# Planning Committee
**Tuesday 9 November 2021**

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa on Tuesday 9 November 2021, at 6.00pm and available for the public to watch via the Warwick District Council YouTube channel.

Councillor A Boad (Chairman)
Councillor T Morris (Vice Chairman)

Councillor M Ashford
Councillor R Dickson
Councillor O Jacques
Councillor J Kennedy
Councillor V Leigh-Hunt
Councillor C Quinney
Councillor N Tangri
Councillor J Tracey
Whitnash Residents Association Vacancy

## Emergency Procedure

At the commencement of the meeting, the emergency procedure for the Town Hall will be announced.

## Agenda
## Part A – General

1. **Apologies & Substitutes**

   (a) to receive apologies for absence from any Councillor who is unable to attend; and
   (b) to receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting.

2. **Declarations of Interest**

   Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

   Declarations should be disclosed during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

   Members are also reminded of the need to declare predetermination on any matter.

   If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

recycle When you have finished with this please recycle it
INVESTORS IN PEOPLE
disability confident EMPLOYER

3. **Site Visits**

The Chairman to report the location of the planning application sites visited and the names of the Committee Members who attended.

4. **Minutes**

To confirm the minutes of the Planning Committee meeting held 12 October 2021 **(Pages 1 to 24)**

5. **Report**

To confirm the report of the urgent delegated decisions meeting held on 21 October 2021 and agree to that report being appended to the minutes of this meeting. **(Pages 1 to 9)**

## Part B – Planning Applications

To consider the following reports from the Head of Development Services:

6. **W/20/1392 – 27 Upper Cape, The Cape, Warwick** **(Pages 1 to 3)**

7. **W/21/0657 – 2 Elizabeth Way, Kenilworth** **(Pages 1 to 3)**

8. **W/21/0802 – Land north of Bakers Lane, Knowle, Solihull**

This item has been withdrawn from the agenda as the Highways Authority have reviewed the proposal and requested further information from the applicant to assess impact on parking and highway safety.

9. **W/21/1263 – 9 Stoneleigh Close, Stoneleigh** **(Pages 1 to 5)**

## Part C – Other matters

10. **Appeals report** **(Pages 1 to 7)**

Please note:

(a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.

(b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.

(c) in accordance with the Council's Public Speaking Procedure, members of the public can address the Planning Committee meeting remotely by joining the remote meeting through their personal device on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please register online at Speaking at Planning Committee any time after the publication of this agenda, but **before 10.00am** on the working day before the day of the meeting and you will be advised of the procedure.

(d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.

(e) occasionally, items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's website, and where possible, the applicant and all registered speakers (where applicable) will be notified.

Published Monday 1 November 2021

General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ

Telephone: 01926 456114
E-Mail: committee@warwickdc.gov.uk

For enquiries about specific reports, please contact the officers named in the reports. You can e-mail the members of the Committee at planningcommittee@warwickdc.gov.uk

Details of all the Council's committees, councillors and agenda papers are available via our website on the Committees page

We endeavour to make all of our agendas and reports fully accessible. Please see our accessibility statement for details.

# The agenda is available in large print on request, prior to the meeting, by telephoning (01926) 456114

# Planning Committee

Minutes of the meeting held on Tuesday 12 October 2021 at the Town Hall, Royal Leamington Spa at 6.00pm.

**Present:** Councillor Boad (Chairman); Councillors Ashford, R. Dickson, Falp, Jacques, Kennedy, Leigh-Hunt, Morris, Quinney, Tangri and Tracey.

**Also Present:** Principal Planning Officer – Dan Charles; Principal Committee Services Officer – Lesley Dury; Legal Advisor – Caroline Gutteridge; and Business Manager – Development Management – Sandip Sahota.

Attendees at the meeting were invited to observe one minute's silence in remembrance of Councillor Tony Heath, the Council's Vice Chairman, who had passed away recently following illness.

97. **Apologies and Substitutes**

(a) There were no apologies for absence made.

(b) Councillor Falp substituted for the Whitnash Residents Association vacancy.

98. **Declarations of Interest**

Minute Number 101 – W/21/0675 – Abbotsfield House, 43 High Street, Kenilworth

Councillor Dickson declared an interest because he knew one of the objectors but had not spoken to them about the application.

Councillor Kennedy declared an interest because he was a member of Kenilworth Town Council, but he was not on the Town Council's Planning Committee and had not discussed the application with anyone at the Town Council.

Minute 102 – W/21/0900 – 21 Montrose Avenue, Lillington, Royal Leamington Spa

Councillor Falp declared an interest because she knew one of the public speakers, but she had not discussed the application with them.

99. **Site Visits**

Councillors Dickson, Jacques and Kennedy had all made independent site visits to:

W/21/0675 – Abbotsfield House, 43 High Street, Kenilworth.

100. **Minutes**

The minutes of the meetings held on 14 and 15 September 2021 were taken as read and signed by the Chairman as a correct record.

101. **W/21/0675 – Abbotsfield House, 43 High Street, Kenilworth**

The Committee considered an application from 2C design consultants for the formation of a new vehicular access to 43A High Street and the erection of a 1.8m height iron fencing.

The application was presented to Committee because more than five objections had been received, including an objection from Kenilworth Town Council.

The officer was of the opinion that the development proposals were considered to be in keeping with the character and appearance of the property and the surrounding Conservation Area. In addition, the proposals were not considered to present a harmful impact upon the amenity of the neighbouring properties in relation to parking stress. The proposals were also considered to have an acceptable impact on highway safety.

An addendum circulated at the meeting advised that the Committee report had not referred to the relevant Kenilworth Neighbourhood Plan which was KP13. KP13 related to the general design principles and stated that proposals should achieve an appropriate design standard whilst considering the design principles including heritage assets and their settings. Neighbourhood Plan Policy KP13H paid particular attention to design management in High Street. Regard should have been demonstrated for various design characteristics including the mix of area and building materials. Officers considered that the proposals were in keeping with the street scene and the Conservation Officer had not raised an objection.

The addendum also clarified the position on the distance between existing and proposed vehicular access. The distance was 0.5 metres less than standards set out in the WDC Parking Standards SPD, but it was considered that a small vehicle would be able to park between the two access points. The agent had provided supporting information in relation to parking and this was set out in the addendum.

Warwickshire County Council's Ecology Team had recommended two additional conditions should permission be granted, plus they had requested advisory notes relating to protected species be added.

Councillor Austin from Kenilworth Council addressed the Committee in objection to the proposals.

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 Tracey that the application should be granted.

The Committee therefore

**Resolved** that W/21/0675 be **granted** subject to:

(1) the following conditions:

| No. | Condition |
|---|---|
| (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) 2CD02014-AEND and specification contained therein, submitted on 12th July 2021 and approved drawing 2CD02014 /13 and specification contained therein, submitted on 12th 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; |
| (3) | no development shall be carried out above slab level unless and until large scale details of the fence at a scale of 1:5 (including details of materials) have been submitted to and approved by the 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) | the access to the site for vehicles shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety and to comply with Policy TR1 of the Warwick District Local Plan 2011-2029; |
| (5) | the development hereby permitted shall not commence until a detailed schedule of habitat and species enhancement measures has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation and enhancement measures |

| No. | Condition |
|---|---|
| | shall thereafter be implemented in full. **Reason:** To enhance the nature conservation value of the site and ensure no net biodiversity loss in accordance with the NPPF; and |
| (6) | no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedgerows to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2005, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered, or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** To protect trees and other features on site during construction. |

and

(2) advisory notes relating to protected species.

102. **W/21/0900 – 21 Montrose Avenue, Lillington, Royal Leamington Spa**

The Committee considered an application from Mrs Fairley-Dyer for the erection of a single-story outbuilding to provide a gym/garden room and storage space.

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

The officer was of the opinion that the scheme was acceptable, having regard to the impacts on the character of the street scene, neighbouring amenity and ecology.

An addendum circulated at the meeting advised that an additional advisory note be added should the application be granted to make it clear that the proposed use of the structure was considered to constitute a predominantly domestic function, ancillary to the main dwelling.

Mr Ballantyne addressed the Committee in objection to the application.

The Business Manager – Development Management advised Members that if there were to be a material change of use, then planning permission would be required. The application was for predominantly domestic use and if neighbours felt this was not happening, then they could contact the Council's Enforcement Team.

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

The Committee therefore

**Resolved** that W/21/0900 be **granted** subject to:

(1) the following conditions:

| No. | Condition |
|---|---|
| (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 approved site location plan drawing 'Garden Room Elevations, Garden Room Plan and section, Site Location Plan' submitted on the 10th May 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; and |

(2) an advisory note stating "The proposed use of the structure hereby permitted as set out in the application is considered to constitute a predominantly domestic function, ancillary to the main dwelling and has been deemed to be acceptable on this basis. A change of use is a matter of fact and degree dependent on the scale and impact of the operation. Should

future use of the structure be deemed to consolidate or intensify a commercial operation constituting a material change of use, planning permission would likely be required".

103. **W/21/0921 – Old Beams, Lapworth Street, Bushwood, Lowsonford**

The Committee considered an application from Mr and Mrs Jinks for a variation of Condition 2 (approved drawings) of planning permission ref: W/20/0668 (erection of a new dwelling) to increase the height of the dwelling by 600mm with associated reduction in ground level of 900mm.

