

# Planning Committee

Minutes of the meeting held on Tuesday 26 March 2019 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillor Cooke (Chairman); Councillors Ashford, Boad, Barrott, Mrs Bunker, Day, Heath, Mrs Hill, Morris, Mrs Stevens and Weed.

**Also Present:** Democratic Services Manager & Deputy Monitoring Officer – Graham Leach; Legal Advisor – Mr Howarth; Head of Development Services – Mr Barber; Business Manager – Development Manager – Mr Sahota; Principal Planning Officer – Ms Hammond; and Warwickshire County Council Highways Department Officers – Mr Malin and Mr Pilcher.

## 183. Apologies and Substitutes

There were no apologies received.

## 184. Declarations of Interest

Minute Number 188 – W/18/2335 - Lodge Farm House, Westwood Heath Road, Coventry

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

Minute Number 189 – W/18/2424 – Land rear of Lillington Free Church, Cubbington Road, Lillington, Royal Leamington Spa

Councillor Day declared an interest because one of the directors was known to him.

Councillor Mrs Stevens declared an interest because in 2017, she opposed the sale of the site. She left the room whilst this application was discussed to avoid a possible challenge of predetermination.

Minute Number 191 – W/18/2378 – 8 Savages Close, Bishop's Tachbrook

Councillor Day declared an interest because he would be speaking as Ward Councillor on this item. He did not participate as a member of the Planning Committee whilst this item was discussed.

Minutes Number 193 – W/18/2233 – Plot 8001 – 8004, Tournament Fields, Stratford Road, Warwick

Councillor Ashford declared an interest because the application site was in his Ward.

Minute Number 195 – W/18/2399 – Plot 8001 – 8004, Tournament Fields, Stratford Road, Warwick

Councillor Ashford declared an interest because the application site was in his Ward.

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

### **185. Site Visits**

To assist with decision making, Councillors Ashford, Boad, Barrott, Mrs Bunker, Cooke, Day, Heath, Mrs Hill, Morris and Mrs Stevens had visited the following application sites on Saturday 23 March 2019.

W/18/1331 – Land off Arras Boulevard, Hampton Magna  
W/18/2233 and W/18/2399 – Plot 8001 – 8004, Tournament Fields, Stratford Road, Warwick  
W/18/2378 – 8 Savages Close, Bishop's Tachbrook  
W/18/2424 – Land rear of Lillington Free Church, Cubbington Road, Lillington, Royal Leamington Spa

It was noted that Councillor Day did not attend the site visit for application W/18/2378 because he was Ward Councillor and would be addressing the Committee on this application at the meeting.

### **186. Minutes**

The minutes of the meeting held on 26 February 2019 were taken as read and signed by the Chairman as a correct record.

### **187. W/18/1331 – Land off Arras Boulevard, Hampton Magna**

The Committee considered an application from Miller Homes Limited and The Official Custodian for Charities on behalf of the King Henry VIII Endowed Trust Warwick for a residential development of 130 units including associated access, landscaping, open space and drainage infrastructure.

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

The officer was of the opinion that the development of this allocated site (H27) for the construction of 130 dwellings including a primary access off Arras Boulevard and an emergency access off Daly Avenue, together with the necessary infrastructure and associated works, (provision of open spaces and SUD's) was considered to be acceptable in principle in accordance with Local Plan Policy DS11. The provision of additional open space primarily for ecological enhancements beyond the boundary of the allocated site to the south, which itself was still within the West Midlands Green Belt, did not in itself constitute operational development, but for the purposes of assessing the impact on the Green Belt, it was considered to be appropriate and would not result in harm to the openness or conflict with the purposes of including land within it.

Based on the detailed layout of the development, which, in accordance with statutory consultees' advice had been subject to a number of amendments during the course of the application, officers were satisfied that the site could accommodate the proposed scale of development within a suitable layout which accorded with the relevant design principles and other supplementary guidance and which provided the required housing mix. The development would not result in demonstrable harm to the amenity of existing neighbouring dwellings, or the amenity of future occupants of the development itself.

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

No objections were raised from a highway safety perspective and it was considered that the main access from Arras Boulevard together with the emergency access proposed off Daly Avenue were suitable and would result in no detriment to highway safety.

Ecological matters had been suitably addressed through modifications to the layout and the addition of the parcel of land to the south which was proposed for ecological enhancements, and there were no objections in respect of landscaping, open space, drainage, environmental health concerns and archaeology.

