

# Planning Committee

Minutes of the meeting held on Tuesday 9 November 2021 at the Town Hall, Royal Leamington Spa at 6.00pm.

**Present:** Councillor Boad (Chairman); Grainger, Jacques, Kennedy, Kohler, Leigh-Hunt, Margrave, Matecki, Quinney, Tangri and Tracey.

**Also Present:** Committee Services Officers – Sophie Vale and Rob Edwards; Legal Advisor – Max Howarth; and Business Manager – Development Management – Sandip Sahota.

## 107. **Apologies and Substitutes**

- (a) There were no apologies for absence made.
- (b) Councillor Grainger substituted for Councillor Ashford, Councillor Kohler substituted for Councillor R Dickson, Councillor Margrave substituted for the Whitnash Residents Association vacancy, and Councillor Matecki substituted for Councillor Morris.

## 108. **Declarations of Interest**

Minute Number 115 – W/21/1392 – 27 Upper Cape, The Cape, Warwick

Councillor Grainger declared an interest because she had previously voted against this application when it came to Warwick Town Council Planning Committee. After taking advice from the Legal Officer, it was decided that Councillor Grainger would remain in the room but would abstain from this vote.

## 109. **Site Visits**

Councillors Kennedy and Kohler had made independent site visits to:

W/21/0657 – 2 Elizabeth Way, Kenilworth.  
W/21/1263 – 9 Stoneleigh Close, Stoneleigh.

## 110. **Minutes**

The minutes of the meetings held on 12 October 2021 were taken as read and signed by the Chairman as a correct record.

## 111. **Report**

The report of the urgent delegated decisions meeting held on 21 October 2021 was taken as read and signed by the Chairman as a correct record and as set out at Appendix 1 to these minutes.

## PLANNING COMMITTEE MINUTES (Continued)

### 112. **W/21/0802 – Land north of Bakers Lane, Knowle, Solihull**

This application was withdrawn from the agenda because the Highways Authority reviewed the proposal and requested further information from the applicant to assess impact on parking and highway safety.

### 113. **W/21/1263 – 9 Stoneleigh Close, Stoneleigh**

The Committee considered an application from Mr Brooks for the erection of two rear dormer windows.

The application was presented to Planning Committee because of the number of neighbour objections and Stoneleigh & Ashow Parish Council also objected to the proposal.

The officer was of the opinion that the revised development proposals were considered to be in keeping with the character and appearance of the property and the surrounding area and also constituted appropriate development within the Green Belt. In addition, the proposals were not considered to present a harmful impact upon the amenity of the neighbouring properties in relation to outlook and amenity. The proposals were in accordance with the policies stated in the report, and it was therefore recommended for approval.

The following people addressed the Committee:

- Mr Astle, representing Stoneleigh & Ashow Parish Council, speaking in objection;
- Mr Hancox, objecting;
- Mrs Reid, objecting; and
- Mr Robinson, supporting.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Jacques and seconded by Councillor Matecki that the application be granted. The Committee therefore

**Resolved** that W/21/1263 be **granted**, subject to the following conditions:

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
| (1)        | The development hereby permitted shall begin not later than three years from the date of this permission. <b>Reason:</b> To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);  |
| (2)        | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan 00-T2192 AL P 00 Rev A submitted on 26 October 2021 and approved drawing 02-T2192 AL P 02B submitted on 9 September 2021 and specification contained therein. |

## PLANNING COMMITTEE MINUTES (Continued)

<b>No.</b>	<b>Condition</b>
	<b>Reason:</b> For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; 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. <b>Reason:</b> To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

### 114. **W/21/0657 – 2 Elizabeth Way, Kenilworth**

The Committee considered a retrospective application from Mr Homer for the erection of a timber fence.

The application was presented to Planning Committee because the application was recommended for refusal and there had been more than five comments in support of the application.

The officer was of the opinion that the development was contrary to Local Plan Policy BE1 and the Kenilworth Neighbourhood Plan Policy KP13 and constituted a poor design solution resulting in harm to the street scene. It was therefore recommended that planning permission should be refused.

An addendum circulated prior to the meeting advised that the Committee Report stated that eight comments of support were received. To clarify, one of these was submitted by the applicant which was not counted and therefore the correct number of comments received in support was in fact seven.

