

# Planning Committee

Minutes of the meeting held on Wednesday 22 May 2019 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillors Ashford, Boad, R Dickson, Heath, Kennedy, Leigh-Hunt, Morris, Murphy, Roberts, Sanghera and Weber.

**Also Present:** Committee Services Officer – Mrs Tuckwell; Legal Advisor – Mrs Sharma; Development Services Manager– Mr Fisher; Head of Development Services – Mr Barber.

NB: Following the publication of the agenda, the membership of the Committee was amended by Council on 16 May 2019 to replace Councillor Redford with Councillor Murphy.

## 1. **Apologies and Substitutes**

An apology for absence was received from Councillor Murphy.

## 2. **Appointment of Chairman**

It was proposed by Councillor Weber and seconded by Councillor Heath that Councillor Boad be appointed Chairman of Planning Committee.

**Resolved** that Councillor Boad be elected Chairman of Warwick District Council's Planning Committee for the municipal year 2019/20.

## 3. **Appointment of Vice-Chairman**

It was proposed by Councillor Heath and seconded by Councillor Ashford that Councillor Morris be appointed Vice-Chairman of Planning Committee.

**Resolved** that Councillor Morris be elected Vice-Chairman of Warwick District Council's Planning Committee for the municipal year 2019/20.

## 4. **Declarations of Interest**

Minute Number 10 – W/19/0596 – Land off Leam Street, Royal Leamington Spa

Councillor Weber declared an interest because he spoke to the applicant but he was not predetermined.

## 5. **Site Visits**

There were no site visits but Councillor Weber informed the Committee that he had visited the site of W/19/0596 – Land off Leam Street, Royal Leamington Spa, and sent some photos to the Planning officer.

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

### **6. Minutes**

The minutes of the meeting held on 23 April 2019 were taken as read and signed by the Chairman as a correct record.

The Chairman allowed a few minutes for the Committee to read the Addendum.

### **7. W/18/2390 – Woodlands House, Ashow Road, Ashow**

The Committee considered an application from Mr and Mrs Mc Leod for the conversion of existing garage for horse boxes and trailers for a two-bedroom dwelling (resubmission of application W/17/1357).

The application was presented to Committee because Ashow Parish Council supported the application and it was recommended for refusal.

The principle of development was considered acceptable by the officer in respect of both the location for new housing to be created and also in terms of Green Belt. The re-use of an existing building constituted an appropriate form of development in the Green Belt for which the submission of very special circumstances was not required.

Notwithstanding the principle of development being considered acceptable in accordance with Policy H1 of the Local Plan and paragraph 146 of the NPPF, the proposed sub-division of the host dwelling's curtilage would result in the creation of a very small dwelling within an equally small plot size which was uncharacteristic of the immediate surrounding character and would not reflect the surrounding settlement pattern within the village. Similarly, it would result in a new dwelling and its curtilage being crammed into the north eastern corner of the site which would share an awkward relationship with the host dwelling and would be at odds with the general sense of spaciousness that existed between dwellings in this part of the village.

Previous reasons for refusal related to neighbour amenity and highway safety had been resolved and these aspects of the development were now considered to be acceptable and in accordance with the relevant provisions of the Development Plan.

No protected species or other features of ecological importance would be impacted by the development, however, in light of the above considerations related to the impact on the character of the area, it was considered that the development would fail to comply with Policy BE1 of the Local Plan. For this reason, it was recommended by the officer that planning permission should be refused.

Ms Donna Savage addressed the Committee, speaking in support of the application.

During the debate, it was clarified that the Conservation Officer had no objection to the application. Councillors felt that the proposal met the requirements of Local Plan Policy BE1 – Layout and Design.

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

An addendum circulated at the meeting advised Members that the Parish Council supported the application with the provision that the access splay conformed to the Highway Authority's specifications.

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

**Resolved** that W/18/2390 be **granted** contrary to the recommendations in the report, subject to a condition regarding removal of permitted development rights and other conditions to be set by the Head of Development Services in consultation with the Chairman of Planning Committee.

### **8. W/19/0182 – Land adjacent to The Rising, Old Warwick Road, Rowington**

The Committee considered an application from Kingswood Homes Ltd for a resubmission of W/18/1226: erection of two-storey five-bedroomed house.

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

The proposal was considered to represent an appropriate form of development within the Green Belt and was not considered to cause harm to the character of the area. The proposed dwelling was considered to have been appropriately designed to integrate well into the street scene and was of an appropriate form and scale. In the officer's opinion, the development would not have a harmful impact on neighbouring residential amenity or highway safety as to warrant reason for a refusal of the application. The development would not have a harmful impact on wildlife. The development was therefore recommended for approved.

The following people addressed the Committee:

- Councillor Henderson, Rowington Parish Council, objecting; and
- Mr Hussey, supporting the application.