A S.106 agreement would secure the necessary obligations and financial contributions to mitigate the impacts of the development, and the content of the agreement had been determined in liaison with the relevant statutory consultees and agreed in principle by the applicant.

All relevant infrastructure needs had been considered within the context of other nearby large scale development sites.

For the aforementioned reasons, it was recommended that planning permission should be approved, subject to the conditions listed at the end of the report and subject to the necessary obligations and financial contributions to be secured in the S.106 agreement.

An addendum circulated at the meeting advised of additional consultation responses received, as follows:

- (1) Budbrooke Council raised concerns about:
  - the cumulative impacts of both allocated sites on the highway network including the local road network in the village itself;
  - the extent to which this application had been considered comprehensively in the context of other nearby sites; and
  - the date on which Warwickshire County Council Highways final response of no objection was received and the fact that this had left the Parish Council little time to consider its contents and provide an updated response;
- (2) Warwickshire County Council (WCC) Highways provided clarification on how it had assessed the impact of the proposals on the road network and confirmed that the most recent speed survey was undertaken in April 2018 to determine the required visibility splays at the Blandford Way/Budbrooke Road junction;
- (3) there were no objections from either WCC Emergency Services, following the inclusion of an emergency access into the scheme, or from WCC Rights of Way Team;
- (4) WCC Education set out the total s.106 request of £238,140 and broke this down by spend on different sectors of education;
- (5) Environmental Health did not object to the proposals but recommended two additional conditions;
- (6) there were a further seven letters of objection received from the public raising various concerns; and

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

(7) revised drawings and additional information had been submitted.

The following people addressed the Committee:

- Councillor Dutton, objecting on behalf of Budbrooke Parish Council;
- Mr Bryan and Mr Jackson-Clarke, objecting;
- Ms Thornton, speaking in support of the application; and
- Councillor Phillips, Ward Councillor, speaking against the application.

It was proposed by Councillor Barrott, and seconded by Councillor Ashford that the determination of the application should be deferred to enable the local community to consider the revised response to the application from WCC Highways. On being put to the vote, the motion was lost.

It was proposed by Councillor Boad and seconded by Councillor Mrs Stevens that the application be granted in line with the recommendation in the report, along with the additional two conditions as set out in the addendum. On being put to the vote, the motion was lost.

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

The Committee therefore

**Resolved** that W/18/1331 be **refused** because it does not meet the requirements of Local Plan Policy H2 and Budbrooke Neighbourhood Plan BNDB5 paragraph 20 in respect of housing mix.

### **188. W/18/2335 – Lodge Farm House, Westwood Heath Road, Coventry**

The Committee considered an application from Lever Arch Investments Ltd for the erection of two no. dwellings.

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

The officer was of the opinion that the principle of development was considered acceptable in accordance with Policies H1 and DS11 of the Local Plan. The proposed dwellings had been designed and laid out within the site in such a way as to not cause harm to the residential amenity of neighbouring properties or the character of the surrounding area and wider landscape. The development was not considered to be detrimental to highway safety and suitable conditions and notes were recommended to deal with ecological and relevant environmental health matters. For these reasons, it was recommended that planning permission should be granted.

An addendum circulated at the meeting advised that a revised ecological appraisal had been received which did not change the content or nature of the original appraisal submitted with the application but sought to resolve a disparity between the site edged red shown originally which included (in error) some land outside the application site.

## PLANNING COMMITTEE MINUTES (Continued)

The following people addressed the Committee:

- Councillor Taylor, objecting on behalf of Burton Green Parish Council;
- Messrs Burns, Green and Convey, objecting to the proposals; and
- Mr Sykes, speaking in support of the application.

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 Ashford that the application should be granted.

The Committee therefore

**Resolved** that W/18/2335 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 1085.04D and 1085.05C, and specification contained therein, submitted on 21 December 2018, revised drawings 1085.02B and 1085.06C submitted on 11 March 2019. **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) no works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of native tree planting and installation of bat and bird boxes. The agreed scheme to be fully implemented before/during development of the site as appropriate. **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) no development shall be carried out above slab level unless and until a schedule of the external facing materials to be used has been

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

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;

- (5) the development hereby permitted shall be timetabled and carried out to wholly accord with the detailed mitigation measures for the safeguarding of protected and notable species and trees to be retained within the site as set out in the document 'Preliminary Ecological Appraisal' prepared by Ridgeway Ecology, received by the District Planning Authority on 22nd February 2019. **Reason:** To ensure that protected species in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029; and
- (6) if, during the works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. **Reason:** To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

### **189. W/18/2424 – Land rear of Lillington Free Church, Cubbington Road, Lillington, Royal Leamington Spa**

The Committee considered an application from Orbit Group Limited for the erection of five affordable dwellings with associated infrastructure, landscaping, parking and access on land to the rear of Lillington Free Church, Cubbington.

