

Planning Committee

Minutes of the meeting held on Wednesday 21 July 2021 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Morris (Chairman); Councillors, Cullinan, R. Dickson, Heath, Jacques, Kennedy, Leigh-Hunt, Murphy, Syson, and Tangri.

Also Present: Legal Advisor – Samantha Amphlett; Manager, Development Services – Gary Fisher; Democratic Services Manager & Deputy Monitoring Officer – Graham Leach, Business Manager – Development Management – Sandip Sahota and Planning Officer – Andrew Tew.

Councillor Morris explained that in the absence of Councillor Boad, he would chair the meeting as the Committee's elected Vice Chairman.

60. **Apologies and Substitutes**

- (a) Apologies for absence were received from Councillor Ashford; and
- (b) Councillor Syson substituted for Councillor Boad.

61. **Declarations of Interest**

Councillor Syson informed the Committee that she was the Chair of both the Warwick District Conservation Advisory Forum and Leamington Society, but they had not formally commented on any of the applications to be considered by the Committee.

62. **Site Visits**

Councillor Dickson informed the Committee that he had independently visited the site for applications W/20/2089 – Land East of Warwick Road Kenilworth and W/21/0255 – 24 Rounds Hill, Kenilworth.

63. **W/20/2020 – Land at Thickthorn, Kenilworth**

The application was withdrawn from the agenda to enable an opportunity for the applicant to engage further with key stakeholders.

64. **W/21/0149 – Hope Barn, Dalehouse Lane, Kenilworth**

The Committee considered an application from Mr Tibbatts, for a Single Storey Extension which was a resubmission of previously withdrawn application W/19/0476.

This application was presented to Committee because five or more public representations of support had been lodged and the application had been called in to Committee by Councillor Hales.

The officer was of the opinion that the proposal was not considered to meet the requirements of Local Plan Policies BE1, BE4 and H14, nor follow the Guidance for Barn Conversions SPG and was therefore recommended for refusal.

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Dr Clare Holt addressed the Committee in support of the application.

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

The Committee therefore

Resolved that application W/21/0149 be **refused** because:

Policy BE4 of the Warwick District Local Plan 2011-2029 sets out a number of criteria for the conversion of existing rural buildings within the District and the policy specifically refers to the need for the proposed use to be accommodated without extensive rebuilding or alteration to the external appearance of the building, and for the appearance and setting of the building following conversion to protect and where possible, enhance the character and appearance of the countryside. The explanation to the policy states that where proposals include extending rural buildings as part of their conversion, these will not be approved unless it can be demonstrated that the extension is essential for the retention of the building.

The District Council has also approved Supplementary Planning Guidance on barn conversions, and permitted development rights for subsequent extensions are removed in order to ensure that the character and appearance of the converted buildings and their setting within the wider countryside are respected and protected.

In addition, Para. 4.96 of Policy H14 states that, in the case of barn conversions in the open countryside, the Council is extremely unlikely to grant approval for any extensions. Such conversions are only usually permitted where they can be undertaken with minimum disruption to the integrity of the original building. Any extension, however sensitively implemented, would harm this integrity.

The application site comprises a converted former agricultural building that has largely retained its original agricultural character. In the opinion of the Local Planning Authority, the proposed extension disrupts the simple form of the converted barn by reason of its scale and design and this detracts from the original rural character and appearance of the building, thereby prejudicing the objectives of the aforementioned policies. If permitted, this type of extension could act as a precedent for extensions to other converted barns which would be difficult to

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resist, thereby cumulatively eroding the rural character of the countryside.

65. **W/20/1783 – Hatton Country World, Dark Lane, Hatton**

The Committee considered an application from Mr Arkwright for Application for change of use of land to camping and caravanning site.

This application was presented to Committee because there had been objections from both Hatton and Norton Lindsey Parish Councils and further objections from members of the public.

The officer was of the opinion that the principle of development was considered acceptable in accordance with Policies CT5 and DW18 of the Warwick District Local Plan 2011-2029. Officers were satisfied there would be no harm to neighbouring amenity nor would there be any harmful impacts on future users of the site as a result of noise. There would be no detriment to highway safety; the access was considered safe and suitable in the proposed location and the appropriate amount of parking is proposed. For the above reasons, it was recommended that planning permission be approved, subject to the conditions listed below.

