

Planning Committee

Minutes of the meeting held on Tuesday 27 February 2018 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Cooke (Chairman); Councillors Boad, Mrs Bunker, D'Arcy, Edgington, Miss Grainger, Heath, Mrs Hill, Morris, Mrs Stevens and Weed.

Also Present: Senior Committee Services Officer – Mrs Barnes; Legal Advisor – Mr Howarth; Head of Development Services – Mr Barber; Senior Planning Officer – Mr Charles; and Development Services Manager – Mr Fisher.

158. **Apologies and Substitutes**

Councillor Miss Grainger substituted for Councillor Day.

159. **Declarations of Interest**

Minute Number 170 – W/17/2370 – Sherbourne Farm, Sherbourne Hill, Sherbourne

During the course of the meeting, Councillor Miss Grainger declared an interest because the applicant was known to her.

Minute Number 171 – W/17/2429 – 47b Fieldgate Lane, Kenilworth

Councillor Mrs Hill declared an interest because the application site was in her Ward.

During the course of the meeting, Councillor Mrs Bunker declared an interest because one of the neighbours was known to her.

Minute Number 172 – W/18/0059 – 31 Offa Drive, Kenilworth

Councillor Mrs Hill declared an interest because the application site was in her Ward.

Minute Number 175– W/17/2388 – 24 Saltisford, Warwick

Councillors Edgington declared an interest because the applicant was a fellow District Councillor.

Councillor Morris declared an interest because the application site was in his Ward and the applicant was a fellow District Councillor.

160. **Site Visits**

There were no site visits made.

PLANNING COMMITTEE MINUTES (Continued)

161. Minutes

The minutes of the meeting held on 30 January 2018 were not available and would be submitted to a future meeting.

162. W/17/2275 – Land to the South of Gallows Hill, Warwick

The Committee considered an application from William Davis Limited & Hallam Land Management Limited for a development of up to 250 dwellings, public open space, landscaping, access to Gallows Hill, sustainable urban drainage systems, footpaths/cycle ways and associated infrastructure. All matters to be reserved except access into the site.

The application was presented to Committee because of the number of objections received, including ones from Warwick Town Council and Bishop's Tachbrook Parish Council.

The officer was of the opinion that the site was allocated within the Local Plan for residential development as part of allocation H46A. Whilst the proposed number of dwellings exceeded the estimate included at the time of allocation, it was considered that the applicant had demonstrated that the site was capable of accommodating a high quality scheme at that level which was acceptable in overall terms, including in respect of the integration of built development within the surrounding historic landscape and the appropriate management of air quality issues such that the previous reasons for refusal had been addressed.

For the above reasons, Officers recommended that outline planning permission should be granted subject to the conditions listed.

An addendum circulated at the meeting advised that further information had been received from the applicant's agent, summarising the measures that would be proposed in respect of air quality. The measures included electric vehicle charging points and connections to all plots, the provision of sustainable travel packs and payment of the requested contribution to implement highway improvements.

In addition, a number of minor revisions were proposed to conditions 4, 5, 14 and 18.

The addendum also outlined responses from Historic England and the WDC Open Space Team as well as providing an update on contributions from the WCC Infrastructure Team.

The following people addressed the Committee:

- Councillor Deely, representing Bishop's Tachbrook Parish Council, objecting;
- Councillor Ashford, representing Warwick Town Council, objecting;
- Mr Stephens, on behalf of the applicant, supporting; and
- Councillor Noone, Ward Councillor, objecting.

A motion proposed by Councillor Boad, and seconded by Councillor Weed, to approve the application as per the officers' recommendation was defeated.

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Edgington that the application should be refused because the reasons for refusal on the previous scheme had not been overcome.

The Committee therefore

Resolved that W/17/2275 be **refused**, contrary to the recommendations in the report, for the following reasons:

Councillors did not feel that a significant public benefit had been demonstrated which would outweigh the less than substantial harm to the heritage asset and the application was therefore contrary to Local Plan Policy HE1. In addition, the increased number of vehicle journeys would result in further airborne pollution and the application was therefore also contrary to Paragraphs 93 & 94 of the NPPF and Local Plan Policy NE5.