The application was presented to Committee because the proposal involved the development of what was, at that point in time, Council-owned land.

The officer was of the opinion that the proposals would be for an additional five dwellings and would result in benefits in terms of construction jobs and support to local services. The proposals would also replace an underutilised part of Holt Park and therefore would enhance the quality of the area. The proposals would also result in the provision of affordable housing in a sustainable location.

The proposals were therefore considered to be in accordance with policies of the Development Plan and the National Planning Policy Framework.

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

The proposals had been carefully considered against all the material considerations and against comments received from neighbours and the comments of consultees and found to be acceptable for the reasons set out above.

It was recommended, therefore, that planning permission should be granted.

An addendum circulated at the meeting advised that additional consultation responses had been received from:

- Royal Leamington Spa Town Council confirming that it did not object to the proposals;
- Warwick District Council Green Spaces Team, which detailed the reasons for its response supporting the disposal of the land and drawing attention to the fact that the area known as "The Holt" was not part of the land the subject of this application. Amendments were proposed to the wording of various proposed Conditions, with the justification given for this.

The following people addressed the Committee:

- Mrs Harris and Ms Crowley, objecting to the proposals; and
- Mr Stephens, speaking in support.

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 Barrott that the application should be refused. The Chairman used his casting vote to solve an equality of votes for an against the motion.

The Committee therefore

**Resolved** that W/18/2424 be **refused**, contrary to the recommendation in the report, because the application has not met the requirements of Local Plan Policy HS2b in that no robust assessment has been provided demonstrating the lack of need of the asset currently or in the future.

### **190. W/18/2457 – The Cottage, Church Road, Beausale**

The Committee considered an application from Mr and Mrs Davies for the erection of a replacement dwelling, a detached residential annexe and a replacement B1/B8 flexible commercial unit, together with the change of use of land to garden land and associated landscaping and external works.

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

The officer was of the opinion that the proposed development was considered to be appropriate development within the Green Belt as it represented the redevelopment of previously developed land that did not have a greater impact on the openness of the Green Belt than the existing development.

## PLANNING COMMITTEE MINUTES (Continued)

The design and appearance of the scheme, whilst modern, was considered to be appropriate for the rural setting of the site in terms of the design and choice of materials.

Subject to conditions, the development was considered acceptable with regards to the impact on the amenity of neighbouring properties, impact on future occupiers, impact on highway safety and the impact on ecology and trees.

The proposal was therefore recommended for approval.

An addendum circulated at the meeting advised that a letter had been received from the agent clarifying and correcting details in the officer's report.

Councillor Gallagher, Ward Councillor, addressed the Committee in support of 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 Morris and seconded by Councillor Barrott that the application should be granted.

The Committee therefore

**Resolved** that W/18/2457 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) 406\_AR\_120\_001A, 406\_AR\_120\_002A, 406\_AR\_120\_003A, 406\_AR\_20\_001A and 406\_AR\_220\_004C, and specification contained therein, submitted on 22 February 2019. **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 any works of demolition) shall not commence unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority and the development shall only



## PLANNING COMMITTEE MINUTES (Continued)

proceed in strict accordance with the approved details. The statement shall provide for: the parking of 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 and NE5 of the Warwick District Local Plan 2011-2029;

- (4) the development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for breeding birds, great crested newts, reptiles, badgers and hedgehogs and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy NE3 of the Warwick District Local Plan 2011-2029;
- (5) no development (including demolition) shall commence unless and until further surveys for the presence of bats have been carried out by a suitably qualified surveyor in accordance with the recommendations of the document titled Preliminary Ecological Appraisal with Preliminary Roost Assessment produced by Focus Ecology Ltd dated December 2018 and thereafter submitted to and approved in writing by the local planning authority together with full details of measures for bat migration and conservation. These measures should

## PLANNING COMMITTEE MINUTES (Continued)

include:

a) inspection of existing buildings on site not more than 28 days/one calendar month prior to their demolition to determine presence or absence of roosting or hibernating bats; b) no building containing bats shall be demolished until bats have been safely excluded using measures as have been previously submitted to and approved in writing by the local planning authority; c) provision of a new bat roost/hibernacula constructed to a design and in a location previously approved in writing by the local planning authority; d) provision of new bat roost/hibernacula within new construction; e) provision of an area of buffer/habitat around the new bat roost/hibernacula, details of the buffer to be submitted to and approved in writing by the local planning authority; f) retention of hedgerows identified as being important for foraging bats within the development site, details of the location of hedges to be submitted to and approved in writing by the local planning authority; g) provision for the management in perpetuity of the buffer habitat, hedgerows used for foraging and the new bat roost/hibernacula. The works shall be implemented in strict accordance with the approved details and timing of works.

**Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029;

- (6) no part of the development hereby permitted shall be occupied unless and until details of the siting, height, design and materials of the treatment of all boundaries have been submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the first occupation of the development to which it relates and shall be retained as such thereafter. **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 Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029;
- (7) the development hereby permitted shall not commence unless and until a Landscape Plan has been submitted to and approved in writing

## PLANNING COMMITTEE MINUTES (Continued)

by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes). Such approved measures shall thereafter be implemented in full. 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 Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and in the interests of increased biodiversity in accordance with Policies BE1, BE3, NE3 and NE4 of the Warwick District Local Plan 2011-2029;

- (8) the development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition, the Local Planning Authority expects lighting to be restricted at the east and south of the site, along the boundaries and where bat roosting features are proposed and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:

- lighting should be directed away from vegetated areas;
- lighting should be shielded to avoid spillage onto vegetated areas;
- the brightness of lights should be as low as

## PLANNING COMMITTEE MINUTES (Continued)

legally possible;

- lighting should be timed to provide some dark periods;
- connections to areas important for foraging should contain unlit stretches.

**Reason:** To ensure the scheme does not have a detrimental impact on protected species in accordance with Policy NE3 of the Warwick District Local Plan 2011-2029;

- (9) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition, no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;
- (10) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those specified within the Materials Schedule reference 406\_1.07\_2430\_PB dated 7th March 2019 unless otherwise agreed in writing by the Local Planning Authority. **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;
- (11) the development hereby permitted shall not be

## PLANNING COMMITTEE MINUTES (Continued)

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 proposed annex hereby permitted shall only be occupied for purposes ancillary to the residential use of the main dwelling and shall only be occupied by members of the family and shall not at any time be used as a separate dwelling. **Reason:** To prevent the creation of a new unit of accommodation in an unsustainable area and in the interests of residential amenity in accordance with Policies H1, BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (13) the flexible commercial unit hereby permitted shall be operated as a single business unit only within Use Classes B1 or B8 and shall not at any time be sub-divided to form smaller individual operating units. **Reason:** To prevent unacceptable levels of disturbance to nearby residents or traffic hazards in accordance with Policies BE3, NE5, TR1, TR2 and TR3 of the Warwick District Local Plan 2011-2029;
- (14) the development hereby permitted shall be timetabled and carried out strictly in accordance with the details submitted within the document titled BS5837 Arboricultural Survey and Impact Assessment (AIA) Dated December 2018. The recommendations within the report shall be carried out in full. **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029; and
- (15) 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

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

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.

### **191. W/18/2378 – 8 Savages Close, Bishop's Tachbrook**

The Committee considered an application from Mr and Mrs Wellsted for the erection of a single storey dwelling with associated works following demolition of the existing outbuildings.

The application was presented to Committee because it was recommended for refusal and Bishop's Tachbrook Parish Council was supporting it and more than five letters of support had also been received.

The officer was of the opinion that the proposal was considered to be unacceptable in principle, for the reasons set out in the report, and in terms of its impact on existing neighbouring and future occupiers' amenities.

The proposals had been carefully considered against the supportive comments received from neighbours and the Parish Council, but these did not outweigh the reasons for refusal.

It is recommended, therefore, that planning permission should be refused.

An addendum circulated at the meeting advised that additional consultation responses had been received from consultees who had already expressed support. Neighbours pointed out the applicant's conservation work with local flora and fauna. The addendum also gave details on the planning history of the application site.

The following people addressed the Committee:

- Councillor Deely, representing Bishop's Tachbrook Parish Council, which supported the proposals;
- Mr Wellsted, the applicant; and
- Councillor Day, Ward Councillor, supporting the proposals.

Councillor Barrott proposed and it was seconded by Councillor Heath that the application should be granted because it complied with Local Plan Policy H1 section D, and that conditions be delegated to officers in consultation with the Chairman. On being put to the vote the motion was lost on the use of the Chairman's casting vote.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was

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

proposed by Councillor Boad and seconded by Councillor Hill that the application should be refused.

