

# Planning Committee

Minutes of the meeting held on Tuesday 22 May 2018 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillors Barrott, Boad, Mrs Bunker, Cooke, Day, Edgington, Heath, Mrs Hill, Morris, Mrs Stevens and Weed.

**Also Present:** Senior Committee Services Officer – Mrs Barnes; Legal Advisor – Mr Howarth; Head of Development Services – Mr Barber; Senior Planning Officer – Mr Young; and Business Manager - Development Management - Mr Sahota.

1. **Apologies and Substitutes**

There were no apologies or substitutes.

2. **Appointment of Chairman**

It was moved by Councillor Mrs Bunker, and duly seconded that Councillor Cooke be appointed Chairman of Planning Committee.

**Resolved** that Councillor Cooke be elected Chairman of Warwick District Council's Planning Committee for the municipal year 2018/19.

3. **Appointment of Vice-Chairman**

It was moved by Councillor Morris, and duly seconded that Councillor Day be appointed Vice-Chairman of Planning Committee.

**Resolved** that Councillor Day be elected Vice-Chairman of Warwick District Council's Planning Committee for the municipal year 2018/19.

The Chairman welcomed Councillor Barrott and all returning Members back to the Committee.

4. **Declarations of Interest**

There were no declarations of interest.

5. **Site Visits**

There were no site visits undertaken prior to the meeting taking place.

6. **Minutes**

The minutes of the meetings held on 27 March and 24 April 2018 were agreed and signed by the Chairman as a correct record.

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

### **7. W/18/0351 – 135 Warwick Road, Kenilworth**

The Committee considered an application from Trengarren Ltd for the variation of condition number 1 (Approved plans) of planning permission W/17/1094 (Variation of condition 1 of planning permission W15/0620 to allow changes to the design of the houses and apartments, the bin store location, garages and the parking layout.) to allow changes to the design of the car port, re-location of the bin store and construction of a new single garage in the south east corner.

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

The officer was of the opinion that the original planning permission was granted under an outline application reference W/11/1618 and the reserved matters pursuant to this outline were subsequently approved under application reference W/15/0620, with a variation approved under W/17/1094. The policies and material considerations that were relevant to the reserved matters decision were set out in the associated officer reports.

The variation of condition 1 to allow some revisions to the car port and bin store location together with the addition of a single garage would not result in any detriment to the visual amenity of the site and surroundings or the amenity of residential properties surrounding the site. The access arrangements were unaffected by the proposal and there was therefore no detriment to highway safety. Furthermore, there were no material changes in planning policy that would lead officers to a different conclusion to that which was reached previously through the assessment and determination of the previous application. It was therefore considered that the development remains in accordance with the relevant provisions of the Development Plan.

An addendum circulated at the meeting advised that WCC Highways had confirmed that they had no objection to the application. In addition, three further objections had been received from neighbours raising a number of concerns.

The following people addressed the Committee:

- Councillor Illingworth, Kenilworth Town Council, objecting; and
- Mr Gatherer, objecting.

Members raised concerns about the amenity of current and future residents and the impact this proposal would have. In addition, the Committee received advice from the Legal Officer regarding the existing permission relating to the neighbouring site and any potential future alterations to that permission.

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 Edgington that the application should be refused contrary to the recommendation in the report because it contravened Local Plan policies BE1 and BE3.

**Resolved** that W/18/0351 be refused because it contravened Local Plan policies BE1 and BE3.

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

### **8. TPO 541 – Land between 46 to 52 Chapel Lane, Lapworth**

The Committee considered a report from officers relating to a provisional tree preservation order (TPO) relating to a woodland of mixed species, including ash, larch, silver birch, spruce, sweet chestnut, sycamore and willow.

The TPO was presented to Committee because objections had been received to it being confirmed.

The officer was of the opinion that the issues raised in objection to the TPO were not sufficient to outweigh the significant amenity contribution which the woodland made to the surrounding area and therefore it was expedient to confirm this TPO. The officer's recommendation was that Members should authorise the confirmation of the order.

An addendum circulated at the meeting advised that a letter of support had been received from Bon Accord Farm.

The following people addressed the Committee:

- Mr Cobb, objecting; and
- Ms Mills, supporting.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Barrott and seconded by Councillor Mrs Bunker that the order should be confirmed in accordance with recommendations in the report.

**Resolved** that Tree Preservation Order 541 should be confirmed.

### **9. TPO 543 – Riverside House, Milverton Hill, Royal Leamington Spa**

The Committee considered a report from officers relating to a provisional tree preservation order (TPO) relating to 63 individual trees and three groups of mixed broadleaves.

