

Planning Committee

Minutes of the meeting held on Wednesday 9 November 2022 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Boad (Chairman); Councillors K Dickson, B Gifford, Jacques, Kennedy, Margrave, Morris, Murphy, Noone, Quinney and Tangri.

Also Present: Civic & Committee Services Manager – Patricia Tuckwell; Legal Advisor – Ross Chambers; Development Manager – Gary Fisher; and Principal Planning Officer – Dan Charles.

84. **Apologies and Substitutes**

- (a) Apologies for absence were received from Councillor Norris; and
- (b) Councillor K Dickson substituted for Councillor R Dickson.

85. **Declarations of Interest**

Minute Number 88 – W/21/1811 – Land on the East Side of Glasshouse Lane, Kenilworth

Councillor K Dickson declared an interest because she was a member of the Town Council Planning Committee which considered the application previously and left the room when this item was being considered.

86. **Site Visits**

There were no site visits made.

87. **W/19/1133 – Land at Ward Hill, Warwick Road, Littleworth, Norton Lindsey**

This item was withdrawn from the agenda. This was because the applicant had submitted further highways information, and the highways officer needed more time to review this information and provide updated advice to the Committee.

(Councillor K Dickson left the room.)

88. **W/21/1811 – Land on the East Side of Glasshouse Lane, Kenilworth**

The Committee considered an application from Crewe Lane Kenilworth JV LLP for reserved matters for the layout, scale appearance, materials, and landscaping for 620 dwellings in pursuance of outline planning permission W/18/1635.

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

The planning officer considered that the proposed development would provide a high-quality residential environment in accordance with the garden suburbs principles, including an appropriate mix of market and

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affordable housing and acceptable dwelling house and layout design solutions, including landscaping and public open space. There would be no harm arising in terms of neighbour amenity, highway safety or ecology and as such, it was considered that the scheme therefore complied with the policies listed. Accordingly, the recommendation was that the reserved matters should be approved.

An addendum circulated prior to the meeting advised of a final response from Warwickshire County Council (WCC) Highways raising no objection subject to the conditions received on the day of the meeting.

The addendum also provided a list of questions from Members and their answers issued by officers ahead of the meeting.

The following people addressed the Committee:

- Councillor Jones, representing Kenilworth Town Council, objecting;
- Mr Martin, objecting; and
- Ms Griffiths, supporting.

At the start of the debate, Members became aware that the applicant, Crewe Lane Kenilworth JV LLP, was a joint venture that involved Milverton Homes and another company. Milverton Homes was a Warwick District Council (WDC) housing initiative, with it being owned by WDC. Members therefore sought legal advice on the matter of declaring of interest in the item.

(At 6.35pm, the public meeting was adjourned, and it moved into a private session, so that Members could receive legal advice and clarification if there was an interest for the Committee to declare or not. The meeting resumed in public session at 6.58pm.)

For the purpose of transparency and clarity, the Chairman declared an interest on behalf of the Committee because the applicant was Crewe Lane Kenilworth JV LLP, and Milverton Homes was a wholly owned subsidiary of Warwick District Council and was a partner in Crew Lane LLP, who were the developers on the site. For the avoidance of any doubt, the Chairman clarified that during the private session, no discussion on the application had taken place, and it was on the technical matters around declaring an interest in light of the applicant's relationship with Warwick District Council.

When put to vote, a proposal made by Councillor Morris and seconded by Councillor Noone to defer the item subject to more information on sustainability matters being made available was defeated.

Officers advised that some of Members' concerns around driveways being built from a permeable material, cycling facilities being provided in accordance to LTN standards and provision of all ages play and exercise equipment could be mitigated by way of conditions of notes.

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 Gifford that the

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application should be granted, subject to the additional conditions from WCC Highways, and additional notes and conditions as below.

The Committee therefore

Resolved that W/21/1811 be **granted**, subject to:

- (1) a note asking the applicant that the exercise and play equipment should be suitable for all ages, details of which are to be agreed under the Section 106 agreement; and
- (2) the following conditions:

- | No. | Condition |
|------------|--|
| (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), and specification contained therein, submitted following WCC Highways response.

Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; |
| (2) | the development shall not be occupied until it has been laid out in general accordance with drawing no. drawing no. J32-5319-PS-070 Rev B Geometrics Southern Parcel and drawing no. J32-5319-PS-071 Rev B Geometrics Northern Parcel; |
| (3) | the construction of the estate roads serving the development including footways, verges and footpaths shall not be other than in accordance with the standard specification of the Highway Authority; |
| (4) | the accesses to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway; |
| (5) | no development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and Local Highway Authority. The Construction Management Plan must include details to prevent mud and debris being passed onto the highway; wheel washing facilities; vehicle routing plan; and |

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- | No. | Condition |
|------------|---|
| | parking and loading/unloading of staff/construction/delivery vehicles; |
| (6) | prior to first occupation, a plan will be required to be submitted detailing the provision and placement of 20mph Zone signs at the entrance into the 20mph areas of the development for the approval of the Local Planning Authority in consultation with the Highway Authority; |
| (7) | no structure, tree or shrub shall be erected, planted, or retained within the visibility splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway; |
| (8) | the driveways be built from a permeable material in order to reduce the flooding risk; |
| (9) | cycling provision throughout the site to be built in accordance with LTN provisions, or any guidance revoking, replacing or re-enacting that document with or without modification; |

Before issuing the decision notice, officers will seek assurance that the WDC Waste Management officer is satisfied that the bin collection points do not exceed the maximum carry distances on various plots.