163. W/17/2315 – Plot 8001-8004 Tournament Fields, Stratford Road, Warwick

The Committee considered an application from Sackville Developments (Warwick) Ltd to vary condition 11 of planning permission W/17/1104. Planning permission W/17/1104 was for the erection of four buildings to provide employment development for Use Classes B1, B2 and B8 purposes.

The variation would delete the prohibition on loading doors being opened between 1900 hours and 0700 hours and would substitute this with a restriction whereby the loading doors could only be used if internal operations occurring at the time did not cause nuisance to nearby residences, as well as a requirement that between these hours the loading doors were only opened for as long as was necessary for instances of the movement of goods or personnel. The new condition 11 would not apply to Plot 8001.

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

Balancing out the objectives of supporting economic growth and protecting the living conditions of nearby residents, the officer was of the opinion that the revised Condition 11 provided adequate control over internal noise from the proposed development, with existing Condition 12 retained to control external noise. Therefore, it was recommended that planning permission should be granted for the variation of condition 11.

An addendum circulated at the meeting advised that the applicant had submitted comments disputing the accuracy of the Environmental Health Department's comments. In addition, comments in support of the application were detailed in full from a prospective purchaser as well as the Coventry and Warwickshire Growth Hub and Local Enterprise Partnership.

PLANNING COMMITTEE MINUTES (Continued)

The following people addressed the Committee:

- Councillor Ashford, representing Warwick Town Council, objecting;
- Mr Miles, local resident, objecting; and
- Mr Wareing, representing the applicant.

Councillors raised concerns that nearby residents had to endure noise nuisance from not only the operations inside the units, should the shutter doors be opened, but from the operation of the doors themselves. In addition, Members were mindful of the comments from Environmental Health.

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

The Committee therefore

Resolved that W/17/2315 be **refused**, contrary to the recommendations in the report, as it would be detrimental to residential amenity, contrary to Policy BE3 of The Local Plan.

164. **W/17/2343 – 131 Warwick Road, Kenilworth**

The Committee considered an application from Parkroy Limited for the erection of eight apartments after demolition of the existing building.

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 the principle of the residential use of this site was considered acceptable and no objection had been raised to the loss of the existing commercial use. The proposal was also considered acceptable in terms of visual amenity, neighbouring amenity and highway safety terms. The development would provide acceptable living conditions for occupiers and all technical matters could be adequately secured by appropriate conditions. On this basis, it was recommended that planning permission should be granted.

An addendum circulated at the meeting advised that one additional letter of objection had been received raising concern regarding the inadequacy of the site access. In addition, Environmental Health had recommended updated wording to a condition relating to a noise assessment along with additional conditions regarding Land Contamination, Low Emission Strategy and Construction Management Plan.

The following people addressed the Committee:

- Councillor Richard Dickson, representing Kenilworth Town Council, objecting;
- Mr Cooke, representing local residents, objecting: and

PLANNING COMMITTEE MINUTES (Continued)

- Mr Atha, representing the applicant.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Edgington and seconded by Councillor Miss Grainger that the application should be granted in accordance with the officer's recommendation.

The Committee therefore

Resolved that W/17/2343 be **granted** in accordance with the recommendations in the report, subject to the following 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 and approved drawing(s) T227-002A, T227-03A, T227-04A, T227-05A and T227-06, and specification contained therein, submitted on 12 February 2017. **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) other than the demolition of the building, no development shall take place above ground level of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
- (4) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of

PLANNING COMMITTEE MINUTES (Continued)

vehicles of site operatives and visitors; 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; and a scheme for recycling / disposing of waste resulting from demolition and construction works. **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, TR4 and NE5 of the Warwick District Local Plan 2011-2029;

