

Planning Committee

Minutes of the meeting held on Tuesday 26 April 2022 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Boad (Chairman); Councillors R. Dickson, Falp, Grainger, Jacques, Kennedy, Leigh-Hunt, Morris, Quinney, Tangri and Tracey.

Also Present: Principal Committee Services Officer – Lesley Dury; Legal Advisor – Ross Chambers; Development Manager – Gary Fisher; Planning Officer – Jonathan Gentry and Principal Planning Officer – Helena Obremski (remote attendance). Observing only, Aimee Shipley and Sue Mullins – Legal Advisors.

178. **Apologies and Substitutes**

- (a) There were no apologies for absence made.
- (b) Councillor Falp substituted for the Whitnash Residents Association vacancy and Councillor Grainger substituted for Councillor Ashford.

179. **Declarations of Interest**

Minute Number 186 – W/22/0194 LB – 22 Augusta Place, Royal Leamington Spa

The Chairman declared an interest on behalf of all Members because the applicant was a District Councillor.

180. **Site Visits**

To assist with decision making, the following independent site visits were made by Councillors:

- W/21/2267 – Keepers Cottage, Church Road, Honiley – Councillor Dickson;
- W/21/2185 – Offa House, Village Street, Offchurch:
 - Councillor Dickson.
 - Councillor Leigh-Hunt reported that she had reason to visit the site a while ago.
 - Councillor Boad made a visit to Offchurch and viewed the property from the outside and also viewed it from St Gregory’s churchyard, he had also visited the site when the previous application for the site was made; and
- W/21/0410 – 62 Leam Terrace, Royal Leamington Spa – Councillor Quinney viewed the site from the outside.

181. **W/22/0140 - Warwick Castle, Castle Hill, Warwick**

This application was withdrawn from the agenda.

182. **W/21/2267 – Keepers Cottage, Church Road, Honiley**

PLANNING COMMITTEE MINUTES (Continued)

The Committee considered an application from Honiley Estates Ltd for the demolition of the existing dwelling and outbuildings and the erection of a replacement dwelling with all associated works.

The application was presented to Committee because the recommendation was that the application should be refused but Beausale, Haseley, Honiley & Wroxall Joint Parish Council supported the application and five supporting comments had been received.

The officer was of the opinion that the proposed development constituted inappropriate development in the Green Belt by virtue of being materially larger, which was harmful by definition and by reason of harm to openness. No very special circumstances which outweighed the harm identified were considered to exist and it was therefore recommended that planning permission should be refused.

An addendum circulated at the meeting advised that the Parish Council had submitted an additional comment in support of the application and gave full details of comments in support of the proposals that Councillor Illingworth had intended to make to the Committee at the meeting but could not because he missed the deadline to register to speak.

Ms Cashmore, agent for the application, addressed the Committee.

In response to a question from Councillor Kennedy, the Planning Officer advised that whilst he did not have a plan to demonstrate how the new proposed dwelling would compare to other houses in the immediate vicinity in terms of bulk and size, it was his opinion that the proposed dwelling would not be abnormally out of scale with neighbouring properties, and indeed the existing dwelling was smaller than neighbouring properties. He did refer to policy which stated that the property must not be more dominant than the existing dwelling within the landscape and officers felt that it would be more dominant, in particular because of the two-storey bulk along the frontage. Members were informed that in the Green Belt, the test was whether the proposed property was materially larger than the existing property. Officers confirmed that they had evaluated the size of the current property based on excluding the detached outbuilding from the size calculation. Officers considered that the degree of separation/distance between the main dwelling and the detached outbuilding was sufficient for their conclusion that it should not be included in the calculation.

