

## **Planning Committee**

### **Wednesday 3 March 2021**

A meeting of the above Committee will be held remotely on Wednesday 3 March 2021, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

Councillor Boad (Chairman)  
Councillor Morris (Vice Chairman)

Councillor M Ashford  
Councillor R Dickson  
Councillor M-A Grainger\*  
Councillor T Heath  
Councillor O Jacques

Councillor J Kennedy  
Councillor V Leigh-Hunt  
Councillor N Tangri  
Councillor J Weber

\*Subject to Council approval on 24 February 2021

### **Agenda**

#### **Part A – General**

#### **1. Apologies & Substitutes**

- (a) to receive apologies for absence from any Councillor who is unable to attend; and
- (b) to receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting.

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

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be disclosed during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

#### **3. Site Visits**

The Chairman to report the location of the planning application sites visited and the names of the Committee Members who attended.

## **Part B – Planning Applications**

To consider the following reports from the Head of Development Services:

4. **W/20/1541 – 12 Coventry Road, Baginton, Coventry** (Pages 1 to 3)

5. **Public and Press**

To consider resolving that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following items by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Item Numbers	Paragraph Numbers	Reason
6	1	Information relating to an individual
6	2	Information which is likely to reveal the identity of an individual

6. **TPO 564 – Rouncil Lane, Kenilworth** (Pages 1 to 2)

## **Part C – Other matters**

7. **Appeals Report** (Pages 1 to 10)

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with the Council's Public Speaking Procedure, members of the public can address the Planning Committee meeting remotely by joining the remote meeting through their personal device on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please register online at [Speaking at Planning Committee](#) any time after the publication of this agenda, but **before 10.00am** on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.

- (e) occasionally, items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's website, and where possible, the applicant and all registered speakers (where applicable) will be notified.

Published Tuesday 23 February 2021

General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ

Telephone: 01926 456114  
E-Mail: [committee@warwickdc.gov.uk](mailto:committee@warwickdc.gov.uk)

For enquiries about specific reports, please contact the officers named in the reports.  
You can e-mail the members of the Committee at  
[planningcommittee@warwickdc.gov.uk](mailto:planningcommittee@warwickdc.gov.uk)

Details of all the Council's committees, councillors and agenda papers are available via our website on the [Committees page](#)

We endeavour to make all of our agendas and reports fully accessible. Please see our [accessibility statement](#) for details.

The agenda is available in large print on request,  
prior to the meeting, by telephoning (01926)  
456114

**Planning Committee:** 03 March 2021

**Item Number:** 4

**Application No:** [W 20 / 1541](#)

**Town/Parish Council:** Baginton

**Case Officer:** George Whitehouse

01926 456553 [george.whitehouse@warwickdc.gov.uk](mailto:george.whitehouse@warwickdc.gov.uk)

**Registration Date:** 16/11/20

**Expiry Date:** 11/01/21

**12 Coventry Road, Baginton, Coventry, CV8 3AD**

Erection of detached garage FOR Joe Holcroft

-----

This application is being presented to Planning Committee due to an objection from the Parish Council having been received.

**RECOMMENDATION**

Planning Committee is recommended to grant planning permission, subject to the conditions set out at the end of this report.

**DETAILS OF THE DEVELOPMENT**

Erection of detached garage.

**THE SITE AND ITS LOCATION**

The application site relates to a traditional semi-detached bungalow with gable roof line. The property sits on the corner of Coventry Road and Holly Walk.

The site is no longer in the Green Belt since changes introduced by the adoption of WDC Local Plan in 2017.

Permitted development rights for the property were removed in 2015.

**PLANNING HISTORY**

W/15/0939 - Erection of a 2 bedroomed bungalow to the rear of the existing dwelling - Granted

W/19/1887 - Erection of detached bungalow in garden of No. 12 Coventry Road - Granted

ENF/1664/20 - Breach of planning - dwelling granted under planning permission ref: W/19/1887 has been built in accordance with the approved plans and has been sited closer to the road than approved.

**RELEVANT POLICIES**

- National Planning Policy Framework
- [The Current Local Plan](#)
- BE1 - Layout and Design

- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- Baginton & Bubbenhall Neighbourhood Plan 2018-2029
- BAG3 - Protecting and Enhancing Baginton Village
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)

## **SUMMARY OF REPRESENTATIONS**

**Baginton Parish Council:** Object on grounds of loss of amenity and harm to street scene

**Cllr Pam Redford:** Objects on grounds of loss of amenity and harm to street scene.

**WCC Ecology:** Site photos requested and provided. Note numerous records of grass snakes and additional species in close proximity to the site.

