

Planning Committee

Minutes of the meeting held on Tuesday 11 October 2022 at the Town Hall, Royal Leamington Spa at 6.00pm.

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

Also Present: Principal Committee Services Officer – Lesley Dury; Legal Advisor – Sue Mullins; Principal Planning Officer – Lucy Hammond; Business Manager – Sandip Sahota; and HS2 Project Officer – Erin Weatherstone.

60. **Apologies and Substitutes**

Apologies for absence were received from Councillors Noone and Tangri.

61. **Declarations of Interest**

Minute Number 64 – W/22/0178 – Waitrose Foodstore, 51 Bertie Road, Kenilworth

Councillors R Dickson and Kennedy declared an interest because they occasionally used the store.

Councillor Gifford declared an interest as a Warwickshire County Councillor but stated that his interest was not prejudicial.

Minute Number 66 – W/22/0305 – 3 Gulistan Road, Royal Leamington Spa

Councillor Gifford declared an interest because he would be addressing the Committee on this application. He would leave the Chamber once he had finished addressing the Committee and would return once the decision had been reached.

Minute Number 67 – W/19/1030 – Oakley Grove Phase 3, Land off Harbury Lane and Oakley Wood Road, Royal Leamington Spa

Councillor Norris declared an interest because the application site was in his Ward.

62. **Site Visits**

There were no site visits made.

63. **Minutes**

- (a) The minutes of the meeting held on 19 July 2022 had previously been approved at the meeting held on 17 August 2022, however upon further examination, it was discovered that minute number 38 was not an accurate reflection of what had occurred at the meeting and made no mention of the changes required to the minutes of the meeting 4 May 2022 when these had been approved.

PLANNING COMMITTEE MINUTES (Continued)

The Committee therefore approved an amendment to the approved minutes of 19 July 2022. Minute 38 was amended to state:

"The minutes of the meeting held on 4 May 2022 were approved as a correct record, subject to the addendum circulated at the meeting, as per Appendix A to these minutes."

The addendum was also appended to the minutes as Appendix A.

- (b) The minutes of the meeting held on 17 August 2022 were taken as read and signed by the Chairman as a correct record subject to minute 57 being amended to show that the application was from Waitrose Ltd and not C/O FirstPlan Ltd. Minute 57 was further amended to show that Mr Winyard had addressed the Committee on behalf of Waitrose Ltd, in support of the application. (The minute incorrectly showed him speaking in objection to the application and did not record that he was speaking on behalf of Waitrose Ltd.)

64. W/22/0178 – Waitrose Foodstore, 51 Bertie Road, Kenilworth

The Committee considered an application from Waitrose Limited for a variation of Condition 15 for planning permission W/16/0851 (Variation of W/05/2054) to read "The use of the service area for the supermarket shall be limited to between 06.00 hours and 23.00 hours Monday to Sunday".

The application had been referred to the Planning Committee at its meeting 17 August 2022 but had been deferred because of concerns regarding the potential amenity implications of the expanded operation/delivery hours within the service area of the supermarket, with particular emphasis on HGV deliveries on Sundays.

Following subsequent discussion with officers, the scope of the variation had been reduced to explicitly omit any revision to the existing permitted HGV delivery hours.

The officer was of the opinion that the original planning permission was granted under application reference W/16/0851. The policies and material considerations that were relevant to that decision were set out in the associated officer report.

The variation of condition 15, comprising revised loading arrangements was viewed acceptable. There were no material changes in planning policy that would lead officers to a different conclusion to that which was reached previously through the assessment and determination of the previous application. Officers therefore considered that the development remained in accordance with the relevant provisions of the Development Plan and should be granted.

An addendum circulated at the meeting advised that the applicant was Waitrose Limited, and that the application was first considered at the meeting 17 August 2022.

It further advised that Condition 15 of planning permission ref: W/16/0851 was proposed to be varied to read *'The use of the service area for the*

PLANNING COMMITTEE MINUTES (Continued)

supermarket shall be limited to between 06.00 hours and 23.00 hours Monday to Sunday.'

The report incorrectly stated that planning permission ref: W/16/0851 expanded permitted HGV delivery hours to between 07:00 and 21:30 hours weekdays and Saturdays and 09:00 to 18:30 Sundays. These were in fact the hours permitted under planning permission ref: W/05/2054, and the report should have stated that planning permission ref: W/16/0851 permitted deliveries between 07:00 and 23:00 hours weekdays and Saturdays and 0800 to 2100 hours Sundays.

