

## **Planning Committee**

### **Tuesday 14 December 2021**

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa on Tuesday 14 December 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.

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 9 November 2021  
**(Pages 1 to 13)**

**Part B – Planning Applications**

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

- 5. **W/20/1299 – Land opposite Brook House, Bakers Lane, Knowle, Lapworth**  
**(Pages 1 to 6)**
- 6. **W/21/1178 – Flat 3, 18 Portland Street, Royal Leamington Spa**  
**(Pages 1 to 4)**
- 7. **W/21/1348 – Woodlands Cottage, Mill Lane, Rowington** **(Pages 1 to 6)**
- 8. **W/21/1551 – 1 The Cedars, Wasperton Lane, Barford** **(Pages 1 to 6)**
- 9. **W/21/1749 – 3 Frances Gibbs Gardens, Whitnash** **(Pages 1 to 5)**

**Part C – Other matters**

10. **Appeals report** **(To follow)**

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.

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](mailto: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](mailto:planningcommittee@warwickdc.gov.uk)

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# Planning Committee

Minutes of the meeting held on Tuesday 9 November 2021 at the Town Hall, Royal Leamington Spa at 6.00pm.

**Present:** Councillor Boad (Chairman); Grainger, Jacques, Kennedy, Kohler, Leigh-Hunt, Margrave, Matecki, Quinney, Tangri and Tracey.

**Also Present:** Committee Services Officers – Sophie Vale and Rob Edwards; Legal Advisor – Max Howarth; and Business Manager – Development Management – Sandip Sahota.

## 107. **Apologies and Substitutes**

- (a) There were no apologies for absence made.
- (b) Councillor Grainger substituted for Councillor Ashford, Councillor Kohler substituted for Councillor R Dickson, Councillor Margrave substituted for the Whitnash Residents Association vacancy, and Councillor Matecki substituted for Councillor Morris.

## 108. **Declarations of Interest**

Minute Number 115 – W/21/1392 – 27 Upper Cape, The Cape, Warwick

Councillor Grainger declared an interest because she had previously voted against this application when it came to Warwick Town Council Planning Committee. After taking advice from the Legal Officer, it was decided that Councillor Grainger would remain in the room but would abstain from this vote.

## 109. **Site Visits**

Councillors Kennedy and Kohler had made independent site visits to:

W/21/0657 – 2 Elizabeth Way, Kenilworth.  
W/21/1263 – 9 Stoneleigh Close, Stoneleigh.

## 110. **Minutes**

The minutes of the meetings held on 12 October 2021 were taken as read and signed by the Chairman as a correct record.

## 111. **Report**

The report of the urgent delegated decisions meeting held on 21 October 2021 was taken as read and signed by the Chairman as a correct record and as set out at Appendix 1 to these minutes.

## PLANNING COMMITTEE MINUTES (Continued)

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

This application was withdrawn from the agenda because the Highways Authority reviewed the proposal and requested further information from the applicant to assess impact on parking and highway safety.

### 113. **W/21/1263 – 9 Stoneleigh Close, Stoneleigh**

The Committee considered an application from Mr Brooks for the erection of two rear dormer windows.

The application was presented to Planning Committee because of the number of neighbour objections and Stoneleigh & Ashow Parish Council also objected to the proposal.

The officer was of the opinion that the revised development proposals were considered to be in keeping with the character and appearance of the property and the surrounding area and also constituted appropriate development within the Green Belt. 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 policies stated in the report, and it was therefore recommended for approval.

The following people addressed the Committee:

- Mr Astle, representing Stoneleigh & Ashow Parish Council, speaking in objection;
- Mr Hancox, objecting;
- Mrs Reid, objecting; and
- Mr Robinson, supporting.

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

**Resolved** that W/21/1263 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 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. |

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

### **No.**

### **Condition**

**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

- (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.

#### **114. W/21/0657 – 2 Elizabeth Way, Kenilworth**

The Committee considered a retrospective application from Mr Homer for the erection of a timber fence.

The application was presented to Planning Committee because the application was recommended for refusal and there had been more than five comments in support of the application.

The officer was of the opinion that the development was contrary to Local Plan Policy BE1 and the Kenilworth Neighbourhood Plan Policy KP13 and constituted a poor design solution resulting in harm to the street scene. It was therefore recommended that planning permission should be refused.

An addendum circulated prior to the meeting advised that the Committee Report stated that eight comments of support were received. To clarify, one of these was submitted by the applicant which was not counted and therefore the correct number of comments received in support was in fact seven.

The following people addressed the Committee:

- Mr Plevin, objecting; and
- Mr Homer, supporting

A motion to grant the application, proposed by Councillor Matecki, and seconded by Councillor Margrave, on being put to the vote was lost.

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

The Committee therefore

**Resolved that** W/21/0657 be **refused** because 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 street scene.

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

**115. W/20/1392 - 27 Upper Cape, The Cape, Warwick**

An application for the demolition of the existing dwelling and the erection of 15 residential apartments and associated parking and amenity areas from Hamble Associates had been refused by the Council under delegated powers on 25 February 2021. An appeal had been submitted against the Council's decision and was 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 submitted a S106 agreement, which was agreed with the Council's Legal Services team. In accordance with the Council's scheme of delegation, it was necessary for the Planning Committee to authorise the agreement before it could be sealed. The Committee therefore considered this S106 agreement, with the required planning obligations as follows:

- provision of six 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 (Warwick District Council);
- 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;

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

monitoring fee for Warwickshire County Council of £450.

