

Planning Committee

Minutes of the meeting held on Tuesday 11 October 2016 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Cooke (Chairman); Councillors Ashford, Mrs Bunker, Day, Gifford, Miss Grainger, Mrs Hill, Margrave, Naimo, Mrs Stevens and Weed.

Also Present: Committee Services Officers – Mrs Barnes and Miss Cox; Legal Advisor – Mr Howarth; and Development Manager – Mr Fisher.

80. **Apologies and Substitutes**

- (a) There were no apologies; and
- (b) Councillor Gifford substituted for Councillor Boad, Councillor Miss Grainger substituted for Councillor Morris, and Councillor Margrave substituted for Councillor Heath.

81. **Declarations of Interest**

Minute Number 84 – W/16/0606 – Baginton School, Church Road, Baginton

Councillor Gifford declared an interest because one of the public speakers, Mr Brown, was known to him. However, he resolved to keep an open mind.

Minute Number 85 – W/16/1174 – 32 Heathcote Road, Whitnash

Councillor Margrave declared an interest because the application site was in his Ward.

Minute Number 86 – W/16/1280 – 60 Franklin Road, Whitnash

Councillor Margrave declared an interest because the application site was in his Ward.

82. **Site Visits**

There were no site visits undertaken prior to the meeting, as agreed with the Chairman and following consultation with the Committee members.

83. **Minutes**

The minutes of the meeting held on 13 September 2016 were taken as read and signed by the Chairman as a correct record.

84. **W/16/0606 – Baginton School, Church Road, Baginton**

The Committee considered an application from The Lucy Price Trust (LPT) for the demolition of the existing former school building and erection of two dwellings.

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to Committee because Baginton Parish Council supported the application and officers were recommending it for refusal.

The officer was of the opinion that the proposed development of two dwellings would represent the loss of a community facility and was considered to be harmful to the openness of the Green Belt and would have a detrimental impact on the Conservation Area, and setting of a Grade I listed building. There were no public benefits which were considered to outweigh the harm caused to the Conservation Area or setting of the listed building. Furthermore, the development was considered to be harmful to the existing street scene and could also potentially cause harm to protected wildlife species. Therefore, the proposal was considered to conflict with the NPPF and the Local Plan policies and guidance stated in the officer's report.

An addendum circulated at the meeting advised Members that following the completion of the report, a bat survey had been submitted by the applicant. WCC Ecology was satisfied that this did not identify any evidence of bats. Therefore, Members noted that should they be minded to support the officer's recommendation, refusal Reason 6 detailed in the report would no longer be appropriate and could be removed from any decision.

In addition, the addendum advised that two additional public responses had been received and provided further clarification on the Emerging Local Plan position.

The following people addressed the committee:

- Councillor Hewer, representing Baginton Parish Council, in support of the application; and
- Mr Brown and Mr Hammond, in support of the application.

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 Miss Grainger that the application should be refused in line with the recommendation in the report.

The Committee therefore

Resolved that W/16/0606 be **refused** for the following reasons:

- (1) the National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belt are openness and permanence. Paragraph 89 determines that exceptions to inappropriate development in the Green Belt include the partial or complete redevelopment of a previously developed site, so long as it does not have a greater impact on the openness of the Green Belt.

The application site is considered to represent previously developed land, however, the

PLANNING COMMITTEE MINUTES (Continued)

proposed dwellings are considerably larger than the existing single storey structure, providing two separate, two storey structures, rather than one single storey building, which are nearly double the floorspace of the existing school, which would have a greater impact on the openness of the Green Belt. Therefore, the proposed development is considered to be contrary to the NPPF;

- (2) paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Furthermore, Local Plan policy DAP8 requires development to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas. It goes on to state that development should respect the setting of Conservation Areas and should not impact on important views or groups of buildings from inside and outside of the boundary.

The proposed dwellings are considered to cause harm to the Conservation Area by reason that they do not respect the established character found within the wider area. Furthermore, the parking provision to the front of the property dominates the front aspect and is uncharacteristic within this part of the Conservation Area.

It is not considered that the public benefits which the development would bring, when considering the impact which the properties would have on the openness of the Green Belt and its rural setting, would outweigh the harm caused to the Conservation Area. The development is therefore considered to be contrary to the NPPF and Local Plan policy DAP8;

- (3) paragraph 132 of the NPPF states that when considering the impact of a proposed

PLANNING COMMITTEE MINUTES (Continued)

development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Furthermore, Local Plan policy DAP4 states that development will not be permitted that will adversely affect the setting of a listed building.