The report incorrectly stated that Condition 41 would limit HGV delivery hours to between 07:00 and 21:30 each weekday and Saturday and 09:00 to 18:30 on Sundays. Condition 41 would in fact limit HGV delivery hours to between 07:00 and 23:00 Monday to Saturday, and 08:00 to 21:00 on Sundays. This meant that HGV deliveries would not change from the currently permitted hours.

The agent had provided a further comment stating that in addition to the justifications for the proposed variation highlighted in the Committee report, the proposal was also being driven by home delivery demand forecasted beyond the pandemic and in turn Waitrose's commitment to enhancing the online services offered by the Kenilworth store.

Two additional public objections had been received.

The following people addressed the Committee:

- Councillor Hyde, representing Kenilworth Town Council in objection; and
- Ms Amos, representing the applicant, in support.

Members noted that Councillor Hyde had stated that Kenilworth Town Council had not been re-consulted subsequent to the revisions made, so was unable to state whether the Town Council would have withdrawn its objection. The Business Manager informed the Committee that officers could form a view without re-consultation if the objections had been overcome and Environmental Health had advised that amenity issues had now been addressed.

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

The Committee therefore

Resolved that W/22/0178 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|--|
| (6) | the fume extraction system details approved under condition 6 of permission no W/05/2054 shall be retained at all times. |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------|--|
| | Reason: To protect the amenities of surrounding properties, in accordance with Policy BE3 of the Warwick District Local Plan; |
| (7) | the noise attenuation measures carried out to external plant as approved under condition 7 of planning permission no. W/05/2054 shall be retained at all times. Reason: To protect the amenity of the area, and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan; |
| (8) | the noise mitigation measures approved under condition 8 of planning permission no. W/05/2054 shall be retained at all times. Reason: To protect the amenity of the area, and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan; |
| (9) | the gates to the lower car park shall be kept closed until half an hour before the store opens and shall be closed again one hour after the store has closed. Reason: To protect the amenity of the area, and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan; |
| (11) | the foul and surface water drainage measures approved under condition 11 of planning permission no. W/05/2054 shall be retained at all times. Reason: To ensure that proper provision is made, in accordance with policy FW2 of the Warwick District Local Plan; |
| (14) | no lighting shall be fixed to the external walls or roof of the building hereby permitted, without the written consent of the District Planning Authority. Reason: To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan; |
| (15) | the use of the service area for the supermarket shall be limited to between 06.00 hours and 23.00 hours Monday to Sunday. Reason: To protect the amenity of the area, and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan; |
| (16) | in order to ensure that noise levels from service vehicles does not cause disturbance, the following measures shall be implemented: |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | (a) all vehicle reversing alarms shall be switched off when in service area, and |
| | (b) all refrigeration plant to lorry trailers shall be switched off when in service area. |

Reason: To protect the amenity of the area, and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan;

- (17) screenwalls erected in accordance with detailed plans approved under planning application W/05/2054 shall be maintained in the positions shown unless otherwise agreed in writing by the District Planning Authority. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan;
- (20) no more than one vehicular access shall be made to the site from Station Road, Warwick Road or Bertie Road. **Reason:** In the interests of highway safety, in accordance with the requirements of Policy BE3 of the Warwick District Local Plan;
- (23) the gradient of the vehicular accesses into the site shall not be steeper at any point than 1 in 20 for a distance of 30m into the site, as measured from the public highway carriageway. **Reason:** In the interests of highway safety, in accordance with the requirements of Policy TR1 of the Warwick District Local Plan;
- (25) obstructions, including gates and barriers, shall not be placed within the vehicular accesses to the site. **Reason:** In the interests of highway safety, in accordance with the requirements of Policy TR1 of the Warwick District Local Plan;
- (28) the site shall not be used for the purposes hereby permitted unless there is available vehicular turning spaces within the site so that all vehicles are able to enter and leave the public highway in a forward gear. **Reason:** In the interests of highway safety, in accordance with the requirements of Policy TR1 of the Warwick District Local Plan;

