

# 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