The case officer was of the opinion that the proposed affordable housing provision (6 units) was in accordance with the Council's Housing departments requirements, who had no objection to the proposed development. The proposed financial contributions were in accordance with the requests from the various consultees in relation to the relevant services. The appellant agreed to all of the above contributions which were included in the legal agreement. Therefore, it was recommended that the Planning Committee should authorise the S106 agreement.

Following consideration of the report and presentation it was proposed by Councillor Quinney and seconded by Councillor Jacques that the S106 agreement be authorised.

The Committee therefore

**Resolved** that the S106 agreement, as set out in the report be approved.

### **116. 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 7.22pm)

CHAIRMAN  
14 December 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**

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

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

### **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

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

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 out 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.

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

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.

On being out 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.

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

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.

On being out 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:

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

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.

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.

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.*

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.

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

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.

On being out 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.

On being out 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)

**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.

5. **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.

6. **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:** 14 December 2021

**Item Number:** 5

**Application No:** W 20 / 1299

**Town/Parish Council:** Lapworth  
**Case Officer:** Dan Charles

**Registration Date:** 19/08/20

**Expiry Date:** 14/10/20

01926 456527 dan.charles@warwickdc.gov.uk

**Land Opposite Brook House, Bakers Lane, Knowle, Lapworth, B93 8PW**

Erection of stable and associated hardstanding. FOR Mr Hussain

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This application is being presented to Committee due to the number of objections received.

**RECOMMENDATION**

That planning permission is GRANTED with conditions.

**DETAILS OF THE DEVELOPMENT**

The proposed development is for the erection of a stable building consisting of 4 stalls and a tack/fodder store room.

The building is proposed to be 'L' shaped with the primary wing measuring 15.5 metres x 4 metres with the additional projection of 5.69 metres x 4 metres with an eaves height of 2.68m and overall height to ridge of 3.72m.

The building is to be constructed of timber walls under a shingled roof and will be located on a concrete slab base.

**THE SITE AND ITS LOCATION**

The application site relates to an equestrian field located on the southern side of Bakers Lane, within the Green Belt and a rural area.

The site is flanked on all sides by open fields/paddocks. Beyond the fields to the north lie a number of residential properties.

The site is accessed from Bakers Lane onto an existing unmade track leading to the associated paddock running along the northern boundary with the road.

Within the wider area in the vicinity of Bakers Lane, a significant level of local concern is being expressed concerning the changing character of that wider area arising from incremental developments, a number of which are the subject of ongoing enforcement investigations and other current planning applications.

**PLANNING HISTORY**

### Applications relevant to adjacent land

**W/18/2369** - Erection of stable building – **GRANTED 27.02.2019.**

**W/16/0455** - Erection of agricultural building (hay barn) – **REFUSED 28.04.2016.**

**W/15/1133** – Erection of stable building – **REFUSED 11.09.2015**

**W/11/1621** - Hardstanding ancillary to adjacent paddock: **GRANTED 13.06.2012.**

### **RELEVANT POLICIES**

- National Planning Policy Framework

#### The Current Local Plan

- DS18 - Green Belt
- BE1 - Layout and Design
- BE3 - Amenity
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)

#### Guidance Documents

- Parking Standards (Supplementary Planning Document)

### **SUMMARY OF REPRESENTATIONS**

**Lapworth Parish Council:** No objection.

**WCC Ecology:** No objection subject to condition and note.

**WDC Environmental Protection Officer:** No objection.

**Public Response:** A total of 13 number of objections received making the following comments;

- Land is being turned into residential development.
- Development by stealth.
- Increased traffic.
- Not satisfied that there are horses on site.
- Impact on rural landscape.

- Impact on openness of Green Belt.
- Harm to highway safety.
- Already sufficient stabling in area.

## **ASSESSMENT**

### **Whether the proposal constitutes appropriate development in the Green Belt**

As the site lies within the West Midlands Green Belt, the proposal must be assessed against Policy DS18 of the Local Plan. The policy states development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions. Paragraph 149 states that new buildings in the Green Belt are inappropriate development except where certain criteria are met. Point b) allows for the provision of appropriate facilities for outdoor sport and recreation purposes where they do not conflict with the purposes of including land within the Green Belt.

Private equestrian uses are considered to fall within the category of outdoor sport and recreation. The scale of the building is modest to provide stabling for 4 horses only with associated storage and tack room. The land extends in total to approximately 4.12 acres. The British Horse Society recommend 1 acre per horse so Officers are satisfied that the scale of the building is commensurate with the land area.

The building is timber under a lightweight shingle roof structure. This form of stable building is a common feature within rural areas and Officers are satisfied that the building would not conflict with the purposes of including the land within the Green Belt and is therefore appropriate development.

### **Design and impact on visual amenity and the character of surrounding area**

Section 12 of the National Planning Policy Framework (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 that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

Policy BE1 of the Local Plan 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 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 stable block proposed is of timber construction under a shingled roof. This is a common design for small scale stable structures within rural areas.

