

Planning Committee

Minutes of the meeting held on Tuesday 27 March 2018 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Cooke (Chairman); Councillors Boad, Mrs Bunker, D'Arcy, Day, Edgington, Mrs Falp, Mrs Hill, Morris, Mrs Stevens and Weed.

Also Present: Democratic Services Manager – Mr Leach; Legal Advisor – Mrs Gutteridge; Head of Development Services – Mr Barber; Business Manager – Development Management – Mr Sahota; and Development Services Manager – Mr Fisher.

178. Apologies and Substitutes

Councillor Mrs Falp substituted for Councillor Heath.

179. Declarations of Interest

Minute Number 182 W/17/1933 - 485 Tachbrook Road, Whitnash

Councillor Mrs Falp declared she was predetermined on this matter because she would be speaking as Ward Councillor against the application and therefore would not participate in the debate for this matter.

180. Site Visits

There were no site visits undertaken by the Committee.

181. Minutes

The minutes of the meetings held on 30 January and 27 February 2018 were agreed as written and signed by the Chairman as a correct record.

182. W/17/1933 - 485 Tachbrook Road, Whitnash

The Committee considered an application from the Planning Group Ltd, for the increase in the eaves and ridge heights of the existing bungalow by 2.6m and 2.4m respectively to facilitate the addition of a first floor and the creation of a two storey building; and the change of use from dwelling to HMO for up to eight people.

The application was presented to Committee because of the number of objections that had been received including an objection from Whitnash Town Council.

An addendum circulated at the meeting advised that Whitnash Town Council had withdrawn its objection following the withdrawal of WCC Highways objection and an additional letter of objection had been received relating to highway safety and parking.

The officer was of the opinion that the principle of development, to change the use of the building from a single residential dwelling to a House in Multiple Occupation for up to eight people, was acceptable in accordance

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with the provisions of Policy H6 of the Local Plan. With regard to the proposed extensions to the building, including the increase in the eaves and ridge heights of the original building, no changes were proposed in this application over and above those that had been approved under permission W/17/1368 that was approved last year. Since the resulting building, once extended, would be the same as that which had been permitted, officers considered there would be no greater impacts on the character of the area, appearance of the street scene, or the residential amenity of nearby neighbouring properties. Furthermore, there would be no detriment to highway safety and the access and number of car parking spaces was considered to be in accordance with the relevant policies of the Development Plan.

Therefore the opinion of officers was that the development accorded with the relevant policies of the Warwick District Local Plan 2011-2029 and as such it was recommended that planning permission be approved subject to the conditions set out below.

The following people addressed the Committee:

- Mrs S Dhillon, objecting; and
- Councillor Mrs Falp, Ward 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 Edgington and seconded by Councillor Day that the application should be granted in accordance with recommendations in the report.

On being put to the vote it was

Resolved that W/17/1933 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings AL (BR) 02 Rev.B and AL (BR) 04 and specification contained therein, submitted on 17 October 2017 and revised drawing AL (BR) 00 Rev.B and specification contained therein, submitted on 19 January 2018. **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;

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(3) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029:

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

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented in strict accordance with the approved details.

Reason: To ensure the necessary infrastructure and facilities are provided in accordance with Policy HS4 of the Warwick District Plan 2011-2029;

(4) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter.

Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;

(5) 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;

(6) prior to the occupation of the development hereby permitted, the first floor side windows in the north and south facing elevations shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and



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shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times.

Reason: To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029;

- (7) the development hereby permitted shall not be occupied until the cycle and bin store shown on approved drawing AL (BR) 02 Rev. B has been provided. The cycle and bin store shall thereafter be retained as such in perpetuity. **Reason:** In the interests of visual and residential amenities and character of the area having regard to Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and
- (8) the development hereby permitted shall not be occupied until the parking and turning space for vehicles shown on approved drawing AL (BR) 00 Rev.B has been provided. The parking and turning areas shall thereafter be retained as such in perpetuity. **Reason:** In the interests of highway safety having regard to Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.

183. W/18/0255 – The Coach House, 17A Sherbourne Terrace, Clarendon Street, Royal Leamington Spa

The Committee considered an application from Ms T Gaston, which was a retrospective application, and a resubmission of W/17/2247, for the conversion of the existing annex to a separate dwelling in the Coach House building to the rear of 17A Sherbourne Terrace, Leamington Spa.