- (5) other than the demolition of the building, no development shall take place above ground level of the development hereby permitted 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. **Reason:** To ensure that the character and appearance of the building is acceptable in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (6) other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted unless and until a noise assessment has been submitted to and approved in writing by the LPA. The assessment shall be carried out at an appropriate time to the satisfaction of the Local Planning Authority. The noise assessment shall include results for LAeq, LA10, and LA90 noise descriptors, together with a calculated arithmetical average for the LAeq. The assessment will demonstrate by calculation that internal noise levels for the proposed residential properties meet the

PLANNING COMMITTEE MINUTES (Continued)

'Good' criteria set out in British Standard 8233 'Sound Insulation and Noise Reduction for Buildings' together with any mitigation measures that are required to achieve this. The development shall be constructed in strict accordance with any necessary mitigation measures identified in the approved report. Thereafter the measures implemented shall not be removed or altered in any way. **Reason:** To ensure that the premises are not subject to unacceptable nuisance or disturbance in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

- (7) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented in strict accordance with the approved details.

Reason: To ensure the necessary infrastructure and facilities are provided in accordance with Policy HS4 of the Warwick District Plan 2011-2029;

- (8) other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted unless and until a Management Plan for the disposal and treatment of waste associated with the residential use has been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory method for the disposal of waste in the interests of the visual amenities of the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

- (9) the development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority.
Reason: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029;
- (10) no part of the development hereby permitted shall be commenced unless and until a scheme for the provision of bat and bird boxes to be erected within the site, has been submitted to and approved in writing by the District Planning Authority. The scheme shall include details of box type, location and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity. **Reason:** In accordance with NPPF, ODPM Circular 2005/06;
- (11) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works in the approved application documents. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that 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

PLANNING COMMITTEE MINUTES (Continued)

Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;

- (12) the development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to check all suitable features in the roof of the building and associated structures to be demolished immediately prior to works commencing. All roofing material is to be subsequently removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **Reason:** To ensure that protected species are not harmed by the development. In order to discharge the condition above a brief report from the bat worker must be submitted to and approved by the local Planning Authority; and
- (13) no dwelling hereby permitted shall be occupied unless and until the communal car parking spaces to be provided have been completed and marked out in strict accordance with the approved drawing(s) number T227-002A and made available for use by the occupants and / or visitors to the dwelling(s) and thereafter those spaces shall be retained for parking purposes at all times. **Reason:** To ensure adequate parking provision within the development in the interests of the amenities of the locality and highway safety in accordance with Policies BE1, BE3 and TR4 of the Warwick District Local Plan 2011-2029.

165. **W/17/1552 – Land on the North Side of Common Lane, Kenilworth**

PLANNING COMMITTEE MINUTES (Continued)

The Committee considered a reserved matters (details of appearance, landscaping, layout and scale) application from Bloor Homes Western pursuant to condition 1 of planning permission W/14/1340 for the erection of 93 dwellings.

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, subject to the resolution of the various outstanding matters highlighted in the report, the proposals would have an acceptable impact on the living conditions of nearby dwellings and would provide a satisfactory living environment for future occupants of the proposed dwellings. Furthermore, subject to these outstanding matters, the proposals would have an acceptable impact on the character and appearance of the area and on trees, hedgerows and ecology. Finally, the proposals were considered to be acceptable in terms of car parking and highway safety and, therefore, it was recommended that the application should be approved.

An addendum circulated at the meeting advised that an amended layout had been submitted to relocate some of the affordable dwellings which would distribute them more evenly across the site. Officers felt that this now represented a suitable distribution of affordable housing. The amended layout also showed additional soft landscaping which would break up the frontage car parking plots.

Following the submission of further details of noise mitigation measures, Environmental Health had advised they no longer had an objection, along with WCC Ecology who had also confirmed no objection following receipt of further ecological information.

The applicant had also confirmed that the open space and children's play space provisions would accord with the outline application.

