Planning Committee

Minutes of the meeting held on Wednesday 4 December 2019 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Boad (Chairman); Councillors Ashford, Davison, R.

Dickson, Heath, Kennedy, Leigh-Hunt, Morris and Weber.

Also Present: Civic & Committee Services Manager – Mrs Tuckwell; Legal

Advisor – Mrs Sharma; Development Services Manager – Mr Fisher; Business Manager - Development Management – Mr

Young.

107. Apologies and Substitutes

- (a) There were no apologies made.
- (b) Councillor Davison substituted for Councillor Roberts.

108. **Declarations of Interest**

<u>Minute Number 114 & 115 - W/19/0674 and W/19/0980LB - 6 Jury Street,</u> Warwick

Councillor Ashford declared an interest because he was a Town Councillor.

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

Minute Number 111 – W/19/1544 – 4 Markham Drive, Whitnash

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

Minute Number 109 - W/19/1772 - Land at the Valley, Radford Semele

Councillor Leigh-Hunt declared an interest because the application site was in her Ward and she would address the Committee objecting to the application. She therefore left the Committee whilst this application was being considered and did not vote on it.

Minute Number 112 - W/19/1340 - Land at Common Lane, Kenilworth

Councillor Kennedy declared an interest because he was a Town Councillor and the application site was in his Ward.

109. W/19/1772 - Land at the Valley, Radford Semele

The Committee considered an application from Mr Aghdasi-Sisan for the erection of a dormer bungalow, with provision of access, parking and associated drainage infrastructure.



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

The officer was of the opinion that the proposed development was not considered to be in a location identified by Local Plan Policy H1 as suitable for housing and was not acceptable in principle. The proposed development was also considered to be harmful to the rural character and appearance of the area and contrary to Local Plan Policy BE1. The development was therefore recommended for refusal.

An addendum circulated at the meeting advised Members that as mentioned in the report, further responses were awaited from the Lead Local Flood Authority in respect of revised information received from the applicant and from WCC Fire and Rescue. Those responses had not yet been received. Therefore, in addition to the substantive recommendation, the addendum requested Members to authorise the Head of Development Services in consultation with the Chair of Planning Committee to consider those responses once received and if required, to add further reasons for refusal to the decision.

The following people addressed the Committee:

- Councillor Sabin, representing Radford Semele Parish Council, which objected to the proposals;
- Mr Wood, objecting;
- · Mr Aghdasi-Sisan, the applicant; and
- Councillor Leigh-Hunt, District 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 Ashford and seconded by Councillor Dickson that the application should be refused.

The Committee therefore

Resolved that W/19/1772 be **refused** for the reasons set out below. Authority is delegated to the Head of Development Services in consultation with the Chair of Planning Committee to consider any further responses from the Lead Local Flood Authority in respect of revised information received from the applicant and from WCC Fire and Rescue and if required, to add further reasons for refusal to the decision.

Refusal reasons:

(1) Policy H1 of the Warwick District Local Plan 2011-2029 sets out a settlement hierarchy for the location of new housing to encourage sustainable patterns of development. Under Policy H1, housing sites have been identified and allocated. In the open countryside, Policy



H1 directs new housing to sites adjacent to the boundary of an urban area or to any of the identified 'Growth Villages' or other named villages suitable for limited infill.

The application site is not within any of the above sites and no evidence of local need has been submitted with the application.

The development is therefore considered to constitute an unsustainable form of development contrary to the aforementioned policy; and

(2) Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. New development will be expected to harmonise with or enhance the existing settlement, and relate well to local topography and landscape features. The Council has also adopted The Warwickshire Landscape Guidelines as Supplementary Planning Guidance (SPG)

The application site is considered to make a positive contribution to the open and rural character and appearance of the area.

In the opinion of the Local Planning Authority, the proposed development would provide a more continuous row of built form than the existing arrangement and would result in a more suburban appearance to this frontage, which would detract from, and be harmful to the rural character of the area through the loss of the open nature of the site.

The development is thereby considered to be contrary to the aforementioned policy and SPG.

(Councillor Morris joined the meeting during this item and did not vote on it.)

110. Site Visits

There were no site visits made.

111. W/19/1544 - 4 Markham Drive, Whitnash

The Committee considered an application from Mr Atwal for the erection of a two-storey side extension, single-storey front porch and one additional parking space to the side.

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

The officer was of the opinion that the scheme was acceptable having regard to the character of the street scene, the existing built form, and the impact on the amenity of neighbouring properties. The proposals would also be acceptable in terms of car parking and ecological impacts.