The following people addressed the Committee:

- Mr Plevin, objecting; and
- Mr Homer, supporting

A motion to grant the application, proposed by Councillor Matecki, and seconded by Councillor Margrave, on being put to the vote was lost.

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

The Committee therefore

**Resolved that** W/21/0657 be **refused** because the NPPF places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor

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

design.

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. In addition, Kenilworth Neighbourhood Plan Policy KP13 states that proposals should achieve a standard of design that is appropriate to the local area. It also states that proposals should have a positive response to the site characteristics and surroundings.

In the opinion of the Local Planning Authority the proposal is out of keeping with the character and appearance of Elizabeth Way and by reason of a combination of the height, length and solid form, the proposed boundary treatment results in harm to the street scene.

The development is thereby considered to be contrary to the aforementioned policies.

### **115. W/20/1392 - 27 Upper Cape, The Cape, Warwick**

An application for the demolition of the existing dwelling and the erection of 15 residential apartments and associated parking and amenity areas from Hamble Associates had been refused by the Council under delegated powers on 25 February 2021. An appeal had been submitted against the Council's decision and was currently under consideration by the Planning Inspectorate.

One of the reasons for refusal was the lack of submission of a legal agreement to secure the necessary planning obligations to make the development acceptable.

In order to overcome this reason for refusal, the appellant submitted a S106 agreement, which was agreed with the Council's Legal Services team. In accordance with the Council's scheme of delegation, it was necessary for the Planning Committee to authorise the agreement before it could be sealed. The Committee therefore considered this S106 agreement, with the required planning obligations as follows:

- provision of six no. units of affordable housing;
- a contribution of £63,612 towards public open space;
- a contribution of £963 towards outdoor sports facilities;
- a contribution of £11,787 towards indoor sports facilities;
- a contribution of £23,700 towards grass pitch improvements;
- a contribution of £36,828 towards off site mitigation for private amenity areas;
- a contribution of £2,379 towards Section 106 monitoring costs (Warwick District Council);
- a contribution of £150 towards sustainable travel promotion;
- a contribution of £750 towards road safety; and
- a contribution of £593.73 towards public rights of way improvements;

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

monitoring fee for Warwickshire County Council of £450.

The case officer was of the opinion that the proposed affordable housing provision (6 units) was in accordance with the Council's Housing departments requirements, who had no objection to the proposed development. The proposed financial contributions were in accordance with the requests from the various consultees in relation to the relevant services. The appellant agreed to all of the above contributions which were included in the legal agreement. Therefore, it was recommended that the Planning Committee should authorise the S106 agreement.

Following consideration of the report and presentation it was proposed by Councillor Quinney and seconded by Councillor Jacques that the S106 agreement be authorised.

The Committee therefore

**Resolved** that the S106 agreement, as set out in the report be approved.

### 116. **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 7.22pm)

CHAIRMAN  
14 December 2021

## **Urgent Delegated Planning Decisions**

Report of the remote meeting held on Thursday 21 October 2021 at 6.00pm, which was broadcast live via the Council's YouTube channel.

**Present:** Councillor Boad (Chairman); Councillors, Ashford, R. Dickson, Jacques, Kennedy, Leigh-Hunt, Margrave, Morris, Quinney, Tangri, and Wright.

**Also Present:** Legal Advisor – Samantha Amphlett; Committee Services Officers– Rob Edwards and Sophie Vale (observing), Principal Planning Officer – Rebecca Compton, Manager – Development Services – Gary Fisher.

At the start of the meeting the Chairman explained that on 12 October, a significant technical issue occurred with the audio system at the Town Hall. This required significant technical investigation into the problem, which, at the time of this meeting, had not been resolved. In anticipation of this at Council the night before, it was agreed that delegated authority be given to the Development Manager to determine these applications subject to the views the Planning Committee provided to them in a vote at a remote meeting.

The Council took this decision because it recognised the exceptional circumstances it was faced with and that it was unfair on applicants by deferring the applications any further.

The process would be for each application to have a presentation from the Planning Officer. Next, registered speakers would be invited to address the Committee.

Following the registered speakers, the Committee then debated the application. During the debate, members raised technical questions and issues to which the Planning Officers or advisors responded.