The application was presented to Committee because an objection had been received from Rowington Parish Council.

The officer was of the opinion that the scheme complied with Policy H11 of the Warwick Location Plan, specifically criterion c) which sought to ensure that the site did not harm the integrity of the village where its loss would have had a harmful impact upon the local character and distinctiveness of the area.

The scheme was considered acceptable having regard to the impact on the character of the local area and Lowsonford Conservation Area, the impact on the setting of nearby Listed Buildings, the impact on the amenity of neighbouring properties and the impact on highway safety. The proposal was considered to constitute appropriate development in the Green Belt. Officers were also satisfied that the scheme would not result in harm to protected species.

An addendum circulated at the meeting advised that since the publication of the agenda, amended plans had been received to seek minor alterations to the fenestration details of the dwelling. There were no proposed changes to the overall footprint or scale of the dwelling.

The following people addressed the Committee:

- Councillor Henderson, Chairman of Rowington Parish Council which objected to the application. His speech was read out by the Principal Committee Services Officer because he was unable to attend in person because he was self-isolating under Covid 19 regulations; and
- Mr Jinks, the applicant.

Members were informed that the application was part retrospective.

(The meeting was adjourned at 6.55pm because of a technical fault with the PA system. This proved impossible to resolve so the decision was made to continue without the facilities offered by the PA system after confirming everyone present was comfortable to do so. The meeting reconvened at 7.22pm.)

Members noted that the application before them was to look at a change to a condition and that the change in the ground level would effectively ensure that the building had a reduced impact on the Green Belt.

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

The Committee therefore

**Resolved** that W/21/0921 be **granted** subject to the following conditions:

| No. | Condition |
|---|---|
| (1) | the development hereby permitted shall begin not later than three years from 23 October 2020 (the date of planning permission W/20/0668). **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 19-194.JIN-01 Rev C, 19-194.JIN-02 Rev C, 19-194.JIN-03 Rev C, , 19-194.JIN-04/1 Rev C, 19-194.JIN-05 Rev C, and specification contained therein, submitted on 25 August 2020 and approved drawings 19-194.JIN-04/0 Rev D, 19-194.JIN-06 Rev D, 19-194.JIN-07 Rev D and 19-194.JIN-08 Rev C and specification contained therein, submitted on 11 May 2021. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1, BE3 and HE1 of the Warwick District Local Plan 2011-2029; |
| (3) | the development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029; |
| (4) | the development hereby permitted shall be carried out strictly in accordance with the details of existing and proposed site levels on the application site as set out on drawing reference JIN-2265_BR 03 submitted to the Local Planning Authority on 10 May 2021. **Reason:** To ensure a satisfactory relationship |

| No. | Condition |
|---|---|
| | 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; |
| (5) | the development hereby permitted shall be carried out strictly in accordance with the approved Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work together with the associated Archaeological Mitigation Strategy document. Following these works, a report detailing the results of the fieldwork shall be thereafter deposited to the archaeological archive. The development, and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved documents, shall be undertaken in accordance with those documents. **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 accordance with Policy HE4 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. **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; |
| (7) | no development shall be carried out above slab level unless and until large scale details of doors, windows (including 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 Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such |

| No. | Condition |
|---|---|
| | 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; |
| (8) | no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced until tree and hedge protection in accordance with British Standard BS5837- 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) on the site, or those tree(s) whose root structure may extend within the site and which are within the Lowsonford Conservation Area has been provided on site and shall be retained for the duration of the development. In addition, 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 protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected 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 that 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 NE1 of the Warwick District Local Plan 2011-2029; |
| (9) | no development above slab level shall commence until details of both hard and soft 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 |

| No. | Condition |
|---|---|
| | 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. **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; |
| (10) | the existing access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for the first 5 metres of its length. **Reason:** In the interest of highway safety having regard to Policy TR1 and TR3 of the Warwick Local Plan 2011-2029; |
| (11) | the development shall not be occupied until a turning area has been provided within the site so as to enable a car to leave and re-enter the public highway in a forward gear and thereafter shall be retained in perpetuity. **Reason:** In the interest of highway safety having regard to Policy TR1 and TR3 of the Warwick Local Plan 2011-2029; |
| (12) | 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 |

| No. | Condition |
|---|---|
| | 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. **Reason:** 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; |
| (13) | 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). **Reason:** 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; |
| (14) | noise arising from the air source heat pump hereby permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby |

| No. | Condition |
|---|---|
| | properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; and |
| (15) | notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 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 the dwellinghouse hereby permitted. **Reason:** That having regard to the design, layout and general nature of the proposed development it is important to ensure that no further development is carried out which would detract from the appearance of the area and affect the amenity of adjacent properties. |

104. **W/21/0643 – 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 the development of up to 2,500 dwellings (C3); 4,000 sq.m. of mixed use floorspace (A1, A2, A3, A4, A5, B1, C1, D1 and D2); primary school; secondary school, open space, and associated infrastructure.

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

The officer was of the opinion that the Committee should agree to the sought revisions to the S106 agreement to assist officers to bring the discussions on the Section 106 agreement to a conclusion and to issue the decision.

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

The completion of the agreement was now imminent. However, there was a discrepancy with the contribution request from South Warwickshire Clinical Commissioning Group that needed to be addressed.

Following consideration of the report, it was proposed by Councillor Morris and seconded by Councillor Quinney that delegated authority should be given to the Head of Development Services to agree and finalise the revision to the Section 106 agreement.

The Committee therefore

**Resolved** that in respect of W/21/0643 authority be delegated to the Head of Development Services to agree and finalise the revision to the Section 106 agreement as follows:

| No. | Details of Change |
|---|---|
| (1) | the original Committee report for this application identified a contribution of £1,710,755 and 0.501ha of land towards an on-site health centre or £1.283,113 for off-site expansions / improvements. The requirements for on-site provision have since been changed to a contribution of £1,440,052 and 0.75 acres of land. |

105. **W/21/1165 – Land at the corner of Ramsey Road and St Mary's Road, Royal Leamington Spa**

The Committee considered an application from Deeley Homes for the demolition of existing industrial units, erection of 15 no. dwellings (use Class C3) together with associated vehicular access, parking and landscaping.

The application was presented to Committee because the recommendation was that planning permission should be granted subject to the completion of a Section 106 agreement.

The officer was of the opinion that the development of the site for the construction of 15 dwellings was considered to be acceptable in principle in accordance with Local Plan Policies H1 and DS11.

The proposals would ensure appropriate levels of amenity for neighbouring dwellings whilst also providing positive and suitable living conditions for future occupants. The proposals would have a positive impact on the character and appearance of the area and were considered to be acceptable in terms of car parking and highway safety. The development would not result in an impact on the setting of the heritage asset of the Canal Conservation Area. The development was therefore considered acceptable in this regard.

Furthermore, the proposals were considered to be acceptable in ecological terms and there were a number of necessary and relevant conditions recommended in the event permission was forthcoming which would ensure that any possible impacts of the development were adequately mitigated.

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 should be granted subject to the signing of a Section 106 Agreement to secure the relevant obligations.

The report gave details of financial contribution requests that had been received, with the addendum, issued subsequently giving further details. At the time of the meeting, the following financial contribution requests had been received:

| | |
|---|---|
| Outdoor Sporting Contribution | £1,059 |
| Indoor Sporting Contribution | £11,787 |
| Grass Pitch Contribution | £16,530 |
| Off-site Open Space Contribution | £73,656 *towards Eagle Recreation Ground, Newbold Comyn and / or Leam Valley Nature Reserve* Improvements |
| Doctors Surgeries | £0 |
| Hospitals | £0 |
| Footpath Improvements | £tbc |
| Libraries | £tbc |
| Education | £tbc |
| Sustainable Travel Promotion | £150 *towards the provision of sustainable Travel packs for each dwelling* |
| Monitoring (County) | £250 |
| Monitoring (WDC) | £tbc |
| Road Safety Initiatives | £750 *to support road safety initiatives within the local community* |

Plus

- 40% Affordable Housing; and
- Local Labour Agreement

Members expressed disappointment that the affordable housing units were all at one end of the site and preferred that they be more spread out "pepper potting". They also requested that a sustainability condition be added and that this should become a standard condition on planning consent because the Council had committed to making all new social housing net carbon zero.

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

The Committee therefore

**Resolved** that W/21/1165 be **granted** subject to:

(1) a Section 106 agreement to secure the necessary financial contributions / obligations as set out in the report and addendum and a requirement for an amended drawing relating to the location of the affordable housing.

Authority is 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 alterations to the final list of conditions.