The application was for the demolition of the dwelling and outbuildings. Officers advised that a condition to exclude the use of permitted development rights to rebuild the outbuilding was an option but planning guidance was that this should only be applied in exceptional circumstances, but that could only come into force once consent had been implemented on site, so the risk to consider was that a building could be erected beforehand anyway. The Legal Advisor confirmed that there was no way to close this gap because permitted development rights existed in the current time; the only option would be a form of S106 agreement, but the views of the owner were not known. Attempts by the Council to impose conditions to remove permitted development rights in similar circumstances had failed at appeal hearings.

PLANNING COMMITTEE MINUTES (Continued)

Members felt the proposed dwelling was more attractive than the current building and whether it would be more dominant in the landscape was a matter of judgement. The proposed dwelling would be more in keeping with the street scene, which included two-storey properties. In size, the proposed property did not appear to be very different to the property three doors away to the west.

Councillor Quinney seconded a motion proposed by Councillor Morris to grant the application but withdrew his support when Councillor Morris refused to support his requested amendment to the proposal to remove permitted development rights as a condition.

Following consideration of the report, presentation, information contained in the addendum and the representation made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Kennedy that the application should be granted contrary to the recommendation in the report.

The Committee therefore

Resolved that W/21/2267 be **granted** because the proposed dwelling was not materially larger than the existing dwelling and therefore did not constitute inappropriate development. Conditions to be set by planning officers in liaison with the Chairman, Planning Committee.

183. W/21/2185 – Offa House, Village Street, Offchurch

The Committee considered an application from Mrs and Mrs Hartog for the restoration of Offa House, including the demolition of C20 extensions, and the construction of two new houses within the site, including rearrangement of the garden area associated with Lodge Cottage.

The application was presented to Committee because the recommendation was that the application should be refused but Eathorpe, Hunningham, Offchurch & Wappenbury Joint Parish Council supported the application although it had raised concerns about "Property D".

The officer was of the opinion that whilst the site was considered to represent a sustainable location for new housing, policy H1 of the Local Plan also required that housing development on garden land would not be permitted unless the development reinforced, or harmonised with, the established character of the street and/or locality and respected surrounding buildings in terms of scale, height, form, and massing. The proposal was not considered to harmonise well with the street scene, by virtue of the fact that Property D would provide an overbearing form of development which would be harmful to the Lodge Cottage, the character of the area and street scene. WCC Landscape also stated that Property D would completely alter the character of the road on the approach to the village, creating a sense of urbanisation when taken with the access to Property C. The proposal was therefore considered to be contrary to Local Plan policy H1.

PLANNING COMMITTEE MINUTES (Continued)

The proposed development was considered to constitute inappropriate development in the Green Belt which was harmful by definition and by reason of harm to openness. It was also considered to cause less than substantial harm to heritage assets. There were no public benefits or very special circumstances identified which would outweigh this harm. The proposal was therefore considered to be contrary to Local Plan policies DS18, BE1 and HE1. These matters needed to be offered significant weight.

The applicant noted the level of support from local residents and the Joint Parish Council. However, the Joint Parish Council only in part supported the scheme, and many of the comments submitted in support of the application were not from within the District. It was important that local residents were in support of a significant redevelopment such as this in a small village such as Offchurch. However, it could not be considered that local support for this proposal outweighed the harm caused.

There were some modest benefits of the scheme as a whole, such as the delivery of housing in a sustainable location and heritage benefits to Offa House by removal of incongruous extensions. However, these did not outweigh the significant harm identified.

For these reasons, it was recommended that the application should be refused.

An addendum circulated at the meeting advised that the agent had now provided details which showed that the proposed boundary wall nearby to the Coach House did not attach to the listed Coach House and sufficient indicative detail to assess this element of the scheme.

The Conservation Officer had commented that this wall contributed further to physical division across the site and therefore added to the detrimental impact caused to the setting of the Listed Building and Offchurch Conservation Area. Amended wording was suggested for Refusal reason 3 in the report.