The Committee would then take an indicative vote on each application which would be taken into account by the Development Manager when making the decision, which he then confirmed to the Committee in writing the morning of 22 October 2021 prior to the notification of the decisions being published, which would be appended to this report.

### **1. Apologies and Substitutes**

- (c) there were no apologies for absence made; and
- (d) Councillor Margrave substituted for the Whitnash Residents Association vacancy, and Councillor Wright substituted for Councillor Tracey.

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

### **2. Declarations of Interest**

Minute Number 5 – W/21/0856 – Tantara Lodge, Coventry Road, Stoneleigh, Coventry

Councillor Wright declared an interest because the application was in his ward. Although the Chairman advised that this did not constitute an interest, Councillor Wright left the meeting whilst the application was considered.

Minute number 8 – W/21/1230 – 26 Ladycroft, Cubbington, Royal Leamington Spa

Councillor Wright declared an interest because he knew the architect of the above property. He left the meeting whilst the application was considered.

### **3. Site Visits**

To assist with decision making, Councillors Dickson and Jacques visited the following application sites independently:

W/21/0856- Tantara Lodge, Coventry Road, Stoneleigh, Coventry.

### **4. W/21/0649 – The Thistle Estate, Red Lane, Burton Green, Kenilworth**

The Committee considered an application from Mr and Mrs Chohan and Bibi for the demolition of an existing bungalow, erection of single storey extension to and change of use of existing outbuilding to a dwelling and erection of a new garage block.

The application was presented to Planning Committee due to the number of objections and an objection from Burton Green Parish Council having been received.

The Officer was of the opinion that the proposed development constituted appropriate development in the Green Belt, would not result in harm to openness, the character and appearance of the street scene nor have a harmful impact on the amenity of neighbouring properties. The development was therefore considered acceptable and was recommended for approval, subject to conditions.

An addendum circulated prior to the meeting advised that Condition 4 (demolition) was revised to allow the applicant 6 months to demolish the existing dwelling following first occupation of the proposed dwelling. The condition also required the existing bungalow to remain vacant once the new dwelling was occupied. The addendum also advised the following:

- Neighbourhood plan policy 2: New dwellings in Development Boundary, stated that proposals for new dwellings would be supported in principle subject to being in accordance with other policies in the plan.
- Neighbourhood plan policy 3: Responding to Local Character, stated that all new development should have regard to local character ensuring that new buildings and modifications to existing ones have

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

sympathetic regard to their immediate setting and to the character of that part of the village.

Officers were satisfied that the development would not have a harmful impact on local character, the street scene was mixed with a range of styles and design and the proposed dwelling was of a good design. The proposals were therefore considered to comply with the Burton Green Neighbourhood Plan.

The following people addressed the Committee:

- Mr Cotterill, objecting;
- Mr Morgan; supporting; and
- Councillor Illingworth, District Councillor, speaking in objection.

In response to questions from Members, the Development Services Manager suggested that conditions on noise abatement measures and minimising the carbon impact of the pool could be added. The Legal Advisor supported this suggestion, stating that these can both be implemented as conditions.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Jacques and seconded by Councillor Quinney that the committee should form a view that the application be granted.

On being out to the vote, the Councillors present were of the view that the Development Manager should **grant** W/21/0649 subject to the conditions in the report and addendum, and subject to additional conditions relating to i. sustainability/energy conservation and ii. the mitigation of noise levels – the specific wording of the conditions to be agreed by officers.

(Councillor Kennedy left the meeting during this item.)

### **5. W/21/0856 – Tantara Lodge, Coventry Road, Stoneleigh, Coventry**

The Committee considered an application from Mr Reay for the retention of solar panels on front roof slope (retrospective).

This application was presented to Planning Committee as Stoneleigh Parish Council supported the proposals, and the application was recommended for refusal.

The Officer was of the opinion that the solar panels detracted from the character and integrity of the listed gate lodge and the registered park. There were no public benefits to outweigh this harm. Therefore, it was recommended that planning permission is refused.



## PLANNING COMMITTEE MINUTES (Continued)

An addendum circulated prior to the meeting advised that Councillor Kohler had concerns that the proposals and recommendation for refusal did not take the Climate Emergency into consideration and it could have been viewed that the proposals undermine WDC's Climate Emergency Action Plan.