The proposed dwellings are considered to cause harm to the setting of the Grade I listed building, by reason that they do not respect the established character of the Conservation Area. The parking provision to the front of the property dominates the front aspect and is uncharacteristic within this part of the Conservation Area, which detracts from the character of the listed building.

It is not considered that the public benefits which the development would bring, when considering the impact which the properties would have on the openness of the Green Belt and its rural setting, would outweigh the harm caused to the setting of the listed building. The development is therefore considered to be contrary to the NPPF and Local Plan policy DAP4;

- (4) Local Plan policy DP1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. The Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing importance features; respecting the surrounding buildings and using the right materials.

PLANNING COMMITTEE MINUTES (Continued)

The proposed dwellings are considered to be harmful to the existing established street scene, by reason of their siting which is inappropriate and incongruous. The development is not considered to harmonise with the existing street scene. The proposal would represent a significant departure from the existing single storey structure, providing two buildings rather than one, which is not considered to respect the existing character of the street scene. Therefore, the proposed development is considered to be contrary to the NPPF, Local Plan Policy DP1 and the Residential Design Guide; and

- (5) adopted Local Plan policy SC8 states that the redevelopment or change of use of community facilities that serve local needs will not be permitted unless: there are other similar facilities accessible to the local community by means other than a car; the facility is redundant and no other user is willing to acquire and manage it; or there is an assessment demonstrating a lack of need for the facility within the local community.

There are no other schools within walking distance of the site. There has been no formal evidence submitted by the agent to indicate that the facility is redundant, or that any other users are not willing to acquire the site. Furthermore, there has been no information provided by the agent demonstrating a lack of need for the facility within the local community. Therefore, the development would result in the loss of a community facility and the proposal is considered to be contrary to Local Plan Policy SC8.

85. W/16/1174 – 32 Heathcote Road, Whitnash

The Committee considered an application from Mr and Mrs Singh for the erection of a first floor side extension and single storey front extension.

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

The officer was of the opinion that the proposals met the requirements of Policies DP1, DP2, DP8 and DP13 of the Warwick District Local Plan 1996-2011 and the provisions of the National Planning Policy Framework. The extensions were, on balance, considered to be in keeping and scale with the character of the host dwelling and the dwelling so extended would, it was contended, safeguard the character and appearance of the street scene. It was also contended that the enlarged property would not

PLANNING COMMITTEE MINUTES (Continued)

adversely impact upon the amenities of neighbouring properties and would not give rise to any highway safety or ecological concerns.

Mr Woodward addressed the Committee in objection to the application.

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

The Committee therefore

Resolved that W/16/1174 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out in strict accordance with the details shown on the approved Location Plan and drawing numbers 2108/1 and 2108/2, received by the Local Planning Authority on 1st August 2016, except as required by condition 3 below. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) notwithstanding the details shown on the approved drawings, the materials to be used in the construction of the external walls and roofs of the proposed extensions shall match in type, colour, texture, and shall be laid in a manner to match, those used in the construction of the external walls and main roof of the host dwelling. **Reason:** To safeguard the appearance of the host dwelling and surrounding area in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011 and Sections 7 and 11 of the National Planning Policy Framework; and
- (4) the first floor window to be formed within the side (south eastern facing) elevation of the proposed first floor extension shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7

PLANNING COMMITTEE MINUTES (Continued)

metres above the floor of the room in which the window is installed. The obscured glazed window shall be retained and maintained in that condition at all times. **Reason:** To safeguard the amenities of the occupiers of 30 Heathcote Road in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.

86. **W/16/1280 –60 Franklin Road, Whitnash**

The Committee considered an application from Mr Lad for the erection of a single storey rear extension and erection of a new pitched roof over the existing garage and porch.

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

The officer was of the opinion that the proposals were in accordance with the requirements of Policies DP1, DP2, DP8 and DP13 of the Warwick District Local Plan 1996-2011 and the provisions of the National Planning Policy Framework. It was considered that the addition of the pitched roof and extension would, on balance, retain the character of the host dwelling and that the dwelling so extended would safeguard the character and appearance of the street scene. It was also contended that the enlarged property would not adversely impact upon the amenities of neighbouring properties or give rise to any highway safety concerns.

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

The Committee therefore

Resolved that W/16/1280 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out in strict accordance with the Location Plan, received by the Local Planning Authority on 1st August 2016, and the Existing and Proposed Site Plans, Floor Plans and Elevations, received on 23rd September 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (4) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) 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 properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011; and
- (5) other than the proposed render, 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 DP1 of the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

87. **Planning Appeals Report**

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

Resolved that the report be noted.

(The meeting ended at 7.15 pm)