The application was presented to Committee at the request of the Ward Councillor, Councillor Thompson.

The officer was of the opinion that the installation of the incongruous roof lights were harmful to the Conservation Area which was contrary to Local Plan policy HE1 and the Council's adopted guidance on roof alterations to heritage assets. Furthermore, the property was considered to lack adequate outlook and light to habitable rooms serving the property owing to substandard distance separation and reliance on the use of roof lights. This was considered to provide substandard living conditions for the occupiers of the property. The proposal failed to provide an adequate outside amenity space for the occupiers of the dwelling, which was considered to be constrained, cramped and oppressive. The development was therefore considered to be contrary to Local Plan policy BE3 and the

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Council's adopted distance separation guidance. Finally, as no open space contribution had been received by the Council, the development was considered to be contrary to Local Plan policy HS4 and the relevant adopted guidance. For these reasons, officers considered that the application should be refused.

The following people addressed the Committee:

- Mr G Parkes, supporting;
- Ms T Gaston, supporting; and
- Councillor A Thompson, Ward Councillor, supporting.

An addendum had been circulated at the meeting which had confirmed that WCC Highways would not be objecting to the application.

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

On being put to the vote the Committee;

Resolved that W/18/0255 be **refused** because:

- (1) the Council has adopted guidance in relation to alterations to roofslopes in the Conservation Area which specifically states that traditional rooflights, set flush with the roofslope should be used which avoid a considerable upstand. The installed rooflights however are set in an upstand which protrudes well from the existing roofslope. These affect views within the Conservation Area, and therefore their installation is considered to be harmful to the traditional character of the Conservation Area, and could set a dangerous precedent which the Council would seek to avoid.

The development is thereby considered to be contrary to Local Plan policies HE1, HE2 and the adopted relevant guidance on alterations to roofslopes within the Conservation Area;

- (2) 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 and/or does not provide acceptable standards of amenity for future users/occupiers of the development. Furthermore, the District Council has also adopted Supplementary Planning Guidance on minimum distance separation between properties which aims to prevent any unreasonable effect on the neighbouring

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properties or future occupiers by reason of loss of privacy, outlook or sunlight, and by creating an unneighbourly and overbearing effect.

The property is considered to have a lack of adequate outlook and light to habitable rooms serving the property owing to substandard distance separation and reliance on the use of rooflights. This is considered to provide substandard living conditions for the occupiers of the property. The proposal also fails to provide adequate outside amenity space for the occupiers of the dwelling, which is considered to be constrained, cramped and oppressive.

The proposal is thereby considered to be unneighbourly and contrary to the aforementioned policy and guidance; and

- (3) Policy HS4 of the Warwick District Local Plan 2011 - 2029 states that contributions from residential developments will be sought to provide, improve and maintain appropriate open space, sport or recreational facilities to meet local needs. The Council have also adopted a Supplementary Planning Document entitled Open Space together with associated guidance on developer contributions for commuted payments for off-site provision and enhancement of public open space where it is not provided on site.

The Open Space team have requested a contribution of £1,228 towards identified improvements to local open spaces. No unilateral undertaking has been put forward to secure such a contribution and therefore, in the opinion of the Local Planning Authority, the proposals do not make adequate provision for open space.

The proposals would therefore be contrary to the aforementioned policy and guidance.

184. W/18/0130 – Hillcroft, Red Lane, Burton Green

The Committee considered an application from Mrs Parry for the erection of a new dwelling house, greenhouse and associated external works.

The application was presented to Committee because there had been more than five letters of support for the application which had been recommended for refusal.

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The officer was of the opinion that Paragraph 89 of the NPPF stated that Local Planning Authorities should regard the construction of new buildings as inappropriate development in the Green Belt. The application site was washed over by Green Belt and the proposed development of one dwelling did not meet any of the exceptions listed under paragraph 89 of the NPPF. The development was considered to be incongruous and harmful to the street scene by providing an alien form of development at odds with the traditional dwellings found within the established street scene which was contrary to the NPPF and Local Plan policy BE1. The development would be harmful to the living conditions of the occupiers of Hillcroft which was contrary to the NPPF and Local Plan policy BE3. Therefore, it was recommended that the proposed development should be refused.

An addendum circulated at the meeting advised that a total of 37 letters of support had been received in respect of the proposal. In addition, WCC Legal Services confirmed that a completed unilateral undertaking provided to secure the open space contribution had been received and was acceptable. Therefore, it was proposed that the recommendation be revised to omit refusal reason 4 in the original report.