As stated in paragraph 202 of the NPPF where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Officers considered that domestic solar panels would bring some benefits in respect of the climate emergency, such as the contribution of sustainable energy. However due to the scale of the proposals the benefits would be limited and would not outweigh the harm to the heritage asset.

### Update to report - planning history

The following planning history has been added as it was not included in the original report:

- W/03/0235 - Erection of a two-storey side/rear extension and a triple detached garage. Permission granted May 2004.
- W/03/0236/LB - Erection of a two-storey side/rear extension and a triple detached garage. Permission granted May 2004.

The following people addressed the Committee:

- Mr Frampton, supporting; and
- Councillor Kohler, District Councillor, speaking in support.

In response to questions from Members, the Development Services Manager highlighted the reasons for the recommendation for refusal. However, Members felt that the addition of solar panels did not represent any significant further harm to the heritage asset.

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 Jacques that the application be granted.

On being out to the vote, the Councillors present were of the view that the Development Manager should **grant** W/21/0856 subject to the conditions in the report and addendum.

(Councillor Dickson left the meeting during this item.)

### 6. **W/21/0277 – Heritage House, 3 Millers Road, Warwick**

The Committee considered an application from Mr S Thadwal for the part removal/demolition of offices and the addition of roller shutter to factory to create a covered loading bay and enlarged dropped kerb and gates. Also, the installation of external cladding.

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

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

The Officer was of the opinion that the proposals would not adversely impact on the character of the street scene or surrounding area and would not add to the existing parking pressures in the area. The proposals were therefore considered to be acceptable and in accordance with the policies listed.

An addendum circulated prior to the meeting advised that Condition 2 (plan numbers) was updated to reflect the most recent proposed drawing.

The following people addressed the Committee:

- Mr Kilbee, objecting. His speech was read out by the Committee Services Officer because he was unable to attend the remote meeting.

In response to questions from Members, the Principal Planning Officer stated that no comments or objections had been received from Warwick Town Council.

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

On being out to the vote, the Councillors present were of the view that the Development Manager should **grant** W/21/0277 subject to the conditions in the report and addendum.

### **7. W/21/0939 – The Old Leper Hospital/Chapel/Master's House, Saltisford, Warwick**

The Committee considered an application from West Midlands Historic Building Trust for the conservation, repair, and alteration of the existing listed Master's House to provide a two-bed dwelling with contemporary building services, to include partial demolition of the south wing and the extension of a larger south wing. Proposals include the deconstruction, repair and reconstruction of unstable structural elements of the Master's House. The conservation, repair, and alteration of the listed St Michael's Chapel to provide a one bed dwelling with contemporary building services. The proposal also includes the construction of a new three storey apartment block to the north of the site with 8no. one bed dwellings together with associated hard and soft landscaping and proposed access.

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

The Officer was of the opinion that the proposal would ensure the optimum viable use of two listed buildings, through the provision of a high-quality development, which delivered high levels of amenity for the future occupiers via generous, well landscaped gardens, in a sought after edge of town centre location. The proposal delivered an acceptable level of parking and would not impact detrimentally on neighbouring amenity. The development should therefore be approved.

An addendum circulated prior to the meeting advised the following:

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

The Council were awaiting a final response from the LLFA on flooding issues. The LLFA were satisfied that a detailed scheme could be secured via condition however they requested assurances that the proposed surface water drainage proposals would be a viable option. This information was provided to the LLFA and officers were awaiting their final response. Officers recommended committee to delegate authority to the Head of Development Services in consultation with the Chair of Planning Committee to finalise the terms of the Section 106 agreement and officers also ask that this included the delegated authority to address any flooding issues.

Environmental Health raised an objection to the conversion of the Chapel to a residential dwelling on the grounds that the noise levels from Saltisford would exceed the WHO guidelines for community noise. Whilst the average noise levels across the night would fall within the guidelines, there were instances during the night-time period when these guidelines were exceeded.

Officers were mindful of concerns regarding noise; however, officers were also mindful of the fact that the scheme would secure the long-term viable use of two Grade II\* listed buildings and would secure the restoration of the Master's House that was in a serious state of disrepair. The benefit of bringing these heritage assets back into a viable use should be afforded substantial weight and given that on average the noise levels could be achieved, officers were satisfied that the scheme is acceptable.