Answers were provided in response to a query concerning the existing and proposed heights of the Coach House and "Property C", and WCC Ecology confirmed that it had no objection to the proposals subject to conditions for the provision of a Construction Environmental Management Plan, detailed schedule of bat mitigation measures, details of external lighting and a Landscape and Ecological Management Plan, which could be attached if the application was recommended for approval.

Details of comments made by Councillor Redford were provided.

The following people addressed the Committee:

- Councillor Palmer, representing Eathorpe, Hunningham, Offchurch & Wappenbury Joint Parish Council, in support; and
- Dr David Hickie, supporting.

Offa House and the Coach House was Grade II Listed, the Church was Grade II*. This meant that whilst Historic England had an interest in all

PLANNING COMMITTEE MINUTES (Continued)

three, its main focus would have been the church. The Principal Planning Officer could not confirm exact measurements for Property C in comparison to the Coach House, but looking at the drawing, she estimated that Property C was at least five times larger, and also there were two-storey elements to Property C. The Green Belt area on which it was located had been re-categorised as garden land so any development on it had to enhance or be in character with the area. Property C was considered to have a detrimental impact to the Coach House, but officers also had concerns about the impact of Property C on the setting of the main house, and the sense of "urbanisation" to the setting of Offa House was of particular concern by having another sizeable residential property in proximity.

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 Falp that the application should be refused.

The Committee therefore

Resolved that W/21/2185 be **refused** for the following reasons:

- | No. | Refusal Reasons |
|------------|---|
| (1) | <p>Policy H1 of the Warwick District Local Plan 2011-2029 states that housing development on garden land will not be permitted unless the development reinforces and harmonises with the established character of the street and/or locality and respects surrounding buildings in terms of scale, height, form and massing.</p> <p>In the opinion of the Local Planning Authority, the proposed development would fail to satisfy the requirements of Policy H1 by reason that Property D would provide an overbearing form of development in terms of scale, design and mass which would be harmful to the Lodge Cottage and the street scene. Property D would detrimentally alter the character of the road on the approach to the village, creating a sense of urbanisation when taken with the access to Property C.</p> <p>The proposal is therefore considered to be contrary to the aforementioned policy;</p> |
| (2) | <p>the proposed development comprises inappropriate development within the Green Belt which is harmful by definition and by reason of harm to openness. In the opinion of the Local Planning Authority no very special circumstances have been demonstrated which</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Refusal Reasons |
|------------|---|
| | <p>are considered sufficient to outweigh the harm identified. The development is therefore considered to be contrary to the NPPF and Warwick District Local Plan Policy DS18; and</p> |
| (3) | <p>Local Plan Policy BE1 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 requires 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.</p> <p>Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal.</p> <p>In the opinion of the Local Planning Authority, the proposed development would result in significant harm to designated heritage assets. 'Property C' would overwhelm the Coach House and would be of an alien design which diminishes the significance and legibility of the Coach House as an ancillary building to Offa House. 'Property D' would dominate and detract from the Lodge Cottage, which contributes to the setting of Offa House, the Conservation Area and street scene.</p> <p>The proposed dwellings and associated infrastructure, including high level boundary walls have an urbanising effect on the character of the village, setting of the listed buildings and Conservation Area. Furthermore, dividing the site is considered to detract from Offa House and diminish the presence of this substantial house in extensive grounds, which is integral to the historic character of the listed building, and the identity and status of the property within the village. These factors in turn, have a harmful impact on the Conservation Area.</p> |

PLANNING COMMITTEE MINUTES (Continued)

No.

Refusal Reasons

The development is also considered to have a harmful impact on the street scene and fails to respect surrounding buildings in terms of scale, height, form and massing, and thus has a harmful impact on the character of the area.

Whilst the harm identified is less than substantial, there are insufficient public benefits derived from the scheme which would outweigh the significant harm identified.