The following people addressed the Committee:

- Councillor Illingworth, representing Kenilworth Town Council, objecting; and
- Mr Shaw, representing the applicant.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Edgington 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/17/1552 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and
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approved drawing(s), 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;

- (2) the development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
- (3) none of the dwellings hereby permitted shall be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings for that dwelling 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 amenity in accordance with Policies BE1, BE3 & TR3 of the Warwick District Local Plan 2011-2029; and
- (4) none of the flats hereby permitted shall be occupied unless bin and cycle stores have been constructed in strict accordance with details that shall have been submitted to and approved in writing by the local planning authority. The bin and cycle stores shall be retained and kept available for the storage of refuse and recycling and for the parking of cycles at all times thereafter. **Reason:** To protect the amenities of occupiers of the site and the character and appearance of the locality and to ensure that sufficient cycle parking is available, in accordance with Policies BE1, BE3 & TR3 of the Warwick District Local Plan 1996-2011.

166. W/17/2326 – 9 Stuart Close, Warwick

The Committee considered an application from Mr Phillips for the erection of a single storey front extension with bow front door and two velux roof lights.

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

PLANNING COMMITTEE MINUTES (Continued)

The officer was of the opinion that, given the fall-back position of the extant permission, it was considered that the proposal constituted an improvement, the scheme met the requirements of Local Plan Policy BE1, BE3 and HE2 and was recommended for approval.

The following people addressed the Committee:

- Councillor Ashford, representing Warwick Town Council, objecting; and
- Mrs Hudson, local resident, objecting.

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

The Committee therefore

Resolved that W/17/2326 be **granted** in accordance with the recommendations in the report, subject to the following 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 and approved drawing(s) 17/11/17-01, and specification contained therein, submitted on 25th January 2018.

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

- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

167. **W/17/2145 – Abbey Farm, Ashow Lane, Ashow**

The Committee considered an application from Mr & Mrs Burdett for the conversion and extension of the existing garage/outbuilding and linking to the existing annexe building to create a new separate dwelling.

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to Committee at the request of Councillor Wright and because five letters of support had been received. The recommendation from officers was that permission should be refused.

This item was taken in conjunction with application W/17/2146 LB which dealt with the Listed Building consent at the site.

The officer was of the opinion that it was considered that the proposal was unacceptable because it comprised inappropriate development in the Green Belt, to which there was an objection in principle, as no very special circumstances existed. The proposal also resulted in less than substantial harm to the character and setting of the Grade II Listed Building and the Curtilage Listed outbuilding which was not outweighed by any public benefits.

An addendum circulated at the meeting advised that one additional letter of objection had been received on the grounds that the proposal would increase noise and nuisance. In addition, Councillor Wright had submitted comments in support of the application advising that he did not feel that there were any clear and concise planning reasons for the proposal to be rejected.

The following people addressed the Committee on this item and the following listed building consent item:

- Mr Eliot-Higgitt, local resident, objecting; and
- Mr Baily, representing the applicant.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Mrs Bunker that the application should be refused, for the reasons outlined in the report.

The Committee therefore

Resolved that W/17/2145 be **refused** in accordance with the recommendations in the report, for the following reasons:

- (1) the site lies within the West Midlands Green Belt. Paragraph 89 states that the extension of a building is not inappropriate development where the increase does not result in disproportionate additions over and above the size of the original building. The proposal seeks the extension of an existing outbuilding which connects to an existing garage building. The floorspace of the proposed development would result in an increase well in excess of what is considered to be a proportionate addition to a building within the Green Belt. Due to scale of the increase, the proposal is considered to result in a disproportionate addition to a building within the Green Belt and is therefore contrary to Paragraph 89 of the
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PLANNING COMMITTEE MINUTES (Continued)

NPPF. There are no very special circumstances that would outweigh the harm to the openness of the Green Belt; and

- (2) the works proposed will have negative impact on the character and setting of the Listed buildings within the site and are considered to result in less than substantial harm to those buildings. No public benefits sufficient to outweigh the identified harm have been demonstrated and therefore the proposal is contrary to Policy HE1 of the Warwick District Local Plan 2011-2029, guidance within the NPPF and Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

168. W/17/2146 LB – Abbey Farm, Ashow Lane, Ashow

The Committee considered an application from Mr & Mrs Burdett for the conversion and extension of the existing garage / outbuilding, and linking to the existing annexe building to create a new separate dwelling.