**Public Response:** One objection has been received on grounds of harm to street scene

## **ASSESSMENT**

### Design and visual impact

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

The Council's adopted Residential Design Guide SPD (2018) provides a design framework within which to assess of good design under Policy BE1.

Policy BAG3 of the Baginton and Bubbenhall Neighbourhood Development Plan 2018 states that development should be of a suitable scale, height and massing which responds to the built form of surrounding properties.

The proposed detached garage is a simple, single storey pitched roof structure which will not be conspicuous within the street scene of Coventry Road. The garage will front Holly Walk the character of which is varied with a mixture of building types, materials and design. There are also other examples of outbuildings which front Holly walk including opposite the application site where a timber and plastic structure fronts the street.

It is not considered that the erection of the detached garage would result in harm to the street scene. It is to be set behind the newly erected dwelling next door and its visibility in the street scene would not be increased if this newly erected dwelling is moved to the position where it was granted permission. In any case it is considered necessary to attach a condition to secure the finished building materials in order to ensure the quality of development.

It is considered that Policies BAG3, BE1 and the Residential Design Guide SPD are complied with.

### Amenity

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

There no breach of the 45-degree line guideline and the proposals would not result in any overlooking or loss of light.

It is considered Local Plan Policy BE3 is complied with.

### Ecology

The County Ecologist has noted that according to Google imagery, that there is an existing structure on site. There are also numerous records of grass snakes and additional species in close proximity to the site. However, since the Google images were taken, a dwelling and hard standing have been developed adjacent to the dwelling on land that was previously part of 12 Baginton Road. Given this it is unlikely any grass snakes will be present. It is considered appropriate that notes are applied to any permission to inform the applicants of their duty in terms of protected species.

## **SUMMARY/CONCLUSION**

It is considered that the proposal will sit comfortably in the streetscene and will not result in harm to amenity or ecology. The proposal is therefore considered to comply with the policies listed above.

## **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 drawings, P/02, P/03, and specification contained therein, submitted on 29/09/2020. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

**Planning Committee:** 3 March 2021

**Item Number: 6**

**Application No:** TPO 564

**Town/Parish Council:** Kenilworth St Johns  
**Case Officer:** Rajinder Reddi

**Registration Date:**  
**Expiry Date:**

33 Rouncil Lane, Kenilworth, CV8 1FN  
Confirmation of Provisional Tree Preservation Order relating to a pine tree  
-----

This Tree Preservation Order (TPO) is being presented to Committee because two objections have been received to it being confirmed.

### **RECOMMENDATION**

Planning Committee is recommended to authorise officers to allow TPO 564 to lapse without being confirmed.

### **BACKGROUND**

The Council was made aware in October 2020 of the potential felling of a mature pine tree. Following a site visit on 2 November 2020 a provisional Tree Preservation Order was made.

### **ASSESSMENT**

The tree is a very large mature Austrian pine of good form and structure, the stem diameter is in the order of 750mm, branch spread along the roadside in an easterly direction is 4m, toward the property to the south is 6m, to the west 4m and toward the road to the north it was 3m.

The tree's scale and mass provide very significant public amenity. It is clearly visible from Rouncil Lane and over the rooftops from neighbouring properties. Such trees in this type of setting might reasonably experience a life span of 100 – 140 years. In this case, the tree appears to be in good health with a remaining such expectancy of up to 40 years.

The Council's Arboricultural Consultant assessed the tree for its TPO quality using the nationally recognised TEMPO method of assessment. The tree scored 20; the TEMPO guidance is that where the score is 16 or more the making of a TPO is merited (if there are no other mitigating circumstances).

In summary the Council considered it expedient to make a provisional TPO under section 198 of the Town and Country Planning Act.

### **RESPONSES RECEIVED**

A small number of responses have been received in respect of this Order. One of these is of a sensitive and confidential nature. For that reason, it is not proposed to refer to those responses here which will be reported to members in private session at their meeting.

### **KEY ISSUES**

The tree is considered to be of significant amenity value within the surrounding area.

That amenity value would take years to replicate if the tree were removed and replaced.

The tree is, without doubt, the source of significant concern for one commentator and if removed, there would be benefits in that respect which Officers have considered very carefully and will be reported to members at their meeting.

