

# Planning Committee

Minutes of the meeting held on Tuesday 14 December 2021 at the Town Hall, Royal Leamington Spa at 6.00pm.

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

**Also Present:** Principal Committee Services Officer – Lesley Dury; Manager – Development Services – Gary Fisher, Planning Assistant – Jonathan Gentry, Legal Advisor – Max Howarth.

## 117. Apologies and Substitutes

- (a) Apologies were received from Councillors Ashford, Tangri and Tracey.
- (b) Councillor Grainger substituted for Councillor Morris and Councillor Margrave substituted for the Whitnash Residents Association vacancy.

## 118. Declarations of Interest

Minute Number 123 – W/21/1749 – 3 Frances Gibbs Gardens, Whitnash

Councillor Margrave declared an interest because the application site was in his Ward and he was addressing the Committee to speak in support. He would not participate when the Committee discussed the application and made its decision.

## 119. Site Visits

W/21/1551 – 1 The Cedars, Wasperton Lane, Barford – Councillor Quinney made an independent site visit to this address.

W/21/1749 – 3 Frances Gibbs Gardens, Whitnash – Councillor Margrave made an independent site visit to this address.

## 120. Minutes

The minutes of the meeting held on 9 November 2021 were taken as read and signed by the Chairman as a correct record.

## 121. W/21/1348 – Woodlands Cottage, Mill Lane, Rowington

The Committee considered an application from Mr and Mrs Bates for the erection of a two-storey side extension and the erection of a detached double carport and store building.

The application was presented to Committee because it had been recommended that the application should be refused but more than five letters of support, including one from Rowington Parish Council, had been received.

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

The officer was of the opinion that the proposals complied with Local Plan Policies BE1, BE3 and NW2, but failed to comply with the NPPF and Local Plan Policies H14 and DS18. The proposal constituted inappropriate development in the Green Belt which was harmful by definition and by reason of harm to openness. No very special circumstances existed which would outweigh the harm identified. It was recommended that the application should be refused.

An addendum circulated at the meeting advised that it was proposed to demolish the existing outbuildings and that an additional support comment had been received but not with any new information that was not already in the officer's report.

The following people addressed the Committee:

- Mr Brook, speaking on behalf of the applicant; and
- Councillor Illingworth, District Councillor speaking in support.

The Manager, Development Services explained that new buildings were inappropriate in the Green Belt unless in a situation such as being currently considered, where they were replacing existing buildings, they were a similar size and scale to the existing buildings and therefore would not have a greater impact on the Green Belt. Where a building was replacing a series of other buildings as in the proposals being considered, the test was whether the new building was materially larger than the existing building that was to be replaced. If it was materially larger, then it was inappropriate development in 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 Quinney and seconded by Councillor Dickson that the application should be refused.

The Committee therefore

**Resolved** that W/21/1348 be **refused** for the following reason:

<b>No.</b>	<b>Refusal Reason</b>
(1)	Paragraph 149 of The National Planning Policy Framework (NPPF) states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. Exceptions include extensions which do not result in disproportionate additions over and above the size of the original building and replacement buildings which are in the same use, but which are not materially larger than the one they replace. Local Plan Policy DS18 states that the Council will apply national policy to proposals within the Green Belt. Local Plan Policy H14 states that extensions to dwellings in the Green Belt that represent an increase

## PLANNING COMMITTEE MINUTES (Continued)

<b>No.</b>	<b>Refusal Reason</b>
	<p>of more than 30% to the gross floorspace of the original building are likely to be considered disproportionate.</p> <p>In the opinion of the Local Planning Authority, the proposed extension to the dwelling house represents a disproportionate addition to the original building. The proposed outbuilding is considered to be materially larger than the existing curtilage buildings it replaces. Both the extension and the new outbuilding are considered to constitute inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. No very special circumstances are considered to exist which outweigh the harm identified.</p> <p>The proposed development is therefore contrary to the aforementioned policies.</p>

### 122. **W/21/1551 – 1 The Cedars, Wasperton Lane, Barford**

The Committee considered an application from Dr Ramadani for the erection of a single storey rear extension.

The application was presented to Committee because the recommendation was that the application should be approved, but a number of objections had been received.

The officer was of the opinion that the application was 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 outlook and amenity. The proposals were in accordance with the aforementioned policies, and it was therefore recommended for approval.

The following people addressed the Committee:

- Mrs Hodgetts, representing CAF, objecting to the proposals; and
- Mr Roberts, objector.

The Manager, Development Services confirmed there was a separation of about 80m with trees and vegetation between the houses and Barford House. It was unlikely that the rears of the houses would be visible looking from Barford House and vice versa, but he could not definitely confirm this because he had not made a site visit.

Councillor Kennedy felt that there were two concerns with the application. The proposal for the extension conformed to required standards. The second concern was that building the extension in the private garden would result in more extensive use of the shared garden for private purposes.

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

These were entirely separate matters, and the second concern was controlled by Condition 27 of the original permission and therefore subject to enforcement. It was not relevant to the application under current consideration for the extension.

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

The Committee therefore

**Resolved** that W/21/1551 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. <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) 753/1A, and specification contained therein, submitted on 19th November 2021. <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)        | all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. <b>Reason:</b> 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.  |

### 123. **W/21/1749 – 3 Frances Gibbs Gardens, Whitnash**

The Committee considered an application from Mr Fincham and Ms Griffiths for the erection of a two-storey side extension after demolition of the existing attached garage.