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

The Committee therefore

Resolved that W/20/1783 be **granted**, subject to the following conditions

- (1) the use hereby permitted shall be discontinued by 31 December 2022 and its associated ancillary works and structures removed from the application site and the land upon which the use occurred shall be restored to the state it was in immediately prior to the granting of this planning permission. **Reason:** In order that the local planning authority have the opportunity of reviewing the impact of this development on the amenities of occupants of other properties in the vicinity in the light of experience of its operation in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
- (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) 1622-0002-02 and specification contained therein, submitted on 22/03/2021. **Reason:** For the avoidance of doubt and to secure a

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

- (3) the site shall be operated in strict accordance with the approved Noise Management Plan ref. JAJ02453-REPT-01-R2 (Rev 02, 19/03/2021) at all times. The Noise Management Plan shall be reviewed every 12 months and submitted to and approved in writing by the local planning authority. The site shall then operate in strict accordance with the latest approved Noise Management Plan at all times.

Reason: To ensure that nearby residents do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

- (4) the development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details. **Reason:** In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029; and

- (5) a note to the applicant promoting the route of access to the site via primary roads off the A41.

66. **W/20/2089 – Land on East side of Warwick Road, Kenilworth**

The Committee considered an application from Bovis Homes Ltd for the provision of four additional dwellings on existing development site through the substitution of three five-bed dwellings with seven three-bed dwellings within the existing site layout as previously approved under reserved matters approval for application W/19/0784.

The application was presented to Committee because it was recommended that planning permission be granted subject to the completion of a legal agreement.

The development formed part of an earlier permission for allocated site H41 for the construction of 125 dwellings together with the necessary infrastructure and associated works, including the provision of open spaces

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and sustainable drainage system (SuDs). The scheme was therefore considered to be acceptable in principle in accordance with Local Plan Policy DS11. The proposal would result in an overall increase of units by four giving a total of 129 units.

Officers were satisfied that the proposals would continue to provide high levels of amenity for neighbouring dwellings whilst also providing positive and suitable living conditions for future occupants in a well-designed and landscaped setting.

Officers were satisfied that the site layout demonstrated that the land was capable of being developed for this number of dwellings without causing material harm to the general character of the surrounding area.

Appropriate contributions to offset the potential impact on infrastructure could be secured through an appropriate Section 106 agreement and detailed matters could be secured by condition.

Overall, the development was considered to accord with all relevant provisions of the Development Plan and for these reasons, it was therefore recommended that planning permission be granted.

An addendum to the agenda had been published which sought agreement from the Committee that authority be delegated to the Head of Development Services in consultation with the Chair of Planning Committee to finalise the terms of the Section 106 agreement including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test together with necessary alterations to the final list of conditions and should a satisfactory Section 106 Agreement have not been completed within three months of the date of Committee or in the opinion of officers, insufficient progress had been made within this period to warrant the agreement of additional time to complete the Agreement, Planning Committee were recommended to delegate authority to the Head of Development Services to refuse planning permission on the grounds that the proposal made inadequate provision in respect of the issues the subject of that agreement.

Following consideration of the report, presentation, and information contained in the addendum, it was proposed by Councillor Murphy and seconded by Councillor Heath that the application should be granted subject to the revisions within the addendum, the completion of the S106 agreement within three months and if this was not completed then the application could be refused by officers.

The Committee therefore

Resolved that application W/20/2089 be **granted** subject to a Section 106 Agreement to secure the necessary financial contributions/obligations as set out in the report, and the following conditions;

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To

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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 VIS-1000-002, VIS-1000-003, KENI-BOV-06I1-XX-DR-A-1002, KENI-BOV-09F0-XX-DR-A-1003, KENI-BOV-08I0-XX-DR-A-1006, KENI-BOV-07F1-XX-DR-A-1009 and GARAGES – PLANNING DRAWING and specification contained therein, submitted on 16 December 2020 and approved drawing VIS-1000-001 and specification contained therein, submitted on 23 June 2021.

