Planning Committee

Minutes of the meeting held on Tuesday 18 June 2019 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Boad (Chairman); Councillors Ashford, K Dickson, Heath, Kennedy, Leigh-Hunt, Morris, Roberts, Sanghera and Weber.

Also Present: Democratic Services Manager & Deputy Monitoring Officer – Mr Leach; Solicitor for the Council – Mr Howarth; Business Manager – Development Management – Mr Sahota; and Head of Development Services – Mr Barber.

13. **Apologies and Substitutes**

(a) Apologies for absence were received from Councillor Murphy; and
(b) Councillor K Dickson substituted for Councillor R Dickson.

14. **Declarations of Interest**

Minute Number 17 – W/19/0741 Lillington Free Church, Cubbington Road, Lillington, Royal Leamington Spa

Councillor Boad declared an interest because the application site was in his Ward and he would be speaking on the application. He would leave the room after he had spoken.

15. **Site Visits**

There were no site visits undertaken.

16. **Minutes**

The minutes of the meeting held on 22 May 2019 were taken as read and signed by the Chairman as a correct record.

In the absence of the Chairman, who spoke as Ward Councillor on the following item, Councillor Morris, as Vice-Chairman, took the chair.

17. **W/19/0741 – Lillington Free Church, Cubbington Road, Lillington, Royal Leamington Spa**

The Committee considered an application, which was a resubmission of planning application W/18/2424, from Orbit Group Limited for Erection of 5 affordable dwellings with associated infrastructure, landscaping, parking and access on land to the rear of Lillington Free Church, Cubbington Road, Royal Leamington Spa.

The application was presented to Committee because the application was on Council-owned land and was a resubmission of a previous application which had been refused by Committee.

The officer was of the opinion that the proposals would be for an additional five dwellings and would result in benefits in terms of construction jobs and

support to local services. The proposals would also replace an underutilised part of Holt Park and therefore would enhance the quality of the area. The proposals would also result in the provision of affordable housing in a sustainable location.

Subject to the submission of satisfactory evidence to demonstrate compliance with Policy HS2, the proposals were considered to be in accordance with policies of the Development Plan and the National Planning Policy Framework.

The proposals had been carefully considered against all the material considerations and against comments received from neighbours and the comments of consultees, and found to be acceptable for the reasons set out in the report.

It was recommended, therefore, that planning permission should be granted.

The addendum circulated at the meeting informed Members of an independent assessment of public open space provision at The Holt, which was jointly commissioned by the developer and the District Council's Green Space Team. The addendum also advised of a revision to Condition 10 to enable a financial contribution instead.

The following people addressed the Committee:

- Ms L Crowley, objecting;
- Ms A Harris, objecting;
- Mr D Robinson-Wells, supporting; and
- Councillor Boad, 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 Sanghera and seconded by Councillor Kennedy that the application be granted with the amendment to condition 10 as stated in the addendum.

Resolved that W/19/0741 be **granted** in, subject to the following conditions:

(1) the development hereby permitted shall 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);

(2) the development hereby permitted shall be carried out strictly in accordance with the submitted details as shown on the site location plan 3545-11 Rev C and drawings 3545-25 Rev B and 3545-26 Rev B and as subsequently amended by drawings 3545-15 Rev J, 3545-20 Rev C and 3545-21 Rev D received on 6 March, 2019. **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 and roofing 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;

(4) notwithstanding the details submitted with the application, prior to occupation of the development hereby permitted, a detailed Landscape and Ecological Management Plan shall have been submitted to and approved in writing by the District 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 and provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a satisfactory standard of appearance of the development and adequate compensation for any loss of biodiversity in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;

(5) the landscaping and ecological enhancement scheme approved under Condition 4 above shall be completed, in all respects, not later than the first planting season following the completion of each phase of the development hereby permitted. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees of similar size and species to those originally required to be planted. **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;

(6) the development hereby permitted shall not be occupied unless and until the vehicle 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:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029;

(7) the development hereby permitted shall not be occupied unless and until the vehicle 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:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029;

(8) no development shall be carried out above slab level unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. Each phase of the development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority. **Reason:** In the interests of fire safety;

(9) prior to the occupation of the development hereby permitted, a scheme detailing the affordable housing provisions shall have been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

(a) the tenure split;
(b) the arrangements for the management of the affordable housing;
(c) the arrangements to ensure that such provision is affordable for

both first and subsequent occupiers of the affordable housing, or other alternative arrangements; and
(d) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
Reason: To meet the requirements of Policy H2 of the Warwick District Local Plan 2011 – 2029;

(10) a contribution of £22,320 in accordance with the contribution rates set out in the 'WDC Public Open Space Supplementary Planning Document April 2019'. For this development, the contribution figure reflects the enhancement costs of open space as set out in the guidance; namely, ten bedrooms in multiple bed dwellings at £2,232 per room. The contribution would be put towards further improvements of the public open space at The Holt;

(11) prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the District Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors; and
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation

measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

5) A verification report containing the data identified in (4).