The following people addressed the Committee:

- Mrs G Parry, supporting; and
- Mr C Robinson, supporting.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Edgington and seconded by Councillor Boad that the application should be refused, less reason (4) from the report as this had now been resolved.

On being put to the vote the Committee

Resolved that W/18/0130 be **refused** because:

- (1) the proposed development comprises inappropriate development within the Green Belt to which there is an objection in principle and in respect of which no very special circumstances sufficient to outweigh that harm have been demonstrated. The development is therefore considered to be contrary to the NPPF and Warwick District Local Plan policy DS18;
- (2) 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. Policy BE1 requires all development to respect surrounding buildings in terms of scale, height, form and massing, and use appropriate materials to ensure that it does not detract from the character of the local area.

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The proposed dwelling is not considered to respect the existing dwellings within the street scene in terms of form and massing. The proposed design is considered to be harmful to the street scene by virtue of its incongruous and alien features such as flat roof and use of inappropriate materials such as steel. The large imposing nature of the proposed dwelling is considered to represent poor quality design which does not enhance the street scene.

The development is thereby considered to be contrary to the aforementioned policy; and

- (3) 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.

The proposed access arrangement would result in undue noise and disturbance to the occupiers of Hillcroft which emanate from the unfettered movements of vehicles using the access. Due to the close proximity of the access running alongside windows serving habitable rooms to Hillcroft, it is considered that the proposal would be unneighbourly as it would disrupt the enjoyment of the quiet private amenity space associated with Hillcroft where it is not unreasonable to expect such enjoyment.

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

185. W/17/2392 – 52-60 Warwick Street, Royal Leamington Spa

The Committee considered an application from Mr H Malle, for the erection of a third storey over existing building to provide two no. six bedroom HMOs (Use Class C4).

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

The officer was of the opinion that the principle of development for the creation of two additional flats would be acceptable in accordance with Policy H6 of the Warwick Local Plan. It was considered that the proposal did not result in harm to the amenity of the character of the area, Conservation Area and the amenity of neighbouring properties. It was also considered that, subject to the submission of a Unilateral Undertaking, the proposal would not result in harm to parking standards within the local area.

PLANNING COMMITTEE MINUTES (Continued)

Appropriate living standards for future occupants would be acceptable and the impact on local facilities could be mitigated through an open space contribution. Therefore subject to conditions to ensure appropriate living standards for future occupants and appropriate design standards for the external appearance, the scheme was acceptable and permission should be granted.

Councillor J Knight, addressed the Committee on behalf of Royal Leamington Spa Town Council which had objected to the application.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Weed and seconded by Councillor Mrs Falp that the application should be refused on the grounds of Local Plan Policy H6 because it would increase the density of the HMO concentration further from the 10% that had already been exceeded by 3%. On being put to the vote the proposal was lost.

It was then proposed that the application be granted by Councillor Edgington, seconded by Councillor Stevens and, on being put to the vote:

Resolved that W/17/2392 be **granted** subject to the receipt of an acceptable Unilateral Undertaking to amend the Traffic Regulation Order for the site in order to restrict the ability of future occupants to apply for parking permits, and the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 5178/20C, 5178/21C, 5178/22C, 5178/23C, 5178/24C, 5178/25C, 5178/26C, 5178/27C, 5178/28C and 5178/29C and specification contained therein, submitted on 22 September 2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) no development shall be carried out on the site which is the subject of this permission, until large scale details of the proposed glazed structure (including windows and a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the

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Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details.

Reason: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029;

- (4) other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall 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;

- (5) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029:

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

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented in strict accordance with the approved details;

Reason: To ensure the necessary infrastructure and facilities are provided in accordance with Policy HS4 of the Warwick District Plan 2011-2029;

- (6) the development hereby permitted shall proceed only in strict accordance with the recommendations of the submitted noise assessment and associated mitigation works. Internal noise levels for the proposed residential property must meet the 'Good' criteria set out in British Standard 8233 'Sound

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Insulation and Noise Reduction for Buildings' and any mitigation measures that are required to achieve this shall be installed and retained in perpetuity. Prior to the first occupation of the building any necessary mitigation measures shall have been implemented in full accordance with the recommendations of the noise assessment and thereafter shall not be removed or altered in any way. **Reason:** To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