The building would be sited in close proximity to the access at the front of the site area so only a small area of hardstanding is required to facilitate the stable building.

The proposal is of modest scale with a 85m<sup>2</sup> footprint and ridge height of 3.72m. Officers are satisfied that the scale of development would not have a detrimental impact on the visual amenity of the area.

The proposal is considered to be in accordance with Policy BE1 of the Local Plan and national guidance contained within the NPPF.

### **Impact on adjacent properties**

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

There are no neighbouring properties immediately adjacent to the site of the proposed stable building. The nearest property is a significant distance to the north of the site. Officers are satisfied that the provision of the modest stable block would not result in any significant harmful impact on the amenity of the neighbouring property.

Due to the location of the stable block, it is considered appropriate to restrict the burning of waste on site to prevent any undue harm to the amenity of neighbouring properties.

Subject to the imposition of the conditions to restrict on-site activities, Officers are satisfied that the scheme would accord with Policy BE3 of the Local Plan.

### **Highway Safety**

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The site benefits from an existing access to the public highway that serves the site and this access has acceptable visibility in both directions.

There is sufficient space within the site on the existing hardstanding to allow vehicles to enter, park and manoeuvre allowing for access and egress in a forward gear.

Officers consider it appropriate to restrict the use of the stable building to private use only to ensure that traffic is kept to a minimum to prevent harm to highway safety.

Subject to the imposition of the condition on the use of the stables, Officers are satisfied that the proposal would not result in harm to highway safety. The scheme is therefore considered acceptable having regard to Policies TR1 and TR3 of the Local Plan.

### **Impact on Ecology/Protected Species**

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The proposal has been considered by the County Ecologist who has inspected the site and raised no objection to the scheme in terms of potential impact on protected species subject to the imposition of a condition to secure biodiversity gain and an explanatory note regarding foundations and the potential impact on wildlife.

Officers are therefore satisfied that the scheme accords with Policy NE3 of the Local Plan.

### **Other Matters**

A number of objections have cited an earlier application on adjacent land whereby a building has been converted into living accommodation and it has been suggested that this proposal is a pre-cursor to this form of development.

Officers have noted this concern but this is not a material planning consideration and the proposal has been assessed on its own merits. Conditions are proposed to control the use of the building and any future application would have to be assessed separately.

### **Conclusion**

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

For the above reasons, the proposal is recommended for approval subject to conditions.

### **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 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.

**REASON :** 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.

- 3 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.

**REASON:** To ensure a net biodiversity gain in accordance with NPPF.

- 4 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).

**REASON:** 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.

- 5 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.

**REASON:** 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.

- 6 There shall be no burning of waste within the site boundaries.

**REASON:** In the interest of the amenity of the local area having regard to Policy BE3 of the Warwick District Local Plan 2011-2029.

**Planning Committee:** 14 December 2021

**Item Number:** 6

**Application No:** W 21 / 1178

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Rebecca Compton

**Registration Date:** 18/06/21

**Expiry Date:** 13/08/21

01926 456544 rebecca.compton@warwickdc.gov.uk

**Flat 3, 18 Portland Street, Leamington Spa, CV32 5HE**

Application for the change of use of dwellinghouse (Use Class C3) to a 3 bed House in Multiple Occupation (HMO) (Use Class C4). FOR Innocent Group

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This application is being presented to Committee due to the number of objections received.

**RECOMMENDATION**

Planning Committee are recommended to grant planning permission.

**DETAILS OF THE DEVELOPMENT**

The application seeks planning permission for the proposed change of use from a 2 bed dwelling (Use Class C3) to a 3 bed House in Multiple Occupation (Use Class C4).

**THE SITE AND ITS LOCATION**

The site subject to this application is an upper floor flat located within a terraced building in the Royal Leamington Spa Conservation Area.

**PLANNING HISTORY**

None relevant.

**RELEVANT POLICIES**

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE3 - Amenity
- H6 - Houses in Multiple Occupation and Student Accommodation
- TR3 - Parking

Guidance Documents

- Parking Standards (Supplementary Planning Document- June 2018)

- Residential Design Guide (Supplementary Planning Document- May 2018)

#### Royal Leamington Spa Neighbourhood Plan 2019-2029

- Policy RLS1 – Housing Development Within the Royal Leamington Spa Urban Area
- Policy RLS3 – Conservation Areas
- Policy RLS5 – Royal Leamington Spa Housing Mix and Tenure

### **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** No objection.

**WDC Waste Management:** No objection.

**WDC Private Sector Housing:** Recommendations made for fire safety, ventilation and light and outlook.

**Public response:** 6 objection comments have been received from local resident raising concerns over impact on neighbours, waste and parking.

### **Assessment**

#### Principle of Development

*Whether the proposals would cause or add to a harmful over-concentration of HMOs in this area*

Policy H6 of the Local Plan states that planning permission will only be granted for Houses in Multiple Occupation (HMOs) where:-

- a). the proportion of dwelling units in multiple occupation (including the proposal) within a 100 metre radius of the application site does not exceed 10% of total dwelling units;
- b). the application site is within 400 metres walking distance of a bus stop;
- c). the proposal does not result in a non-HMO dwelling being sandwiched between 2 HMOs;
- d). the proposal does not lead to a continuous frontage of 3 or more HMOs; and
- e). adequate provision is made for the storage of refuse containers whereby - the containers are not visible from an area accessible by the general public, and the containers can be moved to the collection point along an external route only.