Should a satisfactory Section 106 agreement not have been completed within four months from the date of the Planning Committee meeting and there is no ongoing progress towards the satisfactory completion of the Section 106 agreement, authority is delegated to the Head of Development Services to refuse planning permission on grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement;

(2) a note relating to cycle parking for the maisonettes; and

(3) the following conditions:

| No. | Condition |
|---|---|
| (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) 4004-05D, 4004-10B, 4004-11B, 4004-12C and ZLA-1015-L200-B, and specification contained therein, submitted on 16 June 2021 and approved drawings EW1051-01-P1 and EW1051-02-P2 and specification contained therein, submitted on 12 August 2021.<br><br>**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) | prior to the commencement of the development hereby approved (including all demolition and all preparatory work), an arboricultural method statement (AMS) and a tree protection plan (TPP) in accordance with BS 5837:2012, shall be submitted to and approved in writing by the Local Planning Authority for the protection of the retained trees. |

Specific issues to be considered in the AMS and TPP shall include, without being limited to:

a) The location and installation of services/utilities/drainage above- and below-ground.
b) Methods of demolition within the root protection area (RPA as defined in BS 5837:2012) of the retained trees
c) Details of construction within the RPA or that may impact on the retained trees.
d) Recommendations for the specification for the construction of any roads, parking areas and driveways that encroach over RPA's of off-site trees and the retained trees within the site, including the extent of those areas to be constructed using a no-dig specification.
e) A recommendation for protective measures to safeguard the off-site trees and the retained trees within the site during both demolition and construction phases, those control measures to be shown on a plan with offsets from fixed points to confirm the alignment of any protective fencing and the extent of any ground protection.
f) A recommendation for ground protection measures where scaffolding will be erected within the RPA or which will affect retained trees' canopies.
g) A recommendation for ground protection measures where cranes will be installed within the RPA or which will affect retained trees' canopies (if appropriate).
h) A specification and schedule of tree pruning work to allow the crane to operate effectively (if appropriate).
i) Recommendations for site set up (to include access, internal roads, contractor parking, on-site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste, as well as the delivery or mixing of concrete) and suitable control measures to protect the retained trees from harm from those facilities or activities.
j) Details of 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.

k) Methods to improve the rooting environment for retained and proposed trees and landscaping.

The development thereafter shall be implemented in strict accordance with the approved details and the control measures shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

**Reason:** 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;

(4) the development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; site working hours and delivery times; 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, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP.

**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;

(5) with the exception of demolition works, no development shall take place until: -

1. A site investigation has been designed for the site using the information obtained from the approved desk-top / preliminary study and any diagrammatical representations (conceptual model). The investigation must be comprehensive enough to enable:

    - A risk assessment to be undertaken relating to human health
    - A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
    - An appropriate gas risk assessment to be undertaken
    - Refinement of the conceptual model
    - The development of a method statement detailing the remediation requirements

1.a) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.

1.b) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the local planning authority prior to the remediation being carried out on the site.

2. All development of the site shall accord with the approved method statement.

3. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.

4. Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

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

(6) the development hereby permitted shall not commence until a Construction and Environmental Management Plan (CEMP) in accordance with the British Standard on Biodiversity BS 42020:2013 has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition, appropriate working practices and safeguards for habitats, such as indirect impact to the Grand Union Canal, to be employed whilst works are taking place on site. The compound area should be allocated and illustrated in a site layout within the plan. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

**Reason:** To ensure that protected species and habitats to be retained are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005;

(7) the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan (LEMP) has 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, wildflower grassland creation, tree/hedgerow planting, provision of habitat for protected/notable species. Such approved measures shall thereafter be implemented in full.

**Reason:** To ensure a net biodiversity gain in accordance with NPPF;

(8) no development shall take place until a detailed lighting scheme has been submitted and agreed between the applicant and the local planning authority.

In discharging this condition the District Planning Authority expects lighting to be restricted next to the broadleaved woodland, around the boundary edges/hedgerows, around the veteran oak tree, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

• Lighting should be directed and shielded to avoid spillage onto vegetated areas
• The brightness of lights should be as low as legally possible
• Lighting should be timed to provide some dark periods
• Connections to areas important for foraging should contain unlit stretches

**Reason:** To ensure that protected species and habitats to be retained are not harmed by the development in accordance with

National Planning Policy Framework (NPPF), ODPM Circular 06/2005;

(9) 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;

(10) no dwelling shall be occupied until the estate road [including footways] serving it has been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority.

**Reason:** 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;

(11) the proposed development shall proceed in strict accordance with the noise mitigation measures contained within the Hoare Lea Baseline Noise Assessment report (Revision 1, dated 1st June 2021). Once implemented, the approved noise mitigation measures shall be retained thereafter.

**Reason:** 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;

(12) 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).

**Reason:** 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;

(13) the development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works indicated on the approved drawings.

**Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029;

(14) 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.

**Reason:** 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;

(15) any hard landscaping shown on the approved plans, including boundary treatment, paving and footpaths, shall be completed in all

respects within the 6 months of the first use of the development hereby permitted. Any soft landscaping shown on the approved plans, including any tree(s) and shrub(s), shall be planted within the first planting season following that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of the same size and species to those originally required to be 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 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;

(16) the development hereby permitted 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:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029;

(17) 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

(18) a condition relating to sustainability.

106. **TPO 570 – Land between 8 and 10 Jasmine Grove, Royal Leamington Spa**

The Committee considered an application to confirm a provisional tree preservation order (TPO) relating to an ash tree because objections had been made about it being confirmed.

The officer considered that the issues raised in objection to the TPO were not sufficient to outweigh the significant amenity contribution which the ash tree made to the surrounding area and therefore recommended that the TPO should be confirmed.

Following consideration of the report and presentation, it was proposed by Councillor Tracey and seconded by Councillor Jacques that the TPO should be confirmed.

The Committee therefore

**Resolved** that officers be authorised to confirm TPO 570.

(The meeting ended at 7.52pm)

CHAIRMAN
9 November 2021

# Urgent Delegated Planning Decisions

Report of the remote meeting held on Thursday 21 October 2021 at 6.00pm, which was broadcast live via the Council's YouTube channel.

**Present:** Councillor Boad (Chairman); Councillors, Ashford, R. Dickson, Jacques, Kennedy, Leigh-Hunt, Margrave, Morris, Quinney, Tangri, and Wright.

**Also Present:** Legal Advisor – Samantha Amphlett; Committee Services Officers– Rob Edwards and Sophie Vale (observing), Principal Planning Officer – Rebecca Compton, Manager – Development Services – Gary Fisher.

At the start of the meeting the Chairman explained that on 12 October, a significant technical issue occurred with the audio system at the Town Hall. This required significant technical investigation into the problem, which, at the time of this meeting, had not been resolved. In anticipation of this at Council the night before, it was agreed that delegated authority be given to the Development Manager to determine these applications subject to the views the Planning Committee provided to them in a vote at a remote meeting.

The Council took this decision because it recognised the exceptional circumstances it was faced with and that it was unfair on applicants by deferring the applications any further.

The process would be for each application to have a presentation from the Planning Officer. Next, registered speakers would be invited to address the Committee.

Following the registered speakers, the Committee then debated the application. During the debate, members raised technical questions and issues to which the Planning Officers or advisors responded.

The Committee would then take an indicative vote on each application which would be taken into account by the Development Manager when making the decision, which he then confirmed to the Committee in writing the morning of 22 October 2021 prior to the notification of the decisions being published, which would be appended to this report.

## 1. Apologies and Substitutes

(a) there were no apologies for absence made; and
(b) Councillor Margrave substituted for the Whitnash Residents Association vacancy, and Councillor Wright substituted for Councillor Tracey.

## 2. Declarations of Interest

Minute Number 5 – W/21/0856 – Tantara Lodge, Coventry Road, Stoneleigh, Coventry

Councillor Wright declared an interest because the application was in his ward. Although the Chairman advised that this did not constitute an interest, Councillor Wright left the meeting whilst the application was considered.

Minute number 8 – W/21/1230 – 26 Ladycroft, Cubbington, Royal Leamington Spa

Councillor Wright declared an interest because he knew the architect of the above property. He left the meeting whilst the application was considered.

3. **Site Visits**

To assist with decision making, Councillors Dickson and Jacques visited the following application sites independently:

W/21/0856- Tantara Lodge, Coventry Road, Stoneleigh, Coventry.

4. **W/21/0649 – The Thistle Estate, Red Lane, Burton Green, Kenilworth**

The Committee considered an application from Mr and Mrs Chohan and Bibi for the demolition of an existing bungalow, erection of single storey extension to and change of use of existing outbuilding to a dwelling and erection of a new garage block.

The application was presented to Planning Committee due to the number of objections and an objection from Burton Green Parish Council having been received.

The Officer was of the opinion that the proposed development constituted appropriate development in the Green Belt, would not result in harm to openness, the character and appearance of the street scene nor have a harmful impact on the amenity of neighbouring properties. The development was therefore considered acceptable and was recommended for approval, subject to conditions.

An addendum circulated prior to the meeting advised that Condition 4 (demolition) was revised to allow the applicant 6 months to demolish the existing dwelling following first occupation of the proposed dwelling. The condition also required the existing bungalow to remain vacant once the new dwelling was occupied. The addendum also advised the following:

- Neighbourhood plan policy 2: New dwellings in Development Boundary, stated that proposals for new dwellings would be supported in principle subject to being in accordance with other policies in the plan.
- Neighbourhood plan policy 3: Responding to Local Character, stated that all new development should have regard to local character ensuring that new buildings and modifications to existing ones have sympathetic regard to their immediate setting and to the character of that part of the village.

Officers were satisfied that the development would not have a harmful impact on local character, the street scene was mixed with a range of styles and design and the proposed dwelling was of a good design. The proposals were therefore considered to comply with the Burton Green Neighbourhood Plan.

The following people addressed the Committee:

- Mr Cotterill, objecting;
- Mr Morgan; supporting; and
- Councillor Illingworth, District Councillor, speaking in objection.