- (7) the development hereby permitted shall not be occupied unless and until the external refuse storage areas for the development have been constructed or laid out, and made available for use by the occupants of the development in accordance with the approved details and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. No bins shall be left or stored in any other location other than on collection day. **Reason:** To ensure appropriate living conditions for future occupiers in accordance with BE1 and BE3 of the Warwick Local Plan 2011-2029; and
- (8) the development hereby permitted shall not be occupied unless and until the identified cycle storage area for the development has been constructed or laid out, and made available for use by the occupants of the development in accordance with the approved details and thereafter those areas shall be kept available for use associated with the development. **Reason:** In the interest of sustainable development in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

186. W/17/2425 - Kenilworth Tennis and Squash Club, Crackley Lane, Kenilworth

The Committee considered an application from Kenilworth Tennis Squash and Croquet Club for the erection of a permanent canopy structure to a tennis court.

The application was presented to Committee because more than five letters of support had been received for the application which had been recommended for refusal.

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The officer was of the opinion that the application should be refused for the reasons set out within the report in relation to the development in the green belt.

An addendum circulated at the meeting advised that two emails had been received from members of the public relating to the Green Belt and indoor / outdoor sport usage and included reference to an appeal decision.

Mr R Simmonds addressed the Committee in support of the application.

An addendum was circulated at the meeting that informed the Committee that two further emails had been received from a member of the public regarding the Green Belt and indoor/outdoor sport usage which included reference to an appeal decision.

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

On being put to the vote the Committee therefore

Resolved that W/17/2425 be **refused** because:

- (1) the application site is washed over by Green Belt and the National Planning Policy Framework states that, within the Green Belt, the rural character of the area will be retained and protected. It also contains a general presumption against "inappropriate" development in Green Belt areas and lists specific forms of development which can be permitted in appropriate circumstances. The proposed development does not fall within any of the exceptions listed and, in the opinion of the LPA no very special circumstances exist to outweigh the harm by reason of inappropriateness and harm to openness. The proposed structure is therefore considered to be contrary to the NPPF and Policy DS18 of the Warwick District Local Plan 2011-2029; and
- (2) 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 proposed structure is a white membrane roof supported by a number of struts, open at the sides. The rest of the site is relatively open

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with the courts surrounded by wire mesh fencing and floodlights. Based on the size of the canopy, with the ridge being 11m in height, and the expanse of area covered by it the canopy it would appear prominent in the area. The colour of the canopy has been noted as white although this could be changed. However given the mass of the canopy and the relatively open nature of the area, in the opinion of the LPA, the proposal would have an adverse impact on the rural character of the area contrary to Policy BE1.

187. W/18/0029 – 36a Lillington Road, Royal Leamington Spa

The Committee considered an application from Mr Gill, for the change of use from six-bed apartment (Use Class C3) to six-bed apartment for use as House in Multiple Occupation (Use Class C4) together with proposed demolition of pre-fabricated garage.

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 acceptable in accordance with the provisions of Policy H6 of the Local Plan. The removal of the pre-fabricated garage which was of no architectural merit would result in an improvement to the general character and appearance of the surrounding area and street scene and the proposals would preserve the character and appearance of the Royal Leamington Spa Conservation Area. It was not considered there would be any detriment to highway safety and the level of car parking provision was considered, on balance, to be acceptable.

Having regard to all of the above considerations, it was therefore the opinion of officers that the development was in accordance with the aforementioned policies of the Warwick District Local Plan 2011-2029 and as such it was recommended that planning permission be approved subject to the conditions set out in the report.

An addendum circulated at the meeting advised that the 100m radius HMO calculation had been reviewed and updated to take account of one additional existing HMO (Number 36) that was not previously included. The percentage had therefore increased but remained below the 10% threshold identified by Policy H6. In addition, one further letter of objection had been received from a County Councillor raising concerns about highway safety and parking.

Ms S Griffiths, 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 Morris and seconded by Councillor Day that the application should be granted.