Assessment:

- a). Within a 100 metre radius there are 25 existing HMOs out of 355 residential units. The existing concentration level is at 5.9%. The addition of one further HMO would increase the concentration of HMOs to 6.1% which is below the 10% limit of HMOs within a 100 metre radius.

- b). The nearest bus stop is located on Parade which is within 400 metres walking distance of the property.
- c). The existing property does not sandwich a non-HMO between another HMO.
- d). It does not lead to a continuous frontage of HMOs.
- e). The proposal would retain the existing waste and recycling storage arrangements to the rear of the property. The property is on a weekly black sack collection, refuse can be stored internally or to the rear of the building which are not accessible by the general public and the sacks would be moved outside on collection day.

The development meets the requirements of Local Plan policy H6 and is therefore considered acceptable.

Concerns have been raised by a local resident over refuse storage and impact on neighbours, Waste Management have been consulted and have raised no objection to the change of use and given that the development complies with Local Plan policy H6, officers are satisfied that a HMO in this location would not have an unacceptable impact on neighbouring residents.

#### Impact on the Street Scene

The development does not include any external alterations and so would not have any impact on the character of the street scene.

The proposal is therefore considered to be in accordance with Local Plan Policy BE1.

#### Impact on neighbouring properties

Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

The proposed change of use includes no external alterations. The proposal is therefore unlikely to have an impact on neighbouring residential amenity which would warrant reason for refusal of the application.

The proposed HMO would provide acceptable living conditions for the future occupiers, all rooms benefit from outlook and light.

The proposal is therefore considered to be in accordance with Local Plan Policy BE3.

#### Parking & Highway Safety

The existing parking requirement for the 2 bedroom house is 2 spaces and the requirement for the proposed 3 bed HMO would also be 2 spaces, according to the Council's adopted Parking Standards SPD. The development would therefore lead to no increase in parking.

The Cycle storage required for the existing 2 bedroom dwelling would be 2 spaces, as proposed the 3 bedroom HMO would also require 2 spaces. The development would therefore lead to no increase in cycle storage.

The proposal would therefore be in accordance with Policy TR3 of the Local Plan.

#### Other Matters

Private Sector Housing have provided advice on the licensing requirements for the proposed HMO, this includes the need for fire precautions and ventilation to the kitchen and bathroom. They have also suggested that one of the bedrooms should be provided with another window. Officers are satisfied that all rooms have adequate levels of light and outlook however the advice from Private Sector Housing will be added as an advisory note.

#### **Conclusion**

The proposed change of use is 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. The proposed change of use 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 and approved proposed floor plans, and specification contained therein, submitted on 18th June 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.

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**Planning Committee:** 14 December 2021

**Item Number:** 7

**Application No:** [W 21 / 1348](#)

**Town/Parish Council:** Rowington  
**Case Officer:** Millie Flynn

01926456140 millie.flynn@warwickdc.gov.uk

**Registration Date:** 14/07/21

**Expiry Date:** 08/09/21

**Woodlands Cottage, Mill Lane, Rowington, Warwick, CV35 7DQ**

Erection of two storey side extension and erection of detached double carport  
and store building FOR Mr and Mrs Bates

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This application is being presented to Committee as it is recommended for refusal and the Parish Council supports the application and there have also been more than 5 support comments received.

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought for the proposed refurbishment of the existing dwelling including the erection of a two-storey side extension and the erection of detached outbuilding comprising two carport bays and a store.

**THE SITE AND ITS LOCATION**

The application site is located in a rural area and is washed over by Green Belt. Woodlands Cottage is a two-storey semi-detached dwelling, positioned on the south side of Mill Lane. The dwelling is set within a spacious plot and has previously been extended by way of a two-storey rear extension. The main dwelling adjoins neighbouring No. 2 Woodlands Cottage.

**PLANNING HISTORY**

W/20/1396 – Application for Lawful Development Certificate for the proposed erection of a front porch, greenhouse, garden building and car port – Certificate granted 08/12/2020.

W/21/0131 – Proposed refurbishment of existing dwelling, two storey side and single storey rear extensions, new detached garage and associated internal and external works – Withdrawn.

**RELEVANT POLICIES**

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS18 - Green Belt

- H14 - Extensions to Dwellings in the Open Countryside
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)

## **SUMMARY OF REPRESENTATIONS**

**Rowington Parish Council** - Supports the application.

**WDC Tree Officer** - No objection.

**WCC Ecology** - Conclude that no further survey work is required at this time, but recommend that bat, nesting bird and hedgehog notes are attached to any permission granted. Recommend provision of a suitably placed bat tile or similar roosting feature. Recommend that a condition for a Precautionary Method Statement for reptiles and amphibians in line with that recommended in the submitted report is added to any permission granted.

**Councillor Richard Hales** - Support, it will enhance the area.

**Councillor George Illingworth** - Woodlands Cottage in Mill Lane, Rowington, was originally built in the 1500's and is desperately in need of further updating to create a suitable home. It stands in a third of an acre sized plot so there is ample space. Furthermore, it is completely out of character in the area as it is surrounded by many much larger houses in the hamlet. You will see that there is local support. I therefore support this application to extend and improve this property and ask that the particular circumstances be appreciated.