Any changes to these components require the express consent of the District Planning Authority. The scheme shall be implemented strictly as approved.

Reason: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;

(12) the development hereby permitted (including any works of demolition) shall not commence unless and until a construction method statement has been submitted to and approved in writing by the local planning authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029; and

(13) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) 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.

18. W/19/0208 – Pheasant Lake, Birmingham Road, Wroxall

The Committee considered an application from Mr Leone for the erection of a detached garage.

The application was presented to Committee because Baddesley Clinton Parish Council supported the application and it was proposed to be refused.

The officer was of the opinion that the proposed building was considered to be inappropriate development within the Green Belt which was harmful by definition and by reason of harm to openness. There were no very special circumstances that outweigh harm identified.

Mr Kernon addressed the Committee, speaking in support of the application.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Ashford and seconded by Councillor Heath that the application should be refused for the reasons set out in the report.

The Committee therefore

Resolved that W/19/0208 be **refused** because in the opinion of the Local Planning Authority, the proposed new building constitutes inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. No very special circumstances are considered to exist which outweigh the harm identified. The proposed development is therefore contrary to the National Policy Framework and to Policy DS18 of the Warwick District Local Plan 2011-2029.

19. W/19/0519 – Red House Farm, Red House Farm Lane, Beausale

The Committee considered an application from Mr S Turner for the erection of a single storey side extension to existing detached garage including installation of 4kW solar PV installation on the South and West-facing roof slopes.

The application was presented to Committee because Beausale, Haseley, Honiley & Wroxall Parish Council had written in support of the application and it was proposed for refusal.

The officer was of the opinion that the proposal represented the extension of a building within the Green Belt that equated to an increase of approximately 160% over the floor area of the original building. This was considered to represent a disproportionate addition which was harmful by definition and by reason of harm to openness. There were considered to be no very special circumstances which existed that would outweigh the harm identified.

The proposal was considered to harm the setting of the Listed Building through the creation of a substantial increase in the built form of the outbuilding that would diminish the subservient nature of the existing building and compete for dominance within the site. The proposal was considered to amount to less than substantial harm but there were no public benefits which outweighed this harm.

Mr Turner addressed the Committee, speaking in support of the application.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Weber that the application should be refused for the reasons set out in the report.

The Committee therefore

Resolved that W/19/0519 be **refused** for the following reasons:

(1) in the opinion of the Local Planning Authority, the proposed development represents a disproportionate addition to the original building and therefore constitutes inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. No very special circumstances are considered to exist which outweigh the harm identified.

The proposed development is therefore contrary to the National Policy Framework and to Policy DS18 of the Warwick District Local Plan 2011-2029; and

(2) the proposed extension would result in an oversized ancillary building which would diminish the subservient appearance of the existing detached garage and introduce a dominant feature that would compete with the main Listed Building and would therefore have a detrimental impact upon its setting.

In addition, the construction of more built form on the site presents a greater sense of urbanisation of a rural site, which traditionally and historically has always been open countryside, causing harm to the setting of the listed building.

For the above reasons, the proposal is considered to represent harm to the setting of the Listed Building. The proposal results in less than substantial harm but there are considered public benefits that would outweigh the identified harm and the proposal is therefore contrary to Policy HE1 of the Local Plan and national guidance contained within the NPPF.

20. **W/19/0485 – 5 Sherbourne Court, Vicarage Lane, Sherbourne**

The Committee considered an application from Mr Smith for the installation of new windows and doors, replacement of existing French doors and installation of 4no. rooflights to the south, east and west elevations.

The application was presented to Committee because it was recommended for approval and an objection had been received from Barford, Sherbourne and Wasperton Parish Council.

The officer was of the opinion that the proposal comprised of a number of alterations to a former barn that were not considered to harm the character and appearance of the building and the wider Conservation Area. The proposal was therefore considered to comply with Local Plan Policy HE1, BE4, NPPF and the Council's adopted Barn Conversion guidance.

An addendum circulated at the meeting advised that following further consideration, Condition 4 outlined within the report was not necessary.

Following consideration of the report, presentation and information contained in the addendum, it was proposed by Councillor Morris and seconded by Councillor Kennedy that the application should be granted but without Condition 4 within the report.

The Committee therefore

Resolved that W/19/0485 be **granted** subject to the following conditions:

(1) the development hereby permitted shall 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);

(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) 5 Sherbourne Court - Proposed elevations, and specification contained therein, submitted on 20 May 2019. **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) 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.

21. **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 7.18pm)

CHAIRMAN
16 July 2019