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| (29) | all HGV's accessing or egressing the site, whether service or delivery vehicles, shall be routed via the District Council's Abbey End car park and the direct access to the proposed development from the public highway Station Road. Reason: In the interests of highway safety, in accordance with the requirements of Policy TR1 of the Warwick District Local Plan; |
| (34) | notwithstanding the Town and Country Planning (Use Classes) Order, 1987 (or any order revoking and re-enacting that Order, with or without modification) the supermarket shall be used for the sale of food or other convenience goods, notwithstanding the ancillary use of up to 15% of the net floor area for the sale of other goods. Reason: To protect the viability and vitality of the town centre, in accordance with Warwick District Local Plan Policy TC3; |
| (35) | the shared access from Warwick Road is for access to the residential parking. This route shall be physically separated from the Service Area so as not to encourage through traffic. Reason: In the interests of highway safety, in accordance with the requirements of Policy TR1 of the Warwick District Local Plan; |
| (39) | the Green Travel Plan approved in accordance with details submitted under planning application W/05/2054 shall remain in place. Reason: To promote sustainable travel choices for staff in accordance with Warwick District Local Plan Policy TR2; |
| (40) | deliveries to and from the supermarket shall be undertaken in strict accordance with the 'Updated Quiet Delivery Procedures –Delivery Management Plan', dated September 2022. Reason: To protect the amenity of the area, and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan; |
| (41) | no HGV deliveries shall take place outside of 07.00 hours and 23.00 hours Monday to Saturday, and 08.00 hours to 21.00 hours on Sunday. Reason: To protect the amenity of the area, and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan; and |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
(42)	no loading of home delivery vans within the rear service area shall be permitted before 06.00 hours or after 23.00 hours Monday to Sunday. Only between 06.00 hours and 08.00 hours Monday to Sunday, up to 2 home delivery vans are permitted to be loaded at the front of the store. Reason: To protect the amenity of the area, and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan.

65. **W/22/0750 – Land off Gannaway Farm off Curlieu Lane and rear of Brick Kiln Close, Norton Lindsey**

The Committee considered an application from Claverdon Community Land Trust Limited for the erection of 10 affordable (discount market sales) homes.

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

Approximately 2% of the total site area fell within Warwick District Council's (WDC) administrative boundary. The remainder of the site was in Stratford on Avon District (SDC). The only part of the site in Warwick District was the access, which already existed. All operational development i.e., the proposed dwellings and other associated works were within SDC's administration and therefore could not be considered by WDC. The existing access currently served a cul-de-sac development (Brick Kiln Close) of twelve properties. No physical works or other improvement works were proposed to it to facilitate this development, only an extension of the access road to connect into the application site which was all outside of WDC's boundary. To that end, only hedge clearance to facilitate the required visibility splays was proposed in WDC's administration and this would be undertaken within the highway verge (and was within the red line site boundary).

The officer was of the opinion that the development was acceptable in Green Belt terms. In respect of access and highway safety, the Highway Authority had raised no objection to the proposed development, with no further requirements for the area of the site within WDC. It had therefore been established that there would be no detriment to highway safety as a result of this proposed development and for this reason it was recommended that planning permission should be granted.

The following people addressed the Committee:

- Councillor Brown, representing Norton Lindsey Parish Council in objection; and
- Councillor Matecki, District Councillor, speaking in objection.

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

PLANNING COMMITTEE MINUTES (Continued)

The Committee therefore

Resolved that W/22/0750 be **deferred** to allow Warwickshire County Council Highways officers to attend a meeting to provide clarity on why there was no objection to the WDC application when there was to the SDC application.

66. W/22/0305 – 3 Gulistan Road, Royal Leamington Spa

The Committee considered an application from O'Sullivan and Lucey for the erection of a pair of semi-detached two-bedroom houses on land adjacent to 3 Gulistan Road.

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

The officer was of the opinion that the principle of development was considered acceptable in accordance with Policy H1 of the Warwick District Local Plan as well as Policy RLS1 of the Royal Leamington Spa Neighbourhood Development Plan. The overall scale, mass and bulk of the proposed dwellings, relative to their plot size was not dissimilar to other comparable properties in the road and the design and choice of materials was considered to be in keeping with the general character of the area and street scene. There were no heritage concerns with the proposal which was not considered to cause any adverse impacts on the character and appearance of the Royal Leamington Spa Conservation Area.