The application was presented to Committee at the request of Councillor Wright and because five letters of support had been received. The recommendation from officers was that permission be refused.

This item was taken in conjunction with application W/17/2145 which dealt with the planning permissions at the site.

The officer was of the opinion that the proposed development was considered harmful to the setting of the Grade II Listed Building and the Curtilage Listed Building at the site and therefore, the principle of the proposed works was considered to be contrary to the provisions of Policy HE1 of the Local Plan, together with National Guidance contained within the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.

An addendum circulated at the meeting advised that one additional letter of objection had been received on the grounds that the proposal would increase noise and nuisance. In addition, Councillor Wright had submitted comments in support of the application advising that he did not feel that there were any clear and concise planning reasons for the proposal to be rejected.

The following people addressed the Committee on this item and the previous, linked item:

- Mr Eliot-Higgitt, local resident, objecting; and
- Mr Baily, representing the applicant.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Mrs Bunker that listed building consent should be refused, for the reasons outlined in the report.

PLANNING COMMITTEE MINUTES (Continued)

The Committee therefore

Resolved that W/17/2146 LB be **refused** in accordance with the recommendations in the report, for the following reason:

- (1) the works proposed will have negative impact on the character and setting of the Listed building and are considered to result in less than substantial harm to the building. No public benefits outweigh the identified harm and therefore the proposal is therefore contrary to Policy HE1 of the Warwick District Local Plan 2011-2029, guidance within the NPPF and Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

169. **W/17/2209 – Land at Westham Lane, Barford**

The Committee considered an application from Waterloo Housing Group Ltd for revised access and parking layout to serve a residential development of nine properties (previously under application W/16/0441).

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

The officer was of the opinion that the proposal represented an improvement to the point of access serving this approved development and would not result in visual harm to the local area, harm to the amenity of neighbours, or harm to features of ecological value.

An addendum circulated at the meeting advised that an additional letter of objection had been received raising concerns with Fire Vehicle Access and Safety Issues. In response, the Building Control Officer had submitted comments following an inspection of fire access.

The following person addressed the Committee:

- Mrs Pennington, representing the applicant.

Following consideration of the report, presentation, information contained in the addendum and the representation made at the meeting, it was proposed by Councillor Mrs Bunker and seconded by Councillor Miss Grainger that the application should be granted in accordance with the recommendation in the report.

The Committee therefore

Resolved that W/17/2209 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin
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not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 9378.02i and DWG-09, and specification contained therein, submitted on 22 November 2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) the development shall not be occupied until the new access and site layout including the provision of bollards to the existing access point have been constructed and laid out in general accordance with drawing no. DWG-09. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (4) the development shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 43 metres to the right (east) of the vehicular access and 25 metres to the left (west) of the vehicular access, measured to the near side of the carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the carriageway. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; and
- (5) the additional planting as shown on plan reference 9378.02 shall be carried out in accordance with the approved details within the first planting season following the substantial completion of the development. 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

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

170. **W/17/2370 – Sherbourne Farm, Sherbourne Hill, Sherbourne**

The Committee considered an application from Mr Lea for the erection of a tiled roof, open sided timber gazebo.

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

The officer was of the opinion that the application was for a new building within the Green Belt, which was contrary to National and Local Policy. No very special circumstances had been put forward which would outweigh the harm by reason of inappropriateness and harm to openness. Furthermore, the proposal would result in material harm to the character and setting of the converted barns.