An addendum circulated at the meeting advised of an updated response from the Parish Council, which maintained its objection because of the adverse impact on the character and appearance of the area and increased density, which was out of keeping within the local area. The Parish Council conducted a public consultation prior to publishing a Parish Design Statement in December 2017. Over 100 responses were received, representing approximately 26% of residents. Key findings included that there was a strong desire to maintain the open-space character of the area, and where infill developments were considered, they should reflect the general character of the surrounding buildings and the parish in general.

In addition, the Inspector for the 2014 appeal on the application site concluded that the proposed infilling of the site would be harmful to the character of the area. The approval of a detached dwelling to the north west of the site along Old Warwick Road and also to the north of the site

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

along the Avenue had no impact on the openness of properties along the Old Warwick Road.

Properties were spaced at intervals of at least 20 metres and the site context continued to represent a "dispersed pattern of development". The proposed building would reduce the gap between adjacent properties to less than four metres, thereby destroying the open character of the street scene. The open application site was a defining feature of the village. The character of the site represented an integral part of the village and its loss would be harmful to the distinctiveness of the area, notwithstanding the more recent development allowed nearby.

In response, officers considered that the construction of three new dwellings within close proximity to the application site had affected the character of the area. As clarified in the report, the proposal was considered to represent limited infilling. Members were reminded that the Parish Design Statement had not been adopted and therefore could only be offered limited weight in determining the application.

The addendum also informed Members of a sustained objection because the reduction in the scale of the development did nothing to reduce the impact of an infill development, creating a ribbon development along this part of Old Warwick Road. Concern had been expressed regarding the parking provision, the ability to leave the site in a forward gear and visibility splays.

In addition, a response from Warwickshire County Council Highways advised that from measured speeds, the visibility requirement was 85 metres, not 120 metres as suggested by neighbours, and the method of calculation was clear in the Transport Statement. The splays had been measured by Highways officers on site with the applicant in line with the guidance in Manual for Streets 2 and they were achievable.

In respect of turning facilities, Highways officers' professional judgement was that there was sufficient turning space available within the site boundaries, without the requirement for a swept path analysis. They considered that there was sufficient space available outside of the area allowed for parking to facilitate turning to take place, therefore this met their requirements.

In the addendum, officers confirmed that the overall height of the dwelling had been increased by one metre since the original proposed plans. However, this still remained lower than the ridge height of the dwelling to the south of the site, creating a "step" between the properties to the north and south of the site, which sat comfortably within the street scene. The gaps between the proposed dwelling and the boundaries were originally a maximum of 1.4 metres. The gaps were now 3.1 metres to the south and 5.8 metres to the north.

The addendum advised of a correction to the report under the section entitled, "*Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified*", application reference W/16/0383 was noted. However, the correct reference number was W/16/0838.

## **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 Morris and seconded by Councillor Heath that the application should be granted, subject to the conditions in the report.

The Committee therefore

**Resolved** that W/19/0182 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended drawings 048-10\_, 048-21\_ and 048-20\_, and specification contained therein, submitted on 29th April 2019. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) no works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority (with advice from Warwickshire County Council Ecological Services). The scheme must include all aspects of: landscaping and details of bat and bird box locations and other species enhancements. The scheme shall be fully implemented and maintained in accordance with the agreed details. **Reason:** In accordance with NPPF, ODPM Circular 2005/06 and to ensure that protected species are not harmed by the development in accordance with policy NE2 of the Warwick District Local Plan 2011 – 2029;
- (4) the site must be surveyed for the presence of badgers immediately before any development takes place. If evidence of badgers is found at this time, a full badger survey must then be carried out by a badger expert. The results of all survey(s) and recommendations must be agreed in writing by the Local Authority prior to works commencing on site.

**Reason:** To ensure that protected species are  
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## PLANNING COMMITTEE MINUTES (Continued)

not harmed by the development in accordance with policy NE2 of the Warwick District Local Plan 2011 – 2029;

- (5) the development hereby permitted shall either:
- a) be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds, or
  - b) not commence until a qualified ecologist has been appointed by the applicant to inspect the vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by the ecologist.

Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. **Reason:** To ensure that protected species are not harmed by the development in accordance with policy NE2 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) there shall be no development above slab level unless and until a hard and soft landscaping scheme has 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 the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard

## PLANNING COMMITTEE MINUTES (Continued)

surfacing, which shall be made of porous materials or provision shall 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;

- (8) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;
- (9) the development hereby permitted shall not be occupied unless and until the car parking areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan

## PLANNING COMMITTEE MINUTES (Continued)

2011-2029;

- (10) the development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway in accordance with details shown on submitted plan P1278/101C (contained within the Transport Statement), and until a turning area has been provided within the site so as to enable vehicles to leave and re-enter the public highway in a forward gear. At all times thereafter the turning facility shall be kept free of obstruction and shall be kept available for its intended use, and nothing in the visibility splay shall exceed 600mm in height. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (11) 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:** To ensure that a pavement and verge crossing is available for use when the development is completed thereby enabling safe and convenient access to and egress from the site in the interests of the safety of road users and pedestrians in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (12) prior to the occupation of the development hereby permitted, the first floor side facing windows in the north and south elevations 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 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029; and
- (13) the development shall be carried out strictly in accordance with the control measures described and illustrated in Tree Report submitted as part of the application. The tree



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

protection measures must be fully implemented in a timely fashion and properly maintained and monitored throughout the duration of the development. **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.