In response to questions from Members, the Development Services Manager suggested that conditions on noise abatement measures and minimising the carbon impact of the pool could be added. The Legal Advisor supported this suggestion, stating that these can both be implemented as conditions.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Jacques and seconded by Councillor Quinney that the committee should form a view that the application be granted.

On being put to the vote, the Councillors present were of the view that the Development Manager should **grant** W/21/0649 subject to the conditions in the report and addendum, and subject to additional conditions relating to i. sustainability/energy conservation and ii. the mitigation of noise levels – the specific wording of the conditions to be agreed by officers.

(Councillor Kennedy left the meeting during this item.)

5. **W/21/0856 – Tantara Lodge, Coventry Road, Stoneleigh, Coventry**

The Committee considered an application from Mr Reay for the retention of solar panels on front roof slope (retrospective).

This application was presented to Planning Committee as Stoneleigh Parish Council supported the proposals, and the application was recommended for refusal.

The Officer was of the opinion that the solar panels detracted from the character and integrity of the listed gate lodge and the registered park. There were no public benefits to outweigh this harm. Therefore, it was recommended that planning permission is refused.

An addendum circulated prior to the meeting advised that Councillor Kohler had concerns that the proposals and recommendation for refusal did not take the Climate Emergency into consideration and it could have been viewed that the proposals undermine WDC's Climate Emergency Action Plan.

As stated in paragraph 202 of the NPPF where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Officers considered that domestic solar panels would bring some benefits in respect of the climate emergency, such as the contribution of sustainable energy. However due to the scale of the proposals the benefits would be limited and would not outweigh the harm to the heritage asset.

Update to report - planning history

The following planning history has been added as it was not included in the original report:

- W/03/0235 - Erection of a two-storey side/rear extension and a triple detached garage. Permission granted May 2004.
- W/03/0236/LB - Erection of a two-storey side/rear extension and a triple detached garage. Permission granted May 2004.

The following people addressed the Committee:

- Mr Frampton, supporting; and
- Councillor Kohler, District Councillor, speaking in support.

In response to questions from Members, the Development Services Manager highlighted the reasons for the recommendation for refusal. However, Members felt that the addition of solar panels did not represent any significant further harm to the heritage asset.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Ashford and seconded by Councillor Jacques that the application be granted.

The Committee therefore

> On being put to the vote, the Councillors present were of the view that the Development Manager should **grant** W/21/0856 subject to the conditions in the report and addendum.

(Councillor Dickson left the meeting during this item.)

6. **W/21/0277 – Heritage House, 3 Millers Road, Warwick**

The Committee considered an application from Mr S Thadwal for the part removal/demolition of offices and the addition of roller shutter to factory to create a covered loading bay and enlarged dropped kerb and gates. Also, the installation of external cladding.

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

The Officer was of the opinion that the proposals would not adversely impact on the character of the street scene or surrounding area and would not add to the existing parking pressures in the area. The proposals were therefore considered to be acceptable and in accordance with the policies listed.

An addendum circulated prior to the meeting advised that Condition 2 (plan numbers) was updated to reflect the most recent proposed drawing.

The following people addressed the Committee:

- Mr Kilbee, objecting. His speech was read out by the Committee Services Officer because he was unable to attend the remote meeting.

In response to questions from Members, the Principal Planning Officer stated that no comments or objections had been received from Warwick Town Council.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Quinney and seconded by Councillor Wright that the application be granted.

The Committee therefore

> On being put to the vote, the Councillors present were of the view that the Development Manager should **grant** W/21/0277 subject to the conditions in the report and addendum**.**

7. **W/21/0939 – The Old Leper Hospital/Chapel/Master's House, Saltisford, Warwick**

The Committee considered an application from West Midlands Historic Building Trust for the conservation, repair, and alteration of the existing listed Master's House to provide a two-bed dwelling with contemporary building services, to include partial demolition of the south wing and the extension of a larger south wing. Proposals include the deconstruction, repair and reconstruction of unstable structural elements of the Master's House. The conservation, repair, and alteration of the listed St Michael's Chapel to provide a one bed dwelling with contemporary building services. The proposal also includes the construction of a new three storey apartment block to the north of the site with 8no. one bed dwellings together with associated hard and soft landscaping and proposed access.

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

The Officer was of the opinion that the proposal would ensure the optimum viable use of two listed buildings, through the provision of a high-quality development, which delivered high levels of amenity for the future occupiers via generous, well landscaped gardens, in a sought after edge of town centre location. The proposal delivered an acceptable level of parking and would not impact detrimentally on neighbouring amenity. The development should therefore be approved.

An addendum circulated prior to the meeting advised the following:

Officers' recommendation

The Council were awaiting a final response from the LLFA on flooding issues. The LLFA were satisfied that a detailed scheme could be secured via condition however they requested assurances that the proposed surface water drainage proposals would be a viable option. This information was provided to the LLFA and officers were awaiting their final response. Officers recommended committee to delegate authority to the Head of Development Services in consultation with the Chair of Planning Committee to finalise the terms of the Section 106 agreement and officers also ask that this included the delegated authority to address any flooding issues.

Consultation responses

Environmental Health raised an objection to the conversion of the Chapel to a residential dwelling on the grounds that the noise levels from Saltisford would exceed the WHO guidelines for community noise. Whilst the average noise levels across the night would fall within the guidelines, there were instances during the night-time period when these guidelines were exceeded.

Officers were mindful of concerns regarding noise; however, officers were also mindful of the fact that the scheme would secure the long-term viable use of two Grade II* listed buildings and would secure the restoration of the Master's House that was in a serious state of disrepair. The benefit of bringing these heritage assets back into a viable use should be afforded substantial weight and given that on average the noise levels could be achieved, officers were satisfied that the scheme is acceptable.

Highways

A Traffic report was submitted to the LPA following the committee report to consider traffic and parking generated by the development. The report concluded that traffic generation and parking requirement would be low and would not create highway safety issues, in line with the response from the Highways Authority. The Traffic Report also proposed measures to manage traffic at the new access including new road markings and highway signage and an automated barrier at the main entrance. A condition was added to ensure the measures within the report were complied with to protect the amenity of neighbouring uses, the condition would read as follows:

*The development hereby permitted shall not be occupied until the physical measures described in the Transport and Highways Technical Report dated October 2021 ("the Report") have been implemented in full and a Communication and Enforcement Strategy as proposed in the Report ("the Strategy") has been submitted to and approved in writing by the Local Planning Authority. The signage, markings and information provided in accordance with the Report within the development hereby permitted shall be maintained in good condition and the Strategy shall be observed at all times.*

Sustainability

Local Plan policy CC1 required all developments to be designed to be resilient to and adapt to the future impacts of climate change.

Improving energy efficiency for the existing listed buildings would be limited due to potential impacts on the integrity of the historic fabric. The

applicant put forward that thermal efficiency for the new apartment building would be maximised through a 'fabric first' approach, improving upon the current Building Regulations requirements.

Update to conditions

Condition 2 (plan numbers) was updated to include all submitted proposed plans.
Condition 23 was added to secure the measures set out in the Traffic Report.

In response to questions from Members, the Development Services Manager stated that the Council were pushing sustainability as far as reasonably possible. He suggested that we encourage this further through the addition of a note detailing how the application could be made even more sustainable.

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

The Committee therefore

> On being put to the vote, the Councillors present were of the view that the Development Manager should **grant** W/21/0939 subject to the conditions in the report and addendum, and subject to an additional note relating to potential sustainability measures- the specific wording of the note to be agreed by officers.

8. **W/21/1230 – 26 Ladycroft, Cubbington, Royal Leamington Spa**

The Committee considered an application from Mr B Faulkner for the erection of side and rear extensions and roof dormer at the rear.

The application was presented to Committee due to an objection from the Parish having been received as well as more than 5 public representations contrary to recommendation.

The Officer was of the opinion that the proposed extension was sufficiently subservient and made a clear improvement to the quality of the street scene over and above the existing. The objectionable parts of the proposals referred to in the dismissed appeal were removed from the plans. The proposals had an acceptable impact on the amenity of neighbouring occupiers. The proposals complied with Local Plan Policies BE1, BE3, TR3 and the Residential Design Guide and Parking Standards SPD.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Quinney that the application be granted.

The Committee therefore

On being put to the vote, the Councillors present were of the view that the Development Manager should **grant** W/21/1230 subject to the conditions in the report.

(The meeting ended at 8.34 pm)

CHAIRMAN
9 November 2021

# Urgent Delegated Planning Decisions

**Thursday 21 October 2021**

**Note: This is a summary of decisions and is not the formal minutes of the Urgent Delegated Planning Decisions. It is intended to give early notice of the decisions taken.**

## Part A – General

1. **Apologies and Substitutes** – to be detailed in the minutes.
2. **Declarations of Interest -** to be detailed in the minutes.
3. **Site Visits –** to be detailed in the minutes.

## Part B - Planning Applications

4. **W/21/0649 – The Thistle Estate, Red Lane, Burton Green**

The application was granted in accordance with the officer recommendation made in the report and addendum, and additional conditions relating to

i. sustainability/energy conservation; and
ii. the mitigation of noise levels – the specific wording of the conditions to be agreed by officers.

6. **W/21/0856 – Tantara Lodge, Coventry Road, Stoneleigh**

The application was granted contrary to officer's recommendation because it was considered that in this particular set of circumstances, the public sustainability benefits of the solar panels were not outweighed by the harm to heritage assets.

