

# Planning Committee

Minutes of the remote meeting held on Tuesday 1 December 2020 at 6.00pm, which was broadcast live via the Council's YouTube Channel.

**Present:** Councillor Boad (Chairman); Councillors Ashford, R. Dickson, Heath, Jacques, Kennedy, Leigh-Hunt, Morris, Murphy, Tangri and Weber.

**Also Present:** Principal Committee Services Officer – Mrs Dury; Legal Advisor – Mrs Gutteridge; Manager - Development Services – Mr Fisher; Business Manager – Development Management – Mr Young and Systems and Business Improvement Officer – Mr Martin (observing only).

## 82. **Apologies and Substitutes**

There were no apologies for absence made.

## 83. **Declarations of Interest**

Minute Number 89 - W/20/1217 – 34 Watling Road, Kenilworth

Councillor Kennedy informed the Committee that this application site was in his Ward when the application was being discussed.

## 84. **Site Visits**

There were no arranged site visits made by the Committee but Councillor Dickson independently visited W/20/1217 – 34 Watling Road, Kenilworth but did not speak to anyone whilst conducting this visit.

## 85. **Minutes**

- (a) A correction to minute number 48 on page 92, W/19/1200 – Land at SouthCrest Farm, Crewe Lane, Kenilworth, in the minutes of the meeting held on 6 October 2020 and approved on 4 November 2020 was confirmed. The words "on the site" were replaced with "in the project", which was an accurate reflection of what was said in the meeting when the recording of the meeting was checked.
- (b) The minutes of the meeting held on 20 October 2020 were taken as read and signed by the Chairman as a correct record.
- (c) The minutes of the meeting held on 21 October 2020 were taken as read and signed by the Chairman as a correct record.
- (d) The minutes of the meeting held on 4 November 2020 were taken as read and signed by the Chairman as a correct record.

## 86. **W/20/0729 – 4 Risdale Close, Royal Leamington Spa**

The Committee considered an application from Mr Griffin for the application of render to the front and rear elevations of a dwelling house.

## PLANNING COMMITTEE MINUTES (Continued)

The application was presented to Committee because of the number of comments in support received from members of the public when the recommendation was that the application should be refused.

The officer was of the opinion that the character and appearance of the street scene was strongly unified through dwellings of brick and tile construction, with an element of hanging tiles as a feature. There was no render in the street scene. As such it was considered that the proposal to render the front elevation of the application property would appear at odds with the street scene.

An addendum circulated prior to the meeting advised that the applicant had provided a data sheet giving details of the EWI (External Wall Insulation) system that was proposed to be fitted underneath the render, to improve the thermal properties of the building. The applicant had highlighted that this element of the proposal aligned with Kenilworth Town Council's comment on the development being a 'positive opportunity for the installation of external insulation'.

Whilst it was appreciated that the proposed EWI system could decrease heat transfer through the front and rear elevations of the property, the benefits of this system were not considered to outweigh the harm that the proposed development would have to the character of the street scene. The brick side elevations of the dwelling were proposed to be retained and it was noted that there were a variety of alternative means by which home-owners could improve the thermal efficiency of a building, such as internal wall and roof insulation. External wall insulation was not the only option for this dwelling and officers considered that benefits derived from the proposed EWI did not outweigh the reasons for refusal.

Mrs White from LW Planning, addressed the Committee on behalf of the applicant.

The Legal Officer advised that under the NPPF, paragraph 127 and policy BE1, planning decisions should ensure that on balance, the proposal was appropriate; did it harmonise and contribute to the development of the area. Members were also informed that the case officer had discussed partial rendering at the front as a possibility that might prove more acceptable if an application was made. Members were advised that granting this application might form a precedent for further applications in other streets where there might be uniformity in design.

A motion to grant the application was defeated.

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 Ashford that the application should be refused.

The Committee therefore

**Resolved** that W/20/0729 be **refused** because the NPPF (2019) places an increased emphasis on the importance of achieving good quality design as a key

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

aspect of sustainable development. Paragraph 127 states that planning decisions should ensure that developments function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. It also states that decisions should ensure that developments are sympathetic to the local character, while not preventing or discouraging appropriate innovation or change. Lastly, it is stated that development should maintain a strong sense of place by using building materials which create attractive, welcoming and distinctive places to live work and visit.

Local Plan Policy BE1 echoes paragraph 127 of the NPPF and states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Proposals are expected to harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use, and to reinforce or enhance the established urban character of streets. In addition, proposals should reflect, respect and reinforce local architectural distinctiveness through the incorporation of important existing features into the development by adopting appropriate materials and details.