The key issue therefore is whether the public amenity benefits of the tree outweigh those benefits.

### **SUMMARY/CONCLUSION**

If it is considered that the amenity of the tree is so significant that it overrides those private concerns, then it would be expedient to confirm this TPO.

In contrast, if those concerns are considered to outweigh those amenity benefits then it would be appropriate to allow the TPO to lapse without being confirmed.

Alternatively, the Order could be confirmed, and then consent immediately granted for the tree to be removed and replaced. However, as any replacement tree would provide little public amenity for some years, there would be no short-term amenity benefit, and as the primary purpose of an Order is to preserve the public amenity, this might seem counter to the spirit of the Regulations.

Having considered the above matters very carefully, and balanced the very significant amenity value of the tree with the private impacts referred to above, taking account of the likelihood of the tree being in the later part of its life expectancy, the recommendation is to allow the Order to lapse without confirmation.



**List of Current Planning and Enforcement Appeals  
March 2021**

Public Inquiries

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Inquiry	Current Position

Informal Hearings

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing	Current Position

Written Representations

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Current Position
W/19/1973	Wooton Grange Farm House, Warwick Road, Kenilworth	Extensions and Alterations <b>Delegated</b>	Jonathan Gentry	Questionnaire: 23/4/20 Statement: 15/5/20	Ongoing

W/19/0860	6 Phillipps Road, Warwick	Change of use to Garden and Erection of Fencing <b>Committee Decision in accordance with Officer Recommendation</b>	Emma Booker	Questionnaire: 22/7/20 Statement: 13/8/20	Ongoing
W/19/1604	17 Pears Close, Kenilworth	First and Ground Floor Extensions <b>Delegated</b>	George Whitehouse	Questionnaire: 19/6/20 Statement: N/A	Ongoing
W/19/1963 and W/19/1964/LB	Rectory Cottage, Church Lane, Lapworth	Demolition of Garage Block and erection of Sun Room <b>Delegated</b>	George Whitehouse	Questionnaire: 19/8/20 Statement: 16/9/20	<b>Appeals Dismissed</b>

The Inspector noted that the heritage value of the property derives from its age, character and appearance as a well-preserved example of a vernacular timber-framed cottage, typical of its period. The building also draws interest from its historic and modest L-shaped form which, despite some additions and alterations, remains legible and is illustrative of its original design and also makes a positive contribution to the character and appearance of the conservation area. The Inspector considered that owing to its scale, form and overall massing, the proposed extension would appear as an overly assertive and somewhat contrived addition to the building that would almost entirely obscure its north facing elevation. This would over complicate and harmfully detract from the building's original simple L-plan form, thereby undermining the architectural integrity.

While he accepted that the original plan form has already been compromised to a degree by the existing two-storey 20<sup>th</sup> century extension, this does not justify a further harmful addition to the property.

He also considered that there would be perceptible differences in the form and detailing of the proposed extension, such as the incorporation of an open fronted porch with cat slide style roof, a half-hipped roof feature and poorly scaled dormers, that would be

at odds with and harmfully detract from the historic character of the property. He was not persuaded that the proposal offers a less harmful alternative to the existing garage and sunroom, which clearly provide a more subservient scale and enable a greater appreciation of the architectural form and historic character of the cottage.

W/20/0097	10 Wasperton Road, Wasperton	Change of Use of Store Room to Dog Grooming Salon <b>Delegated</b>	Rebecca Compton	Questionnaire: 19/8/20 Statement: 16/9/20	Ongoing
W/20/0980	9 Camberwell Terrace, Leamington	Front Lightwells <b>Delegated</b>	Emma Booker	Questionnaire: 25/9/20 Statement: 19/10/20	Ongoing
W/20/0285	Pool Peace Bungalow Five Ways Road, Shrewley	Appeal against the refusal of a Certificate of Lawfulness for the Continued Occupation of a Dwelling without complying with an Agricultural Occupancy Condition. <b>Delegated</b>	Andrew Tew	Questionnaire: 26/11/20 Statement: 24/12/20	Ongoing
W/20/0331	The White House, Five Ways Road, Shrewley	Replacement Dwelling <b>Delegated</b>	Andrew Tew	Questionnaire: 13/11/20 Statement: 11/12/20	Ongoing