5. **W/20/0277 – Heritage House, 3 Millers Road, Warwick**

The application was granted in accordance with the recommendation made in the report.

7. **W/21/0939 – The Old Leper Hospital / Chapel Master's House, Saltisford**

Following the receipt of the final consultation response comments from the Local Lead Flood Authority and the completion of the S106 agreement, planning permission is to be granted in accordance with the officer recommendation set out in the report and addendum with an additional sustainability condition and a note reflecting the desire for the new build element and heating infrastructure to aim to be carbon zero.

8. **W/21/1230 – 26 Ladycroft, Cubbington**

The application was granted in accordance with the recommendation made in the report and addendum.

**Planning Committee:** 9 November 2021 **Item Number:** 06

**Application No:** W 20 / 1392

**Registration Date:** 02/10/20
**Town/Parish Council:** Warwick **Expiry Date:** 01/01/21
**Case Officer:** Helena Obremski
01926 456531 Helena.Obremski@warwickdc.gov.uk

**27 Upper Cape, The Cape, Warwick, CV34 5DS**
Demolition of existing dwelling and erection of 15no. residential apartments and associated parking and amenity areas FOR Hamble Associates Ltd

---

This application was refused under delegated powers on 25th February 2021. An appeal has been submitted against the Council's decision to refuse the application and is currently under consideration by the Planning Inspectorate.

One of the reasons for refusal was the lack of submission of a legal agreement to secure the necessary planning obligations to make the development acceptable.

In order to overcome this reason for refusal, the appellant has submitted a S106 agreement, which has been agreed with the Council's Legal Services team. In accordance with the Council's scheme of delegation, it is necessary for Planning Committee to authorise the agreement before it can be sealed.

Planning Committee are therefore recommended to authorise the S106 agreement.

## RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- H2 - Affordable Housing
- H4 - Securing a Mix or Housing
- DM1 - Infrastructure Contributions

Guidance Documents

- Open Space (Supplementary Planning Document - April 2019)
- Affordable Housing (Supplementary Planning Document - June 2020)

## SUMMARY OF RELEVANT REPRESENTATIONS

**Cultural Services:** No objection, subject to contributions of £963 towards improvements to outdoor sports, £11,787 towards improvements to indoor sports and £23,700 towards improvements to grass pitches.

**WCC Infrastructure:** No objection, subject to financial contributions of £593.73 towards improvements to public rights of way; £150 towards sustainable travel promotion; £750 towards road safety initiatives; and a monitoring fee of £450.

**WCC Public Rights of Way:** No objection, public bridleway WB4 runs along the section of the Cape Road adjacent to the application site but does not appear to be directly affected.

**Open Space:** No objection, subject to contribution of £61,612 towards the improvement of local public open spaces.

**South Warwickshire Foundation Trust:** No contributions required.

**Housing:** No objection.

**Public Responses:** 3 Objections: insufficient number of affordable housing units.

## THE SITE AND ITS LOCATION

The application site currently benefits from one residential dwelling which faces at a 90 degree angle from the main highway. It is a brick built property, and the rest of the site serves as a parking area and garden for the dwelling. The dwelling is accessed from a shared service road with an industrial site to the north east and west of the application site. The industrial site is occupied by Maxi Group Ltd, a haulage company which operates 24 hours a day, 365 days a year without restriction.

Opposite to the application site is an area of wooded open space and nearby junction with Wedgenock Lane where further industrial sites are located. To the south east of the site, the Grand Union Canal crosses under Cape Road, and further along there are a mix of two and three storey residential dwellings and apartment blocks fronting the highway, with a modern wharf development behind which backs onto the canal. Since the determination of the previous applications, the application site now lies within the adopted Canal Conservation Area boundary.

## DETAILS OF THE DEVELOPMENT

Demolition of existing dwelling and erection of 15no. residential apartments and associated parking and amenity areas.

## ASSESSMENT

Only the proposed S106 agreement associated with the application can be considered at this time. The required planning obligations are as follows:

- provision of 6 no. units of affordable housing;
- a contribution of £63,612 towards public open space;
- a contribution of £963 towards outdoor sports facilities;
- a contribution of £11,787 towards indoor sports facilities;

- a contribution of £23,700 towards grass pitch improvements;
- a contribution of £36,828 towards off site mitigation for private amenity areas;
- a contribution of £2,379 towards section 106 monitoring costs (WDC);
- a contribution of £150 towards sustainable travel promotion;
- a contribution of £750 towards road safety; and
- a contribution of £593.73 towards public rights of way improvements;
- monitoring fee for WCC of £450

The proposed affordable housing provision (6 units) is in accordance with the Council's Housing departments requirements, who have no objection to the proposed development. Members of the public objected to the number of proposed affordable units, however, this represents a policy compliant provision of affordable units.

The proposed financial contributions are in accordance with the requests from the various consultees in relation to the relevant services. It is considered that these contributions would adequately mitigate the impact of the development on these services.

It is considered that the above section 106 provisions meet the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations, i.e. they are considered necessary to make the development acceptable in planning terms, they are directly related to the development, and they are fairly and reasonably related to the development in scale and kind.

The appellant has agreed to all of the above contributions which are included in the legal agreement. Therefore, it is recommended that the Planning Committee authorise the S106 agreement. This would in no way prejudice the Council's decision to refuse the application or ability to defend the remaining reasons for refusal of the application.

**Planning Committee:** 15 September 2021 **Item Number:** 07

**Application No:** W 21 / 0657

**Registration Date:** 09/06/21
**Town/Parish Council:** Kenilworth **Expiry Date:** 04/08/21
**Case Officer:** Jack Lynch
01926 456528 jack.lynch@warwickdc.gov.uk

**2 Elizabeth Way, Kenilworth, CV8 1QP**
Erection of timber fence (retrospective application) FOR Mr P Homer

---

This application is being presented to Planning Committee due to the number of supporting comments received.

## RECOMMENDATION

Planning Committee is recommended to refuse this application for the reason set out at the end of this report.

## DETAILS OF THE DEVELOPMENT

Retrospective planning permission is sought for the erection of a 1.9m high timber fence which extends 22m in length along the boundary of the side (east) garden of the property and the footpath on Elizabeth Way. The fence replaces a modest hedge.

## THE SITE AND ITS LOCATION

The application property is the first bungalow on the right-hand side as one enters Elizabeth Way. It is a prominent location and the property benefits from a large side garden. With the exception of the two properties on Castle Hill which have rear gardens into Elizabeth Way, this short cul-de-sac is open plan in character giving it a pleasant open feel.

## PLANNING HISTORY

There is no relevant planning history.

## RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Kenilworth Neighbourhood Plan (2017-2019)

- KP13 - General Design Principles

## SUMMARY OF REPRESENTATIONS

**Kenilworth Town Council:** Raised no objection, but Members noted the open aspect of other neighbouring gardens and commented that this fence could adversely affect the streetscene.

**Public Response:** Seven objections have been received on grounds of harm to the character and visual amenity of the street scene. Eight comments of support have been received on grounds of improvement of the boundary compared to the previous hedge.

## ASSESSMENT

Impact on the amenity of neighbouring uses

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The location of the property and the position of the proposed fence means that no material harm in terms of amenity is considered to result from the scheme. It is therefore considered that the proposal is in accordance with Local Plan Policy BE3.

Design and impact on the character and appearance of the streetscene

Paragraph 130 of the National Planning Policy Framework (NPPF) states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. Local Plan Policy BE1 states that development will be permitted where it harmonises with and improves the character of the surrounding area. Kenilworth Neighbourhood Plan Policy KP13 states that proposals should achieve a standard of design that is appropriate to the local area and that proposals should have a positive response to the site characteristics and surroundings.

Whilst noting the fencing at the properties fronting Castle Hill, in the context of what is largely an open plan cul-de-sac with soft landscaping providing boundary treatments creating a pleasant open character, it is considered that the fence the subject of this application at 1.9m in height and 22m in length and relating to a property within the cul-de-sac itself, results in harm to the character and appearance of the streetscene. The fence is considered to be a hard and dominating feature out of keeping with the character and appearance of the streetscene and is contrary to the aforementioned policies.

## Conclusion

It is considered that the development is contrary to Local Plan Policy BE1 and the Kenilworth Neighbourhood Plan Policy KP13 and constitutes a poor design solution resulting in harm to the streetscene. It is therefore recommended that planning permission is refused.

**REFUSAL REASON**

1 The NPPF places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design.

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. In addition, Kenilworth Neighbourhood Plan Policy KP13 states that proposals should achieve a standard of design that is appropriate to the local area. It also states that proposals should have a positive response to the site characteristics and surroundings.

In the opinion of the Local Planning Authority the proposal is out of keeping with the character and appearance of Elizabeth Way and by reason of a combination of the height, length and solid form, the proposed boundary treatment results in harm to the streetscene.

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

---

**Planning Committee:** 09 November 2021 **Item Number:** 8

**Application No:** W 21 / 0802

**Registration Date:** 19/06/21
**Town/Parish Council:** Lapworth **Expiry Date:** 14/08/21
**Case Officer:** Lakeisha Peacock
01926 456545 lakeisha.peacock@warwickdc.gov.uk

**Land north of Bakers Lane, Knowle, Solihull, B93 8PT**
Construction of new canal side moorings at Helmsley Court Farm, Bakers Lane, Knowle with associated access and parking arrangements for the provision of 13 car parking spaces (part-retrospective application) FOR Mr Flaherty

---

The application is being present to Planning Committee due to objections from Lapworth Parish Council and Chadwick End Parish Council and the number of objections received from members of the public.

## RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report.

## DETAILS OF THE DEVELOPMENT

The application seeks retrospective planning permission for the construction of new canal side moorings at Helmsley Court Farm, Bakers Lane.

The proposal includes the construction of new canal side moorings with associated access and parking arrangements for the provision of 13 car parking spaces.

For the avoidance of doubt, the application differs from that granted in 2010 be way of the location of the moorings (approximately 36 metres further south from the existing canal bridge), a slight extension in the length of the proposed moorings (approximately 6 metres) and revised access and parking arrangements. Works associated with the current application have been carried out since the granting of permission since 2010 and as such the application is considered to be retrospective.

The wider application site has planning permission for a forestry business.

## THE SITE AND ITS LOCATION

The application site contains a parcel of land located to the north side of Bakers Lane, fronting onto the Grand Union Canal and the Black Boy Public House, Knowle, Solihull. To the north of the site is the existing Canal Club. Vehicular access is provided to the south off Bakers Lane, with pedestrian access provided across the existing canal bridge via a footpath link.

The application site is located with land designated as Green Belt, located between Knowle and Chadwick End.

## PLANNING HISTORY

W/10/0135: Construction of new canal side moorings and spreading of spoil onto adjoining land. Granted at Planning Committee 26th April 2011

W/19/1831: Application for a Certificate of Lawfulness to confirm that a lawful material commencement has been made on the development subject of planning permission reference W/10/0135 (*Construction of new canal side moorings and spreading of spoil onto adjoining land*) in compliance with Condition 1 and all other pre-commencement conditions were discharged. Granted

## RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS18 - Green Belt
- BE3 - Amenity
- TR1 - Access and Choice
- BE1 - Layout and Design
- TR2 - Traffic generation
- TR3 - Parking
- FW2 - Sustainable Urban Drainage
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)

## SUMMARY OF REPRESENTATIONS

**Lapworth Parish Council:** Objection in respect of the impact on the Green Belt and breach of previous planning permission

**Chadwick End Parish Council:** Objection in respect of the principle of development, impact on the Green Belt and car parking provision and management

**Canal and Rivers Trust:** No objection, subject to a condition relating to a landscaping plan including planting, an external lighting scheme and arrangements for waste disposal. No navigational safety concerns.

**WCC Highways:** No objection upon the receipt of further information, subject to conditions. Considered that the intensification of the use unlikely to be of a scale that would be materially detrimental to highway safety. Conditions requested in respect of securing the car park management system.

**WCC Ecology:** No objection, subject to conditions securing a Construction Environmental Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP).

**Health & Community Protection:** No objection

**CPRE:** Objection on grounds of inappropriate development in the Green Belt, harm to rural character of the area, harm to amenity of local residents, together with concerns over lack of objections from Highways Authority and Environmental Health Officer.

**Public Response: 25 objections received raising the following concerns:**

- additional traffic flow on rural lane; impact on highway and pedestrian safety; potholes will be worsened; the number of vehicles accessing the site will not be managed; nearby roads cannot cope with additional traffic
- inadequate parking for the number of moorings.
- loss of outlook
- loss of habitat and hedgerow and detrimental impact on protected species
- impact on flood risk
- incorrect information submitted relating to the access to the site
- detrimental impact on the openness of the Green Belt
- original works to the site were never completed and the site is an eyesore / out of keeping with its setting
- detrimental impact on neighbouring properties in terms of additional noise and disturbance
- boats are being permanently moored outside
- buildings have been constructed on site
- construction works could impact on structure of nearby properties
- lack of information regarding waste disposal
- illegal moorings on the site
- piling of spoil adjacent to and over the public footpath has caused flooding
- insufficient information provided to assess the application
- littering

## ASSESSMENT

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified

Paragraph 145 of the National Planning Policy Framework (NPPF) states that local planning authorities should plan to enhance the beneficial use of the Green Belt, as well as retain and enhance landscapes, visual amenity and biodiversity. This is also reflected in Policy DS18 of the Local Plan, which states that the Council will apply national planning policy to proposals within the Green Belt. Paragraph 149(b) of the NPPF supports the provision of outdoor sport and recreation facilities, provided the facilities preserve the openness of the Green Belt and do not conflict with the purposed of including the land within it.

The principle of development is considered to be established under planning permission ref: W/10/0135 for moorings, of which the location is amended under this current application. There have been no material changes in policy in relation to the provision of outdoor recreation facilities within the Green Belt which would

alter the conclusions in the previous assessment of the scheme. In addition, weight is given to the proposals not including the provision of buildings, with moorings and associated parking provision proposed only. For the avoidance of doubt, the proposed development does not include the residential occupancy of moorings, the same as the previous application and this is also to be secured by condition. The proposed increase in depth to the proposed moorings and relocation are considered to be appropriate in scale in relation to the character and openness of the Green Belt and the surrounding area. The proposal is considered to be of a suitable scale for the development proposed and will enhance the use of the area.

In respect of the proposed parking provision, a minimal area is provided for informal parking arrangements. Given this arrangement, the proposed parking provision is considered not to infringe on the openness of the Green Belt, with no permanent structures proposed.

As such, it is considered that the openness of the Green Belt is retained by the proposals, with an appropriate outdoor recreation use for the area proposed.

Overall, therefore, the proposed development is considered to be acceptable in principle and in accordance with Paragraphs 145 and 149 of the National Planning Policy Framework and Policy DS18 of the Local Plan.

Design and impact on Character and Appearance of the Area

Policy BE1 of the Warwick District Local Plan seeks to ensure development proposals are of a high quality and contribute positively to the character of the local area.

In respect of the design of the moorings and associated parking and access arrangements, much of this is in relation to the existing area of spoil in relation to works associated with the scheme, and the impact on the surrounding area in terms of landscape and visual amenity. This will be discussed further within the report.

The proposed scheme overall, subject to associated conditions with landscaping and planting, is considered to be appropriate in design for the proposed use. The proposal associated with this site does not consist of any additional buildings that would infringe on the open character of the Green Belt and surrounding local area. As such, the impact of the proposal is considered to be acceptable on the character of the local area, subject to further discussions regarding the landscaping of the scheme.

In regard to the proposed car parking area, this is to be an informal parking area and therefore, visually, is considered to have a minimal and acceptable impact on the character of the local area. Conditions securing details of the proposed materials are considered to be appropriate to ensure that the development integrates with the character of the surrounding area, and does not visually dominate with the area, given the Green Belt designation.

The proposals, therefore, subject to conditions, are considered to be in accordance with the principles of Policy BE1 of the Local Plan.

Impact on Residential Amenity

Policy BE3 of the Warwick District Local Plan seeks to ensure development proposals do not result in an adverse impact on the amenity of neighbouring residential dwellings or significantly impact the amenity of existing and future occupiers of the development site

In respect of the proposed development, it is acknowledged that the proposals will add a further use to the wider use of the site as a forestry business, though it is important that this application should be considered on its own merits. The Environmental Health Officer has been consulted on the proposals and has raised no objection in respect of an increase in noise or air quality issues as a result of the proposed development.

As such, it is considered that the proposed development, in respect of noise and air pollution, would not adversely impact users of surrounding facilities

Overall, therefore, the proposed development is considered to comply with Policy BE3 of the Local Plan.

Parking and Highway Safety

Policies TR1 and TR2 seek to ensure development proposals provide safe, suitable and attractive access routes for pedestrians, cyclists and other users of motor vehicles. These policies also seek to ensure proposals do not result in an increase in traffic generation that would result in highway safety concerns. Policy TR3 of the Warwick Local Plan seeks to ensure parking provision associated with development proposals is reflective of the local area and is in accordance with the Parking Standards SPD.

In respect of the use of the site, the Highways Authority have been consulted on the proposal and have concluded that while the development may result in an intensification of the use of the public highway, it is unlikely that the scale of the possible intensification of the highway would be harmful to highway safety. Given this assessment, it is considered that the proposals would not result in an increase in traffic generation detrimental to the safety of the surrounding highway network and is acceptable in relation to Policy TR2 of the Local Plan.

With regard to the proposed access and parking arrangement, differing from the scheme approved in 2010, the proposal subject of this application seeks to provide allocated, informal parking arrangements, rather than relying on third party provision within the wider network. The access to the site is considered to be acceptable, providing sufficient visibility splays, and is considered to be a safe and suitable access in relation to highways terms. In regard to the use of this access, this is to be controlled and limited by the use of a security fob or security arrangement which prohibits unauthorized access other than those attending the mooring. The access is designed to link to an existing pedestrian footpath leading to the moorings only, ensuring that it is not possible to deliver boats to the moorings directly. These provisions are considered to be acceptable, with no objection raised by WCC Highways. The proposed parking provision and access is considered to be acceptable.

The proposed development is therefore considered to provide a safe and sufficient access and parking arrangement, that would not be detrimental to the safety of the surrounding highway network. The proposal is therefore considered to comply with Policies TR1, TR2 and TR3 of the Local Plan and the Parking Standards SPD.

Landscape and Ecology

Policy NE2 of the Local Plan seeks to protect designated biodiversity assets and protected species, ensuring they are not adversely impacted by development proposals.

