

# Planning Committee

Minutes of the meeting held on Wednesday 6 November 2019 in the Town Hall, Royal Leamington Spa at 6.00 pm.

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

**Also Present:** Civic & Committee Services Manager – Mrs Tuckwell; Legal Advisor – Mrs Gutteridge; Development Services Manager – Mr Fisher; Business Manager - Development Management – Mr Sahota.

## 95. **Apologies and Substitutes**

(a) Apologies for absence were received from Councillors Ashford and Sanghera.

(b) Councillor Davison substituted for Councillor Roberts.

## 96. **Declarations of Interest**

Minute Number 99 – W/18/2200/LB – Bandstand, Pump Room Gardens, Dormer Place, Royal Leamington Spa

All Councillors declared an interest because the applicant was Warwick District Council.

## 97. **Site Visits**

There were no site visits made.

## 98. **W/19/0784 – Land on the East Side of Warwick Road, Kenilworth**

The Committee considered a Reserved Matters application pursuant to condition 1 of planning permission W/17/2150 for details of appearance, landscaping, layout and scale of 125 dwellings from Bovis Homes West Midlands Region.

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 proposed development would provide a high quality residential environment in accordance with the garden suburbs principles, including an appropriate mix of market and affordable housing, where the affordable housing was distributed evenly across the site. There were distinct character areas which defined this development and the dwellings themselves were varied in their architectural styles and finishes. The development would be well landscaped with the various typologies set out in the open space SPD all being met or exceeded.

There would be no harm caused to the amenity of existing neighbouring properties, and future occupiers of the development would be provided for

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with garden sizes and distance separation that either met or exceeded the standards set out in the Council's adopted guidance.

There would be no harm to heritage assets, and no detriment to highway safety, flood risk / drainage or ecology and biodiversity offsetting and the relevant condition pursuant to the outline permission in respect of ball-stop mitigation to safeguard properties adjacent to the Cricket Club had already been discharged but for completeness, it was considered appropriate for those drawings to be referenced in the approved plans condition imposed on any permission forthcoming on this application.

Having regard to all of the above, officers considered that the scheme complied with the relevant policies of the Development Plan, and accordingly, it was recommended that planning permission should be approved.

An addendum circulated at the meeting advised that a final response from Warwickshire County Council Highways had been received: 'No Objection' subject to conditions and notes.

The addendum also advised of additional representations having been received from the adjacent Cricket Club in respect of an access gate to/from the Club, along the southern boundary of the Club but which was omitted from the layout plan. This had now been addressed through the submission of a further revised layout showing the access gate opposite Plot 16.

Furthermore, the addendum advised Members of additional representations having been received on behalf of Kenilworth Rugby Football Club in relation to the red line boundary in the south eastern corner of the site. Kenilworth RFC indicated that they could not accept unrestricted public access on the land allocated for outdoor sports use as this would potentially compromise the security of the site, as well as the safety of users (children) of the adjacent pitches.

In respect of the above, officers advised that whilst it was noted that the layout showed a pedestrian link in the south east corner which would create the potential for a connection through to the site to the south, which was allocated in the Local Plan for outdoor sports use, the approval of this layout plan would not by default facilitate a right of access into the adjacent site. It would be a matter for any future application on the land to the south to determine how, or even if, the two sites were physically connected.

In addition, the addendum advised of revised plans having been received on 31 October, 1 and 5 November in relation to landscaping (updated in line with Open Space comments), and other details connected with the layout to align with the comments of the Highways Authority. The latest drawings received on the 5 November followed the representations received from the Cricket Club in relation to the omission of the access gate along the southern boundary which was now resolved.

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The addendum proposed a revision to Condition 1, asking that approved drawings to be updated to reflect those received on 31st October, 1st and 5th November 2019.

Additional conditions were to be added to page 14 in the report:  
Condition 3. Development to be carried out in accordance with the approved ball-stop mitigation details;  
Condition 4. Development to be carried out in accordance with final revised layout (Rev.X);  
Condition 5. No structure, tree or shrub planted with/retained within the visibility splays shall exceed 0.6m in height above the level of the public highway carriageway;  
Condition 6. The 8no. stipulated plots where garages are providing the third parking space required must be retained as garages in perpetuity to ensure the requisite parking provision is maintained for each dwelling.