On the Chairman's casting vote the Committee therefore

**Resolved** that W/18/2378 be **refused** in accordance with the recommendations in the report, for the following reasons:

- (1) Policy H1 of the Warwick District Local Plan 2011-2029 directs new housing to the defined urban areas then previously developed land within specified Limited Growth villages where a specific local need has been identified.

The application site is not within the defined urban areas or one of the defined Limited Growth Villages and adequate evidence of local need has not been submitted with the application. The proposal is therefore contrary to Policy H1 of the Warwick District Local Plan 2011-2029 and constitutes an unsustainable form of development contrary to the NPPF; and

- (2) 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 residents and future occupants. The proposal is considered to have an unacceptable impact on the residential amenities of No.8 Savages Close by virtue of direct views over its private amenity space and also would result in the perception of overlooking of the private amenity area of No. 7. Concern is also raised in respect to the outlook from the second bedroom which is considered to be substandard in that it would result in a poor living environment.

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

### **192. W/18/2455 – Wood Corner Cottage, Honiley Road, Beausale**

The Committee considered an application from Mr Beaumont for a variation to Condition 3 (removal of permitted development rights) of planning permission W/17/2163 (design alterations to planning permission W/13/0315 (erection of a replacement dwelling)), to reinstate the Schedule 2 Part 1, Class E (erection of outbuildings) permitted development rights.

The application was presented to Committee because Beausale, Haseley, Honiley and Wroxall Joint Parish Council supported the application and it was recommended for refusal.

## PLANNING COMMITTEE MINUTES (Continued)

The officer was of the opinion that the replacement dwelling was granted permission on the basis of the demolition of the existing outbuildings and the removal of permitted development rights for subsequent extensions and outbuildings. Reinstating the dwelling's Class E permitted development rights would enable new buildings to be erected within the residential curtilage of the dwelling, resulting in harm to the openness of the Green Belt and going against the rationale for allowing the larger replacement dwelling in the first place. The location of the property, with no immediate neighbours and an extensive residential curtilage, could result in numerous substantial outbuildings being built without the need for planning permission. It was therefore considered necessary, in the interests of retaining the openness and rural setting of the Green Belt, that this application was refused. To grant permission would undermine the very justification for the approved replacement dwelling, which was significantly greater in floor area in relation to the previous dwelling and was approved on the basis that all outbuildings were removed along with all the Permitted Development Rights for works which fell into Schedule 2, Part 1 and Part 2 of the GPDO.

It was considered that the erection of the replacement dwelling was deemed to be appropriate development subject to the aforementioned caveats. To reinstate the Class E permitted development rights would by default result in inappropriate development in the Green Belt which would be harmful by definition and by reason of harm to openness contrary to Policies DS18, H13 and the NPPF.

On the basis of the above, it was considered that the proposed rewording of Condition 3 to reinstate Schedule 2, Part 1, Class E Permitted Development Rights should be refused.

The following people addressed the Committee:

- Councillor Slatem, representing Beausale, Haseley, Honiley and Wroxall Joint Parish Council in support of the application; and
- Mrs Beaumont, speaking in support of the application.

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

The Committee therefore

**Resolved** that W/18/2455 be **refused** in accordance with the recommendations in the report, for the following reason:

- (1) Wood Corner Cottage was granted permission as a replacement dwelling to Rose Cottage. The replacement dwelling is significantly larger in scale than Rose Cottage and was granted permission on the basis that all outbuildings at the site were demolished and permitted development rights were removed in full so that no further development could take place within the curtilage of the dwellinghouse



## PLANNING COMMITTEE MINUTES (Continued)

without the prior written approval of the local planning authority. With Class E Permitted Rights reinstated at the property as proposed, further development could be carried out which would be harmful to the openness and appearance of the Green Belt and would go against the very rationale for the approval of the larger replacement dwelling and would result in harm by reason of inappropriateness and by reason of harm to openness. The proposal is considered to be contrary to Policies DS18, H13 and H14 of the Warwick District Local Plan 2011 - 2029 and the National Planning Policy Framework.

### 193. **W/18/2233 – Plot 8001 – 8004, Tournament Fields, Stratford Road, Warwick**

The Committee considered an application from Sackville Developments (Warwick) Limited for a reserved matters application for the erection of Class B1, B2 and B8 buildings on plots 8002 and 8003 (revised scheme to plots approved under W/17/1104).