**Public Response** - 9 support comments have been received on the following grounds:

- The proposal will improve a neglected property, which will benefit the local area.
- Large plot, with a modest extension.
- In keeping with the character of the local area.
- No amenity impact on neighbours.
- Sympathetic scale and design.

## **ASSESSMENT**

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

- Whether the proposal constitutes appropriate development in the Green Belt and if not, whether any very special circumstances exist to outweigh the harm by reason of inappropriateness.
- Design and impact on the street scene.
- Impact on neighbouring properties.
- Ecology.

- Trees.

Whether the proposal constitutes appropriate development in the Green Belt and if not, whether any very special circumstances exist to outweigh the harm by reason of inappropriateness

Paragraph 137 of the NPPF states that the essential characteristics of Green Belts are their openness and their permanence. A fundamental aim of Green Belt policy is to prevent urban sprawl. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 of the 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 of more than 30% to the gross floorspace of the original building are likely to be considered disproportionate.

#### *Site History*

The application property has been extended by way of a two-storey rear extension. From the evidence available, it has been concluded that this rear two storey extension was built sometime between 1955 and 1980. Therefore this element of the dwelling is not considered original, as it was built after 1st July 1948. Accordingly, the rear extension must be included as an extension for the purposes of Green Belt assessment calculations.

#### *Proposed Extension*

##### *Gross Floor Area Calculations:*

Original floor area = ~31 (gf) + ~31 (ff) = 62sqm (approx.)

Proposed floor area + existing extensions floor area = ~ 67 (with LDC porch) (gf) + 64 (ff) = 131 sqm (approx.)

Percentage increase in floor area = 111% (approx.)

The proposed two storey side extension is considered unacceptable on the grounds that the proposal would result in a disproportionate addition to the property. The proposed 111% increase in the floor area of the property significantly exceeds the 30% increase in floor area contained within Policy H14 that is used as a guide for extensions that are likely to be considered proportionate. The proposal is therefore inappropriate development harmful by definition and by reason of harm to openness.

#### *Proposed Outbuilding*

The proposed replacement outbuilding is ~ 37% larger in volume, than the cumulative volume of the existing curtilage outbuildings. It is considered that the

proposed ~37% increase in volume result in a building which is materially larger than those it replaces. The outbuilding is therefore inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. The proposed development is harmful by reason of inappropriateness and harm to openness and is contrary to the aforementioned policies.

#### Design and impact on the character and appearance of the area

Local Plan Policy BE1 requires all development to relate well and harmoniously with the architectural form of the surrounding built environment, in terms of scale and massing, and also through good design. The adopted Residential Design Guide SPD also sets out design principles to which development proposals will be expected to comply.

Whilst the proposal is considered to substantially alter the scale of the original property, it is not considered that the extension is poorly designed when read in the context of the existing site. The extension is subservient and complies with the relevant design guidance set out in the Residential Design Guide SPD. The design of the proposal is also in keeping with the existing dwelling, with matching brick work and tiles proposed, along with symmetrical fenestration. The proposed outbuilding is also considered to be of an acceptable design. The proposal is therefore viewed to accord with the guidance set out in the Council's Residential Design Guide SPD and policy BE1 of the Warwick District Local Plan.

#### Impact on neighbouring properties

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 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 aims to prevent any unreasonable effect on the neighbouring dwelling, by reason of loss of light, unneighbourly effects or disturbance/intrusion from nearby uses.

Neither the proposed outbuilding nor the extension will breach the 45-degree line from windows serving habitable rooms within the neighbour's property and are not considered to result in any material harm by reason of loss of light, privacy or outlook on neighbouring amenity.

Therefore, the proposal is acceptable and in accordance with Local Plan Policy BE3.

#### Ecology

Policy NE2 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to wider biodiversity objectives and connectivity. Policy NE2 goes on to state that all proposal likely to impact on these assets will be subject to an ecological assessment.

The ecologist at Warwickshire County Council has recommended that advisory notes relating to the protection of bats, nesting birds, amphibians and hedgehogs, as protected species, should be attached to any approval granted. The recommended advisory notes are considered to afford appropriate protection for the scale of development proposed, along with the provision of a suitable placed bat tile or similar roosting feature. If approved the Local Planning Authority would place any recommended conditions from the Ecologist at Warwickshire County Council on the approval.

### Trees

The Council's Arboricultural Officer has reviewed the information submitted and considered that provided the development takes place in accordance with the Arboricultural Method Statement then the development will not harm the trees. If approved the Local Planning Authority would place any recommended conditions from the Arboricultural Officer at Warwickshire District Council to the approval. The proposal is therefore considered in accordance with Policy NE2.

### **CONCLUSION**

The proposals comply with Local Plan Policies BE1, BE3 and NW2, but fails to comply with the NPPF and Local Plan Policies H14 and DS18. This proposal constitutes inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. No very special circumstances exist which would outweigh the harm identified. Accordingly, this application is recommended for refusal.

### **REFUSAL REASONS**

- 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 of more than 30% to the gross floorspace of the original building are likely to be considered disproportionate.

