Planning Committee

Minutes of the remote meeting held on Tuesday 27 April 2021 at 6.00pm, which was broadcast live via the Council's YouTube Channel.

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

Also Present: Civic & Committee Services Manager – Mrs Onib; Committee Services Officer – Mr Edwards; Legal Advisor – Mrs Gutteridge; and Manager – Development Services -Mr Fisher.

136. **Apologies and Substitutes**

(a) there were no apologies and

(b) there were no substitutes.

137. **Declarations of Interest**

There were no declarations of interest made.

138. **Site Visits**

There were no arranged site visits made by the Committee, but Councillor Jacques had independently visited the following application site:

W/20/1818 - 45 George Street, Royal Leamington Spa

139. **Minutes**

The minutes of the meeting held on 30 March 2021 were taken as read and signed by the Chairman as a correct record.

140. **W/20/1464 - Shires Gate Trade Park, Unit 1, Tachbrook Park Drive, Warwick**

The application was removed from the agenda by officers to enable further consultation with local residents to take place.

141. **W/20/1818 - 45 George Street, Royal Leamington Spa**

The Committee considered an application from Mr Sahota for the erection of a dormer window to the rear roof slope to facilitate a loft conversion.

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

The proposal was considered acceptable and was recommended for approval on the basis that it successfully satisfied the criteria of the Local Plan policies BE1, HE1, HE2, BE3, TR3 and NE2 and Policy RLS3 of the Neighbourhood Plan.

An addendum circulated prior to the meeting advised Members of an amendment to condition 2 of the report, which sought to change the material of the dormer from hanging tile to lead. However, changes were also inadvertently made to the basement layout which departed from what had been agreed with Private Sector Housing and which had gone unnoticed until after the agenda had been published. A subsequent drawing had been received which maintained the lead dormer but reverted the basement layout to the one previously agreed with PSH and the one which the assessment in the report was based upon.

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

The Committee therefore

Resolved that W/20/1818 be granted, subject to the following conditions:

No	Condition
1.	the development hereby permitted should begin no 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 4051-02F, and specification contained therein, submitted on 26th April 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.

142. **Land Off Rugby Road and Coventry Road, Cubbington**

With the Chairman's approval, the Committee considered an urgent item from Bellway Homes for a proposed Deed of Variation to a signed Section 106 agreement, which related to planning permission W/17/2371, which was previously presented to Planning Committee on September 11 2018. The recommendation to Committee was to grant planning permission, subject to the various conditions listed in the report, as well as a Section 106 Agreement to secure a range of obligations from the Owner. The Section 106 was thereafter signed, and the decision issued on 29 March 2019.

The application site was now well advanced, and the applicants were in the process of negotiating for the provision of the affordable housing with a registered social landlord.

In addition to the above, planning permission was further granted for an additional 13 units through the sub-division of some of the larger four and five bedroom properties into 2 and 3 bed units

It was recommended that the application should be granted, subject to the signing of a Section 106 Agreement on 23 July 2020 and this was currently pending the outcome of this Deed of Variation.

During the negotiations into the transfer of the affordable housing to a registered provider, it had become apparent that the standard Mortgagee in Possession (MIP) Clause used within the standard Section 106 template did not conform with the requirements of affordable housing operators, which was causing difficulty obtaining an agreement.

The revision proposed also sought to provide the additional affordable housing units approved under W/20/0502 across the wider site approved under W/17/2371.

The requirement under this application sought an additional 5 affordable housing units to be provided. In order to facilitate this, it was proposed to amalgamate the units across the site. 2 units would remain within the application red line area associated with W/20/0502, with the additional 3 units being dispersed into the wider site area as approved by W/17/2371.

The Deed of Variation to W/17/2371 would ensure that these units were secured as affordable housing units so that the relevant number was achieved across the site.

The report was brought forward as an urgent item and could not wait until the next meeting of the Planning Committee because it was time critical in respect of finalising the Affordable Housing handover. It was possible that any delay could impact upon that.

The officer was of the opinion that the agreement of a standard clause was not affected by the CIL regulations and was purely the mechanism to secure appropriate delivery of affordable housing by a registered social landlord.

The update to the affordable housing numbers in the existing Section 106 Agreement would ensure that the appropriate 40% affordable housing was secured across the site.

Following the 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 the Committee approved the revisions of the MIP Clause and affordable housing numbers through a Deed of Variation to the Section 106 Agreement.

143. **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 7.05pm)

CHAIRMAN
20 May 2021