The County Ecologist has not objected to the application but has requested a Construction Environmental Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP) be secured by condition due to the context of the application site. These long-term plans have also been proposed due to the retrospective nature of the scheme, of which it is noted that there is an existing large spoil pile dominating the site.

Given the context of the application site, it is considered imperative that any proposed scheme incorporate high quality landscaping and planting. A scheme is to be secured by condition to manage the spoil pile, and well as include planting to suitably screen the proposals, in order to ensure that the development does not have a negative impact on the character of the local area, or the openness of the Green Belt.

Overall, therefore, subject the securing of conditions, the proposed development is considered to be in accordance with Policy NE2 of the Local Plan.

Drainage

Policy FW2 of the Local Plan seeks to ensure development proposals provide suitable sustainable drainage methods.

It is acknowledged that there is an existing concern regarding the spoil pile causing surface water runoff associated with the scheme. It is considered appropriate that a condition securing the management of this pile, both in relation to drainage and landscaping, be secured to any planning permission. A management plan for this is considered to satisfy the requirements of Policy FW2 of the Local Plan.

The proposed development, therefore, subject to relevant conditions, is considered to comply with Policy FW2 of the Local Plan.

Waste

The proposed development consists of non-residential mooring and as such it is unlikely that owners will generate any large levels of waste on site, with it expected that this be taking with them. Indeed, the terms of using such a mooring will specify the need for individuals to behave responsibly in this regard. The fact that many of the moorings will be individually owned will help to police any such activity. It is therefore considered that overall, the proposal is unlikely to result in a significant increase in the generation of waste on site.

## Summary

The development proposals are considered to constitute appropriate development within the Green Belt. In addition, the proposals are considered not to result in a harmful impact on the character of the local area, residential amenity or surrounding highway network. The proposals are in accordance with the aforementioned policies, and the application therefore recommended for approval.

## 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) 262800-5 and MANOEUVERING PLAN- U-TURN IN REV. A, and specification contained therein, submitted on 26th April 2021 and approved drawing(s) Large Scale Parking Detail and specification contained therein, submitted on 20th July 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.

2 The car parking area hereby permitted shall not be created unless and until samples of the 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.

3 The car park hereby permitted shall not be brought into use unless and until a car park access control and management system has been implemented to: (a) prohibit unauthorised access other than by those legitimately attending the mooring or in connection with the forestry business; (b) manage parking demand and (c) prohibit access by unsuitable vehicles, with details of the control and access system to be submitted and agreed in writing by the Local Planning Authority in consultation with the Highway Authority. The development shall only be operated in strict accordance with the approved details. **Reason:** To ensure safe and controlled access to the site in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.

4 The development hereby permitted shall not be brought into use 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:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.

5 No further development than already commenced and recorded by the LPA shall be carried out until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition, the LPA expect to see details concerning pre-commencement checks for protected species (*detail as appropriate, e.g., badgers, bars, breeding birds and otter*) 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 No further development than already commenced and recorded by the LPA shall be carried out until a detailed Landscape and Ecological Management Plan has 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, 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.

7 No further development shall be carried out until details of the arrangements for the retention and restitution of the topsoil over the area of spoil deposit have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To protect the character and appearance of this area of green belt, in accordance with Policy DS18 of the Local Plan.

8 No lighting or illumination shall be installed or operated unless and until details of such measures (including details of hours of operation) shall have been submitted to and approved in writing by the Local Planning Authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **Reason:** To ensure that any lighting is designed and operated so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

9 The boats moored in the facility hereby permitted shall not be used for permanent residential accommodation. **REASON:** To protect the character of the Green Belt, in accordance with Policy DS18 of the Local Plan.

---

**Planning Committee:** 09 November 2021 **Item Number:** 9

**Application No:** W 21 / 1263

**Registration Date:** 11/06/21
**Town/Parish Council:** Stoneleigh **Expiry Date:** 06/08/21
**Case Officer:** Thomas Fojut
01926 456539 thomas.fojut@warwickdc.gov.uk

**9 Stoneleigh Close, Stoneleigh, Coventry, CV8 3DE**
Erection of 2no. rear dormer windows FOR Mr. Brooks

---

This application is being presented to Planning Committee as there have been more than 5 neighbour objections and the Parish Council also object to the proposal.

## BACKGROUND

A roof extension has been carried out at the application property. Following complaints this was investigated by the Enforcement Team who found that the development that had been completed did not accord with planning permission ref: W/20/0251. Officers had a meeting with the agent and advised that the structure as built would not be acceptable as it was an unneighbourly form of development which also failed to comply with the Residential Design Guide SPD. The current proposal in its amended form is as a result of negotiations between Officers and the applicant. Should the proposal be granted, the Enforcement Team shall monitor its implementation in lieu of the implemented scheme which does not benefit from planning permission.

## RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report.

## DETAILS OF THE DEVELOPMENT

Erection of rear dormer window

## THE SITE AND ITS LOCATION

The application relates to a detached bungalow located on the east side of Stoneleigh Close, Stoneleigh. Dwellings in the street contain a mix of detached bungalows and two storey properties. The property is washed over by Green Belt.

## PLANNING HISTORY

W/21/0964 - Erection of two front cat slide dormers replacing existing front pocket dormers - Application withdrawn August 2021.

W/20/2036 - Erection of rear dormer extension and rear roof balcony (part retrospective) - Application withdrawn April 2021.

W/20/0251 - Erection of roof extension, 1no. front dormer window, roof light and 2no. rear dormer windows - Granted April 2020.

W/19/0961 - Erection of a hip to gable roof conversion raising the roof height by a minimum of 0.5 (from the existing ridge) and a maximum of 3.5m (from the existing eaves) with the erection of 1no. dormer to the front and 3. no dormers to the rear - Refused September 2019.

## RELEVANT POLICIES

- National Planning Policy Framework
- BE1 - Layout and Design
- BE3 - Amenity
- H14 - Extensions to Dwellings in the Open Countryside
- DS18 - Green Belt
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)

## SUMMARY OF REPRESENTATIONS

**Stoneleigh and Ashow Parish Council** - Objects for the following reasons:
- Due to the complex nature of the case, it is requested that the application is considered by Planning Committee.
- Infringement of privacy to the neighbouring property.
- Complications due to original planning permission not being followed.
- Concerns of local residents who have objected.

**WCC Ecology** - Recommends notes relating to bats and nesting birds are attached to any approval granted.

**Cllr Wright** - Objects for the following reasons:
- Two key elements which should be considered as two rather than one application as they have differing characteristics and potential issues.
- Current extension is not in line with originally granted plans for W/20/0251 and W/20/0746 and subject to current enforcement action.
- The applicant has the right to submit changed or retrospective plans to "remedy" the deviation from originally granted plans in 2020 and this should be considered on its individual merits.
- Part A should focus on meeting original conditions of original plans for W/20/0251 and W/20/0746. Part B should be confined as a new application and considered individually against the standards and policy.

**Public Response -**

- 4 support comments have been received.

- 8 objections have been received on the following grounds:
  - Overlooking and loss of privacy
  - Inaccurate plans which do not reflect what has been built

- Poor design and harmful to character and appearance of the area

**ASSESSMENT**

The main issues relevant to the consideration of this application are as follows:

- Design of the proposed extension
- Whether the proposal is appropriate development in the Green Belt
- Impact on the amenity of neighbouring occupiers
- Ecology

Design of the proposed extension

Warwick District Local Plan Policy BE1 states that development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. The adopted Residential Design Guide SPD also sets out design principles to which development proposals will be expected to comply.

8 neighbour objections have been received including on grounds of the design of the proposal.

The objection comments above have been noted.

The proposal as originally submitted was considered to be unacceptable as it was not considered to be in accordance with the WDC Residential Design Guide SPD resulting in a large box dormer which dominated the roof. The proposal has been amended to reduce the size of the dormer extension and to omit the associated balcony feature.

As amended, it is considered that the proposal sits comfortably within the roofspace, is in keeping with the rest of the property and is of an appropriate scale for the dwellinghouse. Moreover, the proposal is considered to comply with the WDC Residential Design Guide SPD and Policy BE1 of the Warwick District Local Plan.

Whether the proposal is appropriate development in the Green Belt

Paragraph 137 of the NPPF notes that the Government attaches great importance to Green Belts. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 147). With a number of exceptions, the construction of new buildings (including extensions) is inappropriate development (paragraph 149). Among the exceptions is "*the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building*".

The explanatory text to Local Plan Policy DS18 states that the meaning of the exception in relation to disproportionate extensions is expanded upon by Local Plan Policy H14. Policy H14 states that extensions to dwellings will be permitted unless they result in disproportionate additions to the original dwelling which do not respect the character of the original dwelling; do not retain the openness of the rural area; or substantially alter the scale, design and character of the original

dwelling. Policy H14 goes on to indicate that as a guide an extension of more than 30% of the gross floor area of the original dwelling is likely to be considered disproportionate in the Green Belt.

The revised proposals for this application comprise a similar gross floor area to the previously approved plans under planning permission ref: W/20/0746 which was considered acceptable in Green Belt terms.

By reason of its design, bulk and mass, the proposal is considered to constitute a proportionate extension which is less than 30% of the gross floor area and therefore appropriate development in the Green Belt. The impact on openness would be minimal.