The application was presented to Committee at the request of Councillor Margrave and because of the number of comments in support received, when the application was recommended for refusal.

The officer considered that the replacement side extension formed an overbearing feature that failed to sit comfortably on or remain subservient to the original property. It was also considered that proposal did not respect surrounding buildings in terms of scale, height, form and massing

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

and would be contrary to Policy BE1, the SPD and the NPPF. It was therefore recommended that planning permission should be refused.

The following people addressed the Committee:

- Ms Griffiths, the applicant; and
- Councillor Margrave, District Councillor, who spoke in support of the application.

The Manager, Development Services, advised Members that they should look at whether the design was acceptable and whether the extension was subservient to the existing building. Members felt that the extension was a sympathetic design to the side, and it was agreed that the location at the corner of the road was not repeated elsewhere in the road so the same sort of proposal could not be made; it was unique.

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

The Committee therefore

**Resolved** that W/21/1749 be **granted** contrary to the recommendation in the report because it was considered that the massing was not too obtrusive, and the extension was subservient to the existing building. The property was in a unique location at the corner of the road so would not set a precedent for other applications. The setting of conditions was delegated to officers in liaison with the Chairman of Planning Committee.

### 124. **W/20/1299 – Land opposite Brook House, Bakers Lane, Knowle, Lapworth**

The Committee considered an application from Mr Hussain for the erection of a stable and associated hardstanding.

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

The officer was of the opinion that the application was considered to be an appropriate form of development within the Green Belt. The scale of the building was considered to be appropriate for the land holding. The proposal raised no objection in design or amenity terms. The proposal was considered acceptable in relation to highway safety and impact on protected species.

An addendum circulated at the meeting gave details of an additional comment received from residents about the application which voiced concerns about whether the proposed stable would be used for stabling. Warwickshire County Council Highways Department had also submitted comments that it had no concerns about additional vehicle movements

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

associated with the proposed use and that despite the fact that Bakers Lane was narrow, it could accommodate large agricultural vehicles.

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

The Committee therefore

**Resolved** that W/20/1299 be **granted** subject to the following conditions:

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
| (1)        | <p>the development hereby permitted shall begin not later than three years from the date of this permission.</p> <p><b>Reason:</b> To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);</p>  |
| (2)        | <p>the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 9402-201 and specification contained therein, submitted on 19 August 2020 and approved drawing 9402-300 Rev A and specification contained therein, submitted on 3 August 2021.</p> <p><b>Reason:</b> For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DS18, BE1 and BE3 of the Warwick District Local Plan 2011-2029;</p>  |
| (3)        | <p>the development hereby permitted shall not commence until a scheme for biodiversity enhancements has been submitted and approved in writing by the Local Planning Authority. The scheme should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The scheme should also include details of habitat enhancement/creation measures and management, such as native species planting, species-rich wildflower meadow creation and/or hedgerow creation/enhancement. Such approved measures shall thereafter be implemented in full.</p> <p><b>Reason:</b> To ensure a net biodiversity gain in accordance with NPPF;</p> |

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

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
| (4)        | <p>the materials used in the construction of the development hereby permitted shall be in full accordance with the details submitted within the application documents (timber with shingled roof).</p> <p><b>Reason:</b> To ensure that the visual amenities of the area are protected and to provide an appropriate form of development in the Green Belt and to satisfy the requirements of Policies DS18 and BE1 of the Warwick District Local Plan 2011-2029;</p> |
| (5)        | <p>the use of the building hereby permitted shall be for personal and private use only for the stabling of up to 4 horses and shall at no time be used for commercial activity.</p> <p><b>Reason:</b> In the interest of amenity and highway safety in accordance with Policies DS18, BE3, TR1 and TR3 of the Warwick District Local Plan 2011-2029; and</p>  |
| (6)        | <p>there shall be no burning of waste within the site boundaries.</p> <p><b>Reason:</b> In the interest of the amenity of the local area having regard to Policy BE3 of the Warwick District Local Plan 2011-2029.</p>  |

### **125. W/21/1178 – Flat 3, 18 Portland Street, Royal Leamington Spa**

The Committee considered an application from Innocent Group for the change of use of a dwelling house (use Class C3) to a three-bed house in multiple occupation (HMO) (Class C4).

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

The officer was of the opinion that the application was considered to be acceptable in principle and would not have a harmful impact on neighbouring residential amenity, or the character of the area. There would be no increased demand on parking as a result of the change of use. It was therefore recommended that the proposed change in use should be approved.

Councillor Quinney raised concerns about noise issues that might become an issue to residents as a result of the property becoming an HMO. He was advised that there was no way to determine who would occupy the dwelling and that they would cause a noise nuisance. Environmental Health officers had not raised concerns about noise.

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

It was noted that the shortfall in car and bike parking spaces could not be considered because these were already an existing shortfall and the proposals did not increase the shortfall.

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

The Committee therefore

**Resolved** that W/21/1178 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. <b>Reason:</b> 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 site location plan and approved proposed floor plans, and specification contained therein, submitted on 18th June 2021. <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. |

### 126. **Appeals Report**

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

**Resolved** that the report be noted.

Councillor Quinney raised the issue of when reports should be published on the Planning portal and was informed that the statutory requirement was that they should be published five clear working days ahead of the Committee meeting. This had been missed for the one report recently, but it was not a frequent occurrence.

(The meeting ended at 7.59pm)

CHAIRMAN  
11 January 2022