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

The officer was of the opinion that the revisions to Plots 8002 and 8003 were acceptable in design, highways and visual impact terms. Officers were satisfied that the Noise Report as updated satisfactorily demonstrated that the proposal would not have an adverse impact on the amenity of neighbouring properties.

Subject to the imposition of appropriate conditions, Officers were satisfied that the proposal was acceptable.

The following people addressed the Committee:

- Mr Butler, objector; and
- Mr Mitchell, supporter.

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

The Committee therefore

**Resolved** that W/18/2233 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 approved drawing(s) 17200-0332-P-00 and 17200-0333-P-O, and specification contained

## PLANNING COMMITTEE MINUTES (Continued)

therein, submitted on 22 November 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;

- (2) no development shall commence until details of finished site and ground floor levels in relation to existing site levels and the levels of adjoining land have been submitted to and approved by the Local Planning Authority. The development shall be carried out and completed in accordance with the details so approved. **Reason:** To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029;
- (3) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which shall have 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 to direct run-off 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 similar size and species. 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 & NE4 of

## PLANNING COMMITTEE MINUTES (Continued)

the Warwick District Local Plan 2011-2029;

- (4) no development shall commence 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;
- (5) no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837- 2012 Trees in Relation to Design, Demolition & Construction) to all retained tree(s) on the site, or those tree(s) whose root structure may extend within the site. In particular, no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029;
- (6) all existing trees shall be retained and shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) removed without such consent or dying, or being

## PLANNING COMMITTEE MINUTES (Continued)

severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(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 landscape features 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 & NE4 of the Warwick District Local Plan 2011-2029;

- (7) notwithstanding the details indicated on the approved plans, the development hereby permitted shall not be occupied until details of boundary treatment have been submitted to and approved in writing by the local planning authority. No boundary treatment shall be installed other than in strict accordance with the details approved under this condition. **Reason:** To ensure a satisfactory standard of design and appearance for the development, in accordance with Policy BE1 of the Warwick District Local Plan;
- (8) the premises 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 both highway safety and visual amenity in accordance with Policies BE1, BE3 & TR4 of the Warwick District Local Plan 2011-2029;
- (9) none of the premises hereby permitted shall be occupied unless and until cycle parking has been provided in accordance with details that shall have been submitted to and approved in writing by the local planning authority. The cycle parking shall be retained at all times thereafter. **Reason:** To ensure adequate cycle parking facilities, in accordance with Policy TR4 of the Warwick District Local Plan 2011-2029;

## PLANNING COMMITTEE MINUTES (Continued)

(10) none of the units hereby permitted shall be used for purposes falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987 unless:

(a) a noise assessment (including details of noise mitigation measures if deemed appropriate) has been submitted to and approved in writing by the local planning authority; and

(b) any noise mitigation measures approved under (a) have been implemented in strict accordance with the approved details.

Any noise mitigation measures shall thereafter be retained and maintained in strict accordance with the approved details at all times that the unit is used for purposes falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987.

**Reason:** To protect the living conditions of the nearby dwellings and hotel, in accordance with Policies BE3 & NE5 of the Warwick District Local Plan;

(11) no noisy external activities likely to cause nuisance to nearby residences shall take place on site before 0700 hours or after 1900 hours on Monday to Saturday or before 0900 hours or after 1800 hours on a Sunday or Bank / Public Holiday. **Reason:** To protect the amenities of occupants of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029;

(12) noise arising from any plant or equipment, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of occupants of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029;

(13) the development shall be carried out in strict accordance with the Construction and

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

Environmental Management Plan by Benniman Construction Group that was submitted on 28 July 2017. **Reason:** To protect the amenities of occupants of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029;

- (14) no lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the local planning authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **Reason:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029; and
- (15) no chimneys or flues shall be installed on any of the premises hereby permitted other than in strict accordance with details that shall have been submitted to and approved in writing by the local planning authority. **Reason:** To protect the living conditions of nearby dwellings, in accordance with Policy NE5 of the Warwick District Local Plan.

### **194. W/19/0130 – Campsite, Mousley House Farm, Case Lane, Rowington**

The Committee considered an application from Mr Hughes for a proposed variation of Condition 1 of permission W/15/1925 (approved for changed of use from grazing land to camping site) to increase the number of pitches from 23 to 48.

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

The officer was of the opinion that the proposed variation of condition was considered to be acceptable in principle and there was no evidence presented to suggest that the increase in number of pitches would have such a harmful impact on highway safety which would warrant a reason for refusal of the application. The proposed variation of condition was unlikely to impact neighbouring residential amenity or protected species and therefore, should be approved.