Neighbourhood Plan policy RLS4 relates to housing character outside of the conservation area. In residential areas, the policy requires applicants to demonstrate how proposals have taken into account and responded to the predominant character (including local building styles and materials) in the street/road/locality within which the proposed development is situated.

The predominant and prevailing character of Risdale Close comprises dwellings which are uniform in design with regard to their external facing materials. The mixture of brick and hanging tiles is a consistent design feature and bright-white render does not currently make a contribution to the material palette within this street.

In the opinion of the Local Planning Authority the proposal would appear in stark contrast as an alien and incongruous feature in the context of the uniform use of brick and tile construction and would result in harm to the character and appearance of the street scene. The excessive extent of render proposed would cause the dwelling to appear overly prominent within the street scene, thus it is considered that the development would have a negative impact on the character of the street scene.

## PLANNING COMMITTEE MINUTES (Continued)

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

### 87. **W/20/1264 – The Lodge, Wattcote Farm, Manor Lane, Wroxall**

The Committee considered a retrospective application from an H Parkin for a change of use from a residential dwelling (C3) to a Pilates studio (D2).

The application was presented to Committee because the recommendation was that the application should be refused, but Beausale, Haseley, Honiley & Wroxall Parish Council supported the application.

The officer was of the opinion that the proposal was considered to provide an unsustainable form of development within the open countryside and was therefore considered to be contrary to Local Plan policies CT1, CT4 and EC2. The recommendation was that the change of use should be refused.

Mr Bennett, representing the applicant, addressed the Committee.

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

The Committee therefore

**Resolved** that W/20/1264 be **refused** because Local Plan policy CT1 sets out a sequential approach to the location of new leisure development, with the preference being town centre locations and sites that are accessible by modes of transport other than the private car.

There has been no sequential assessment of the availability of existing town centre sites which could accommodate the proposed use. Furthermore, it has not been demonstrated that the site can be accessed using sustainable forms of transport, or that the proposal is of a type and scale that would serve an identified community need.

The proposal is therefore considered to provide an unsustainable form of development which is contrary to Local Plan policy CT1.

### 88. **W/20/1190 – 90 Queensway, Royal Leamington Spa**

The Committee considered an application from Shire Developments Limited for the demolition of the existing semi-detached houses and the erection of a residential block containing nine apartments.

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

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

The officer was of the opinion that the proposal represented the efficient use of an under-utilised site which would provide additional residential accommodation in a sustainable location. Parking was provided on site, in accordance with the requirements of the Vehicle Parking Standards. The development would have an acceptable impact on neighbouring amenity and ecology, and would provide adequate living conditions for the future occupiers. The recommendation was therefore that the development should be approved.

The officer advised Members that a Sustainability Condition had not been included in the report and that they should consider its inclusion to ensure implementation of such measures, in accordance with the recommendations contained in a Sustainability Report that the applicant had submitted.

Officers also advised that Members may also wish to include a Condition to ensure net biodiversity gain to meet the requirements of the NPPF.

Following consideration of the report and presentation, it was proposed by Councillor Kennedy and seconded by Councillor Weber that the application should be granted.

The Committee therefore

**Resolved** that W/20/1190 be **granted** subject to the following conditions:

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
| (1)        | the development hereby permitted shall begin not later than three years from the date of this permission. <b>Reason:</b> To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);  |
| (2)        | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 1010-10 Rev F, 1010-11 Rev C, 1010-12 Rev C, 1010-13 Rev B and 1010-14 Rev C submitted on 13th November 2020, and specification contained therein. <b>Reason:</b> For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; |
| (3)        | the development hereby permitted shall not commence unless and until tree protection / mitigation measures have been submitted to and approved in writing by the LPA and the approved measures have been put into place. The approved measures must remain in place for the duration of construction works. The information to be submitted for all of the  |

**PLANNING COMMITTEE MINUTES (Continued)**

<b>No.</b>	<b>Condition</b>
	<p>trees within the site as well as those off-site trees affected by the proposed demolition and re-development must include:</p> <ul style="list-style-type: none"><li>a] an arboricultural implications assessment, arboricultural method statement and tree protection plan in accordance with Clause 7 of British Standard BS5837 - 2012 Trees in Relation to Design, Demolition &amp; Construction which also includes any proposal for pruning or other preventative works</li><li>b] an arboricultural site monitoring protocol that will confirm to the local planning authority by independent examination that the agreed tree protection measures are in place for the duration of the development.</li></ul> <p><b>Reason:</b> In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;</p>
(4)	<p>the development hereby permitted shall either:</p> <ul style="list-style-type: none"><li>a) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.</li><li>b) Not commence until a qualified ecologist has been appointed by the applicant to inspect the building and vegetation 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. <b>Reason:</b> To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029;</li></ul>
(5)	<p>no development shall be carried out above slab level unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatments, including full details of the proposed boundary walls,</p>