In the opinion of the Local Planning Authority, the proposed extension to the dwellinghouse 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.

The proposed development is therefore contrary to the aforementioned policies.

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**Planning Committee:** 14 December 2021

**Item Number:** 8

**Application No:** [W 21 / 1551](#)

**Town/Parish Council:** Barford  
**Case Officer:** Millie Flynn

**Registration Date:** 18/08/21

**Expiry Date:** 13/10/21

01926456140 millie.flynn@warwickdc.gov.uk

**1 The Cedars, Wasperton Lane, Barford, Warwick, CV35 8DW**

Erection of single storey rear extension FOR Dr F Ramadani

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This application is being presented to Planning Committee due to the number of objections received and the recommendation being for approval.

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought for the erection of a single storey rear extension.

**THE SITE AND ITS LOCATION**

1 The Cedars is a two-storey detached dwellinghouse located on the north side of Wasperton Lane, Barford. The property is also located within the Barford Conservation Area. A small residential development off Wasperton Lane, comprising of 8 dwellings, forms The Cedars. All buildings within The Cedars have an agricultural architectural style, to be in keeping with the character and setting of the Grade II\* listed building, that is Barford House, which lies some ~80.0m from the application property.

**PLANNING HISTORY**

W/15/1294 - Erection of 8 dwellings served via Wasperton Lane, with associated landscaping and car parking; and all ancillary and enabling works - Granted.

W/21/1262 - Application for a Lawful Development Certificate for a proposed single storey rear extension - Withdrawn.

**RELEVANT POLICIES**

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- HE1 - Protection of Statutory Heritage Assets
- Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Barford Neighbourhood Plan 2014-2029
- B6 - Heritage Assets
- B7 - General Design Principles
- B8 - Biodiversity and Design Principles

## **SUMMARY OF REPRESENTATIONS**

**Barford, Sherbourne & Wasperton Parish Council** - No objection, but made comment that proposed brick work should match existing.

**WDC Conservation Officer** - The proposal site lies some distance from the Grade II\* Barford House and adding the lightweight single storey extension will have minimal, if any impact on the setting of the heritage asset.

**WCC Ecology** - Recommend notes.

**WCC Landscape** - Object on the basis that the proposed extension will erode into the garden area and take the building line closer to the listed building, also going against Condition 27 of planning permission ref: W/15/1294.

**Historic England** - Do not wish to comment.

**Warwick District Conservation Advisory Forum** - The forum felt that the proposal was detrimental to both the setting of Grade II\* Listed Barford House and Barford Conservation Area. It was also noted that the proposal goes against the original design principles of the original approval. CAF felt strongly that the application should be refused.

**Warwickshire Garden Trust** - Object to the proposal, as concerns were raised about the impact the development will have on the locally listed park and garden, the listed building and conservation area and the possibility of development creep having a suburbanising effect.

**Public Response** - 7 objections have been received on the following grounds.

- The modern design with large glass front that is proposed is not in keeping with the specific design features that were granted approval for application W/15/1294.
- Devalues the appearance of the landscape.
- Does not conserve or enhance the conservation area.
- The extension is outside the village boundary.
- Condition 27 was placed on the original approval of the 8 dwellings, stating 'private gardens and the parkland areas.... these areas shall only be used for the purpose specified for that part of the approved drawing and for no other purpose'
- Local Plan Policy H14 allows for extension in the general countryside, except that the policy does not include growth and limited infill villages, such as Barford.

## **ASSESSMENT**

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

- Design of the proposed extension and impact on the character of the area and street scene, including the character and appearance of the conservation area.
- Impact on the amenity of neighbouring uses.
- Ecology.
- Other matters.

### Design of the proposed extension and impact on the character of the area and street scene, including the character and appearance of the Conservation Area

Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 imposes a duty when exercising planning function to pay special attention to desirability of preserving a listed building or its setting.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a conservation area.

Paragraph 199 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 201 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.

Policy HE1 of the Warwick District Local Plan states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or if criteria listed within the policy have been satisfied.

Policy HE2 of the Warwick District Local Plan states that Historic Parks and Gardens are an important cultural, historical and environmental asset within the district and the Council wishes to ensure they are protected, maintained and restored. The Plan aims to protect them from development that would harm their character. Reference has been made to the parkland which formed part of the approved residential development and which was protected by virtue of a condition. However, it is noted that the approved site layout plan for that permission clearly delineates the extent of the private gardens for the dwelling houses and the boundary of the parkland. The proposed extension subject of the current application falls entirely within the designated garden and there is no proposal to extend the garden into the parkland area.

Local Plan Policy BE1 requires all development to relate well and harmoniously with the architectural form of the surrounding built environment, in terms of scale and massing, and through good design. The adopted Residential Design Guide SPD also sets out design principles to which development proposals will be expected to comply. Policy B6 of the Barford Neighbourhood Plan requires all new development in the Conservation Area and/or within the setting of a listed building

to preserve and wherever possible enhance the positive attributes of the heritage asset. Policy B7 of the Barford Neighbourhood Plan requires all new development in Barford to demonstrate the following General Design Principles; consideration should be given to local distinctiveness, scale, mass, layout, and character of the surrounding area. Building alterations or extensions in the village should be sensitive to the local context in terms of material and design

An objection was received stating the proposal's modern design with a large glass front, is not in keeping with the character of the surrounding area and is also not in keeping with the specific design features that were granted in the approved residential development. The Conservation Officer has advised that the proposed lightweight single storey rear extension will not have an adverse impact on the setting of the heritage asset or its significance. It is further noted that the site has now developed a residential character and the presence of mature vegetation to the south of Barford House results in a very limited - if any - visual impact of the proposal from the Listed Building and its immediate setting.