An addendum circulated at the meeting advised that the applicant had responded to Rowington Parish Council's comments stating that no HGVs entered the site and damage to the verges had nothing to do with the campsite.

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

Councillor Henderson, representing Rowington Parish Council spoke in objection 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 Stevens and seconded by Councillor Weed that the application should be granted.

The Committee therefore

**Resolved** that W/19/0130 be **granted** in accordance with the recommendations in the report, subject to the following condition:

- (1) The seasonal campsite hereby permitted shall be limited to up to and including 48 pitches at any one time. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties in accordance with Policies TR1 & BE3 of the Warwick District Local Plan 2011-2019.

### **195. W/18/2399 – Plot 8001 - 8004, Tournament Fields, Stratford Road, Warwick**

The Committee considered an application from Sackville Developments (Warwick) Limited for a variation of Condition 11 for planning permission W/17/1104 to omit Plot 8001 from the requirements of the restrictive condition on the opening of roller shutter doors. The proposed condition would be retained on Plots 8002-8004 on this proposal.

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

The officer was of the opinion that the application was a variation of a previously imposed condition to restrict noise emissions from the buildings. The submission adequately demonstrated through the submission of a detailed noise survey that removing Plot 8001 from the requirements of the condition would not have any significant adverse impact on neighbouring amenity.

There were no other changes as a result of this application that were affected by the removal of this condition.

On the basis of the above, it was recommended that the condition should be varied as set out in the report.

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

The Committee therefore

## PLANNING COMMITTEE MINUTES (Continued)

**Resolved** that W/18/2399 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 approved drawing(s) 0003 Rev P-02, 0005 Rev P-00, 0103 Rev P-02, 0105 Rev P-01, 0203 Rev P-03, 0205 Rev P-00, 0301 Rev P-02, 0303 Rev P-02, 0304 Rev P-00 & 0305 Rev P-02, and specification contained therein, submitted on 9 June 2017, 19 June 2017 & 7 September 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;
- (2) no development shall commence until details of finished site and ground floor levels in relation to existing site levels and the levels of adjoining land have been submitted to and approved by the Local Planning Authority. The development shall be carried out and completed in accordance with the details so approved. **Reason:** To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029;
- (3) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which shall have 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 to direct run-off 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



## PLANNING COMMITTEE MINUTES (Continued)

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 similar size and species. 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 & NE4 of the Warwick District Local Plan 2011-2029;

- (4) no development shall commence 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;
- (5) no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837- 2012 Trees in Relation to Design, Demolition & Construction) to all retained tree(s) on the site, or those tree(s) whose root structure may extend within the site. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a

## PLANNING COMMITTEE MINUTES (Continued)

position as to be likely to cause damage or injury to the tree(s). **Reason:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029;

- (6) all existing trees shall be retained and shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(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 completion of development shall be replaced, as soon as practicable with tree(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(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 landscape features 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 & NE4 of the Warwick District Local Plan 2011-2029;
- (7) notwithstanding the details indicated on the approved plans, the development hereby permitted shall not be occupied until details of boundary treatment have been submitted to and approved in writing by the local planning authority. No boundary treatment shall be installed other than in strict accordance with the details approved under this condition. **Reason:** To ensure a satisfactory standard of design and appearance for the development, in accordance with Policy BE1 of the Warwick District Local Plan;
- (8) the premises 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 both highway safety and visual amenity in

## PLANNING COMMITTEE MINUTES (Continued)

accordance with Policies BE1, BE3 & TR4 of the Warwick District Local Plan 2011-2029;

- (9) none of the premises hereby permitted shall be occupied unless and until cycle parking has been provided in accordance with details that shall have been submitted to and approved in writing by the local planning authority. The cycle parking shall be retained at all times thereafter. **Reason:** To ensure adequate cycle parking facilities, in accordance with Policy TR4 of the Warwick District Local Plan 2011-2029;

- (10) none of the units hereby permitted shall be used for purposes falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987 unless:

(a) a noise assessment (including details of noise mitigation measures if deemed appropriate) has been submitted to and approved in writing by the local planning authority; and

(b) any noise mitigation measures approved under (a) have been implemented in strict accordance with the approved details.

Any noise mitigation measures shall thereafter be retained and maintained in strict accordance with the approved details at all times that the unit is used for purposes falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987.

