

# Planning Committee

Minutes of the meeting held on Tuesday 7 November 2017 in the Town Hall, Royal Leamington Spa at 6.00 pm.

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

**Also Present:** Senior Committee Services Officer – Mrs Barnes; Legal Advisor – Ms Amphlett; Head of Development Services – Mrs Darke; Development Control Team Leader - Mr Sahota.

## 102. Apologies and Substitutes

- (a) There were no apologies.
- (b) Councillor Barrott substituted for Councillor Weed and Councillor Quinney substituted for Councillor D'Arcy.

## 103. Declarations of Interest

Minute Number 109 – W/17/1432 – Land adjacent to 1 Beaufevor Way, Warwick

Councillor Edgington declared an interest because the application site was in his ward.

## 104. Site Visits

There were no site visits undertaken prior to the meeting.

## 105. Minutes

The minutes of the meeting held on 10 October 2017 were taken as read and signed by the Chairman as a correct record.

## 106. W/17/1556 – 28 Northumberland Road, Royal Leamington Spa

The Committee considered an application from Mr Bennett for the render of the existing building and reconfiguration of windows with central gable feature; demolition and rebuilding of the single storey wing accommodating garage and living space and the construction of a new two storey rear extension.

The application was presented to Committee at the request of Councillor Howe.

The officer was of the opinion that the proposed development would respect the character of the area, the heritage asset and would not result in any unacceptable harm to neighbouring residents. Therefore, it was recommended that permission for the proposed development be granted. No material considerations had been identified which would warrant a different approach.

## PLANNING COMMITTEE MINUTES (Continued)

An addendum circulated at the meeting advised that the 3D visuals submitted with the application had been withdrawn from consideration. In addition, two objections to the revised plans had been received from nos 30 and 32 Northumberland Road. However, Royal Leamington Spa Town Council had no objection to the revised plans.

The following people addressed the Committee:

- Mr Hewgill, objecting; and
- Mr Hardy, objecting.

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

The Committee therefore

**Resolved** that W/17/1556 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) T232/001, T232/004C, T232/004B and the specification contained therein, submitted on 21st August and 12th October 2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE2 of the Warwick District Local Plan 2011 – 2029;
- (3) the development shall be carried out only in strict accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **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 and HE2 of the Warwick District Local Plan 2011-2029; and
- (4) the windows hereby permitted shall match the existing on the property. **Reason:** To ensure that the proposed development has a

## PLANNING COMMITTEE MINUTES (Continued)

satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 and HE2 of the Warwick District Local Plan 2011-2029.

### 107. **W/17/1721 – Old Beams, Lapworth Street, Bushwood, Lowsonford**

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

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

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

The scheme was considered acceptable having regard to the character of the local area and Lowsonford Conservation Area, the setting of nearby Listed Buildings, the impact on the amenity of neighbouring properties and the impact on highway safety. Officers were also satisfied that the scheme would not result in harm to protected species.

The following people addressed the Committee:

- Councillor Henderson, Rowington Parish Council, objecting; and
- Mr Tyler, supporting.

Members felt that the design of the doors and windows was important and needed to be in keeping with the Conservation Area. In addition, it was proposed that Condition 10 of the report be amended to include hardstanding, fencing and boundary treatments and should refer to the submission of a landscaping scheme.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Mrs Bunker that the application should be granted subject to:

- the strengthening of condition 4 by the submission of large scale drawings of the doors and windows, the window design to be in keeping with the Conservation Area; and
- the inclusion of hardstanding, fencing and boundary treatments to condition 10 and amend it to refer to the submission of a landscaping scheme.

The Committee therefore

**Resolved** that W/17/1721 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

**PLANNING COMMITTEE MINUTES (Continued)**

- (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) 10594-(20)M-101-B, and specification contained therein, submitted on 17 October 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;
- (3) the development shall be carried out only in strict accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **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) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. Notwithstanding the details shown on the approved plans listed in condition 2, the details for the two large windows on the front elevation shall be amended in consultation with the LPA to be more in keeping with the character and appearance of the Conservation Area. 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 HE2 of the Warwick District Local Plan 2011-2029;
- (5) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open

## PLANNING COMMITTEE MINUTES (Continued)

space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

**Reason:** To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011;

- (6) no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced until details of tree and hedge protection in accordance with British Standard BS5837- 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) on the site, or those tree(s) whose root structure may extend within the site and which are within the Lowsonford Conservation Area. 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 NE1 of the Warwick District Local Plan 2011-2029;

- (7) no part of the development hereby permitted

**PLANNING COMMITTEE MINUTES (Continued)**

shall be commenced until details of all earthworks, mounding and the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the Local Planning Authority and thereafter, the development shall be carried out in strict accordance with these approved details or any subsequently approved amendments.

**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 and BE3 of the Warwick District Local Plan 2011-2029;

- (8) the development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority.

**Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029;

- (9) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension or addition shall be erected or constructed to, any dwelling(s) hereby permitted. **Reason:** That having regard to the design, layout and general nature of the proposed development it is important to ensure that no further development is carried out which would detract from the appearance of the area and affect the amenity of adjacent properties. Therefore, no additional development is to be 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;

- (10) the development hereby permitted shall not commence until details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. Details of hard landscaping works shall include boundary treatment, including full

## PLANNING COMMITTEE MINUTES (Continued)

details of any 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 for direct run-off of 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 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 in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;

- (11) the existing access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for the first 5 metres of its length. **Reason:** In the interest of highway safety having regard to Policy TR1 and TR3 of the Warwick Local Plan 2011-2029; and
- (12) the development shall not be occupied until a turning area has been provided within the site so as to enable a car to leave and re-enter the public highway in a forward gear and thereafter shall be retained in perpetuity. **Reason:** In the interest of highway safety having regard to Policy TR1 and TR3 of the Warwick Local Plan 2011-2029.

### 108. **W/17/1811 – 23 Windy Arbour, Kenilworth**

The Committee considered an application from Mr Baily for the erection of a bungalow to the rear of 23 Windy Arbour.

## PLANNING COMMITTEE MINUTES (Continued)

The application was presented to Committee because an objection had been received from Kenilworth Town Council.

The officer was of the opinion that the proposal was for a new dwelling located within the urban area of Kenilworth where the general principle of development was considered acceptable. The nature of the development fell within the definition of backland development but officers were satisfied that the proposed dwelling was acceptable under the requirements of Policy H1 as the proposed dwelling would respect the existing character of the surrounding buildings in terms of the proposed scale, height, form and massing.

The development was considered acceptable in terms of the impact on the amenity of neighbouring properties, the impact on highway safety and impact on trees and ecological matters. The recommendation was therefore to approve planning permission.

An addendum circulated at the meeting advised of a correction in the report to the numbering of the properties and advised that an additional letter of support had been received. In addition, the addendum advised that four additional letters of objection had been received, along with clarification from the Building Control Officer regarding due process in relation to consultation with the local Fire Authority.

The following person addressed the Committee:

- Councillor Illingworth, Kenilworth Town Council, objecting.

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

The Committee therefore

**Resolved** that W/17/1811 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) 5201/02 Rev B, and specification contained therein, submitted on 24 October 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;



## PLANNING COMMITTEE MINUTES (Continued)

- (3) the development shall be carried out only in strict accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **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) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:
- (i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and
- (ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.
- Reason:** To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011;
- (5) no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced until details of tree and hedge protection in accordance with British Standard BS5837- 2012 Trees in Relation to Design, Demolition & Construction) to all 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

**PLANNING COMMITTEE MINUTES (Continued)**

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 NE1 of the Warwick District Local Plan 2011-2029;

- (6) no part of the development hereby permitted shall be commenced until details of all earthworks, mounding and the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the Local Planning Authority and thereafter, the development shall be carried out in strict accordance with these approved details or any subsequently approved amendments.

**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 and BE3 of the Warwick District Local Plan 2011-2029;

- (7) the development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority.

**Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029;

- (8) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of any dwellinghouse hereby permitted. **Reason:** That having regard to the design, layout and general nature of the proposed development it is important to ensure that no further development is carried out which would detract

**PLANNING COMMITTEE MINUTES (Continued)**

from the appearance of the area and affect the amenity of adjacent properties in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

- (9) the soft landscaping works as detailed on the approved plans shall be completed in all respects within the first planting season following the first use of the dwelling save that the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of the same size and species to those originally required to be 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 in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029; and
- (10) the development shall not be occupied until a turning area has been provided within the site so as to enable a car to leave and re-enter the public highway in a forward gear and thereafter the turning area shall be retained in perpetuity. **Reason:** In the interest of highway safety having regard to Policy TR1 and TR3 of the Warwick Local Plan 2011-2029.

**109. W/17/1432 – Land adjacent to 1 Beaufort Way, Warwick**

The Committee considered a retrospective application from Mrs Chambers for the change of use of land from open space to form part of private domestic garden land associated with 1 Beaufort Way, including new fencing to match existing.

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

The officer was of the opinion that the change of use of this particular area of land to be incorporated into the host dwelling's garden area would not result in material harm to the visual amenities of the wider area, due to its relatively isolated position, away from the public realm and its consequent limited value to the overall openness of the estate. Enclosing this area would not undermine the general principles of the open estate and officers

## PLANNING COMMITTEE MINUTES (Continued)

were of the view that this development by no means set a precedent for other similar areas to come forward, since each would need to be assessed on its own merits and the individual circumstances pertinent to that particular site in its context.

There would be no resulting harm to the amenity of neighbouring properties and no detriment to highway safety or ecology. Accordingly, it was recommended that planning permission be approved subject to the conditions detailed in the report.

An addendum circulated at the meeting advised that an additional letter and petition had been received in support of the application along with an additional letter of objection.

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

The Committee therefore

**Resolved** that W/17/1432 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall be maintained strictly in accordance with the details shown on the site location plan and approved drawing BL/2017/1 REV:2 and specification contained therein, submitted on 4 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; and
- (2) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development to form hard surfaces within the application site shall be carried out and no building or enclosure shall be provided within the area of residential curtilage hereby permitted as illustrated on approved drawing BL/2017/1 REV:2. **Reason:** To protect the visual amenities of the locality and that in having regard to the design, layout and general nature of the proposed development it is important to ensure that no further development is carried out which would detract from the appearance of the area in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

**PLANNING COMMITTEE MINUTES (Continued)**

**110. 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 7.55 pm)

Signature Redacted

CHAIRMAN  
5 December 2017