### **9. W/19/0447 – 76 The Fairways, Royal Leamington Spa**

The Committee considered an application from Dr Anissa Tse for amendment of the height of the parapet wall over the single storey rear extension and amend the design of the front porch granted under planning permission ref: W/16/0552 (part-retrospective application).

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

The officer was of the opinion that the addition of a parapet wall over the approved single storey rear extension was of an acceptable design that would not be detrimental to the amenity of neighbouring properties. In addition, the revised design of the approved porch was considered acceptable for the existing property and the street scene.

Mr Collins addressed the Committee, objecting to the application.

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

The Committee therefore

**Resolved** that W/19/0447 be **granted** in accordance with the recommendations in the report, subject to the following condition:

- (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) 2016-1551-2B, 2016-1551-3E, 2017-1551-4E, and specification contained therein, submitted on 14th March 2019. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

### **10. W/19/0596 – Land off Leam Street, Royal Leamington Spa**

The Committee considered an application from Ballinger Properties for demolition of front part of existing brick wall to allow for a wider access into the site to the rear.

## PLANNING COMMITTEE MINUTES (Continued)

The application was presented to Committee following a request from Ms Weed, who at that time had been a Member of Warwick District Council.

The officer was of the opinion that the wall was not a historic feature in the Conservation Area and the Conservation Officer did not have any objections to its removal. It was therefore considered that the removal of the wall would preserve the character and appearance of the Conservation Area and would accord with Policy HE2 of the Warwick District Local Plan (2011-2029).

The following people addressed the Committee:

- Ms Weed, objecting to the application; and
- Mr Ballinger, supporting the application.

An addendum circulated at the meeting advised Members of a typing correction in the report. The second sentence in the final paragraph under the heading "*Impact on the Character and Setting of the Conservation Area*" should have read:

*"The Conservation Officer has not raised any objection to the demolition of the wall. He considers the wall does not make a positive contribution to the Conservation Area and **does not** bear any historical significance."*

In addition, the addendum informed Members of an additional comment received from a local resident confirming that a legal notice under Section 11A of the Landlord and Tenant Act 1987 had been served by the tenants of Albert Court on Ballinger Properties which challenged Ballinger Properties' legal right to buy this piece of land and to deny the residents access to it. It was requested that the application was not discussed at the committee meeting until the outcome was known.

The addendum informed Members of officers' response advising that as this was a civil legal matter regarding the sale of land and the rights of third parties to use the land, it was not relevant to the planning merits of this application. Any material change in the use of the land under planning legislation would be subject to planning permission.

Councillor Morris was concerned that when checking on the Local Planning Authority's website for this particular application, it appeared that the Conservation Officer's views on this matter changed. On an email dated 16 April 2019, the Conservation Officer emphasised that the wall proposed for demolition was a historic rear boundary wall and removal was not supported due to detrimental harm caused to the appearance and character of the Conservation Area. In addition, there were no public benefits identified or convincing justification presented outweighing this harm, contrary to heritage policies contained within the NPPF and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

However, another email dated 30 April 2019 advised that having looked at the application again, the Conservation Officer had no objection to the wall's demolition, which had several types of brickwork, including modern interventions, no consistent bond and it did not have a positive contribution towards the Conservation Area.

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

Councillor Morris was concerned that the Conservation Officer had not visited the application site, and that the application site was part of the Conservation Area.

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

The Committee therefore

**Resolved** that W/19/0596 be **refused** contrary to the recommendations in the report as the respective wall contributes to the character of the Conservation Area and the application for removal contravenes Policy HE2.

### **11. W/19/0430 – 24 Vicarage Lane, Sherbourne**

The Committee considered an application from Mr Oliver Newbury for the erection of a two-storey side and rear extension and alterations to existing outbuilding.

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

The officer was of the opinion that the proposed extensions were considered to be an acceptable design for the existing property that would not have a detrimental impact upon the character and appearance of the Conservation Area. In addition, the proposed extensions would not present a negative impact on the amenity of the surrounding residential properties.

An addendum circulated at the meeting advised that amended plans had been received removing the proposed timber cladding from the outbuilding which was to be replaced by matching brick. Condition 2 (plan numbers) had been updated to include the amended plans and Condition 3 (matching materials) had been updated to omit timber cladding.

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

The Committee therefore

**Resolved** that W/19/0430 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be

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

carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 19-07/PA1/02, 19-07/PA1/03 rev A, 19-07/PA1/04 rev A and specification contained therein, submitted on 15 March 2019 and 13 May 2019. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

- (3) excluding the timber cladding as detailed on the approved plans, 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; and
- (4) all window and door frames shall be constructed in timber and shall be painted and not stained. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029.

### **12. 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 8.05pm)

CHAIRMAN  
18 June 2019