Mr Overton addressed the Committee, objecting to the application.

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

The Committee therefore

Resolved that W/19/1544 be **granted**, subject to the following conditions:

- 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) 02D and 04, and specification contained therein, submitted on 24th October 2019 and 20th November 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) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **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;
- (4) the additional access to the site for vehicles shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. Reason: In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; and

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(5) the extensions hereby permitted shall not be occupied until space has been provided within the site for the parking of three cars in accordance with the approved site plan no. 04. The approved parking spaces shall be retained at all times. **Reason:** In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

112. W/14/1340 - Land at Common lane, Kenilworth

The Committee considered a Variation of Section 106 Agreement from Bloor Homes Ltd and Bluemark Projects Ltd for planning permission reference W/14/1340 - Erection of up to 93 dwellings together with open space, drainage infrastructure and access from Common Lane (outline application including details of access).

The application was presented to Committee because it sought a variation of a Section 106 Agreement.

The officer was of the opinion that Local Plan Policy DM2 provided for Section 106 requirements to be changed in circumstances where a development was unviable. This had been proven by the Viability Report that had been submitted by the applicant, and this had been verified by the Council's independent development viability experts. Therefore, in the officer's opinion, the Section 106 agreement should be amended as requested.

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

The Committee therefore

Resolved that W/14/1340 be **granted** and authority be delegated to the Head of Development Services to vary the Section 106 agreement in relation to the tenure of affordable housing as set out in the report.

113. W/19/0498 - 1 Farley Street, Royal Leamington Spa

The Committee considered an application from Dezinebuild Ltd for demolishing 1A Farley Street (with the exception of the gables which were to be retained), the erection of replacement two-storey building and proposed conversion of 1 Farley Street to provide 2 no. two bedroom dwellings.

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

The officer was of the opinion that the principle of development, in terms of both the loss of the employment use and the provision of new residential



development in this location, was considered acceptable in accordance with both Policies EC3 and H1 of the Warwick District Local Plan 2011-2029. The revised plans which followed previous advice from the conservation officer would not result in any visual harm to the character of the area or the street scene and it was considered that the development would preserve and enhance the character and appearance of the Royal Leamington Spa Conservation Area. There would be no impact on the setting of the nearest listed buildings.

Having regard to the fact that the buildings already existed on site, there would be no additional physical impacts on the amenity of neighbouring properties by reason of loss of light or overbearing impacts. Through the buildings' proposed change of use to dwellings, the minimal increase in height and the introduction of some new fenestration, officers did not consider there would be any material harm by reason of overlooking or loss of privacy that could not be mitigated by a condition requiring the two rooflight windows in No.1a to be obscure glazed since they were only intended to serve non-habitable rooms in any event.

Whilst the proposed gardens did not accord with the standards set out in the Residential Design Guide, officers were satisfied that the development was acceptable in the overall planning balance, due to the town centre location, the provision of some outdoor space for each dwelling, the availability of parks and gardens in the town centre within close proximity of the application site and the retention and enhancement of a non-designated heritage asset.

The updated Parking Survey accorded with the Parking Standards SPD and had resulted in no objection being raised by the County Highways Authority. Officers were therefore satisfied the development would not be detrimental to highway safety and there were no environmental health or drainage/flooding concerns related to the development subject to recommended conditions to be imposed to any forthcoming permission.

For these reasons it was recommended that planning permission should be approved subject to the conditions set out in the report.

An addendum circulated at the meeting advised of one additional third party letter of representation received objecting on the grounds of parking. The objection was that the Parking Survey was flawed; that local residents had a better understanding of the local area; that in not objecting to this application, the County Council was endorsing the widespread parking on pedestrian pavements and the blocking of access for waste collection and emergency vehicles.

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

The Committee therefore

Resolved that W/19/0498 be **granted**, subject to the following conditions:

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- 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 1005-01 Rev.A and specification contained therein, submitted on 25 March 2019, approved drawings 1005-02 Rev.A and 1005-03 Rev.A and specification contained therein, submitted on 24 June 2019 and approved drawing 1005-04 and specification contained therein, submitted on 25 June 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 development and subsequent use of the development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
 - Demonstrate that the existing connection into the STW combined sewer system is in sufficient condition to continue to achieve a gravity connection to this point.
 - Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
 - Provide and implement a maintenance plan to the LPA giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; and to ensure the future maintenance of the sustainable drainage structures;

(4) no part of the development hereby permitted shall commence until a Construction Method



Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for and include the following:

