

# Planning Committee

Minutes of the remote meeting held on Wednesday 7 October 2020 at 6.00pm, which was broadcast live via the Council's YouTube Channel.

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

**Also Present:** Committee Services Officer – Mr Edwards; Civic and Committee Services Manager – Patricia Tuckwell (observing only); Legal Advisor – Mrs Amphlett; Development Services Manager – Mr Fisher; and Senior Planning Officer – Mr Sahota.

The Development Services Manager explained to Members that the following application had been withdrawn from the agenda:

Item 7 – W/20/1004 – 8 Avon Road, Kenilworth. This had been withdrawn from the agenda by officers because Kenilworth Town Council had confirmed on the 5 October that it wished to withdraw its objection, in light of the changes made to the application, which it considered to have overcome its concerns. The application was therefore withdrawn from the agenda and the decision would be issued under delegated powers.

## 53. **Apologies and Substitutes**

(a) There were no apologies made.

(b) Councillor Grey substituted for Councillor Murphy.

## 54. **Declarations of Interest**

There were no declarations of interest.

## 55. **Site Visits**

There were no organised site visits made.

## 56. **W/20/0668 – Old Beams, Lapworth Street, Bushwood, Lowsonford**

The Committee considered an application from Mr Jinks for the erection of a new dwelling.

The application was presented to Committee because of the number of objections, including an objection from Lowsonford Parish Council.

Officers considered the proposed development against the policies of the Warwick Local Plan. Having assessed the site specific details of the proposal, Officers were satisfied that the scheme complied with Policy H11 of the Warwick Location Plan, specifically criterion (c), which sought to ensure that the site would not harm the integrity of the village where its loss would have a harmful impact upon the local character and distinctiveness of the area.

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

The objections received were duly noted and acted upon. As amended, it was considered that, on balance, the proposal was acceptable, having regard to the impact on the character of the local area and the Lowsonford Conservation Area, the impact on the setting of nearby Listed Buildings, the impact on the amenity of neighbouring properties, and the impact on highway safety. Officers were also satisfied that the scheme would not result in harm to protected species.

An addendum circulated at the meeting advised Members of an additional response received from Rowington Parish Council, which had been circulated to Members. It felt that the officer's report was potentially misleading, lacking in transparency, and wrong on a number of important facts. It also failed to understand the recommendation to grant, in the face of such overwhelming objections. It was concerned that formal objections from Warwick District Council's Principal Conservation Officer and the Landscape Team at Warwickshire County Council were omitted from the report. There was no published record of ongoing negotiations between officers and the applicant as referred to in the report.

Rowington Parish Council had concerns that officers had not assessed the scheme as submitted and considered by Rowington Parish Council and other bodies, but rather had entered into negotiations with the applicant. There were references to consultees being satisfied with the revised proposals, however there were no published record of these revised opinions, nor was there an opportunity for statutory consultees to comment on the revised proposals. It also had concerns that the gap between the two existing buildings was approximately 20 metres, the width of the previously approved design was just over six metres, and the width of the footprint of the revised design was approximately 11 metres. This was almost double the previously approved building width. It felt that the net effect of this proposal would destroy a visual gap of approximately 20m and remove *"an open aspect through the site that is an important element of the wider setting of the listed building"*.

It was also stated that the Principal Conservation objected to the scheme. Rowington Parish Council also had concerns that there was no mention of this highly relevant and important objection in the officer's report, and had concerns that the officer's report did not accurately summarise comments from Warwickshire County Council Landscape, which was a formal objection.

The addendum also stated the response from officers to the concerns raised by Rowington Parish Council. Officers explained that the applicants were advised of the recommendation to refuse the original submission and sought to engage with officers to seek a scheme that overcame the issues raised. This was normal practice, and the Government encouraged Local Planning Authorities to actively engage with applicants. This had resulted in discussions with the agent, officers, and the Conservation Officer whereby a revised scheme was considered to reduce the overall width of the proposed dwelling, to increase the visual gap together with the omission of a previously proposed garage to the site frontage. The scheme as revised, reduced a side wing nearest to Old Beams, and provided dormer windows set into the roof slope, and the dormer on the side facing the Bank House was omitted from the scheme. The result of this would reduce the visual

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

bulk and increase the gap at the first floor level. The elements of increased width were single storey elements only, with the main element (the garden room) set to the very rear of the building.

The following people addressed the Committee:

- Councillor Henderson, representing Rowington Parish Council, which had objected to the application; and
- Mr Jinks, speaking in support.

Members raised concerns with regards to information from the Conservation Officer, who had initially objected to the application. This objection had subsequently been removed by the Conservation Officer, but had not been circulated to Members through the Planning Portal, which was the primary source of information for Members before the Planning Committee. As this was an important piece of information for debating this item, Members felt unable to debate the application until a written statement from the Conservation Officer was received and seen by the Committee.

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

The Committee therefore

**Resolved** that W/20/0688 be deferred so that Members could receive further information from the Conservation Officer on the final proposal before Planning Committee.

### **57. W/20/0260 – Orchard House, Old Warwick Road, Lapworth**

The Committee considered an application from Mr Lynch for the erection of part single storey and part two storey rear extension and erection of a front porch together with alterations to fenestration and facing materials.