The single storey rear extension is considered to constitute good design when read in the context of the existing site. The extension is subservient and complies with the relevant design guidance set out in the Residential Design Guide SPD. The extension proposes matching brickwork and is sympathetic to its setting within the Conservation Area. The extension is considered to preserve the character of the existing property and conservation area and is not detrimental to the setting of the Grade II\* Barford House.

Thus, it is considered that the proposal will not result in harm to the heritage asset and complies with Local Plan Policies HE1, HE2, BE1, B6 and B7 of the Neighbourhood Plan.

#### Impact on the amenity of the neighbouring uses

Warwick District Local Plan Policy BE3 requires that development to have acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook 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 the neighbouring property. This aims to prevent any unreasonable effect on the neighbouring dwelling, by reason of loss of light, unneighbourly effect or disturbance/intrusion from nearby uses.

Amendments were made to the proposal as originally submitted to ensure there was no breach of the 45-degree line and as a result the proposal is considered acceptable in terms of impact on light and outlook. It is therefore considered that the impact that the extension will have on the amenity of this neighbour is acceptable and in accordance with the Residential Design Guide SPD. It is also noted that the neighbours raise no objection to the proposals with regard to Policy BE3.

The impact that the proposal will have on the amenity of the current and future occupiers of the subject dwelling is considered acceptable. The open plan layout of the rear extension provides adequate light and outlook to habitable rooms. The

applicant will be left with adequate private amenity space in accordance with the Residential Design Guide SPD.

Therefore, the proposal is considered acceptable and to be in accordance with Policy BE3.

### Ecology

Policy NE2 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to wider biodiversity objectives and connectivity. Policy NE2 goes on to state that all proposals likely to impact on these assets will be subject to an ecological assessment.

The supporting text from Neighbourhood Plan Policy B8 stipulates that the neighbourhood area supports a range of protected species and requires to address, with mitigation where possible, the impact on their habitats. Whilst aiming to preserve and enhance local biodiversity.

The ecologist at Warwickshire County Council has recommended that advisory notes relating to the protection of bats and nesting birds and hedgehogs, as protected species, should be attached to any approval granted. The recommended advisory notes are considered to afford appropriate protection for the scale of development proposed.

The proposal is considered acceptable and in accordance with policy NE2 and Neighbourhood Plan Policy B8.

### Other matters

Objections have been received stating that Local Plan Policy H14 which allows for extensions to dwellings in the Open Countryside, does not include the Growth Villages and the Limited Infill Villages. It is confirmed that this policy is not applicable to the application.

## **CONCLUSION**

The development proposals are considered to be in keeping with the character and appearance of the property and the surrounding Conservation Area. 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 and approved drawing(s) 753/1A, and specification contained therein, submitted on 19th November 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 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.
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**Planning Committee:** 14 December 2021

**Item Number:** 9

**Application No:** [W 21 / 1749](#)

**Town/Parish Council:** Whitnash

**Registration Date:** 15/09/21

**Case Officer:** Jonathan Gentry

**Expiry Date:** 10/11/21

01926 456541 [jonathan.gentry@warwickdc.gov.uk](mailto:jonathan.gentry@warwickdc.gov.uk)

**3 Frances Gibbs Gardens, Whitnash, Leamington Spa, CV31 2TN**

Erection of two storey side extension after demolition of existing attached garage FOR Mr and Ms Fincham and Griffiths

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This application is being presented to Committee at the request of Councillor Margrave, and due to the number of support comments received.

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The application seeks planning permission for the erection of a two-storey side extension after demolition of the existing attached garage. The application is a resubmission of a previously refused application ref: W/21/0209.

**THE SITE AND ITS LOCATION**

The application property is a semi-detached house on the west side of the street. The property currently features a single storey garage to its northern elevation. An access to shared parking area lies directly beyond this elevation of the property. No.1 Frances Gibbs Gardens is the immediately adjoining neighbouring property to the south of the site, while No.5 lies to the north beyond the access road.

**PLANNING HISTORY**

W/21/0209 - Proposed demolition of attached garage and erection of two storey side extension - Refused for the following reason:

*"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. Paragraph 134 of the NPPF also states that 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. The Council has also adopted The Residential Design Guide as a Supplementary Planning Document.*

*In the opinion of the Local Planning Authority, the proposed replacement side extension constitutes an excessively wide addition to the dwelling. As a result of*

*its scale, bulk, and mass, the proposal would not be a subservient development and would set an unacceptable design precedent in the locality, thereby constituting bad design and harming the character and appearance of the streetscene. The proposal would fail to reinforce the established character of the area, or respect surrounding buildings in terms of scale, height, form, and massing.*

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

## **RELEVANT POLICIES**

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- TR3 - Parking
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document- June 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Whitnash Neighbourhood Plan (2011-2029)
- W4 - Building Design Principles

## **SUMMARY OF REPRESENTATIONS**

**Whitnash Town Council** - No objection.

**WCC Ecological Services** - Recommend advisory notes in relation to bats, nesting birds and hedgehogs.

**Public Response** - 7 Support comments received, noting the following:

- Proposed design is in keeping with the application site and neighbouring dwellings.
- Works would visually enhance the streetscene.
- Works would not adversely impact neighbouring amenity.
- Additional windows would provide additional street security.