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) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those specified within the application documents. **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;

- (4) the development hereby permitted shall not be occupied unless and until a soft landscaping scheme to reflect any revisions to the layout has been submitted to and approved in writing by the Local Planning Authority. 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. **Reason:** To

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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;

- (5) the development hereby permitted, including site clearance work, shall not commence until an addendum to the Construction and Environmental Management Plan, to reflect any revisions to the layout, has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition, the LPA expect to see details concerning pre-commencement checks for protected species and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

Reason: To ensure that protected species are not harmed by the development, in accordance with the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029;

- (6) the development hereby permitted shall not commence until an addendum to the Landscape and Ecological Management Plan, to reflect any revisions to the layout, has been submitted to and approved in writing by the Local Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net biodiversity gain in accordance with NPPF and Policy NE3 of the Warwick District Local Plan 2011-2029;

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(7) no hard surfaces of the development hereby permitted shall be installed unless and until details of surface water treatment proposals to include:

- Confirmation of the changes in impermeable area(s) as a result of the substitution of plot types; and
- An assessment of any impact on the wider surface water drainage design have been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Reason: To prevent the increased risk of flooding due to changes to the impermeable catchment to the wider system having regard to Policy FW1 of the Warwick District Local Plan 2011-2029;

(8) authority be delegated to the Head of Development Services in consultation with the Chair of Planning Committee to finalise the terms of the Section 106 agreement including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test together with necessary alterations to the final list of conditions; and

(9) should a satisfactory Section 106 Agreement not be completed within 3 months of the date of Committee or in the opinion of Officers, insufficient progress has been made within this period to warrant the agreement of additional time to complete the Agreement, authority be delegated to the Head of Development Services to **refuse** planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

67. **W/20/2119 – 30 Church Street, Barford, Warwick**

The Committee considered an application from Ms Hendry for the erection of a side and rear single-storey extension.

The application had been requested to be presented to Committee by Councillor Rhead.

Officers considered the proposals as amended had an acceptable impact on the character and quality of the conservation area through the proposed layout, building materials and scale of the development. The proposals

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would have an acceptable impact on the living conditions of neighbouring dwellings. The proposals were therefore in accordance with Local Plan Policies BE3, BE1 and HE1 and the Council's Residential Design Guide. It was therefore recommended that planning permission be granted.

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

The Committee therefore

Resolved that application W/20/2119 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 02B , and specification contained therein, submitted on 14/05/2021. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and
- (3) no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

68. W/21/0084 – 17 Birches Lane, Kenilworth

The Committee considered an application from Mr Gowing for the erection of an oak framed/glazed enclosed front porch and application of render to front elevation of property.

The application was presented to the Committee because the applicant was a close relation to an employee of Warwick District Council.

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Officers were of the opinion that the proposal was considered to comply with the relevant policies listed and was recommended for approval, subject to the conditions in the report.

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

The Committee therefore

Resolved that W/21/0084 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); and
- (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) Proposed Front Elevation, Proposed Side Elevation and Proposed Floor Plan and specification contained therein, submitted on 18th January 2021. **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.

69. W/21/0255 – 24 Rounds Hill, Kenilworth

The Committee considered a retrospective application from Mr Boon for variation of condition 2 (approved plans) of application W/19/0239, to allow for the application of render to the approved erection of a first floor front extension and single storey rear extension.

This application was presented to Committee due to the number of objections received.

The original planning permission was granted under application reference W/19/0239. The policies and material considerations that were relevant to that decision were set out in the associated officer report.

The variation of condition 2 to allow revisions to the applied facing material to the front elevation of the property had been brought forward retrospectively following the application of white render.

Officers were of the opinion that the rendered frontage would not result in visual harm to the wider street scene, therefore it was recommended to grant the retrospective scheme.

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

Resolved that W/21/0255 be **granted** subject to the condition that the development hereby permitted shall remain strictly in accordance with the details shown on the approved drawing 'IDA-003 P2' submitted on the 9th February 2021, 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.

70. **Planning Appeals Report**

Members received a report from officers outlining the existing enforcement matters and appeals currently taking place.

Resolved that the report be noted.

(The meeting ended at 7.50pm)

CHAIRMAN
17 August 2021