There would be no harm arising to the residential amenity of the nearest neighbour (No.3) nor any other neighbouring properties and the proposed level of amenity afforded to the new dwellings was considered acceptable in regard to garden sizes and outlook. There were no material concerns in relation to waste management, air quality, noise, drainage and ecology. Additional parking surveys carried out in accordance with the adopted Parking Standards SPD confirm there was sufficient capacity on street and the lack of parking proposed with the new dwellings would not be detrimental to highway safety or residential amenity by reason of parking stress. The County Highways Authority had removed its objection and officers were now satisfied with the proposals.

It was therefore recommended that planning permission should be approved.

Councillor B Gifford, District Councillor, addressed the Committee in objection.

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

The Committee therefore

PLANNING COMMITTEE MINUTES (Continued)

Resolved that W/22/0305 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|---|
| (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 1040-09 Rev.A, 1040-10 Rev.A and 1040-11 Rev.A and specification contained therein, submitted on 17 February 2022 and approved drawing 1040-12 Rev.B and specification contained therein, submitted on 27 July 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; |
| (3) | the development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; site working hours and delivery times; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | the approved CMP. Reason: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029; |
| (4) | the development hereby permitted shall not commence until a detailed schedule of habitat and species enhancement measures to include green roofing, swift nesting features and other enhancement measures as detailed within the submitted Preliminary Ecological Appraisal (PEA) carried out by Martin Ecology, dated August 2022, has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation and enhancement measures shall thereafter be implemented in full and maintained in perpetuity. Reason: To enhance the nature conservation value of the site and ensure no net biodiversity loss in accordance with Policy NE3 of the Warwick District Local Plan and the NPPF; |
| (5) | no part of the development hereby permitted shall commence unless and until:

(a) details of biodiversity enhancements / offsetting to achieve a net gain in biodiversity have been submitted to and approved in writing by the Local Planning Authority; and

(b) the biodiversity enhancement / offsetting measures approved under (a) have been completed in strict accordance with the approved details prior to the occupation of the dwellings hereby permitted.

The biodiversity enhancement measures shall thereafter be retained and maintained in strict accordance with the approved details.

Reason: To ensure net gains in biodiversity, in accordance with the requirements of the NPPF and Policy NE3 of the Warwick District Local Plan 2011-2029; |
| (6) | notwithstanding details contained within the approved documents, prior to commencement of development (within its relevant phase), a Sustainability Statement |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | <p>including an energy hierarchy scheme for that phase and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;</p> <ul style="list-style-type: none">a) How the development will reduce carbon emissions and utilise renewable energy;b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;c) How proposals will de-carbonise major development;d) Details of the building envelope (including U/R values and air tightness);e) How the proposed materials respond in terms of embodied carbon;f) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised;g) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,<p>No dwelling/ building shall be first occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.</p><p>Reason: To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019);</p> |
| (7) | <p>the development hereby permitted shall either:</p> <ul style="list-style-type: none">a) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.b) Not commence until a qualified ecologist has been appointed by the applicant to |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | inspect the vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by the ecologist. Reason: To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029; |
| (8) | 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; |
| (9) | the development hereby permitted shall be carried out strictly in accordance with the approved Drainage Plan (1040-12b) and Drainage Statement (1040-DS).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029; and |
| (10) | the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. Reason: To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.

67. **W/19/1030 – Oakley Grove Phase 3, Land off Harbury Lane and Oakley Wood Road, Royal Leamington Spa**

The Committee considered an outline application from AC Lloyd Homes Limited for a proposed primary school and secondary school with Sixth Form, sports pitch provision including flood lights, land for use as a country park and a residential development of up to 150 dwellings, with all matters reserved apart from access.

Planning permission W/19/1030 was previously presented to Planning Committee on 5 November 2019. The recommendation to Committee was to grant outline planning permission, subject to the various conditions listed in the report as well as a Section 106 Agreement to secure a range of obligations from the owner. The Section 106 was thereafter signed, and the decision issued on 1 June 2020.

Since the decision was issued, it was noted that the term "relevant dwelling" for education purposes within the agreement was not defined.

Officers required a Committee resolution to allow the provision of a Deed of Variation to insert the definition of "relevant dwelling" into the Section 106 Agreement for completeness. Within the Section 106 Agreement the definitions of 'primary education contribution', 'primary SEN contribution' and 'post 16 education contribution' refer to 'relevant dwellings', which needed to be defined.