Therefore on being put to the vote the application it was

PLANNING COMMITTEE MINUTES (Continued)

Resolved that W/18/0029 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings LR36A_02 and LR36A_03 and specification contained therein, submitted on 8 January 2018 **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 part of the development hereby permitted shall commence until details of hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. Details of hard landscaping works shall include boundary treatment (including full details of any proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates); footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;
- (4) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **Reason:** To

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ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;

- (5) the development hereby permitted shall not be occupied until a bin store and covered cycle store have been provided in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The cycle and bin store provided shall thereafter be retained as such in perpetuity. **Reason:** In the interests of visual and residential amenities and character of the area having regard to Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and
- (6) the development hereby permitted shall not be occupied until the garage has been demolished and the parking space created as shown on drawing LR36A_03. The parking space shall thereafter be retained as such in perpetuity. **Reason:** In the interests of highway safety having regard to Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.

188. **W/18/0272 – 5 Inchbrook Road, Kenilworth**

The Committee considered an application from Able Construction for the approval of reserved matters, appearance of the buildings, landscaping of the site, layout, scale of the buildings, following Outline permission W/16/0775 which was for erection of three dwellings.

The application was presented to Committee because of the number of objections that had been received and an objection had been received from Kenilworth Town Council.

The officer was of the opinion that the proposed details in reference to the appearance and scale of the buildings, and the landscaping and layout of the site were considered to be acceptable and would not have a detrimental impact on the street scene. Furthermore, the details would not have detrimental on neighbouring residential amenity, and provided adequate living conditions for the future occupants of the property. The details were not considered to have detrimental impact on ecology and provide adequate parking and access arrangements. Therefore, the proposal should be approved.

An addendum circulated at the meeting advised of additional details relating to the Planning History whereby application W/09/1299 was approved. In addition, officers were awaiting further responses from the WCC Local Lead Flood Authority and details of further public responses were provided.

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Councillor Illingworth addressed the Committee on behalf of Kenilworth Town Council which had objected 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 Day and seconded by Councillor Boad that the application should be granted along with an additional condition for detailed surface water drainage scheme and a note to the developer to take care and consideration around the island within the highway and WCC Highways be informed about these works so they could enforce its condition.

On being put to the vote it was

Resolved that W/18/0272 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 5205/03A, 5205/04B, 5205/05A, 5205/07A, 5205/08A, submitted on 2nd March 2018, and drawing 5208/o2B submitted on 7th March 2018 and specification contained therein. **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) other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall 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;
- (3) prior to the occupation of the development hereby permitted, the first floor side facing windows in the east and west elevations of each plot shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and

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maintained in that condition at all times.

Reason: To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029;

- (4) the dwellings shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawing 5205/02B submitted on 7th March 2018 have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029;
- (5) along with an additional condition for detailed surface water drainage scheme; and
- (6) a note to the developer to take care and consideration around the island within the highway and WCC highway be informed about this works so they can enforce its condition.

189. W/13/1207 – Woodside Farm, Harbury Lane, Bishop's Tachbrook

The Committee considered an application from Thomas Bates & Son Ltd for a variation to the Section 106 Agreement relating to permission W/13/1207. The variation related to the affordable housing provision.

Application W/13/1207 was an outline planning application for an urban extension comprising up to 280 new homes, public open space, landscaping, new access and highways and associated and ancillary development. This was granted on 21 November 2013 and included a requirement on the developer to provide 40% affordable housing.

The report recommended authorisation to vary the Section 106 Agreement as necessary in order to:

- amend the affordable housing tenure mix from 50% social rented / 30% affordable rented / 20% shared ownership to 50% social rented / 50% affordable rented; and
- change the Mortgagee in Possession clause to make it acceptable to lenders.

The application was presented to Committee because it was a variation to a Section 106 agreement.

The officer was of the opinion that the Council's Housing Strategy Team had raised no objection to the proposed variation and it was considered

PLANNING COMMITTEE MINUTES (Continued)

that the proposals would continue to make adequate provision for affordable housing to meet local housing needs. It was also noted that the variation was sought by a Housing Association which wished to take on affordable housing units on the site. For these reasons it was recommended that the proposed variation should be agreed.

Following consideration of the report and presentation, it was proposed by Councillor Day and seconded by Councillor Boad that the variation to the Section 106 agreement should be approved

The Committee therefore

Resolved that the variation to the Section 106 Agreement in relation to W/13/1207 be approved as follows:

- (1) amend the affordable housing tenure mix from 50% social rented / 30% affordable rented / 20% shared ownership to 50% social rented / 50% affordable rented; and
- (2) change the Mortgagee in Possession clause to make it acceptable to lenders.

190. **W/17/2331 – 1 Laertes Grove, Warwick**

The Committee considered an application from Mr Fu, for the erection of a two storey side extension, front porch and a ground floor front bay window.

