certificate of Appropriate Alternative Development should be issued.

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

The Committee therefore

Resolved that the issuing of a Certificate of Appropriate Alternative Development HS2/CAAD 20/01 be authorised.

PLANNING COMMITTEE MINUTES (Continued)

64. W/20/0805 – Allotment Site North of the Fairways and Northumberland Road, Royal Leamington Spa

The Committee considered an application from Binswood Allotment Society for the erection of a replacement shed.

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

The officer considered the proposals acceptable on the basis of compliance with all of the relevant policies mentioned in the report and the application was recommended for approval.

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

The Committee therefore

Resolved that W/20/0805 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|--|
| (1) | the development hereby permitted shall begin no later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); and |
| (2) | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 'Figure 4 1:500 Scale Map of Binswood Allotments', 'Figure 6 Ground Level Plan', 'Figure 7 Roof Plan and North Elevation', 'Figure 8 East Elevation and South Elevation', 'Figure 9 West Elevation' and specification contained therein, submitted on 7th July 2020.

Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DS18, BE1 and BE3 of the Warwick District Local Plan 2011-2029. |

65. W/20/1155 – Units 3 and 5a, Princes Drive, Kenilworth

The Committee considered an application from Buildbase Ltd for the variation of Conditions 6 (deliveries) and 7 (opening hours) of planning permission W15/0256 (Demolition of existing warehouse (Class B8) and replacement with storage yard, storage building, access vehicle parking and

PLANNING COMMITTEE MINUTES (Continued)

conversion of existing building to provide builders merchants (Sui Generis)) to extend opening hours and delivery times for a temporary period.

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

The officer was of the opinion that following amendments to the proposed temporary opening hours and delivery time and amendment to the temporary period that was being applied for, it was considered that the proposal would not have a harmful impact on the amenity of neighbouring residential properties for the temporary period until 1 April 2021.

An addendum circulated prior to the meeting advised Members of some minor corrections to conditions 5 and 6.

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

The Committee therefore

Resolved that W/20/1155 be **granted** subject to the following conditions:

- | No. | Condition |
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| (1) | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing numbers 004B; 007H, 009A and 010B, and specification contained therein, submitted on 19 February 2015 and 12 May 2015.

Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; |
| (2) | the development hereby permitted shall not be commenced unless and until a scheme showing how either 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 b). a scheme showing how at least 10% of the energy demand of the development and its CO ² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | be maintained strictly in accordance with manufacturer's specifications.

Reason: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy CC2 in the Warwick District Local Plan 2011-2029; |
| (3) | prior to the commencement of development hereby permitted, details of landscaping for the rear (south-east) boundary of the site showing means of enclosure, new planting and retained trees shall be submitted to and approved in writing by the Local Planning Authority. Any trees or shrubs removed without consent of the local planning authority or which die, become seriously damaged or diseased within a period of 5 years from the completion of the development, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029; |
| (4) | there shall be no deliveries (incoming or leaving) between the hours of 18:30 and 07:30 Monday to Fridays, between 13:00 and 08:00 on Saturdays and at no time on Sundays and Bank Holidays for a temporary period ending on 1 April 2021, following which permitted delivery hours shall revert to those specified in condition 6 of planning permission ref. W/15/0256.
Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (5) | the opening hours of the premises shall be limited to: between the hours of 07:30 and 18:30 Monday to Fridays: between 08:00 and 16:00 on Saturdays and no time on Sundays and Bank Holidays for a temporary period ending on 1 April 2021, following which permitted opening hours shall revert to those |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | specified in condition 7 of planning permission ref. W/15/0256.
Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; and |
| (6) | the storage area identified on drawing number 007H shall not exceed 5 metres in height.
Reason: To protect the visual amenities of the area in accordance with Policy BE3 in the Warwick District Local Plan 2011-2029. |

(The meeting ended at 7.18pm)

CHAIRMAN
1 December 2020