W/20/0940	Glenthorne, Five Ways Road, Shrewley	Appeal against a Certificate of Lawfulness for the use of a Building as a Dwelling. <b>Delegated</b>	Helena Obremski	Questionnaire: 14/12/20 Statement: 4/1/21	Ongoing
W/20/1091	Terets Lodge, Rising Lane, Lapworth	Single Storey Rear Extension <b>Delegated</b>	Jonathan Gentry	Questionnaire: 14/12/20 Statement: 4/1/21	Ongoing
W/20/0483	17 Gaveston Road, Leamington	Appeal against the refusal of a Lawful Development Certificate for the Use of the Property. <b>Delegated</b>	Andrew Tew	Questionnaire: 3/12/20 Statement: 31/12/20	Ongoing
W/20/1167	Great Pinley Barns, Nunhold Road, Shrewley	Removal of Condition Restricting Permitted Development Rights <b>Delegated</b>	Andrew Tew	Questionnaire: 14/12/20 Statement: 25/1/21	<b>Appeal Dismissed</b>

The Inspector notes that Policy BE4 generally permits the re-use of existing rural buildings provided various criteria are met including (e) where the appearance and setting of the building following conversion would protect, and where possible enhance, the character and appearance of the countryside. This reflects the guidance in paragraph 79 (c) of the Framework. Policy H14 deals with extensions to dwellings in the open countryside and sets down criteria for an acceptable form of extension. Although the policy does not expressly refer to 'barn conversions', paragraph 4.96 of the explanatory text says in the case of barn conversions in open countryside it is unlikely the Council would grant permission for any extensions which would harm the integrity of the original building. In this policy context the Inspector concluded that there is a general presumption against subsequent changes to the original form of a rural building after residential conversion where such changes would harm a building or the setting of a site.

The Inspector also noted that the buildings remain largely in their original form, each with a simple linear design sited around the three sides of the quadrangle. The roof lines are mainly unbroken, with an interesting juxtaposition of building heights, and there is a uniformity in their design when viewed from the internal space of the quadrangle and externally. Overall, he considered that the buildings are attractive and make a positive contribution to the rural character of the area.

He considered that the buildings retain this form particularly because of the restriction imposed by condition 15 and the removal of permitted development rights, where otherwise a wide array of ad-hoc alterations and extensions could have been added to the original buildings which could fundamentally harm their appearance and distinctiveness.

He therefore found that the imposition of condition 15 is justified in this case and that it serves a proper planning purpose. Overall, he was satisfied that the requirements of the condition are *reasonable* and *necessary* and that the specified tests of a condition are met in this case.

W/20/1055	Hobournes, Upper Spring Lane, Kenilworth	Two Detached Dwellings <b>Committee Decision contrary to Officer Recommendation</b>	Helena Obremski	Questionnaire: 14/12/20 Statement: 25/1/21	Ongoing
W/20/1275	River Studio, Old Milverton Lane, Old Milverton	Removal of Condition Restricting Permitted Development Rights <b>Delegated</b>	Helena Obremski	Questionnaire: 21/12/20 Statement: 1/2/21	<b>Appeal Allowed</b>

The Inspector noted that the building stands in a small hollow with most surrounding land rising around it. Therefore, due to the surrounding topography, the building is largely secluded and has a limited visual impact on the surrounding countryside.

Condition 15 removes PD rights, with respect to minor development, and in connection with PD rights associated with industrial, warehouse and office development. The condition was imposed to ensure that the character and appearance of the building would not be affected by further development. The Inspector noted that the NPPF advises that conditions should not be used to restrict PD

rights unless there is clear justification to do so. Tests set out in paragraph 55 include the requirement for conditions to be necessary and reasonable. Furthermore, the Planning Practice Guidance states that conditions that restrict the future use of PD rights are unlikely to pass the tests of reasonableness and necessity.

The Inspector considered that the condition essentially prevents relatively modest alterations to the property. Consequently, such changes to the property would have limited scope to substantially alter the appearance of the building. Accordingly, the limitations and function of PD rights would be sufficient to protect the character and appearance of the building. Moreover, due to its moderately secluded location and local screening, such changes to the building and site would have a minimal effect on the surrounding countryside. As such, he concluded that the property does not present a situation where such circumstances exist that render it necessary for these rights to be removed.

