

# Planning Committee

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

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

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

## 149. **Apologies and Substitutes**

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

## 150. **Declarations of Interest**

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

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

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

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

## 151. **Site Visits**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The following people addressed the Committee:

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

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

The Committee therefore

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

**Resolved** that W/20/0121 be **refused** because Policy BE3 of the Warwick District Local Plan 2011-2029 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. Furthermore, the District Council has also adopted Supplementary Planning Guidance on the 45 Degree Guideline which aims to prevent any unreasonable effect on the neighbouring property by reason of loss of daylight or sunlight and by creating an unneighbourly and overbearing effect.

The 45-degree line taken from No.129 Warwick New Road is breached by the rear extension and therefore the development results in material harm to that property by reason of loss of light and outlook.

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

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

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

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

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

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

The following people addressed the Committee:

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

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

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

The Committee therefore

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

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings CV35.17-44.02E and CV35.17-44.05B submitted on 9 January 2020 and drawing CV35.17-44.0K submitted on 27th January 2020, and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) the development hereby permitted (including ground clearance works) shall not commence until a protected species method statement for great crested newts and reptiles (to include timing of works, supervision of vegetation clearance and reasonable avoidance measures) has been submitted to and approved in writing by the Local Planning Authority. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011 – 2029;
- (4) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed

## PLANNING COMMITTEE MINUTES (Continued)

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

- (5) no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
- (6) the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029;
- (7) the access to the site for vehicles shall not be used unless a public highway verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety in accordance with Policy TR1 of Warwick District Local Plan 2011 – 2029;
- (8) the access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **Reason:** In the interests of highway safety in accordance with Policy TR1 of Warwick District Local Plan 2011 – 2029;
- (9) notwithstanding the provisions of the Town and Country Planning (General Permitted

## PLANNING COMMITTEE MINUTES (Continued)

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

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

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

**Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029; and

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

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

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

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

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

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

The following people addressed the Committee:

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

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

The Committee therefore

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

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) AL (P) 00 A, AL (P) 02 C, and specification contained therein, submitted on 22nd January 2020. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

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

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

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



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

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

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

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

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

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

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

## PLANNING COMMITTEE MINUTES (Continued)

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

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

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

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

The following people addressed the Committee:

- Mrs Bond, objecting, who also circulated a map and two images with the Chairman's approval; and
- Mr Dickinson, supporting.

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

The Committee therefore

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

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

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

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

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

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

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

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

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

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

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

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

The following people addressed the Committee:

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

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

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

The Committee therefore

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

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) P/02 REV C, P/03 REV C and P/04 REV C and specification contained therein, submitted on 29/01/2020 & 06/02/2020. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) the development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that

## PLANNING COMMITTEE MINUTES (Continued)

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

- (4) no development shall take place until:
- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work shall be submitted to and approved in writing by the LPA in consultation with the Warwickshire County Council Archaeological Information and Advice team.
  - b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI is to be undertaken. A report detailing the results of this fieldwork is to be submitted to the planning authority. **Reason:** To ensure a satisfactory programme of works is undertaken to secure and assess any archeological remains in connection to the site in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;
- (5) no development shall commence unless and until details of surface and foul water drainage works have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details. **Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029;
- (6) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of the dwellinghouse hereby permitted. **Reason:** That due to the restricted nature of the application site and its relationship with adjoining properties it is considered important to ensure that no additional development is carried out without the permission of the local

## PLANNING COMMITTEE MINUTES (Continued)

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

- (7) no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
- (8) prior to the occupation of the development hereby permitted, the first floor window in the west elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029;
- (9) the accesses to the site for vehicles shall not be used until a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** In the interest of highways safety in accordance with Policy BE1 of the Warwick District Local Plan 2011 – 2029;
- (10) the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all

## PLANNING COMMITTEE MINUTES (Continued)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

The Committee therefore

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

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

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

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

(Councillors Falp and Norris left the meeting.)

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

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

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

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

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

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

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

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

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

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

(The meeting ended at 9.24pm)

CHAIRMAN  
26 MAY 2020