(Councillor K Dickson re-joined the meeting.)

89. W/22/1022 – 17 Vicarage Road, Lillington, Royal Leamington Spa

The Committee considered an application from Downes for the demolition of an existing rear extension and erection of a replacement single storey rear extension with green roof and subterranean level and a two-storey side extension.

The application was presented to Committee because of the number of objections received, including one from Leamington Spa Town Council.

The officer was of the opinion that the proposal was considered to constitute acceptable design quality and an acceptable impact on the conservation area, an acceptable impact on the amenity of the neighbours and the current and future occupiers of the dwelling. The development was considered to pose a low risk to protected species and would not be detrimental to highway safety. The proposed development was in accordance with all of the policies mentioned in the report, and it was therefore recommended that planning permission should be granted.

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An addendum circulated prior of the meeting advised that an error had been made in the officer's report. The proposed rear extension had not been reduced in height, only stepped away from the shared boundary. The rear extension was still considered not to worsen the impacts on neighbour amenity from what was currently existing. The addendum also confirmed that the accuracy of the report and the positioning of the trees had been checked and verified with the applicant.

The following people addressed the Committee:

- Mrs Leventhal, on behalf of Mrs Rushton, objecting; and
- Councillor Russell, 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 Gifford and seconded by Councillor Kennedy that the application should be refused.

The Committee therefore

Resolved that W/22/1022 be **refused** contrary to the recommendation in the report because it was considered that the proposal would be harmful to the character and appearance of the Conservation Area in which it is located, contrary to Local Plan policy HE2.

(At 8.13pm, the meeting was adjourned for 11 minutes for a comfort break.)

90. **W/21/1790 – Green Acres, 34 Bridge Street, Barford**

The Committee considered an outline application from Mr & Mrs Locker for a proposed first floor loft conversion, associated roof replacement including the installation of roof dormers; proposed erection of two-storey rear extension; proposed erection of single storey rear extension to existing garage to include erection of greenhouse to the side elevation; and the proposed erection of detached garage to frontage.

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

In the officer's opinion, the proposals did not result in unacceptable impact on the street scene and amenity of neighbouring occupiers, nor did they unacceptably impact on protected species. The amended proposals therefore complied with Local Plan Policies HE1, BE3 and NE2 and Neighbourhood Plan Policies B6 and B8. It was recommended planning permission should be granted subject to conditions.

An addendum circulated prior to the meeting advised that the main building at the site had an eaves height of 2.4 metres which was not proposed to change. It currently had a ridge height of 5 metres. The proposals initially indicated an increased ridge height of 7 metres, however, during the course of the application, this had been amended to 6.5 metres. As a result of the positioning of the proposals, the increased ridge height was not considered

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to unacceptably impact upon the amenity of neighbouring occupiers or the character of the Conservation Area and street scene.

The addendum also advised that the pool building was proposed to have an eaves height of 2.4 metres and a ridge height of 5.3 metres. There was significant space on site for off street parking in accordance with the Parking Standards SPG.

The addendum informed Members of comments from the applicant, who was no longer able to attend the meeting.

Mr Dunn addressed the Committee, objecting to the application.

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

The Committee therefore

Resolved that W/21/1790 be **refused** contrary to the recommendation in the report because the proposals were considered to be harmful to the amenities of a nearby residential property, contrary to Local Plan Policy BE3.

91. **W/22/1429 – 40 High View Road, Cubbington, Royal Leamington Spa**

The Committee considered an application from Mrs S Mackenzie for the erection of a single storey front extension and a two-storey side extension.

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

The officer was of the opinion that the proposal constituted good quality design and had an acceptable impact on the amenity of the neighbours and the current and future occupiers of the dwelling. The proposal was considered to satisfy the criteria of Local Plan Policies BE1, BE3 and the Residential Design Guide SPD.

An addendum circulated prior to the meeting advised Members that the single-storey rear extension fell within permitted development parameters and therefore was not addressed within the application.

Members noted the objection received from Cubbington Parish Council and that no representative registered to address the Committee.

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

The Committee therefore

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Resolved that W/22/1429 be **granted** in accordance with the recommendation in the report, 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 22/19-01, and specification contained therein, submitted on 01/09/2022. **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.

92. **W/22/1521 – 1 St Chads Cottage, Old Warwick Road, Lapworth**

The Committee considered an application from Mr T Daplyn for the erection of a two storey side/rear extension plus alteration to fenestration.

The report advised Members that the application site related to a semi-detached house within a large plot. The site was adjacent to the canal but not within the Canal Conservation Area, and Lapworth was a growth village removed from the Green Belt.

The officer was of the opinion that the proposed design was acceptable under Policy BE1; there was no breach of the 45-degree rule and no distance separation issues, which meant no conflict with Policy BE3, and the application was therefore recommended for approval.

Members noted the objection received from Lapworth Parish Council and that no representative registered to address the Committee.

Following consideration of the report and presentation, it was proposed by Councillor Kennedy and seconded by Councillor Jacques that the application should be granted in accordance with the recommendation in the report.

The Committee therefore

Resolved that W/22/1521 be **granted**, subject to the following conditions:

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- (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) 5928/01 C, and specification contained therein, submitted on 20/09/2022. **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.

(The meeting ended at 9pm)

CHAIRMAN
15 December 2022