The application was presented to Committee because objections had been received to it being confirmed.

The officer was of the opinion that the issues raised in objection to the TPO were not sufficient to prevent it from being confirmed without amendment and therefore it was expedient to confirm this TPO. The officer's recommendation was that Members should authorise the confirmation of the order.

An addendum circulated at the meeting advised that one further comment had been received from a neighbour raising concerns about any further reduction in the number of trees to be covered by the TPO. They advised that they supported the TPO in its current form but as a minimum of what should be expected.

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

Mr Cull addressed the Committee in opposition to the proposal.

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 Morris that the order should be confirmed in accordance with the recommendation in the report.

**Resolved** that Tree Preservation Order 543 should be confirmed.

### 10. **W/17/2201 – Land on the North Side of Southam Road, Radford Semele**

The Committee considered an application from Bovis Homes Limited for the Variation of Condition 1 of planning permission ref: W/16/0603 (Variation of condition 1 imposed under planning permission W/15/1293 to remove reference to engineering plan RADF-5-500 to allow changes to site levels to compensate for two high pressure water mains that cross the site.) to replace reference to radf-5-1001 and radf-05-2000 with radf-02-mma1 and radf-02-mma2 in order to regularise the as-built site levels across the site.

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

The officer was of the opinion that the proposal sought to vary condition 1 of a previous approval, to regularise the as-built levels on the site compared to those approved under planning permission ref: W/16/0603.

In assessing the proposal, officers were satisfied that the variation of the condition was an acceptable solution to regularise the levels across the site and the revised levels did not result in any significant harm to the character and amenity of the area, amenity of neighbours, highway safety or matters of ecological importance.

Officers advised that a response had now been received from the Flood Risk Management team.

Members raised concerns that the change in levels had not been noticed earlier in the development and discussed ways to communicate their dissatisfaction with the developer.

It was agreed that the Chairman of the Committee, in conjunction with Legal Services, would write to the developer expressing the Committee's feelings.

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

## PLANNING COMMITTEE MINUTES (Continued)

**Resolved** that W/17/2201 be granted subject to the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) HTPD\_AGD2-1, HTPD\_AGS2-1, HTPD\_AGS2-2, HTPD\_AGT2-1, HTPD\_AGT2-2, HTPD\_S351 TYPE\_S3, HTPD\_S461\_Types4, HTPD\_S241\_TYPE S2 REV A, HTPD\_2B BUNG TYPE A, HTPD\_C200B\_S5 REV A, HTPD\_C3003 TYPE D 1-2 REV A, HTPD\_C3003 TYPE D 2-2 REV A, HTPD\_P301VT TYPE B REV A, HTPD\_P306 TYPE C REV A, HTPD\_P404 TYPE E, HTPD\_P501VT TYPE F - RENDER, HTPD\_P506 TYPE G 1-2, HTPD\_P506 TYPE G 2-2, HTPD\_S1 REV A, RADF-02 500, RADF-02-100D, RADF-02-200C, RADF-03-080, RADF-02-400-B, Radford Semele LEAP and specification contained therein, submitted under W/15/1293 on 13th August 2015 and RADF-02-MMA1 and RADF-02-MMA2 submitted on 24/11/17. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BW1 and BE3 of the Warwick District Local Plan 2011-2029;
- (2) notwithstanding the details on the approved plans the fence to the western site boundary shall be 2 metres high and shall have been erected prior to the first occupation of the dwellings (plots 40 and 49-50). The fence shall not then be removed without the prior written approval of the Local Planning Authority. **Reason:** To ensure a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029;
- (3) the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies BE1, BE3 & TR4 of the Warwick District Local Plan 2011-2029;

## PLANNING COMMITTEE MINUTES (Continued)

- (4) the landscaping scheme submitted as part of the application hereby permitted shall be completed, in all respects, not later than the first planting season following the completion of each phase of the development hereby permitted. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees of similar size and species to those originally required to be planted. **Reason:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (5) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no windows or openings, including dormer windows (apart from any shown on the approved drawings) shall be formed in the rear roof slopes of Plots 20, 40 and 49-50 hereby approved without the written approval of the local planning authority and if any additional windows are subsequently approved they shall only be glazed or re-glazed in accordance with such approved details and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **Reason:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029; and
- (6) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out on Plot 40, which comes within Class A of Part 1 of Schedule 2 of this Order, without the prior permission of the Local Planning Authority. **Reason:** To retain control over future development of this property in the interests of residential amenity, given its close relationship with the adjoining property Amberwood and to help meet the objectives of Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

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

### **11. W/17/2407 – 27 Upper Cape, The Cape, Warwick**

The Committee were due to consider an application from Hamble Associates Ltd for the demolition of the existing dwelling and erection of 20 residential apartments and associated parking and amenity areas.