Noise

- Work which is likely to give rise to noise off-site shall be restricted to the following hours:
 - Mon-Fri 8 am 5pm,
 - Sat 8am -1pm,
 - No working Sundays or Bank Holidays.
- Delivery vehicles are not allowed to arrive on site:
 - Mon Fri before 8am or after 4.30 pm
 - Sat before 8am or after 1 pm
 - No deliveries on Sundays or Bank Holidays.
- Delivery vehicles are not permitted to wait outside the construction site before the site is open for working.
- Best practicable means shall be employed at all times to control noise. The Contractor shall employ the best practicable means to reduce to a minimum the noise produced by his operations and shall comply with the general recommendations in BS 5228: 1984 'Noise Control on Construction and Open Sites'.

Without prejudice to the generality of the Contractor's obligations imposed by the above statement, the following shall apply:

- All vehicles, mechanical plant and machinery used for the purpose of the works associated with the Contract shall be fitted with proper and effective silencers and shall be maintained in good and efficient working order.
- All compressors shall be "noise reduced" models fitted with properly lined and sealed acoustic covers which shall be kept closed whenever the machines are in use and all ancillary pneumatic percussion tools shall be fitted with mufflers or silencers of the type recommended by the manufacturers.

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- Whenever possible only electricallypowered plant and equipment shall be used.
- Acoustic screens shall be used to protect any noise sensitive development where deemed necessary by the Head of Health and Community Protection for Warwick District Council or his representative.
- All plant and machinery in intermittent use shall be shut down in the intervening periods between work.

Dust

- Unloading shall only take place within the site itself.
- Regular sweeping of access roads to the site must be carried out where mud is likely to affect residents and/or highway safety. In dry conditions, damping down of road surfaces should be carried out to control dust. A vehicle wheel wash will be provided to minimize carry-over to the highway.
- On-site dust shall be controlled by use of "best practicable means" to prevent dust arising from road surfaces, wind whipping of stock piles, handling of dusty materials, crushing, compacting and cutting and grinding operations.

Smoke

There shall be no burning on site.

Light

 External work lighting, flood lighting, security lights must not cause light nuisance to neighbouring occupiers.
 Particular attention must be paid to the siting and orientation of lights to avoid glare.

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, TR3 and NE5 of the Warwick District Local Plan 2011-2029;

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

to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (6) no development shall be carried out above slab level unless and until large scale details of doors and windows (including a section showing the window reveal, heads and cill details) at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029;
- (7) the development shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of access has been closed and the kerb has been reinstated in accordance with the standard specification of the Highway Authority. Reason: In the interest of highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029;
- (8) prior to the occupation of the development hereby permitted, the rooflight windows in the north east facing rear elevation of the two storey building hereby permitted shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times. Reason: To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029; and
- (9) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order

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

114. W/19/0674 - 6 Jury Street, Warwick

The Committee considered an application from Warwick District Council for the installation of replacement of kitchen extraction system, and it was considered at the same time as application W/19/0980 LB – 6 Jury Street, Warwick.

The application was presented to Committee because Warwick District Council was the applicant.

The officer was of the opinion that based on the requirement for a replacement extraction unit and the proposed design being the most appropriate in terms of controlling the levels of noise and odour whilst minimising the potential impacts on the listed building and the conservation area, the proposal was considered acceptable.

An addendum circulated at the meeting advised Members that the applicant had put forward a strong justification for the size and siting of the flue on the grounds that it would replace an existing harmful extraction unit and the proposed flue would effectively manage the levels of odour and noise.

The proposed flue had been sited so as to minimise the impact on the adjacent listed buildings; the flue would extend upward in a gap between no.6 and no.4 Jury Street so as to not obscure the rear elevation of either building. The nearest listed building at no.4 Jury Street benefited from a modern extension to the rear that benefited from a high parapet wall that ran adjacent to the location of the proposed flue. There would be some views of the flue from the rear of the listed buildings. However, the existing modern extension to no.4 Jury Street would obscure most views of the flue from no.4 Jury Street. The flue would be powder coated black to match the existing downpipes to the rear of the listed buildings which was considered sympathetic to its setting. It was also considered that the design was an improvement on the existing extraction unit.

The harm to the setting of the listed buildings would be less than substantial, however, it was considered that the proposal would be an improvement on the existing extraction unit and would provide a public benefit in terms of replacing a harmful extraction unit that had little or no odour control. The proposal was therefore considered to satisfy the requirements of Policy HE1 and para 196 of the NPPF.