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

184. **W/13/0464 & W/14/1322 – Land at Earl Rivers Avenue / adj
Gallagher House, Gallagher Way, Warwick**

The Committee considered an application for the variation of a Section 106 Agreement for outline planning permission reference W/13/0464 & W/14/1322 – Erection of a Continuing Care Retirement Community. The permission was subject to a Section 106 Agreement which imposed a range of obligations on the developer and the applicant had requested that the provisions of this agreement should be varied because the developer had been unable to secure occupation of the units for the approved tenures. To-date, eight of the shared ownership units had been sold, but none of the rented units had been occupied. The units in phase 1 (12 no.) had been marketed since 2016, whilst the remaining units in phase 3 (12 no.) were nearing completion.

The current tenure mix was as follows:

- Five rented units.
- 19 shared ownership units.

The proposed tenure mix was as follows:

- 16 discounted market sales or affordable rented units (at 75% of their market value).
- Eight shared ownership units.

The overall amount of affordable housing remained the same, at 24 units. The changes were to the tenure mix within that 24.

It was also proposed that the units would be subject to a three-month marketing period to those with a local connection and who were in housing need, after which the units would be offered to anybody in housing need (subject to meeting the Qualifying Person definition as set out in the existing agreement).

PLANNING COMMITTEE MINUTES (Continued)

The officer was of the opinion that the proposed changes to the Section 106 agreement was acceptable because the revised proposals would continue to make suitable provision for affordable housing in accordance with Local Plan Policy H2.

An addendum circulated at the meeting provided clarification in response to questions raised by Councillor Quinney.

The Development Manager confirmed that under the original S106 agreement, there was provision for affordable housing on and off site; as yet development off-site had not commenced but would still come forward unchanged in the future. The revisions sought concerned the tenure of the on-site provision as set out in the report. The owner had faced a challenge in selling the 12 completed units which were shared ownership but over the last six years the owner had only been able to sell eight of the 12 units. In response to a request from Councillor Quinney, the Development Manager agreed to circulate information on how the original decision agreed by the Committee compared to the S106 agreement that was agreed a few weeks later; if a discrepancy was found, then how it happened and how could it be prevented from happening again. Members advised that Housing officers should consider the market housing was aimed at and possibly aiming shared ownership units to people aged 65 and above was not something that could easily be marketed, so the need had to be clearly identified.

Following consideration of the report, presentation, and information contained in the addendum, it was proposed by Councillor Kennedy and seconded by Councillor Grainger that authority was delegated to the Head of Development Services to vary the Section 106 Agreement in relation to the tenure of affordable housing as set out in the report.

The Committee therefore

Resolved that in respect of W/13/0464 & W/14/1322, authority be delegated to the Head of Development Services to vary the Section 106 agreement in relation to the tenure of affordable housing as set out in the report.

185. W/21/0410 – 62 Leam Terrace, Royal Leamington Spa

The Committee considered an application from Nexus for the erection of two no. one-bed maisonette flats to land at the rear of 62 Leam Terrace.

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

The officer was of the opinion that the proposals were acceptable in principle in respect of policy requirements and any mitigations required could be secured by conditions and precautionary notes as applicable. The recommendation was therefore that the application should be granted.

An addendum circulated at the meeting advised that an additional objection from a member of the public had been received, citing concerns regarding

PLANNING COMMITTEE MINUTES (Continued)

the further overcrowding of New Street and the resultant safety issues. The comment also noted the loss of outdoor space to 62 Leam Terrace.

An application for the erection of a pair of semi-detached dwellings was refused at the same site as this scheme under W/05/1441. Three reasons for refusal were issued for that development, comprising harm to the Conservation Area, inadequate parking capacity and status as windfall housing development. Officers were of the view that these reasons for refusal were not directly relevant to the current proposal, which was of significantly differing design and layout.

In response to a question from Councillor Leigh-Hunt, the Planning Officer read out the condition in respect of the parking spots for 62 Leam Terrace, (Condition 5 in the report). The Development Manager advised that officers would check for suitable wording to amend the Condition to accord with Councillor Leigh-Hunt's request that the parking spots be kept "in perpetuity".