The following person addressed the Committee:

- Mr Lea, the applicant.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Edgington that the application should be refused as per the officers' recommendation.

The Committee therefore

Resolved that W/17/2370 be **refused** in accordance with the recommendations in the report, for the following reasons:

- (1) paragraph 89 of the NPPF states that Local Planning Authorities should regard the construction of new buildings as inappropriate development in the Green Belt. The proposed gazebo does not meet any of the exceptions listed under paragraph 89 of the NPPF. No very special circumstances have been presented which outweigh the harm by reason of inappropriateness and harm to openness; and
- (2) the proposal relates to a group of converted barns which are used as a wedding venue, which by their very nature were a rural outbuildings with an agricultural character. To

PLANNING COMMITTEE MINUTES (Continued)

grant permission for an outbuilding with a domestic character to serve these barns would harm their character and setting and would be contrary to Policy BE1 and the Council's Barn Conversion SPG.

171. **W/17/2429 – 47b Fieldgate Lane, Kenilworth**

The Committee considered an application from Mr Hastings for a replacement house after demolition of the existing bungalow.

The application was presented to Committee because the recommendation was one of refusal and five letters of support had been received.

The officer was of the opinion that the design of the proposal was not considered to be an enhancement to the Conservation Area or wider street scene due to the contrived design, specifically the one and a half storey element along the southern elevation. The design created an unbalanced property that appeared to be overly large for the plot and also caused an unacceptable overbearing and loss of light impact to the neighbouring property no. 49. As such the proposal was considered to be contrary to Policies HE1, HE2, BE1 and BE3 of the Local Plan.

An addendum circulated at the meeting advised that one additional letter of support had been received, echoing previously raised points.

The following people addressed the Committee:

- Mr Davies, on behalf of his mother, a local resident, objecting;
- Mr Baily, representing the applicant.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Edgington and seconded by Councillor Weed that the application should be refused in accordance with the officers' recommendation.

The Committee therefore

Resolved that W/17/2429 be **refused** in accordance with the recommendations in the report, for the following reasons:

- (1) the design of the proposal is not considered to be an enhancement to the Conservation Area or wider street scene due to the contrived design, specifically the one and a half storey element along the southern elevation and the rear dormer position. The design creates an unbalanced property that appears to be overly large for the plot. The proposal is therefore contrary to Policies HE1, HE2 and BE1 of the Warwick District Council Local Plan 2011-2029; and

PLANNING COMMITTEE MINUTES (Continued)

- (2) the proposed replacement dwelling by virtue of its size and proximity is considered to cause an unacceptable overbearing and loss of light impact on the side facing study window of the neighbouring property no. 49 which is contrary to the provisions of Policy BE3 of the Warwick District Council Local Plan 2011-2029.

172. **W/18/0059 – 31 Offa Drive, Kenilworth**

The Committee considered an application from Mrs Taylor for the erection of a two storey rear extension.

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 the proposal was considered to meet the requirements of Local Plan Policies BE1 and BE3 and was therefore recommended for approval.

An addendum circulated at the meeting advised that the applicant had submitted comments disputing the accuracy of a neighbour objection. The applicant stated that 31 Offa Drive was built with an integral staircase giving access to first floor accommodation. The proposal therefore did not aim to turn the existing dwelling into a house, as it was already the case.

The following person addressed the Committee:

- Councillor Illingworth, representing Kenilworth Town Council, objecting.

Following consideration of the report, presentation, information contained in the addendum and the representation made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Miss Grainger that the application should be granted as per the officers' recommendation.

The Committee therefore

Resolved that W/18/0059 be **granted** in accordance with the recommendations in the report, subject to the following 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 and approved drawing(s) 1736/P/01, 1736/P/02, 1736/P/03 and specification contained therein,

PLANNING COMMITTEE MINUTES (Continued)

submitted on 11th January 2018. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and

- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

173. W/14/0967 – Land North of Gallows Hill, Warwick

The Committee considered an application for the variation of a Section 106 Agreement in relation to the transfer of land for Warwick District Council. The development was of up to 425 residential dwellings (Use Class C3), medical centre, community hall, formal and informal green spaces, sports and recreation provision, structural landscaping, new roads, footpaths and cycle ways, site access and ancillary works (outline application including details of access).

