

# Planning Committee

Minutes of the meeting held on Tuesday 18 July 2023 at the Town Hall, Royal Leamington Spa at 6.00pm.

**Present:** Councillor Boad (Chairman); Councillors Collins, Cron, R Dickson, Dray, B Gifford, Luckhurst, Margrave, Matecki, Noonan, Sullivan, Tangri and Williams.

**Also Present:** Principal Committee Services Officer – Rob Edwards; Legal Advisor – Ross Chambers; Business Manager – Rob Young; Senior Planning Officer - George Whitehouse; and Principal Planning Officer - Adam Walker.

## 27. **Apologies and Substitutes**

- (a) There were no apologies; and
- (b) Councillor Phillips substituted for Councillor Day, Councillor Payne substituted for Councillor Dickson and Councillor Falp substituted for Councillor Margrave.

## 28. **Declarations of Interest**

There were no declarations of interest.

## 29. **Site Visits**

There were no site visits made.

## 30. **Minutes**

The minutes of the 23 May 2023 meeting were approved and signed by the Chairman as a correct record.

## 31. **W/22/1577 – Land West of Honiley Road (A4177), Honiley**

The Committee considered an application from Enso Green Holdings P Limited for the installation of a solar farm and battery storage with associated infrastructure (resubmission of W/21/2080).

The application was presented to Committee because more than five valid representations had been received and the recommendation was for refusal.

The officer was of the opinion that the proposed development would result in harm to the Green Belt from inappropriateness, loss of openness and encroachment, and substantial weight was to be afforded to this harm. Officers had concluded that the proposal would also cause moderate harm to the landscape character and result in moderate visual harm to the area. There would also be less than substantial harm to the setting of a designated heritage asset. The proposal would also convey limited harm to the loss of a small proportion of BMV arable land, attracting limited adverse

## **PLANNING COMMITTEE MINUTES (Continued)**

weight.

Conversely, the benefits of renewable energy raised substantial benefits in favour of the proposal. The development would provide power for around 6,000 average homes, resulting in a saving of approximately 5,300 tonnes of CO2 per annum. The benefits associated with renewable energy generation were recognised at the national and local level and the planning system had an important role in facilitating the delivery of renewable technologies to help tackle climate change.

There would also be benefits to biodiversity and economic benefits, which both attracted substantial weight in favour of the proposal. The proposed permissive paths within the site provided a modest benefit. Other potential benefits included improved soil health and the diversification of a farming business, which attracted limited weight in favour of the scheme.

Of the other matters identified, including highway safety and amenity impacts, these either resulted in no material harm or raised technical matters that could be adequately addressed through the imposition of appropriate conditions. As such they neither weighed for or against the proposal.

The policy support for renewable energy and associated development given in the NPPF was caveated by the need for the impacts to be acceptable, or capable of being made so. The Local Plan also recognised that the need for green energy did not automatically override environmental protections and the planning concerns of local communities.

The main issue was whether the benefits of the development, particularly those arising from the provision of renewable energy, were of sufficient magnitude to clearly outweigh the harm to the Green Belt and the other harm that had been identified. If so, this would constitute very special circumstances to justify the proposed development.

Officers concluded that the provision of renewable energy did not clearly outweigh the harm to the Green Belt by reason of inappropriateness, the harm to the spatial and visual qualities of the Green Belt in this location and the harm to one of the five purposes of including land within Green Belt (encroachment). Officers also had some concerns with the site selection process and whether there were sites available outside of the Green Belt which could accommodate the proposal, however, this would not materially alter the overall conclusion on this issue.

The harm to the landscape character and visual impact on the area added to the Green Belt harm and this further tilted the planning balance against the proposal.

The 'less than substantial' harm that had been identified to Manor Farmhouse (Grade II listed building) would, as a standalone issue, be outweighed by the public benefits associated with the environmental and economic aspects of the proposal in the opinion of officers. As such, there would not be grounds to refuse the application on a heritage basis.

## **PLANNING COMMITTEE MINUTES (Continued)**

It was a finely balanced assessment, however in this case, it was considered that very special circumstances did not exist. The application was therefore recommended for refusal.

An addendum circulated prior to the meeting advised of further details relating to the planning history of the application, additional public representations, additional comments received from a resident, comments from Councillors and officers responses.