However, Environmental Protection Officers had maintained their objection to the proposal and therefore the application had been withdrawn from the agenda to be refused under delegated powers.

### **12. W/18/0138 – Land on South East side of Radford Semele**

The Committee considered an application from Bovis Homes Limited for the variation of Condition 1 of planning permissions W/17/0152, to replace reference to approved drawing 'RAD2-05-002 rev B' with reference to the following drawing numbers, in order to reflect changes in the finished levels across the site:

Private Drainage & External Works, Sheet 1 of 6, Dwg No. RAD2-05-P180 rev C Private Drainage & External Works, Sheet 2 of 6, Dwg No. RAD2-05-P181 rev D Private Drainage & External Works, Sheet 3 of 6, Dwg No. RAD2-05-P182 rev C Private Drainage & External Works, Sheet 4 of 6, Dwg No. RAD2-05-P183 rev C Private Drainage & External Works, Sheet 5 of 6, Dwg No. RAD2-05-P184 rev D Private Drainage & External Works, Sheet 6 of 6, Dwg No. RAD2-05-P185 rev C.

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

The officer was of the opinion that the variation of the condition to allow variations to levels across the site and the revised levels did not result in any significant harm to the character and amenity of the area, amenity of neighbours, highway safety or matters of ecological importance.

The Planning Committee were therefore recommended to grant the variation of condition.

An addendum was circulated at the meeting which provided an update from the Flood Risk Management team and proposed an additional condition relating to the inclusion of an appropriate boundary treatment to ensure that adequate drainage facilities were available.

Members raised concerns that there was not sufficient information provided which showed the elevations across the site, particularly in relation to the west side of the site to the east. In addition, the Committee requested information on the typical street scenes through the development, boundary treatments and the relationship with the existing development to the north west of the site.

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 Barrott that the application should be deferred to allow for further information to be received.

## PLANNING COMMITTEE MINUTES (Continued)

**Resolved** that W/18/0138 be deferred to allow for further information relating to cross sectional views, street scenes throughout the site and to allow boundary treatment details to be submitted.

13. **W/18/0377 – Brambles, Three Ways, Haseley**

This application was withdrawn from the agenda prior to the meeting.

14. **W/18/0555 – Bakers Barn, Bakers Lane, Knowle**

The Committee considered an application from Mrs Smith for the variation of Condition 2 (plan numbers) of planning permission W/17/1534 (change of use of existing stable to a holiday let) to allow for the retention of the first floor to become a bedroom, various internal alterations, insertion of additional windows and removal of door.

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

The officer was of the opinion that the proposed variation of condition 2 to allow for internal and external alterations to the building were considered to be acceptable in design terms and would not be harmful to neighbouring residential amenity or highway safety. For these reasons, it was recommended that planning permission be granted subject to conditions and notes.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Mrs Stevens and seconded by Councillor Weed that the application should be granted in accordance with recommendations in the report.

**Resolved** that W/18/0555 be granted 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) 3638-201 REV C submitted on 13th October 2017 and drawing 3638-A-301 Rev A submitted on 27th April 2018, 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;



## PLANNING COMMITTEE MINUTES (Continued)

- (3) other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted 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;
- (4) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) 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;
- (5) the development hereby approved shall only be used for holiday accommodation purposes and not for any other residential use falling within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or any Statutory Instrument revoking and re-enacting that Order with or without modification. For the avoidance of doubt 'any other residential use' includes a person's or persons' main residence, or a permanent residential unit of accommodation. **Reason:** To ensure that the holiday let unit is not used for permanent residential occupation which, given the open countryside location would represent an unsustainable form of development in accordance with Policy H1 of the Warwick District Local Plan 2011-2029;
- (6) the area shown as amenity land on plan number 3638 - 201 Rev C in a darker green shade shall be retained as amenity land in perpetuity. **Reason:** To ensure that the development does not encroach on the open countryside to an unacceptable extent in

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

accordance with Policy DS18 of the Warwick District Local Plan 2011-2029; and

- (7) the development hereby permitted shall not be occupied until the two sheds shown on plan number 3638-200 (Existing Block Plan) have been removed in their entirety and all related material permanently removed from the land.  
**Reason:** To ensure the protection of the green belt and the character of the area in accordance with Policies DS18 and BE1 of the Warwick District Local Plan 2011-2029.