**PLANNING COMMITTEE MINUTES (Continued)**

<b>No.</b>	<b>Condition</b>
	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; 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 the same size and species as that originally planted. 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. <b>Reason:</b> 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;
(6)	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. <b>Reason:</b> 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;
(7)	no development shall be carried out above slab level unless and until a scheme for the provision of roosting features for bats and nesting features for house sparrows and swifts incorporated into the building within the site, has been submitted to and approved in writing by the District Planning Authority.

**PLANNING COMMITTEE MINUTES (Continued)**

<b>No.</b>	<b>Condition</b>
	The scheme to include details of box types, location and timing of works. Thereafter, the features shall be installed and maintained in perpetuity. <b>Reason:</b> To ensure a net biodiversity gain in accordance with NPPF and policy NE3 of the Warwick District Local Plan 2011 – 2029;
(8)	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 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. <b>Reason:</b> 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;
(9)	the development hereby permitted shall not be occupied unless and until the cycle storage areas for the development has been constructed or laid out, and made available for use by the occupants of the development and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of cycles associated with the development. <b>Reason:</b> To ensure the satisfactory provision of cycle storage in accordance with the local planning authority's standards and the satisfactory development of the site in accordance with Policy TR3 of the Warwick District Local Plan 2011-2029;
(10)	the development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to potential roosting features of the building to be affected as identified in the Preliminary Ecological Appraisal (dated July 2019). All material is to be removed carefully by hand.



**PLANNING COMMITTEE MINUTES (Continued)**

<b>No.</b>	<b>Condition</b>
	Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. <b>Reason:</b> To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029;
(11)	the development shall be carried out in strict accordance with the details of the finished floor levels as shown on the approved plans or any subsequently approved amendments. <b>Reason:</b> To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
(12)	the development hereby permitted shall not be occupied unless and until the refuse storage areas for the development have been constructed or laid out, and made available for use by the occupants of the development 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. <b>Reason:</b> To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
(13)	no dwelling hereby permitted shall be occupied unless and until the car parking provision for that dwelling has been

**PLANNING COMMITTEE MINUTES (Continued)**

<b>No.</b>	<b>Condition</b>
	constructed or laid out, and made available for use by the occupants to the dwelling and thereafter those spaces shall be retained for parking purposes at all times. <b>Reason:</b> To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies BE1 and TR3 of the Warwick District Local Plan 2011-2029;
(14)	the development hereby permitted shall not be occupied unless and until the noise mitigation measures detailed within the Walnut Acoustics report (Ref. WA/0720/NA-404, dated 29/07/2020) have been completed in full accordance with the approved details. The noise mitigation measures shall be retained thereafter. <b>Reason:</b> To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
(15)	prior to the occupation of the dwellings hereby permitted, the electric vehicle charging points shall be installed in accordance with the approved details contained within the air quality mitigation statement (prepared by Richard Noonan Architectural Consultant, Ref. 1010-AQMS-A, dated 25th July 2020). Thereafter the electric vehicle recharging points shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). <b>Reason:</b> To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document;
(16)	the accesses to the site for vehicles shall not be used unless public highway footway/verge crossings have been laid out and constructed in accordance with the standard specification of the Highway Authority. <b>Reason:</b> To ensure that a pavement and verge crossing is available for use when the development is completed thereby enabling safe and convenient access to and egress from the site in the interests of the safety of road users

**PLANNING COMMITTEE MINUTES (Continued)**

<b>No.</b>	<b>Condition</b>
	and pedestrians in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
(17)	the development shall not be occupied until all parts of the existing accesses within the public highway not included in the permitted means of access have been closed and the kerb, footway and verge have been reinstated in accordance with the standard specification of the Highway Authority. <b>Reason:</b> In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
(18)	the development hereby permitted shall only proceed in strict accordance with the approved Construction Management Plan and site compound layout plan. <b>Reason:</b> 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;
(19)	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. Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, 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/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted. 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). <b>Reason:</b> To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;

## PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
(20)	a condition to ensure net biodiversity gain to meet the requirements of the NPPF; and
(21)	a condition to require the implementation of the sustainability measures as per the sustainability Report submitted by the applicant.