The definition would be added as follows: - relevant dwelling:

"means any Dwelling permitted by the Planning Permission excluding any Dwelling only having one bedroom and excluding any Dwelling which is designed and built specifically for use by elderly or retired persons."

The above was a standard definition within the context of the education contribution and ensured that contributions were only sought in respect of dwellings where children were likely to live.

An addendum circulated at the meeting advised that applicant should be listed as AC Lloyd Homes Limited, rather than Wilmot Dixon Construction Ltd.

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the report and presentation, it was proposed by Councillor Norris and seconded by Councillor Kennedy that the definition of "relevant dwelling" was to be incorporated through a Deed of Variation to the Section 106 agreement.

The Committee therefore

Resolved that the definition of "relevant dwelling" be incorporated through a Deed of Variation to the Section 106 Agreement on planning permission W/19/1030.

The definition would be added as follows: - relevant dwelling:

"means any Dwelling permitted by the Planning Permission excluding any Dwelling only having one bedroom and excluding any Dwelling which is designed and built specifically for use by elderly or retired persons."

68. W/21/1612 – 12 Piers Close, Warwick

The Committee considered an application from Ms Bayliss for a change of use from dwellinghouse (use Class C3) to a mixed use (sui generis) comprising a dwellinghouse and a hairdresser.

The application was presented to Committee because of the level of support the application had received from member of the public. The recommendation was that the application should be refused.

The officer was of the opinion that planning permission for the proposed change of use should be refused on the basis that it would conflict with Policies TC2, TR3 and BE3 of the Local Plan. The scheme was not considered to deliver a sustainable pattern of development because of its location outside of the town centre whereby there would be a negative impact on the vitality and viability of the town centre and, it had not been demonstrated that the increased demand for on-street parking likely to arise would not adversely impact on the amenity of the neighbours through displacement. It had also not been demonstrated that the proposal would not result in harm to residential amenity by reason of noise and disturbance.

An addendum circulated at the meeting advised that the agent for the application had provided some further information in regard to the parking capacity of the site which had been passed on to WCC Highways for further comment. No updated response had been received.

An additional public objection had been received in respect of the accuracy of vehicle parking/swept path information submitted during the course of the application.

The Principal Planning Officer advised the Committee of a late update submitted that afternoon. Refusal reason no. 3 stated on the report had

PLANNING COMMITTEE MINUTES (Continued)

now been removed following the withdrawal of the objection made by Environmental Health officers, subject to conditions requiring a sound insulation scheme and a suitable air/odour filtration scheme.

In response to questions, officers made clear that even if it could be proven that there was sufficient parking capacity should a parking survey be carried out, there was still the objection on the change of use to consider.

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

The Committee therefore

Resolved that W/21/1612 be **refused** for the following reasons:

- | No. | Refusal Reasons |
|------------|--|
| (1) | <p>Policy TC2 (Directing Retail Development) of the Warwick District Local Plan 2011-2029 states that it is important that any retail development proposals are directed to town centres in the first instance; an approach that is entirely consistent with Government policy. The primary objective of this policy is to maintain and enhance the vitality and viability of town centres through new retail development and to promote sustainable development.</p> <p>The applicant seeks to locate a retail use in a dwellinghouse within a residential area of Warwick, which is outside of the town centre. This would have a harmful impact on the vitality and viability of the town centre by directing a service away from this area and reducing footfall. It would also constitute an unsustainable form of development and would also set an undesirable precedent for similar development if approved.</p> <p>The proposed change of use would conflict with the aims of Policy TC2; and</p> |
| (2) | <p>Policy BE3 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.</p> <p>Policy TR3 of the Local Plan does not support development which has the potential to result in on-street car parking detrimental to highway safety. The LPA has also adopted Parking Standards SPD.</p> |

PLANNING COMMITTEE MINUTES (Continued)

No.

Refusal Reasons

In the opinion of the Local Planning Authority, in the absence of Parking Survey, it has not been suitably demonstrated that the proposal would not result in parking which is detrimental to highway safety and residential amenity. The block plan demonstrates that the three parked vehicles would be unable to leave the driveway independently and it is therefore likely that on-street parking would be more convenient and preferential for the clients.