The application was presented to Committee because an objection had been received from Bishop's Tachbrook Parish.

The officer was of the opinion that the proposal was considered to meet the requirements of Local Plan Policies BE1, BE3 and TR3 and was therefore recommended for approval.

An addendum circulated at the meeting advised that additional consultation responses had been received from Bishop's Tachbrook Parish Council and number 4 Achilles Close.

Following consideration of the report, presentation and information contained in the addendum, it was proposed by Councillor Falp and seconded by Councillor Edgington that the application should be granted. On being put to the vote the proposal was lost.

It was then proposed by Councillor Day, seconded by Councillor Morris and, on being put to the vote;

Resolved that W/17/2331 be **refused** contrary to the recommendation in the report because it is contrary to BE1 layout and design and BE3 amenity because it does not make a positive contribution to the development, the reduction in amenity for the property and overdevelopment of the site.

PLANNING COMMITTEE MINUTES (Continued)

191. W/18/0066 – 222 Rugby Road, Royal Leamington Spa

The Committee considered an application from Mr Franchi for the change of use from a dwelling (Class C3) to a four bed HMO (Class C4).

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

The officer was of the opinion that the proposed change of use to a HMO within this area adhered to the criteria set out within the Local Plan and more specifically Policy H6. There would be no additional harm to nearby uses or residents as a result of the proposal and the parking arrangements were considered to be acceptable. Adequate waste storage was already provided and therefore the application should be granted.

An addendum circulated at the meeting advised that an additional response had been received from a member of the public regarding highway safety.

Following consideration of the report, presentation and the information contained in the addendum, it was proposed by Councillor Edgington and seconded by Councillor Morris that the application should be granted in accordance with the recommendation.

On being put to the vote it was

Resolved that W/18/0066 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 'basement floor plan', 'ground floor plan', 'first floor plan', 'second floor plan' and block plan, and specification contained therein, submitted on 12th January 2018 and 28th February 2018. **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

PLANNING COMMITTEE MINUTES (Continued)

- (3) the permission hereby approved grants the use of the building as a no. 4 bed HMO only.
Reason: Sufficient parking provision is provided for a HMO of this size in accordance with Policy TR3 of the Warwick District Local Plan 2011-2029. Any additional rooms will require further consideration of the parking arrangements.

192. **W/18/0120 – The Cottage, (Redford) Main Street, Eathorpe**

The Committee considered an application from Mrs and Mrs Redford for the erection of a single story side and rear extension

The application was presented to Committee because one of the applicants was a Warwick District Councillor.

The officer was of the opinion that the proposed extension represented a proportionate addition to the property which was of an acceptable design that would not harm the openness of the Green Belt nor the character of the Conservation Area. The proposed extensions would not result in material harm on the amenity of neighbouring properties in terms of loss of light or outlook. The proposal was therefore considered acceptable.

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

On being put to the vote it was

Resolved that W/18/0120 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 1801/P/01, 1801/P/02, 1801/P/03, 1801/P/04, and specification contained therein, submitted on 22/01/2018. **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

PLANNING COMMITTEE MINUTES (Continued)

- (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.

193. W/18/0201 – Haseley Manor, Haseley Business Centre, Birmingham Road, Hatton

The Committee considered an application from Spitfire Bespoke Homes Limited that sought removal of Condition 12 (10% Renewables) of planning permission W/15/1704 which was for the conversion of Haseley Manor to 13 no. apartments, demolition of Saxon House and Rossmore House and erection of nine no. dwellings with associated parking, landscaping, access and tennis court.

The application was presented to Committee because an objection had been received from the Beausale, Haseley, Honiley & Wroxall Parish Council.

The officer was of the opinion that the proposal sought to remove the energy saving measures condition attached to the original planning permission for the works. There had been a move away from energy saving measures being a policy requirement within the new Local Plan. Officers were satisfied that the removal of the condition was a more practicable approach, but that all remaining conditions should be carried forward and updated as necessary and renumbered to take into account the removal of Condition 12.

Following consideration of the report and presentation, it was proposed by Councillor Mrs Bunker and seconded by Councillor Boad that the application to remove the original condition 12 should be approved.