### 89. **W/20/1217 – 34 Watling Road, Kenilworth**

The Committee considered an application from Mr Dixon for the erection of a two storey dwelling (to be attached to No. 34).

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

The officer was of the opinion that the principle of developing this site was acceptable and the development would not give rise to any harm to the general character and visual amenities of the area, nor would there be any impacts on the amenity of neighbouring properties. There would also be no detriment to highway safety.

An addendum circulated prior to the meeting advised that Warwickshire County Council Ecology had reviewed the Bat Survey report submitted and was satisfied that as no evidence of bats was found, a bat note should be attached to any approval granted. The Ecologist also recommended notes relating to nesting birds, hedgehogs and amphibians.

As the development would result in a small loss of biodiversity through reduction of the garden area, to enhance the nature conservation value of the site, it was recommended that bat and bird boxes should be installed on the building or retained trees. This was considered appropriate and would be secured via condition.

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

The Committee therefore

**Resolved** that W/20/1217 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. <b>Reason:</b> To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); |
| (2) | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and  |

**PLANNING COMMITTEE MINUTES (Continued)**

**No.** approved drawing(s) 2013-05 rev A, 2013-06 rev A, 2013-07 rev A, 2013-08 rev A, 2013-09 rev A, and specification contained therein, submitted on 30th October 2020. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

(3)	no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. <b>Reason:</b> 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;
(4)	prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). <b>Reason:</b> To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document;
(5)	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

**PLANNING COMMITTEE MINUTES (Continued)**

<b>No.</b>	<b>Condition</b>
	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 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. <b>Reason:</b> 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;
(6)	a condition for bat and bird boxes to be installed on the building or retained trees. This is considered appropriate because the development will result in a small loss of biodiversity through reduction in garden area, to enhance the nature conservation value of the site; and
(7)	a bat note to be attached and notes relating to nesting birds, hedgehogs and amphibians.

**90. W/18/0643 – Land at Kings Hill Lane, Stoneleigh**

The Committee considered an outline application with access from Lioncourt Strategic Land Limited, Lioncourt Homes (Development No.17) Limited De for a development of up to 2,500 dwellings (C3); 4,000 sq. m. of mixed use floor space (A1, A2, A3, A4, A5, B1, C2, D1 and D2); primary school, secondary school, open space and associated infrastructure.

The application was presented to Committee because authorisation was sought for a small number of revisions to the requirements of a Section 106 agreement relating to the development.

This was a complex agreement relating to a significant development for which Planning Committee resolved to grant permission on 3 December 2019.

A number of parties including the applicant, along with various District and County Council officers, were continuing to work on the agreement with a view to finalising it in the near future. The scale of the work involved and nature of those discussions was such that from time to time, the need for revisions to the agreement were identified.

Planning Committee was asked to note that the overriding purpose in securing this agreement was to ensure that it made provision for all of the

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

infrastructure requirements arising from the development and that they came forward at the appropriate time.

The Planning committee was asked to agree to the recommendation in the report, in order to assist officers to bring the discussions on the Section 106 agreement to a conclusion.

Following consideration of the report, it was proposed by Councillor Ashford and seconded by Councillor Heath that recommendation in the report should be approved.

The Committee therefore

**Resolved** that in respect of W/18/0643, authority be delegated to the Head of Development Services to agree and finalise the revision to the Section 106 agreement as set out in the report with proposed revisions to the requirements of the agreement as follows:

- (1) the revision of the requirement identified by the Coventry and Rugby Clinical Commissioning Group (CCG) for the provision of 0.501 hectares of land for the provision of an on-site health centre to an area of 0.303 hectares which the CCG has subsequently identified as necessary to make that provision;
- (2) the revision of the purpose for the Libraries Contribution so that the contribution shall be used solely for towards improving, enhancing and extending the facilities or services at libraries operated by Warwickshire County Council;
- (3) the inclusion of a review mechanism within the Section 106 Agreement so that the NHS Trust Contributions will not be payable where the High Court rules that such contributions fail to meet the tests for obligations under the CIL Regulations; and
- (4) revisions to build in flexibility to the requirements relating to outdoor sports provision such that should it become necessary, Officers are authorised to agree to either the provision of on-site sports pitches, or alternatively a contribution in lieu of that provision, or elements of both.

**PLANNING COMMITTEE MINUTES (Continued)**

**91. 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 7.55pm)

CHAIRMAN  
12 January 2021