Without a Parking Survey, the LPA are unable to determine whether the increased demand for parking in the street would have an adverse impact on the amenity of the neighbours through displacement and parking stress.

The proposal is thereby considered to be unneighbourly and contrary to the aforementioned policies.

69. W/22/1156/HS2 – Land to the west of No. 1 Stareton Lane, Stoneleigh

The Committee considered an application from Mr Underhill for a Certificate of Appropriate Alternative Development under Section 17(3) of the Land Compensation Act 1961 for the erection of affordable dwellings falling within Class C, the siting of stables, the erection of solar pv panels, the change of land for domestic garden and use of land for horticulture.

The parcel of land was subject to compulsory purchase by HS2. If the HS2 scheme were to be cancelled this application was to determine if there may have been a reasonable prospect for this land to be granted planning permission for a different form of development. Such planning permissions could enhance the land value in the future as it could have been marketed with planning permission.

Section 14 of the Land Compensation Act 1961 provided a mechanism for these planning permissions to be assumed for the purposes of assessing the value of parcels of land which may be subject to compulsory purchase. The assumptions were on the basis that if the development (in this case HS2) had been cancelled on the date the notice was given what planning permission may have been granted.

This application provided a method to provide a conclusive determination as to how the land was to be valued on the assumption it had the benefit of planning permission. Under Section 17 of the Act an applicant may seek a certificate to confirm if there was any appropriate alternative development. The outcome of any certificate could be positive in so far as that it was considered that that the land was appropriate for alternative development

PLANNING COMMITTEE MINUTES (Continued)

or a nil certificate where the land was not considered appropriate for alternative development.

The onus was on the Applicant to demonstrate the reasons why they considered that the land was appropriate for alternative development and specify each development which they considered would have been granted.

The Local Planning Authority (LPA) could issue a Certificate in line with Section 17 (1) which stated that:

- 'a) there is appropriate alternative development for the purposes of section 14 (a 'positive' certificate); or
- b) there is no development that is appropriate alternative development for the purposes of section 14 (a 'nil' or 'negative' certificate)'.

The LPA was required to specify all development which was appropriate even if it was not specified within the application. Where the opinion of the LPA was that planning permission might reasonably have been expected to be granted but subject to conditions or at a future time the decision should specify this including the conditions.

The officer was of the opinion that the principle of a horticultural business on the site was supported by policy, subject to an appropriate scale of the use and size, siting and design of the building and landscaping. It was therefore recommended to issue a positive conditional certificate for this development type.

It was recommended that a Negative Certificate be issued for the remainder of the developments outlined by the Agent. No other planning uses, or development were considered to be appropriate on the land.

An addendum circulated at the meeting advised that the conclusion to the Equestrian Development section of the report should include:

"In the absence of any 'very special circumstances' which clearly outweigh the harm to the openness of the Green Belt, by virtue of the development representing 'inappropriate development' and introducing harm through built form, the principle of the development is not supported by Policy DS18 or paragraphs 147, 148, 149 and 150 of the NPPF."

The addendum also updated the recommendation in the report as follows:

"A Positive Certificate be Issued for a Horticultural Building which meets the definition of agriculture:"

Condition 1 was also to be updated to "Limit the use to horticulture which falls within the definition of agriculture".

Following consideration of the report, presentation and information contained in the addendum, it was proposed by Councillor Morris and seconded by Councillor Jacques that a part positive and part negative certificate be issued.

PLANNING COMMITTEE MINUTES (Continued)

The Committee therefore

Resolved that with regard to W/22/1156/HS2:

(1) a **Positive Certificate** be issued for a Horticultural Building which meets the definition of agriculture subject to the following conditions:

- limit the use to horticulture which falls within the definition of agriculture;
- finish and size of any buildings;
- landscaping;
- hours of use and numbers of visitors;
- lighting;
- parking layout;
- waste management; and
- climate change mitigation condition; and

(2) a **Nil/Negative Certificate** be issued for the following development types advanced by the Applicant:

- private stables;
- commercial equine use with full, part or DIY livery;
- an exception site for two no. semi-detached affordable dwellings;
- a renewable energy scheme (temporary period of use with approximately 750 solar panels); and
- a garden extension (for 1 Stareton which is the adjacent dwelling).

70. **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 7.50pm)

CHAIRMAN
8 November 2022