The following people addressed the Committee:

- Councillor Milton, representing Kenilworth Town Council, objecting;
- Mrs Lambert, objecting;
- Miss Chesworth, objecting;
- Mr Love, supporting; and
- Councillor Milton, Ward Councillor, objecting.

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 Heath that the application should be granted.

The Committee therefore

**Resolved** that W/19/0784 be **granted**, 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 the following approved drawings received on the following dates:

13 May 2019

KENI-BOV-0410-XX-DR-A-1001, KENI-BOV-0611-XX-DR-A-1002, KENI-BOV-09F0-XX-DR-A-1003, KENI-BOV-P4F1-XX-DR-A-1004, KENI-BOV-08F0-XX-DR-A-1005, KENI-BOV-0810-XX-DR-A-1006, KENI-BOV-11F1-XX-DR-A-1007, KENI-BOV-11F2-XX-DR-A-1008, KENI-BOV-07F1-XX-DR-A-1009, KENI-BOV-13F1-XX-DR-A-1010, KENI-BOV-14F0-XX-DR-A-1011, KENI-BOV-18F0-XX-DR-A-1012, KENI-BOV-18F0-XX-DR-A-1013, KENI-BOV-20F0-XX-DR-A-1014, KENI-BOV-20F0-XX-DR-A-1015, KENI-BOV-31F0-XX-DR-A-1016, KENI-BOV-31F0-XX-DR-A-1017, KENI-BOV-23F0-

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XX-DR-A-1018, KENI-BOV-23F0-XX-DR-A-1019, KENI-BOV-2911-XX-DR-A-1020, KENI-BOV-1BF0-XX-DR-A-1021, KENI-BOV-S110-XX-DR-A-1022, KENI-BOV-2410-XX-DR-A-1023, KENI-BOV-2510-XX-DR-A-1024, KENI-BOV-P410-XX-DR-A-1025 and KENN-05-SK108 and specification contained therein;

### 2 September 2019

P18-2572\_06 Rev.B and P18-2572\_30 Rev.A and specification contained therein;

### 3 October 2019

JBA 18\_323\_02 G, JBA 18\_323\_03 G, JBA 18\_323\_04 G, JBA 18\_323\_05 G and JBA 18\_323\_06 G and specification contained therein;

### 9 October 2019

AGD2-1VT (Double Garage), AGD2-1VT (Double Garage Plots 1,2,5), AGD2-3, AGS2-2VT, AGS2-2X2VT, AGS2-3-2VT, AGS22 and AGS3-2X2VT and specification contained therein;

### 31 October 2019

P18-2572\_01 X Proposed Layout, P18-2572\_24 H, P18-2572\_25 H, P18-2572\_27 G, P18-2572\_28 G, P18-2572\_29 H and P18-2572\_31 B;

### 1st November 2019

JBA 18\_323\_02 H, JBA 18\_323\_03 H, JBA 18\_323\_04 H, JBA 18\_323\_05 H and JBA 18\_323\_06 I and specification contained therein;

### 5th November 2019

P18-2572\_01 X Proposed Layout\_LR and P18-2572\_26 J and specification contained therein; and

### 6th November 2019

KENN-BOV-XX-XX-DR-A-0203 Rev.B 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) no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been
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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;

- (3) development to be carried out in accordance with the approved ball-stop mitigation details;
- (4) development to be carried out in accordance with final revised layout (Rev.X);
- (5) no structure, tree or shrub planted with/retained within the visibility splays shall exceed 0.6m in height above the level of the public highway carriageway; and
- (6) the 8no. stipulated plots where garages are providing the third parking space required must be retained as garages in perpetuity to ensure the requisite parking provision is maintained for each dwelling.

### **99. W/18/2200/LB – Bandstand, Pump Room Gardens, Dormer Place, Royal Leamington Spa**

The Committee considered an application for the restoration/repair of the Bandstand - Amendment to Application Ref. W/15/0928/LB. Replacement floor deck, new access hatch to undercroft to be installed in floor deck, installation of a metal grille over external access to undercroft, additional stonework to the decking edge and revision to main steps design (part-retrospective) from Warwick District Council.