W/20/0774	1 Beaurevoir Way, Warwick	Erection of a Dwelling <b>Delegated</b>	Rebecca Compton	Questionnaire: 21/12/20 Statement: 1/2/21	<b>Appeal Allowed</b>
-----------	------------------------------	--	--------------------	--	-----------------------

The Inspector noted that the application site is a gap at the end of a row of dwellings and adjacent to the railway embankment. He considers that while it is visible to users of the footpath it is of lesser importance to the surrounding open character due to its discrete location. He therefore considered that it makes only a moderate contribution towards the open character of the estate.

The proposed dwelling would result in the infilling of this gap and the reduction of the space to the railway line embankment. However, as he considered that the site is not a substantive component of the principal open spaces arranged throughout the estate and makes only a limited contribution to the secondary spaces identified this would not be harmful. Furthermore, he also noted that the site was previously poorly maintained and made only a limited contribution to the main and secondary areas of open spaces within the estate. He concluded that the site was not integral to the openness of the estate and wider area.

Furthermore, he noted that the proposal would extend the existing row of dwellings consistent with the established building line, would consist of a development plot that would be of comparable size to its neighbours and would therefore make a positive contribution to the linear character of built form within the estate. As a result, development of the site would have a positive impact on the character and appearance of the wider estate

W/20/1264	The Lodge, Wattcote Farm, Manor Lane, Wroxall	Change of Use to Pilates Studio <b>Committee Decision in Accordance with officer Recommendation</b>	Andrew Tew	Questionnaire: 19/1/21 Statement: 16/2/21	Ongoing
W/20/0987	Grist Mill, Chesterton Drive, Leamington	Change of use of first Floor to HMO <b>Delegated</b>	Dan Charles	Questionnaire: 18/1/21 Statement: 15/2/21	Ongoing
W/20/0974	1 Edmondes Close, Woodloes Park, Warwick	Revisions to previously granted planning permission for domestic extensions <b>Delegated</b>	George Whitehouse	Questionnaire: 8/1/21 Statement: 1/2/21	Ongoing
W/20/1170	2 Adelaide Road, Leamington	Infill of Service Wing Roof <b>Delegated</b>	Rebecca Compton	Questionnaire: 8/1/21 Statement: 1/2/21	Ongoing
W/20/1321 and 1337	39 Northumberland Road, Leamington	i. Rear stair Tower and ii. One and two storey Extensions <b>Delegated</b>	Thomas Fojut	Questionnaire: 25/1/21 Statement: 16/2/21	Ongoing
<b>New</b>		Single storey extensions			Ongoing

W/20/1384	11 Edmondscote Road, Leamington Spa	Delegated	Thomas Fojut	Questionnaire: 25/1/21 Statement: 16/2/21	

Enforcement Appeals

Reference	Address	Issue	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position
ACT 450/08	Meadow Cottage, Hill Wootton	Construction of Outbuilding	RR	Statement: 22/11/19	Public inquiry 1 Day	The inquiry has been held in abeyance
ACT 097/17	2 Satchwell Place, Leamington Spa	Construction of Fence	RR	Statement: 23/6/20	Written Representations	<b>Both Appeals dismissed and Enforcement Notices Upheld.</b>



**Grounds of Appeal**

The steps to comply with the notice are excessive  
The Notice compliance period is too short.

The Inspector did not consider that the steps set out in the Notice were excessive and that the appellant hadn't sufficiently supported their appeal in respect of the compliance period which therefore fell.

ACT/565/18	41 Clemens Street, Leamington	Erection of structures/fencing to the front of the premises	RR	Statement Due: 5/11/20	Written Representations	<b>Appeal Dismissed. Enforcement Notice Upheld with revisions</b>
------------	----------------------------------	---	----	---------------------------	----------------------------	---

**Grounds of Appeal**

That the alleged works haven't taken place.  
That the alleged works (if they occurred) do not constitute a breach of planning control.  
That the steps to comply with the notice are excessive.

The Inspector considered that the alleged works had occurred and that there was a breach of planning control. The requirements of the Notice were amended to require that the means of enclosure did not exceed 1 metre in height (below which the structure would be permitted development).

ACT/354/20	Old Folly Barn, Kites Nest Lane, Beausale, Warwick	Erection of detached car port.	GW	Statement Due:  5/8/20	Written Representations	<b>Appeal Dismissed. Enforcement Notice Upheld with revisions</b>
That planning permission should be granted. The Notice compliance period is too short.						
The Inspector considered that the development comprises inappropriate development in the Green Belt and that the period for compliance with the Notice was appropriate.						

#### Tree Appeals

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing/Inquir y	Current Position