The addendum also advised that the application site was located in a mixed use area with commercial units at ground floor and residential units to the upper floors. Environmental Health were satisfied that the proposed flue would not have a detrimental impact on the amenity of the adjacent residential properties in terms of noise and odour. Officers were also satisfied that the location of the flue would not result in visual intrusion to those upper floor uses to the extent that planning permission should be refused.

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

The Committee therefore

Resolved that W/19/0498 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 CATA-002B1 & CATA-003C and Kitchen Ventilation quotation by Caterquip Ventilation submitted on 22nd May 2019 and approved drawing AT/6JC/02 submitted on 24 May 2019, and specification contained therein. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) the flue hereby approved shall be powder coated in black prior to first use and maintained as such in perpetuity. **Reason:** To ensure the development respects the character of the Conservation Area in accordance with Policy HE1 and BE1 of the Warwick District Local Plan 2011-2029; and
- (4) Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). 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 Policy BE3 of the Warwick District Local Plan 2011-2029.

115. **W/19/0980 LB - 6 Jury Street, Warwick**

The Committee considered an application from Warwick District Council for the replacement of a kitchen extraction system.

The application was presented to Committee because Warwick District Council was the applicant.

The officer was of the opinion that based on the requirement for a replacement extraction unit and the proposed design being the most appropriate in terms of controlling the levels of noise and odour whilst minimising the potential impacts on the listed building, the proposal was considered acceptable.

An addendum circulated at the meeting advised Members that the applicant had put forward a strong justification for the size and siting of the flue on the grounds that it would replace an existing harmful extraction unit and the proposed flue would effectively manage the levels of odour and noise.

The proposed flue had been sited so as to minimise the impact on the adjacent listed buildings; the flue would extend upward in a gap between no.6 and no.4 Jury Street so as to not obscure the rear elevation of either building. The nearest listed building at no.4 Jury Street benefited from a modern extension to the rear that benefited from a high parapet wall that ran adjacent to the location of the proposed flue. There would be some views of the flue from the rear of the listed buildings. However, the existing modern extension to no.4 Jury Street would obscure most views of the flue from no.4 Jury Street. The flue would be powder coated black to match the existing downpipes to the rear of the listed buildings which was considered sympathetic to its setting. It was also considered that the design was an improvement on the existing extraction unit.

The harm to the setting of the listed buildings would be less than substantial, however, it was considered that the proposal would be an improvement on the existing extraction unit and would provide a public benefit in terms of replacing a harmful extraction unit that had little or no odour control. The proposal was therefore considered to satisfy the requirements of Policy HE1 and para 196 of the NPPF.

The addendum also advised that the application site was located in a mixed use area with commercial units at ground floor and residential units to the upper floors. Environmental Health were satisfied that the proposed flue would not have a detrimental impact on the amenity of the adjacent residential properties in terms of noise and odour. Officers were also satisfied that the location of the flue would not result in visual intrusion to

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those upper floor uses to the extent that planning permission should be refused.

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

The Committee therefore

Resolved that W/19/0980 LB be **granted**, subject to the following conditions:

- (1) the works hereby permitted shall begin no later than three years from the date of this consent. Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 CATA-002B1 & CATA-003C and Kitchen Ventilation quotation by Caterquip Ventilation submitted on 22nd May 2019 and approved drawing AT/6JC/02 submitted on 24 May 2019, 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; and
- (3) the flue hereby approved shall be powder coated in black prior to first use and maintained as such in perpetuity. **Reason:** To ensure an appropriate form of development for this Listed Building in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029.

116. W/19/0807 - 1 The Elms, Leek Wootton

The Committee considered an application from Mr Hughes for the erection of a rear kitchen extension.

The application was presented to Committee because of the number of objections received. It was important to note all objections were in reference to the part of the proposal to move the boundary fence which was no longer a part of this application. No objections were received regarding the single storey rear extension.



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The officer was of the opinion that the proposals related to a single storey rear extension which complied with local plan policies BE1 and BE3. There was no impact on the street scene or the neighbouring dwellings and their current levels of amenity.

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

The Committee therefore

Resolved that W/19/0807 be **granted**, subject to the following conditions:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 01 EXISTING AND PROPOSED ROOF PLAN, 01 PROPOSED BASE PLAN AND REAR ELEVATION and 02 EXISTING AND PROPOSED PLANS AND ELEVATIONS, and specification contained therein, submitted on 15/05/2019. **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; and
- (3) All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **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.

117. 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 7.41pm)



CHAIRMAN 8 January 2020