The application was presented to Committee because of the number objections that had been received, including one from Royal Leamington Spa Town Council. In addition, the applicant was Warwick District Council.

The officer was of the opinion that due to the nature of the proposed works, the proposal was not considered to cause harm to the character, appearance and significance of the listed building. The development accorded with Policy HE1 of the Warwick District Local Plan (2011-2029), Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas Act) 1990 and paragraph 196 of the NPPF.

An addendum circulated at the meeting advised of a response received from Conservation Area Forum (CAF), stating: "Revised drawings of the scheme were presented to CAF in the meeting. Whilst CAF still expressed some concern in relation to accessibility to the undercroft, the Forum had

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no objection and looks forward to seeing large scale details of the grille and door to the undercroft”.

The addendum also advised of an amendment to Condition 3, to also require details of its fixings.

Mr Pitts addressed the Committee, objecting to the application.

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

The Committee therefore

**Resolved** that W/19/2200/LB be **granted**, subject to the following conditions:

- (1) the consent hereby granted relates to the details shown on the site location plan and approved drawing(s) 3032-203 A, 3022-201 G, 3032-101 G, 3032-106 C, 3032-102 G, 3032-202 G, and specification contained therein, submitted on 22nd October 2019. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029;
- (2) large scale details of the undercroft door (including a section showing the reveal, heads and cill details), at a scale of 1:5 (including details of materials) shall be submitted to the Local Planning Authority for approval within one month of the date of this consent. The development shall not be carried out otherwise than in strict accordance with the details approved under this condition. **Reason:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029; and
- (3) details of the proposed metal grille and its fixings shall be submitted to the Local Planning Authority for approval within 1 month of the date of this consent. The development shall not be carried out otherwise than in strict accordance with the details approved under this condition. **Reason:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.

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### 100. **W/19/0423 – Annexe at Yew Tree Cottage, Old Warwick Road, Lapworth**

The Committee considered an outline planning application for the erection of dwelling including demolition of existing barn from Mr & Mrs Nelson.

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

The officer was of the opinion that the main planning considerations in determining this application had been set out and considered above stating accordance with relevant Local Plan Policy. The application had also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there was not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case. The application had addressed the main considerations and given the permitted fall-back position, provided a substantive basis to permit the development. The proposal was therefore supported by officers, subject to resolution of outstanding matters relating to ecology.

An addendum circulated at the meeting advised that WCC Ecology provided its consultation response having reviewed the submitted ecological assessment raising no objection, subject to conditions and protected species notes. Furthermore, an additional condition was proposed to require a further bat survey to be undertaken and the submission of a mitigation plan prior to the commencement of development.

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

The Committee therefore

**Resolved** that W/19/0423 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);

A202 - Proposed New Dwelling

Including specification contained therein, submitted to the LPA on 16/09/19.

## PLANNING COMMITTEE MINUTES (Continued)

**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 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;

- (4) the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times.

**Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of highway safety in accordance with Policy TR3 of the Warwick District Local Plan 2011-2029;

- (5) 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 any dwellinghouse hereby permitted. **Reason:** Since planning permission has been granted on the basis of the fallback position provided by Class P, Part 3 of the GPDO, for which permitted development rights are removed;

- (6) no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been



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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; and

- (7) an additional condition to require a further bat survey to be undertaken and the submission of a mitigation plan prior to the commencement of the development.

### 101. **W/19/1341 – Wimsley, 30 Southam Road, Radford Semele**

The Committee considered an application for the proposed demolition of existing first floor/roof and erection of new first floor and internal alterations from Mr & Mrs Ohara.

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 scheme was considered acceptable, having regard to the character of the street scene, the existing built form, and the impact on the amenity of neighbouring properties. Officers are also satisfied that the scheme would not result in harm to protected were.

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

The Committee therefore

**Resolved** that W/19/1341 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 '001' and approved drawings '004' and '005', received on the 8th August 2019, and the specification contained therein. **Reason:** For

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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. **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.

102. **W/19/0818 – 66 Market Place, Warwick**

The Chairman advised the Committee that this application had been withdrawn by the applicant prior to the meeting.

(The meeting ended at 7.37pm)

CHAIRMAN  
4 December 2019