A Traffic report was submitted to the LPA following the committee report to consider traffic and parking generated by the development. The report concluded that traffic generation and parking requirement would be low and would not create highway safety issues, in line with the response from the Highways Authority. The Traffic Report also proposed measures to manage traffic at the new access including new road markings and highway signage and an automated barrier at the main entrance. A condition was added to ensure the measures within the report were complied with to protect the amenity of neighbouring uses, the condition would read as follows:

*The development hereby permitted shall not be occupied until the physical measures described in the Transport and Highways Technical Report dated October 2021 ("the Report") have been implemented in full and a Communication and Enforcement Strategy as proposed in the Report ("the Strategy") has been submitted to and approved in writing by the Local Planning Authority. The signage, markings and information provided in accordance with the Report within the development hereby permitted shall be maintained in good condition and the Strategy shall be observed at all times.*

Local Plan policy CC1 required all developments to be designed to be resilient to and adapt to the future impacts of climate change.

Improving energy efficiency for the existing listed buildings would be limited due to potential impacts on the integrity of the historic fabric. The applicant put forward that thermal efficiency for the new apartment building would be maximised through a 'fabric first' approach, improving upon the current Building Regulations requirements.

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

Condition 2 (plan numbers) was updated to include all submitted proposed plans.

Condition 23 was added to secure the measures set out in the Traffic Report.

In response to questions from Members, the Development Services Manager stated that the Council were pushing sustainability as far as reasonably possible. He suggested that we encourage this further through the addition of a note detailing how the application could be made even more sustainable.

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

On being out to the vote, the Councillors present were of the view that the Development Manager should **grant** W/21/0939 subject to the conditions in the report and addendum, and subject to an additional note relating to potential sustainability measures- the specific wording of the note to be agreed by officers.

### **8. W/21/1230 – 26 Ladycroft, Cubbington, Royal Leamington Spa**

The Committee considered an application from Mr B Faulkner for the erection of side and rear extensions and roof dormer at the rear.

The application was presented to Committee due to an objection from the Parish having been received as well as more than 5 public representations contrary to recommendation.

The Officer was of the opinion that the proposed extension was sufficiently subservient and made a clear improvement to the quality of the street scene over and above the existing. The objectionable parts of the proposals referred to in the dismissed appeal were removed from the plans. The proposals had an acceptable impact on the amenity of neighbouring occupiers. The proposals complied with Local Plan Policies BE1, BE3, TR3 and the Residential Design Guide and Parking Standards SPD.

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

On being out to the vote, the Councillors present were of the view that the Development Manager should **grant** W/21/1230 subject to the conditions in the report.

(The meeting ended at 8.34 pm)

**Urgent Delegated Planning Decisions**  
**Thursday 21 October 2021**

**Note: This is a summary of decisions and is not the formal minutes of the Urgent Delegated Planning Decisions. It is intended to give early notice of the decisions taken.**

**Part A – General**

1. **Apologies and Substitutes** – to be detailed in the minutes.
2. **Declarations of Interest** - to be detailed in the minutes.
3. **Site Visits** – to be detailed in the minutes.

**Part B - Planning Applications**

4. **W/21/0649 – The Thistle Estate, Red Lane, Burton Green**

The application was granted in accordance with the officer recommendation made in the report and addendum, and additional conditions relating to

- i. sustainability/energy conservation; and
- ii. the mitigation of noise levels – the specific wording of the conditions to be agreed by officers.

5. **W/21/0856 – Tantara Lodge, Coventry Road, Stoneleigh**

The application was granted contrary to officer's recommendation because it was considered that in this particular set of circumstances, the public sustainability benefits of the solar panels were not outweighed by the harm to heritage assets.

6. **W/20/0277 – Heritage House, 3 Millers Road, Warwick**

The application was granted in accordance with the recommendation made in the report.

7. **W/21/0939 – The Old Leper Hospital / Chapel Master's House, Saltisford**

Following the receipt of the final consultation response comments from the Local Lead Flood Authority and the completion of the S106 agreement, planning permission is to be granted in accordance with the officer recommendation set out in the report and addendum with an additional sustainability condition and a note reflecting the desire for the new build element and heating infrastructure to aim to be carbon zero.

8. **W/21/1230 – 26 Ladycroft, Cubbington**

The application was granted in accordance with the recommendation made in the report and addendum.