## **ASSESSMENT**

### Design and Impact on the Street Scene

Paragraph 134 of the National Planning Policy Framework (NPPF) states that permission should be refused for development of poor design that fails to reflect local design guidance. Local Plan Policy BE1 states that development will be permitted where it harmonises with and improves the character of the surrounding area. The adopted Residential Design Guide also sets out design principles which development proposals will be expected to comply with. Whitnash Neighbourhood

Plan Policy W4 states that development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings, and that care should be taken to ensure that building height, scale, and form, including the roofline, do not disrupt the visual amenities of the street scene and impact on any significant wider landscape views.

One of the main general principles that runs through the adopted Residential Design Guide SPD is that extensions should be subservient additions. Specifically, it states that generally "Side extensions should be no more than 2/3 of the width of the original property". In the case of the application property, the width of the existing house at two storey level is approximately 4.9 metres and the width of the proposed two storey side extension measures approximately 6.1 metres in width which is 124% wider. Moreover, this width exceeds the width of the two-storey element in the previously refused application. This is compounded by the depth of the proposed structure, which would extend beyond the rear elevation of the original dwelling, and thus incorporates a large 'catslide' style roof element at its rear. Overall, the roof profile of the works incorporating various elements is considered cluttered and incongruous against the original dwelling and surrounding development.

The extension by virtue of its excessive width combined with bulk and mass is considered not to read as a subservient addition and is therefore contrary to the Residential Design Guide SPD and is considered to constitute a poor design solution which fails to sit comfortably on the dwelling.

By permitting a significantly wide extension contrary to the Residential Design Guidance in this instance, Officers consider that the development would set a harmful precedent for side extensions that exceed suitably subservient proportions in the locality of the site. There is no noted precedent within the immediate context of the site for a two-storey side extension of this width, and the proposal is therefore viewed not to appropriately harmonise with surrounding buildings in terms of scale, height, form or massing as per policy BE1.

The proposal is therefore deemed to contravene Policy W4 of the Whitnash Neighbourhood Plan, policy BE1 of the Warwick District Local Plan, and paragraph 134 of 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 all neighbouring residents, in terms of light, outlook 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 the extent to which neighbours can enjoy their own dwellings without undue disturbance or intrusion from nearby uses.

The proposed development would not result in a breach of the 45-degree guideline from windows serving habitable rooms on the front and rear elevations of the adjacent properties at Nos.1 and 5, and as a result the proposal is not considered to result in material harm by reason of loss of light or outlook. In addition, the proposed scheme and associated fenestration which is limited to the front and rear

elevation is not considered to result in the generation of material harm through loss of privacy or overlooking of neighbouring dwellings or amenity spaces.

With consideration to this assessment the development is viewed to appropriately accord with Local Plan Policy BE3.

### Parking

The proposal would create an additional bedroom increasing its total to three. The WDC Parking Standards SPD outlines that dwellings with two or three bedrooms should provide provision for parking of two vehicles. As such, the parking requirement would not be impacted by the scheme in line with this guidance. While the development would marginally reduce hardstanding driveway area to the front/side of the dwelling, appropriate capacity for parking of two vehicles would be retained, in addition to the large internal garage area proposed.

It is therefore considered that parking provision is sufficient in line with and Local Plan Policy TR3.

### Ecology

The County Ecologist has commented on the application, advising that works should be carried out sensitively and recommending that advisory notes in relation to bats, nesting birds and hedgehogs are attached to any grant of consent. Were Officers minded to recommend approval of the scheme, it is viewed that use of the noted guidance is an appropriate and sufficient measure in this instance to ensure the applicant is aware of the relevant responsibilities in relation to protection of the noted species. The proposal is therefore considered to be in accordance with Local Plan Policy NE2.

## **SUMMARY/CONCLUSION**

It is considered that the replacement side extension forms an overbearing feature that fails to sit comfortably on or remain subservient to the original property. It is also considered that proposal does not respect surrounding buildings in terms of scale, height, form and massing and would be contrary to Policy BE1, the SPD and the NPPF. It is therefore recommended that planning permission is refused in this instance.

## **REFUSAL REASON**

- 1 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. Paragraph 134 of the NPPF also states that 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 in alignment with local design guidance. The Council has also adopted the Residential Design Guide as a Supplementary Planning Document.

In the opinion of the Local Planning Authority, the proposed two storey side extension constitutes an excessively wide addition to the dwelling. As a result of its scale, bulk, and mass, the proposal would fail to read as a subservient addition resulting in an extension which does not sit comfortably the property, and which constitutes a poor design solution harming the character and appearance of the streetscene. The proposal would fail to reinforce the established character of the area, or respect surrounding buildings in terms of scale, height, form, and massing.

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

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