The following people addressed the Committee:

- Councillor Jones, Parish Councillor, objecting;
- Mrs Cooper, Miss Hampson, and Mr Holgate, objecting;
- Mr Millard and Mr Moore, supporting; and
- Councillor Hales, District Councillor, objecting.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Williams and seconded by Councillor Sullivan that the application should be granted, contrary to the recommendation in the report because the environmental benefits associated with increased renewable energy production, substantial increase in biodiversity net gain in the area, and the available connection to the substation were considerations which clearly outweighed the harm to the Green Belt and other harm so as to constitute very special circumstances. Members also considered that the impacts of the development would be reversible owing to the temporary nature of the development. This was subject to conditions to be agreed by the Development Manager in consultation with the Chairman of the Planning Committee

The Committee therefore

**Resolved** that W/22/1577 be **granted** contrary to the recommendation in the report, subject to conditions to be agreed by the Development Manager in consultation with the Chairman.

### **32. W/22/1744 – 2 Rai Court, Beauchamp Road, Royal Leamington Spa**

The Committee considered an application from Rai Property Investments for the change of use from a four bed house (Use Class C3) to a four bed house in Multiple Occupation (HMO) (Use Class C4).

The application was presented to Committee because of the number of objections received, including from Royal Leamington Spa Town Council.

The officer was of the opinion that the amended proposals complied with Local Plan Policies H6, BE3 and TR3, the NPPF and the Council's adopted Parking Standards. It was therefore recommended that planning permission should be granted subject to conditions.

An addendum circulated prior to the meeting advised of additional comments from neighbouring occupiers.

The following people addressed the Committee:

## **PLANNING COMMITTEE MINUTES (Continued)**

- Councillor McAllister, Town Councillor, objecting;
- Mr Powling, objecting;
- Mrs Rai, supporting;
- Councillor King, District Councillor, objecting.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Gifford and seconded by Councillor Sinnott that the application should be refused, contrary to the recommendation in the report on the grounds that it breached Policy H6E relating to the storage of recycling containers.

The Committee therefore

**Resolved** that W/22/1744 be **refused** contrary to the recommendation in the report.

### **33. W/22/1745 – 3 Rai Court, Beauchamp Road, Royal Leamington Spa**

The Committee considered an application from Mrs Rai for the change of use from a four bed house (Use Class C3) to a four bed house in Multiple Occupation (HMO) (Use Class C4).

The application was presented to Committee because of the number of objections received, including from Royal Leamington Spa Town Council.

The officer was of the opinion that the amended proposals complied with Local Plan Policies H6, BE3 and TR3, the NPPF and the Council's adopted Parking Standards. It was therefore recommended that planning permission should be granted subject to conditions.

An addendum circulated prior to the meeting advised of additional comments from neighbouring occupiers.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Luckhurst and seconded by Councillor Gifford that the application should be refused contrary to the recommendation in the report on the grounds that it breached Policy H6E relating to the storage of recycling containers.

The Committee therefore

**Resolved** that W/22/1745 be **refused** contrary to the recommendation in the report.

### **34. W/23/0020 – 70 Mill Hill, Baginton**

The Committee considered an application from Mr Duckham for the erection of a single storey rear extension and front porch.

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

## **PLANNING COMMITTEE MINUTES (Continued)**

The officer was of the opinion that the proposal constituted good quality design, did not result in material harm to amenity and impact on protected species was suitably mitigated by a condition. As such, the proposal was in accordance with the policies as laid out in the report and was therefore recommended for approval.

An addendum circulated prior to the meeting advised off additional comments from a neighbouring property.

The following people addressed the Committee:

- Miss Middleton, objecting; and
- Mr Duckham, supporting.

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

The Committee therefore

**Resolved** that W/23/0020 be **granted** subject to the following conditions:

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
| (1)        | the development hereby permitted shall begin not later than three years from the date of this permission.<br><br><b>Reason:</b> 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) 70MH16, 70MH17, 70MH18 & 70MH20, and specification contained therein, submitted on 20/03/2023 and 14/04/2023.<br><br><b>Reason:</b> For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and |
| (3)        | the development hereby permitted shall not commence unless and until two weeks' notice in writing prior to the commencement of the development works has been given to a suitably qualified bat worker appointed by the applicant to supervise all destructive works to the roof. All roofing material is to be removed carefully by hand. Should bats be found during this operation, then work must cease   |

## PLANNING COMMITTEE MINUTES (Continued)

<b>No.</b>	<b>Condition</b>
	immediately while Natural England are consulted for advice and no further works shall be undertaken at the site unless and until full details of measures for bat migration and conservation have been submitted to and approved in writing by the local planning authority. The development shall then proceed in full accordance with the approved details and any required mitigation works shall be completed in full accordance with the approved details. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings.
	<b>Reason:</b> To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.

### 35. **W/23/0625 – The Royal Oak, 36 New Street, Kenilworth**

The Committee considered an application from the Royal Oak for the erection of a barbecue shed in a rear garden area.