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

In the officer's considered opinion, the proposed development suitably aligned with the relevant guidance and policy considerations. On the basis of this, it was recommended that the proposal should be approved.

An addendum circulated prior to the meeting advised Members that following the submission of site photographs, Warwickshire County Council Ecological Services had confirmed that their recommendation was the same as for the previous application, W/19/1771, and they recommended that notes relating to bats and nesting birds, as protected species, were attached to any approval granted.

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

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

The Committee therefore

**Resolved** that W/20/0260 be granted subject to the following conditions:

- | <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 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 submitted on the 6th February 2020, approved drawing '19/002/JN' submitted on the 5th March 2020, and specification contained therein. <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;   |
| (3)        | prior to the occupation of the development hereby permitted, the western facing, first floor window within the rear extension 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 windows shall be retained and maintained in that condition at all times. <b>Reason:</b> 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 |
| (4)        | with the exception of the proposed render, all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. <b>Reason:</b> 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.  |

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

### **58. W/20/0486 - 49 St Michael's Road, Saltisford, Warwick**

The Committee considered an application from Ms Letts for the demolition of an outbuilding and the erection of a single storey rear extension.

The application was presented to Committee because the property was owned by Warwick District Council.

The officer was of the opinion that the demolition of the detached garage did not require planning permission, and therefore this aspect of the proposal would not be assessed in the application.

The proposed rear extension was of a modest size and design, which would not be visible from the street scene, and it was therefore considered that the proposed extension would be acceptable in design terms and would comply with Policy BE1.

The proposed rear extension would breach a 45-degree sightline taken from the nearest window in the rear elevation of 47 St Michael's Road. However, the existing garage along that boundary already breached the 45-degree line. The point at which the proposed extension projected further to the rear was some distance from the affected window. Furthermore, there would only be a limited increase in the eaves height compared with the existing structure. Therefore, it was considered that the proposal would not result in a material loss of light or loss of outlook compared with the existing situation.

There was no conflict with the 45-degree line in relation to the other neighbour at 51 St Michael's Road. Members, in the Extended Delegated Decisions Meeting on 23 July 2020, requested that the applicant committed to replacing the boundary wall in the location of the garage, which was proposed to be removed. It was considered necessary to impose this replacement boundary treatment as a condition of the approval, in order to ensure the development had an acceptable impact on the privacy of the neighbours, which could be ensured through properly securing the boundaries.

Based on this, it was considered that the proposal would not have an unacceptable impact on the neighbouring properties, in terms of loss of light or outlook and having regard to Policy BE3.

The Flood Risk Assessment which accompanied the application, set out that the proposed development would be designed to be flood resilient. This could be secured by condition. Furthermore, the Local Lead Flood Authority was satisfied with the information provided, and had no objection. It was therefore considered that the development was in accordance with Local Plan Policy FW1.

As the development created an additional bedroom (from three to four), the Council's Parking Standards SPD would require three off-street parking spaces, one more than the current requirement.

Having carried out a site visit, it was considered that there was sufficient capacity in the street to accommodate the additional requirement.

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

Furthermore, it was also noted that no objections were received on grounds of parking, therefore, the proposals were in accordance Local Plan Policy TR3. WCC Highways had been consulted following the Extended Delegated Decision meeting on 23 July 2020. The Highways Authority did not object to the proposals and considered that there was sufficient capacity on street to accommodate the additional requirement, without affecting the safety or capacity of the Highway Network.

With regard to the comments of WCC Ecology, it was not considered that a bat survey would be appropriate. This was because the site was situated within an urban area and the existing building had a flat roof which was not ideal for bat roost, and the building could be demolished without the need for planning permission. Bats were protected by other legislation and the decision not to require a bat survey did not take away the applicant's legal requirement to notify Natural England, in the event that bats were found during the course of development. The proposed development was considered to comply with Local Plan Policy NE2.

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

The Committee therefore

**Resolved** that W/20/0486 be **granted** subject to the following conditions:

- | <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 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) 20107-002, 20107-003 & 20107-004, and specification contained therein, submitted on 27 Mar 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;                  |
| (3)        | the development hereby permitted shall not be occupied unless and until a boundary wall or fence has been constructed in the position of the existing garage in accordance with details that shall have been submitted to and approved in writing by the local planning authority. <b>Reason:</b> To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality and to protect |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
|            | the privacy of adjacent residents, in accordance with Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029;   |
| (4)        | all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. <b>Reason:</b> 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; and  |
| (5)        | <p>the development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) dated April 2020 and in particular the following mitigation measures detailed within the FRA:</p> <ul style="list-style-type: none"><li>• Finished floor levels are set no lower than existing floor level of the dwelling.</li><li>• Flood resilient measures such as raised socket points, sealed ducts and solid floor finishes.</li><li>• Resident flood plan.</li></ul> <p>The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme. <b>Reason:</b> To protect the development from the risk of flooding, in accordance with Policy FW1 of the Warwick District Local Plan.</p> |

(The meeting ended at 7.03 pm)

CHAIRMAN  
4 November 2020