The Committee therefore

Resolved that W/18/0201 be **granted** subject to the following conditions:

- (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) 1788/01L, 1788/02A, 1788/03, 1788/04, 1788/05A, 1788/06, 1788/07, 1788/08, 1788/09, 1788/10C, 1788/11B, 1788/12C, 1788/13B, 1788/14C, 1788/15C, 1788/16C, 1788/17C, 1788/19, 1788/20, 1788/21, 1788/22, 1788/32C & 1788/49, and specification contained therein, submitted on 8 October 2015, 29 October 2015, 1 July 2016 & 7 November 2016.
Reason: For the avoidance of doubt and to secure a satisfactory form of development in

PLANNING COMMITTEE MINUTES (Continued)

accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

- (2) no development shall take place until detailed surface and foul water drainage schemes for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved in writing by the Local Planning Authority (LPA) in consultation with Warwickshire County Council (WCC). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

a. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753

b. Evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm has been limited to the QBAR runoff rates for all return periods

c. Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in "Science Report SC030219 Rainfall Management for Developments"

d. Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

e. Demonstrate the proposed allowance for exceedance flow and associated overland flow routing

f. A foul water drainage scheme including evidence from Severn Trent Water (STW) that there is adequate capacity within their sewerage assets for this development and that STW are in agreement with the proposed foul water drainage scheme.

g. Provide a Maintenance Plan to the LPA giving details on how the entire surface water and foul water systems shall be maintained and managed after completion for the life time of the development. The name of the party

PLANNING COMMITTEE MINUTES (Continued)

responsible, including contact name and details, for the maintenance of all features within the communal areas on site (outside of individual plot boundaries) shall be provided to the LPA. **Reason:** To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies NE5 and FW2 of the Warwick District Local Plan 2011-2029;

- (3) prior to commencement of the development hereby permitted further drawings showing the new walls to the utility, cloaks and bathrooms at not full height shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. **Reason:** To ensure an appropriate standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029;
- (4) all external facing materials to be used for the construction of the development hereby permitted, shall be in accordance with the details approved by the Local Planning Authority on 17.05.2017 in pursuance of planning permission W/15/1704 unless otherwise agreed in writing. **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;
- (5) all external joinery, eaves, verges and rainwater goods shall be carried out strictly in accordance with the large scale details approved by the District Planning Authority on 24 January 2018 in pursuance of planning permission W/15/1704 unless otherwise agreed in writing. The development shall not be carried out otherwise than in full accordance with such approved details. **Reason:** For the avoidance of doubt, and to ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029;
- (6) the development hereby permitted shall be carried out strictly in accordance with the tree protection details approved in writing by the local planning authority on 12.04.2017 (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in Relation to Design,

PLANNING COMMITTEE MINUTES (Continued)

Demolition & Construction) for all tree(s) to be retained on the site, or those tree(s) whose root structure may extend within the site. No excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree(s); no equipment, machinery or structure shall be attached to or supported by any retained tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029;

- (7) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works approved in writing by the local planning authority on 24.01.2018 in pursuance of planning permission W/15/1704. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the dwellings hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To protect and enhance the amenities of the area,

PLANNING COMMITTEE MINUTES (Continued)

and to satisfy the requirements of Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;

- (8) no building shall be occupied until the footway has been laid out in accordance with the details approved by the Local Planning Authority on 1 December 2017 in pursuance of W/15/1704 unless otherwise agreed in writing. **Reason:** In the interests of highway safety, in accordance with the requirements of Policy TR1 of the Warwick District Local Plan 2011-2029;
- (9) the development shall be carried out in accordance with the details of the provision of the manoeuvring space and service areas, including surfacing, swept path analysis and levels as approved in writing by the Council on 25 April 2017. No building shall be occupied until the areas have been laid out in accordance with the approved details. Such areas shall be permanently retained for the purpose of manoeuvring of vehicles. **Reason:** In the interests of highway safety, in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (10) the development and demolition hereby permitted shall not commence or continue unless a turning area has been provided within the site so as to enable general site traffic and construction vehicles to leave and re-enter the public highway in a forward gear. The turning area shall be retained for the duration of construction works. **Reason:** In the interests of highway safety, in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (11) the development hereby permitted shall be carried out in accordance with the details of finished floor levels of all buildings, existing and proposed site levels on the application site and the relationship with adjacent land and buildings as approved in writing by the local planning authority on 21.04.2017 in pursuance of W/15/1704 unless otherwise agreed in writing. **Reason:** To ensure a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

- (12) the development hereby permitted shall be carried out strictly in accordance with the detailed Landscape and Ecological Management Plan approved in writing by the Local Planning Authority on 24.01.2018 and the approved measures shall be implemented in full.