This report related to the above planning permission which was granted on 3 April 2015 (W/14/0967) and subsequently varied (W/17/0988) to amend the location of the site access from Gallows Hill. Both permissions were subject to a section 106 Agreement which imposed a range of obligations on the developer.

The application was presented to Committee because the decision related to a legal agreement.

The officer was of the opinion that the proposed changes to the Section 106 Agreement were considered to be in accordance with the Council's policies and served the planning purposes equally as well as the original version. It was therefore recommended that the Section 106 should be amended as requested.

Following consideration of the report and presentation, it was proposed by Councillor Mrs Bunker and seconded by Councillor Mrs Stevens that the application should be granted in accordance with the recommendations in the report.

The Committee therefore

Resolved that a further variation of the Section 106 Agreement relating to permission W/14/0967 be **authorised** in accordance with the recommendation in the report, in the event that the sale of the County Council Land to the District Council and Waterloo Housing Group proceeds, in order to:-

PLANNING COMMITTEE MINUTES (Continued)

- substitute a revised land use plan to show the locations of the Community Hall Land, the GP Facility Land, the Stadium Land, the Education Land and the alignment of the spine road. The variation agreement will also provide (subject to the agreement of the County Council) that whilst the total area of the Education Land will remain the same as the revised use plan the detailed boundaries may change;
- reflect the fact the site has been split and the planning obligations will be attributed proportionately between the parties to ensure that development on one part is not frustrated by a failure to provide infrastructure on the other;
- give the District Council the right to enter the WHG land to construct the spine road and provide servicing if necessary in order to facilitate development of its own land and to recover its costs; and
- provide for any consequential amendments required as a result of changes set out above.

174. W/17/2347 – Baginton School (Sunday School Rooms), Church Road, Baginton

Following receipt of further information and clarification from the applicant, the proposed reasons for refusal had been overcome and planning permission was granted under delegated powers.

Therefore, it was no longer necessary for this item to be considered by Planning Committee and the application had been withdrawn from the agenda.

175. W/17/2388 – 24 Saltisford, Warwick

The Committee considered an application from Mr Butler for the erection of a dual pitched roof garage, following demolition of the existing flat roofed garage.

The application was presented to Committee because the applicant was an elected District Councillor.

The officer was of the opinion that the proposed pitched roof garage was considered to enhance the Conservation Area and would present no harm to the setting of the Listed Building or the amenity of neighbouring properties.

Following consideration of the report and presentation, it was proposed by Councillor Morris and seconded by Councillor Miss Grainger that the application should be granted as per the officers' recommendation.

The Committee therefore

PLANNING COMMITTEE MINUTES (Continued)

Resolved that W/17/2388 be **granted** in accordance with the recommendations in the report, subject to the following 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 and approved drawings 17/66-01, 17/66-02, and specification contained therein, submitted on 21/12/2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and
- (3) other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1, HE1 and HE2 of the Warwick District Local Plan 2011-2029.

176. W/18/0006 – Leigh Foss, The Valley, Radford Semele

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

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

The officer was of the opinion that the proposal was considered to meet the requirements of Local Plan Policies BE1, BE2 and NE2 and was therefore recommended for approval.

Following consideration of the report and presentation, it was proposed by Councillor Edgington and seconded by Councillor Mrs Stevens that the application should be granted as per the officers' recommendation.

The Committee therefore

PLANNING COMMITTEE MINUTES (Continued)

Resolved that W/18/0006 be **granted** in accordance with the recommendations in the report, subject to the following 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 and approved drawing(s) 3650-02A, and specification contained therein, submitted on 8th February 2018. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

177. 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 10.47 pm)

CHAIR
27 March 2018