15. **W/18/0591 – Land adjacent to 2 Mill Road, Royal Leamington Spa**

This application was withdrawn from the agenda prior to the meeting.

16. **TPO 538 – Lane Farm House, Red House Farm Lane, Beausale**

The Committee considered a report from officers requesting confirmation of a provisional Tree Preservation Order (TPO) relating to an oak tree.

The application was presented to Committee because objections had been received to it being confirmed.

The officer was of the opinion that the issues raised in objection to the TPO were not sufficient to outweigh the significant amenity contribution which the yew tree made to the surrounding area and therefore it was expedient to confirm the order.

Following consideration of the report and presentation it was proposed by Councillor Barrott and seconded by Councillor Heath that the order should be authorised in accordance with the recommendation in the report.

**Resolved** that Tree Preservation Order 538 should be confirmed.

17. **TPO 542 – Lorien House, 40 Warwick Place, Royal Leamington Spa**

The Committee considered a report from officers relating to a provisional tree preservation order for two cypress trees in the rear garden of Lorien House.

An addendum circulated at the meeting advised that officers had reviewed the case and it had been determined that the trees were not of sufficient amenity value to justify the making of a TPO.

Therefore this item had been removed from the agenda and the provisional TPO be allowed to lapse.

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

### **18. TPO 544 – 2 Eastnor Grove, Royal Leamington Spa**

The Committee considered a report from officers requesting confirmation of a provisional Tree Preservation Order (TPO) relating to a yew tree and a beech tree.

The application was presented to Committee because objections had been received to it being confirmed.

The officer was of the opinion that the issues raised in objection to the TPO were not sufficient to outweigh the significant amenity contribution which the yew tree made to the surrounding area and therefore it was expedient to confirm the TPO.

An addendum circulated at the meeting advised that the report incorrectly referred to the criminal standard of proof being required to show that the tree was causing damage to a wall. If the owners felt that the tree was causing damage, they could seek an exception to do works but would need to provide expert evidence that the tree was the material cause of the damage and other possibilities had been ruled out as far as possible. It did not necessarily need to be shown 'beyond reasonable doubt', i.e. the criminal standard of proof.

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 Day that the order should be confirmed in accordance with the recommendation in the report.

**Resolved** that Tree Preservation Order 544 should be confirmed.

### **19. Urgent Item – Land North of Gallows Hill, Warwick**

The Committee considered an application from Warwickshire County Council for the Variation of Section 106 Agreement in relation to the provision of public open space detailed in permission W/14/0967.

The site was a development of up to 425 residential dwellings (Use Class C£), medical centre, community hall, formal and informal green spaces, sports and recreation provision, structural landscaping, new roads, footpaths and cycle ways, site access and ancillary works.

Planning Permission was granted on 3 April 2015 (W/14/0967) and subsequently varied (W/17/0988) to amend the location of the site access from Gallows Hill.

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

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

The variation proposed to:

- Reduce or remove the obligations relating to on-site Open Space and Allotments and the associated Open Space Maintenance Sum and Play Area Commuted Sum
- Require the transfer of the Off-Site Open Space to the Council to take place before commencement of development
- Correct any minor typographical or drafting errors in the original Agreement
- Provide for any consequential amendments required as a result of the changes set out above.

The officer was of the opinion that the proposed changes to the Section 106 Agreement were considered to be in accordance with the Council's policies and served the planning purposes equally as well as the original version. It was therefore recommended that the legal agreement be amended as requested.

An addendum circulated at the meeting provided clarification relating to the strip of land within the site of W/14/0967, which was needed to accommodate the widening of Europa Way. This would no longer be bound by the terms of the section 106 agreement because it would be outside of the development site.

In addition, Waterloo Housing Group was proposing to purchase part of the site but may dispose of it for housing development. Any future developer would be bound by the terms of the Section 106 Agreement.

Following consideration of the report, presentation and information contained in the addendum, it was proposed and duly seconded by that the Section 106 Agreement should be varied in accordance with recommendations in the report.

**Resolved** that the Section 106 Agreement relating to W/14/0967 be varied.

(The Chairman had agreed to consider the item as a matter of urgency to enable the development to progress as swiftly as possible)

### **20. 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 8.50 pm)

CHAIRMAN  
19 June 2018