It is therefore considered that the proposals comply with Local Plan Policies DS18 and H14 along with the NPPF.

Impact on the amenity of neighbouring uses

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby uses and residents, in terms of light, visual intrusion and privacy. The Council's Residential Design Guide SPD provides a design framework for Policy BE3 and states that extensions should not breach a 45-degree line taken from the nearest habitable room of a neighbouring property. This serves to protect against a material loss of light and outlook.

As mentioned, 8 neighbour objections have been received which includes on grounds of overlooking and loss of privacy. Similarly, Stoneleigh and Ashow Parish Council objected to the proposals and their comments related to the impact on neighbouring properties included the infringement of privacy to the neighbouring property and the concerns of local residents who have objected.

The objection comments above have been noted. Following a site visit to the property and one of the neighbouring properties and by viewing the revised plans, it is found that the proposal will not breach the 45-degree line taken from windows serving habitable rooms of adjacent properties, and as a result the proposals are considered acceptable in terms of impact on light and outlook. Overall, it is not considered the scheme would result in material harm through overlooking or loss of privacy to neighbours as the arrangement is no different than that found in typical residential areas. There are no side facing windows proposed and the previously proposed balcony feature has been omitted. The proposed extension is therefore considered not to result in any material harm to the amenity of the neighbouring dwellings accords with Policy BE3 of the Local Plan and the Residential Design Guide SPD.

Ecology

The Ecology Department at Warwickshire County Council have recommended notes relating to bats and nesting birds are attached to any approval granted.

## SUMMARY/CONCLUSION

The revised development proposals are considered to be in keeping with the character and appearance of the property and the surrounding area and also constitute appropriate development within the Green Belt. In addition, the proposals are not considered to present a harmful impact upon the amenity of the neighbouring properties in relation to outlook and amenity. The proposals are in accordance with the aforementioned policies, and it is therefore recommended for approval.

## 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 00-T2192 AL P 00 Rev A submitted on 26 October 2021 and approved drawing 02-T2192 AL P 02B submitted on 9 September 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.

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.

---

**List of Current Planning and Enforcement Appeals**
**November 2021**

Public Inquiries

| Reference | Address | Proposal and Decision Type | Officer | Key Deadlines | Date of Inquiry | Current Position |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |

Informal Hearings

| Reference | Address | Proposal and Decision Type | Officer | Key Deadlines | Date of Hearing | Current Position |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |

Written Representations

| Reference | Address | Proposal and Decision Type | Officer | Key Deadlines | Current Position |
|---|---|---|---|---|---|
| | | | | | |
| W/19/1573/LB | Church Farmhouse, Woodway, Budbrooke | First Floor Extension **Delegated** | George Whitehouse | Questionnaire: 13/3/21 Statement: | Ongoing |

| | | | | | |
|---|---|---|---|---|---|
| | | | | 27/4/21 | |
| W/20/1732 | 13 North Close, Cubbington | First floor side extension **Delegated** | Emma Booker | Questionnaire: 14/6/21 Statement: 6/7/21 | **Appeal Dismissed** |
| The Inspector noted that while comprising a mix of detached and semi-detached dwellings, overall, the properties in the street have a cohesive appearance and rhythm. The Inspector considered that although the width of the gable feature of the new extension would reflect that of nearby dwellings, the overall width and detailed design of the first-floor extension would result in a prominent, bulky, awkward addition with a large area of flat roof which would not respect the character or appearance of the host dwelling or the wider street scene. The incongruity of the extension would be particularly prominent when viewed from the nearby footpath and from nearby properties. The Inspector noted that Nos. 6 and 8 had similar front extensions but noted that they were of considerably less scale and massing than the appeal proposal and also did not have an incongruous flat roof element. The Inspector therefore concluded that the proposed extension would cause harm to the character and appearance of the dwelling and the streetscene and would be contrary to Policy BE1 and the RDG SPD.<br><br>The Inspector also had regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010. While the proposal would assist in meeting the needs of the disabled occupant, the Inspector was not persuaded that there are no alternatives to the proposal that could substantially deliver the same benefits without conflict with the Development Plan. | | | | | |
| W/20/1428 | Land to the North of Bakers Lane, Knowle | Replacement dwelling **Delegated** | Andrew Tew | Questionnaire: 19/8/21 Statement: 16/9/21 | Ongoing |
| W/20/1898 | The Bungalow, School Lane, Hunningham | Incorporation of adjacent allotment land into domestic curtilage **Delegated** | Andrew Tew | Questionnaire: 19/8/21 Statement: 16/9/21 | Ongoing |

| | | | | | |
|---|---|---|---|---|---|
| W/20/1947 | Firs Cottage, Firs Lane, Haseley | Stabling and Hay Store **Committee Decision in accordance with Officer Recommendation** | Andrew Tew | Questionnaire: 13/9/21 Statement: 11/10/21 | Ongoing |
| W/20/2161 | Land fronting Red Lane, Burton Green | Dwelling and Garage **Delegated** | Andrew Tew | Questionnaire: 13/9/21 Statement: 11/10/21 | Ongoing |
| W/21/0725 | Highway Verge, Primrose Hill, Woodloes Park | Prior Notification for 15m Phase 8 Monopole **Delegated** | Andrew Tew | Questionnaire: 13/9/21 Statement: 11/10/21 | Ongoing |
| W/20/1392 | 27 Upper Cape, Warwick | 15 x Residential Apartments **Delegated** | Helena Obremski | Questionnaire: 31/8/21 Statement: 26/9/21 | Ongoing |
| W/20/1895 | Terets Lodge, Rising Lane, 'Lapworth | Replacement Garage **Delegated** | Jonathan Gentry | Questionnaire: 9/8/21 Statement: 31/8/21 | Ongoing |
| | | | | | |

| | | | | | |
|---|---|---|---|---|---|
| W/20/1332 | 52 High Street, Leamington | 48 Sheet Digital Advertisement **Delegated** | Rebecca Compton | Questionnaire: 9/8/21 Statement: 31/8/21 | Ongoing |
| W/20/1764 | 8 Eastfield Road, Leamington | Change of use to 3 bed dwelling **Delegated** | Andrew Tew | Questionnaire: 12/10/21 Statement: 9/11/21 | Ongoing |
| W/20/1888 | The Lyons Farmhouse, Rowington Green | Erection of 2 dwellings (Outline) **Delegated** | Andrew Tew | Questionnaire: 23/9/21 Statement: 21/10/21 | Ongoing |
| W/20/2008 | Three Jays, Hampton Road, Hampton on the Hill | Single Storey Front Extension **Delegated** | George Whitehouse | Questionnaire: 27/9/21 Statement: 19/10/21 | Ongoing |
| W/20/1934 | 10 Vicarage Road, Stoneleigh | Garden Room/Home Office **Delegated** | Jonathan Gentry | Questionnaire: 4/10/21 Statement: 26/10/21 | Ongoing |
| W/20/2100 | 22 St Mary's Terrace, Leamington | Lawful Development Certificate for Use of Garages for Commercial Storage | Rebecca Compton | Questionnaire: 14/10/21 Statement: | |

| | | | | | |
|---|---|---|---|---|---|
| | | **Delegated** | | 11/11/21 | |
| W/21/0813 | Grove Park House, Hampton on the Hill | Prior Approval for the Enlargement of Dwelling House **Delegated** | Thomas Fojut | Questionnaire: 14/10/21 Statement: 5/11/21 | Ongoing |
| W/21/0279 | 3 Strachey Avenue, Leamington | 2 Storey Front Extension **Delegated** | Thomas Fojut | Questionnaire: 11/10/21 Statement: 2/11/21 | Ongoing |
| **New** W/20/2116 | Pear Tree Cottage, 5 Vicarage Road, Stoneleigh | Outbuilding **Delegated** | Emma Booker | Questionnaire: 8/11/21 Statement: 30/11/21 | Ongoing |
| **New** W/21/593 | Austin Heath Retirement, Village, Gallagher Way, Warwick | Advertisements **Delegated** | Helena Obremski | Questionnaire: 25/10/21 Statement: 16/11/21 | Ongoing |
| **New** W/21/0543 | Elizabeth Road, Leamington | Detached Garage **Delegated** | Jack Lynch | Questionnaire: 26/10/21 Statement: 16/11/21 | Ongoing |
| | | | | | |

| | | | | | |
|---|---|---|---|---|---|
| **New**<br>W/21/0813 | Grove Park House, Grove Park, Hampton On The Hill | Prior approval for an Additional Storey to a Dwelling House<br>**Delegated** | Thomas Fojut | Questionnaire: 14/10/21<br>Statement: 5/11/21 | Ongoing |
| | | | | | |

Enforcement Appeals

| Reference | Address | Issue | Officer | Key Deadlines | Date of Hearing/Inquiry | Current Position |
|---|---|---|---|---|---|---|
| ACT 450/08 | Meadow Cottage, Hill Wootton | Construction of Outbuilding | RR | Statement: 22/11/19 | Public inquiry 1 Day | The inquiry has been held in abeyance |

Tree Appeals

| Reference | Address | Proposal and Decision Type | Officer | Key Deadlines | | Current Position |
|---|---|---|---|---|---|---|

| | | | | | | |
|---|---|---|---|---|---|---|
| | | | | | Date of Hearing/Inquiry | |
| | | | | | | |
| | | | | | | |