Reason: To ensure adequate compensation for any loss of biodiversity, in accordance with the National Planning Policy Framework;

- (13) the development shall be carried out strictly in accordance with the detailed lighting scheme for the site agreed in writing by the local planning authority on 22.05.2017.

No lighting shall be installed other than in strict accordance with the scheme approved under this condition. The lighting shall be maintained and operated in strict accordance with the approved scheme at all times thereafter.

Reason: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies BE3, NE2, NE3 and NE5 of the Warwick District Local Plan 2011-2029;

- (14) the development hereby permitted shall be carried out strictly in accordance with the Construction and Environmental Management Plan approved in writing by the local planning authority on 25.05.2017 in pursuance of W/17/1704. The agreed Construction and Environmental Management Plan shall be implemented in full. **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;

- 15 the development shall be carried out in accordance with the programme of archaeological works and investigations in accordance with the written scheme of investigation approved in writing by the local planning authority on 24.03.2017 in pursuance of W/15/1704. **Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in

PLANNING COMMITTEE MINUTES (Continued)

accordance with Policy HE6 of the Warwick District Local Plan 2011-2029;

- (16) all features of architectural detailing, fireplaces and doors shall be retained in situ unless shown as to be removed on the approved drawings. If any historic doors are to be removed they shall be reused elsewhere in the building in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development hereby permitted. Details will also be required of how historic doors will be upgraded to meet fire regulations (if necessary). **Reason:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029;
- (17) the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;
- (18) the development shall not be commenced until visibility splays have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, with an 'x' distance of 2.4 metres and 'y' distances of 160.0 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.9 metres above the level of the

PLANNING COMMITTEE MINUTES (Continued)

public highway carriageway. **Reason:** In the interests of highway safety, in accordance with the requirements of Policy TR1 of the Warwick District Local Plan 2011-2029;

- (19) the dwellings shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** In the interests of highway safety, in accordance with the requirements of Policy TR1 of the Warwick District Local Plan 2011-2029;
- (20) the development and demolition hereby permitted shall not commence or continue unless measures are in place to prevent/minimise the spread of extraneous material onto the public highway by the wheels of vehicles using the site and to clean the public highway of such material. **Reason:** In the interests of highway safety, in accordance with the requirements of Policy TR1 of the Warwick District Local Plan 2011-2029;
- (21) the development hereby permitted shall not be occupied until the applicant has provided sustainability packs for each household. **Reason:** To encourage occupiers to travel sustainably in accordance with Policy DM1 of the Warwick District Plan 2011-2029;
- (22) access for vehicles to the site from the public highway (Birmingham Road A4177) shall not be made other than at the position identified on the approved drawing, number 1788-02 Rev A, providing an access no less than 5.0 metres wide for a distance of 30.0 metres into the site, as measured from the near edge of the public highway carriageway. **Reason:** In the interests of highway safety, in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (23) no gates shall be erected at the entrance to the site for vehicles until full operating details, including method of access/egress, have been submitted to and approved in writing by the Council. Such gates shall be located, hung and operated in accordance with Drawing No. 1788-02 Rev A and the details approved under this condition. **Reason:** In the interests of highway safety, in accordance with Policy TR1

PLANNING COMMITTEE MINUTES (Continued)

of the Warwick District Local Plan 2011-2029;

(24) none of the apartments hereby permitted shall be occupied unless and until bin and cycle stores have been constructed in strict accordance with details that shall have been submitted to and approved in writing by the local planning authority. The bin and cycle stores shall be retained at all times thereafter. **Reason:** To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and

(25) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of any dwellinghouse hereby permitted. **Reason:** That having regard to the location of the proposed dwellings within the Green Belt as well as within the curtilage of a Grade II listed building, it is important to ensure that no further development is carried out which would detract from the openness of the Green Belt or the setting of the listed building, in accordance with Policies BE1 and HE1 of the Warwick District Local Plan 2011-2029.

194. W/17/2415 – Land on the North side of Birmingham Road, Hatton

This application had been withdrawn from the agenda, at the request of the applicant and therefore was not considered by the Committee.

195. 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 8.49pm)

Signature Redacted

CHAIR
22 May 2018