Members were concerned that the internal living space was small, and the Planning Officer informed the Committee that whilst there were national standards, the Council did not have a policy for requiring a certain floor area. This meant that national standards could only be given limited weight when considering applications. Members felt that adopting national living standards would help and asked for their request to be reported to officers and Portfolio Holders.

Following consideration of the report, presentation, and information contained in the addendum, it was proposed by Councillor Dickson and seconded by Councillor Jacques that the application should be granted. The Committee also requested that the Council should investigate the process to adopt and bring forward national living space standards.

The Committee therefore

Resolved that W/21/0410 be **granted** subject to the following conditions and a request to the Council that it should investigate the process to adopt and bring forward national living space standards:

- | No. | Condition |
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| (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 '1610-LP-01A' submitted on the 6th December 2021, approved drawing '1610-P-01_G' submitted on the 8th April 2022, and specification contained therein, except as required by condition 3 below. Reason: For |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | 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) | <p>notwithstanding the details contained within the approved documents, prior to commencement of development other than site clearance, preparation works, or demolition works, a Sustainability Statement including a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include:</p> <ul style="list-style-type: none">a) How the development will reduce carbon emissions and utilise renewable energy.b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures.c) Details of the building envelope (including U/R values and air tightness).d) How the proposed materials respond in terms of embodied carbon.e) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading. |

No dwelling shall be first occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

Reason: To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019);

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| (4) | no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The |
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PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | development shall only be carried out in accordance with the approved details.
Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policies BE1 & HE1 of the Warwick District Local Plan 2011-2029; |
| (5) | the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas for both the new dwellings and No.62 Leam Terrace have been provided in accordance with the details shown on the approved drawings and thereafter those areas shall be marked out and kept available for such use *at all times*.
Reason: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and residential amenity in accordance with Policies BE3 and TR3 of the Warwick District Local Plan 2011-2029; |
| (6) | the development hereby permitted shall be carried out strictly in accordance with the approved porous surface treatment details illustrated within '1610-P-01 Rev.G'. The surfacing shall be retained in strict accordance with the approved details.
Reason: To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029; |
| (7) | the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. Reason: To ensure the creation of well-designed and |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029; and |
| (8) | prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document. |

186. **W/22/0194 LB – 22 Augusta Place, Royal Leamington Spa**

The Committee considered an application from Mr Gifford for the repair of the garden wall pillar.

The application was presented to Committee because the applicant was a District Councillor.

The officer was of the opinion that the boundary wall in question was in a state of disrepair and required rebuilding to prevent potential future collapse. The repair of the wall was considered necessary to secure the longevity and appearance of the setting of a listed building whilst also improving the street scene of the conservation area. It was recommended that the application should be approved, subject to conditions, on the basis that it complied with Local Plan Policy HE1, NP Policy RLS3 and the relevant sections of the NPPF and Planning Act 1990.

Following consideration of the report and presentation, it was proposed by Councillor Grainger and seconded by Councillor Kennedy that Listed Building Consent should be granted.

The Committee therefore

PLANNING COMMITTEE MINUTES (Continued)

Resolved that W/22/0194 LB be **granted** subject to the following conditions:

- | No. | Condition |
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| (1) | the works hereby permitted shall begin not later than three years from the date of this consent. Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) 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) contained within the Heritage Statement, and specification contained therein, submitted on 22/2/22. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies HE1 and HE2 of the Warwick District Local Plan 2011-2029; and |
| (3) | no development shall be carried out above slab level unless and until samples of the external facing materials to be used including bond pattern of boundary wall, mortar and any new bricks required have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. Reason: To ensure that the proposed development has a satisfactory external appearance in accordance with Policies HE1 and HE2 of the Warwick District Local Plan 2011-2029. |

(The meeting ended at 7.55pm)

CHAIRMAN
18 May 2022