**Reason:** To protect the living conditions of the nearby dwellings and hotel, in accordance with Policies BE3 & NE5 of the Warwick District Local Plan;

- (11) except in the event of an emergency, all shutter/loading doors on Plots 8002-8004 inclusive as shown on Masterplan 0301-P02 shall be kept closed before 0700 hours or after 1900 hours on any day. **Reason:** To protect the living conditions of the nearby dwellings and hotel, in accordance with Policies BE3 and NE5 of the Warwick District Local Plan;

- (12) no noisy external activities likely to cause nuisance to nearby residences shall take place on site before 0700 hours or after 1900 hours on Monday to Saturday or before 0900 hours or after 1800 hours on a Sunday or Bank / Public Holiday. **Reason:** To protect the

## PLANNING COMMITTEE MINUTES (Continued)

amenities of occupants of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029;

- (13) noise arising from any plant or equipment, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of occupants of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029;
- (14) the development shall be carried out in strict accordance with the Construction and Environmental Management Plan by Benniman Construction Group that was submitted on 28 July 2017. **Reason:** To protect the amenities of occupants of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029;
- (15) no lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the local planning authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **Reason:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029; and
- (16) no chimneys or flues shall be installed on any of the premises hereby permitted other than in strict accordance with details that shall have been submitted to and approved in writing by the local planning authority. **Reason:** To protect the living conditions of nearby dwellings, in accordance with Policy NE5 of the Warwick District Local Plan.

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

The Committee considered an application from William Davis Limited and Hallam Land Management Limited for outline planning permission, with all matters reserved except access, for a residential development of up to 180 dwellings, public open space, landscaping, access to Gallows Hill, sustainable urban drainage systems, footpaths/cycle ways and associated infrastructure.

The application was presented to Committee because of the proposed amendment to a Section 106 Agreement.

The officer was of the opinion that the test to be applied when deciding whether the revisions to the document were acceptable was whether the revisions were CIL compliant as proposed.

In this instance the change involved the addition of one financial contribution which was subject to a test of CIL compliance for the final figure and two CIL compliant requests.

The agreement of a standard clause regarding open space and revisions to the affordable housing definitions were not affected by the CIL regulations and were purely the mechanism to secure appropriate delivery of the open space areas and affordable housing for the development and the future management.

The proposed changes to the Section 106 Agreement accorded with the CIL regulations and it was therefore considered that this test was satisfied.

Officers therefore requested where negotiations were still ongoing, that delegated authority was given to the Head of Service in conjunction with the Chair of Planning Committee to secure the appropriate contributions in order to finalise the Section 106 Agreement and issue the decision on the application.

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

The Committee therefore

**Resolved** that in respect of W/18/1435, the proposed amendments and additions to the content of the Section 106 report be **approved** in accordance with the recommendations in the report.

### **197. HS2 CAAD – Land at New Kingswood Farm, Dalehouse Lane, Kenilworth**

The Committee considered an application from Mr Minshull, the owner of New Kingswood Farm, a property which was being compulsorily purchased by HS2 Limited, for a Certificate of Appropriate Alternative Development for the conversion of roof space and garage of existing farmhouse and internal alterations to achieve seven bedrooms and four bathrooms under the Land Compensation Act 1961, Section 17 as substituted by Section 63 of the Planning and Compensation Act 1991. This was legislation which had been enacted to facilitate the delivery of the HS2 proposal and in particular were

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

designed to assist homeowners in realising an appropriate financial return upon the compulsory purchase of a property by HS2 Limited.

A Certificate of Alternative Appropriate Development did not comprise a planning permission and did not permit development to be undertaken. Rather, it was intended to identify development which was considered to be acceptable and likely to obtain planning permission (were an application to be made) in order to assist in the valuation (for the purpose of compulsory purchase) of the property in question.

The officer was of the opinion that it was therefore concluded that for the conversion of the garage and roof space to habitable accommodation, insertion of roof lights, windows and doors and construction or movement of internal partition walls to form a seven bedroom four-bathroom dwelling would be permitted development. As such, these works would not require planning permission. It therefore followed that a Certificate of Appropriate Alternative Development should be issued.

Following consideration of the report and presentation, it was proposed by Councillor Mrs Bunker and seconded by Councillor Ashford that the issuing of a Certificate of Appropriate Alternative Development should be authorised.

The Committee therefore

**Resolved** that the issuing of a Certificate of Appropriate Alternative Development be **authorised** in accordance with the recommendations in the report.

### 198. **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 10.10pm)

CHAIRMAN  
23 April 2019