The application was presented to Committee because of the number of comments in support and the recommendation was for refusal.

The officer was of the opinion that the development would enable the Public House to increase the food offering available for patrons and would likely result in economic benefits for the operators and a level of community benefits for patrons, However, it was considered that the proposal would harm living conditions at the neighbouring properties.

On balance, it was considered that the economic benefits to the operator of the pub and benefits to the patrons did not outweigh the harm to the living conditions of neighbouring residents. It was therefore recommended that the application should be refused.

An addendum circulated prior to the meeting advised of additional comments from members of the public. It also advised that Councillors had reported that a building similar in appearance and position to that proposed had been erected in the garden at the Royal Oak without planning permission. The Planning Enforcement team had been notified.

The following people addressed the Committee:

- Councillor Jones, Town Council, objecting; and
- Mr Monks, objecting.

## **PLANNING COMMITTEE MINUTES (Continued)**

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

The Committee therefore

**Resolved** that W/23/0625 be **refused** because Policy BE3 of the Warwick District Local Plan 2011-2029 states, amongst other things, that development will not be permitted if it has an unacceptable adverse impact on the amenity of nearby uses and residents.

In the opinion of the Local Planning Authority, the proposed cooking units and lack of adequate mitigation would result in smoke, cooking odours and ash entering adjacent neighbouring windows, resulting in nuisance, undue disturbance, and harm to the living conditions within those neighbouring dwellings.

The proposal is thereby considered to be unneighbourly and contrary to the aforementioned policy.

### **36. W/23/0651 – 13 Damson Road, Hampton Magna, Budbrooke**

The Committee considered a retrospective application from Mr Field for the erection of a first-floor rear extension.

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

The officer was of the opinion that the proposal constituted good quality design in respect of providing an extension that would enhance the existing dwellinghouse which adopted an appropriate material finish that harmonised with the main dwelling. The development was considered to have an acceptable impact on neighbouring amenity, owing to the fact that the property lay within a locality that was comprised of angled plots, which justified a small adjustment to the distance separation guidance set out within the Residential Design Guide SPD. The development was also considered to be in accordance with Local Plan Policy NE2, subject to condition and there was sufficient capacity for parking.

The following people addressed the Committee.

- Mrs Williams, objecting; and
- Mr Stratton, supporting.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Falp and seconded by Councillor Williams that the application should be refused on the grounds that it did not comply with the Council's Separation Guidelines.

## **PLANNING COMMITTEE MINUTES (Continued)**

The Committee therefore

**Resolved** that W/23/0651 be **refused** contrary to the recommendation in the report.

### **37. W/22/0471 – Leasowe House, Southam Road, Radford Semele**

The Committee considered an application from Mr and Mrs Bains for the erection of two dwellings at The Leasowes (following demolition of two existing dwellings) within a redefined curtilage, new internal access driveway, garage and plantroom.

The application was being referred to Planning Committee due to an appeal against the non-determination of the application within the statutory eight-week period being lodged with the Planning Inspectorate.

In this case, Members were not being asked to determine the application as this was now in the hands of the Planning Inspectorate. The proposal in front of Members was for consideration of the decision that would likely have been made by the Local Planning Authority if it had been in a position to formally determine the application.

The decision made by Planning Committee would thereafter guide the submissions on the appeal and would form the basis of the Council's case at the appeal.

The officer was of the opinion that the proposal was unacceptable as it proposed replacement dwellings which would be materially larger than the existing ones and would have a greater impact on the openness of the rural area, in conflict with LP policy H13. It was therefore recommended that Planning Committee resolved to object to the proposal on those grounds and confirm that had the Committee been determining the application planning permission would have been refused.

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

The Committee therefore

**Resolved** that W/22/0471 be **refused** because Policy H13 of the Warwick District Local Plan 2011-2029 states that any replacement dwelling in the Open Countryside must not be materially larger than the existing dwelling and have no greater impact on the character and openness of the rural area.

In the opinion of the Local Planning Authority, the proposed dwellings would be materially larger than the existing dwellings. The proposal would also, by way of an unacceptable increase in total floor space, volume, height, bulk, width and site coverage, alongside siting of the large dwelling more centrally within the site, result in a materially larger and more



## **PLANNING COMMITTEE MINUTES (Continued)**

dominant development, resulting in harm to the openness of the rural area.

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

### **38. Planning Appeals Report**

The appeals report was not circulated prior to the meeting and would be distributed to Members following the meeting and responses to any questions via email would be shared with all Committee Members.

(The meeting ended at 9.10pm)

CHAIRMAN  
16 August 2023