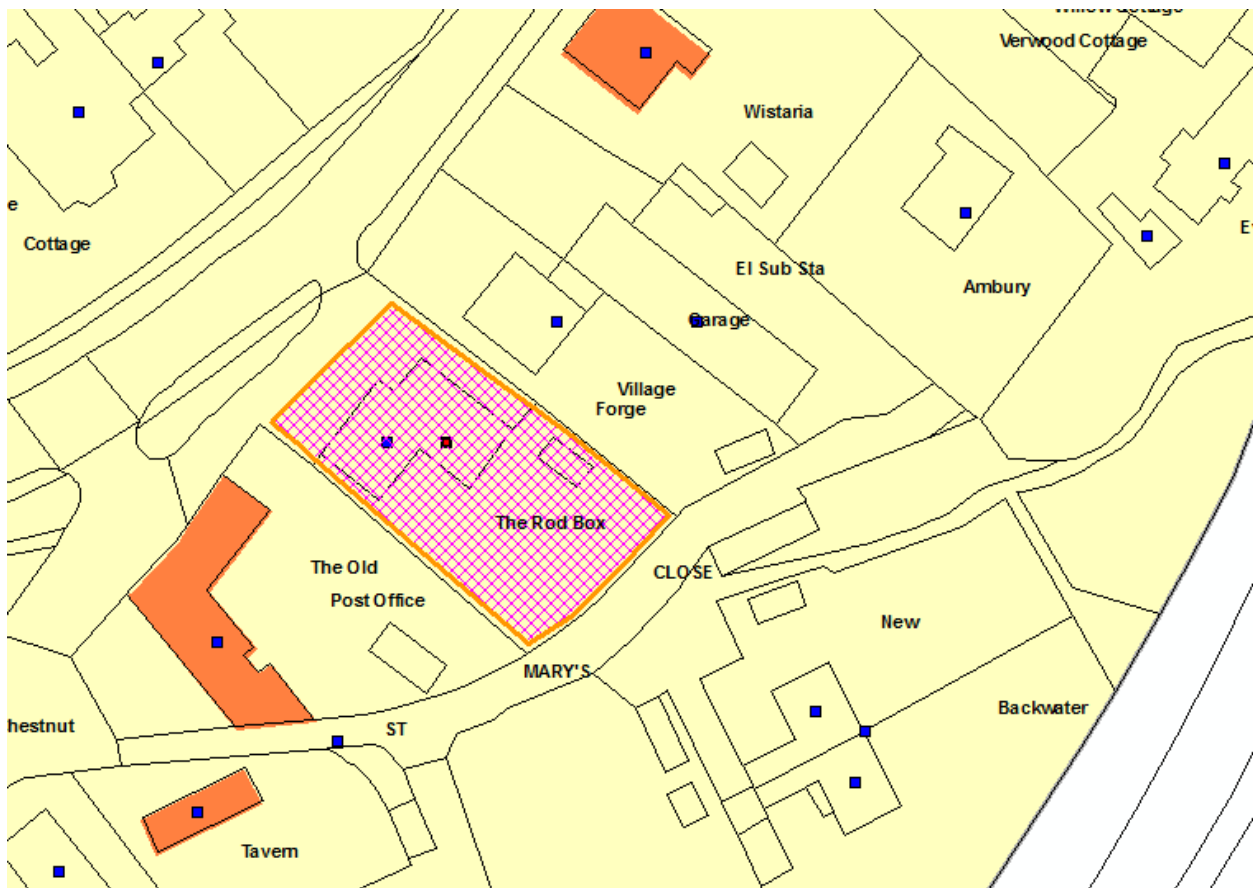


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Case No: 19/02057/FUL
Proposal Description: (AMENDED PLANS) Alterations to existing first floor flat reducing it from three bedrooms to two. First floor extension, loft conversion and roof alterations to create an additional two bedroom flat. Proposed single storey outbuilding to the rear of the property in addition to that previously permitted under application ref no. 18/02758/FUL. Alterations to existing parking layout at front and rear of property.
Address: The Rod Box London Road Kings Worthy SO23 7QN
Parish, or Ward if within Winchester City: Kings Worthy
Applicants Name: C/o Agent
Case Officer: Verity Osmond
Date Valid: 19 September 2019
Recommendation: Application Permitted

Pre Application Advice: No



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General Comments

The application is reported to Committee due to number of objections received contrary to the officer recommendation and a request from Councillor Porter for the application to be determined by Planning Committee has been received. This is attached at Appendix A.

Amended plans were submitted and accepted on 2nd December 2019. The proposed additional rear dormer has been removed on the eastern elevation and replaced with two roof lights and the number of rooflights on the western elevation has been reduced from four to two.

Site Description

The application site is currently used by The Little Kitchen Company and planning permission was granted in 2018 to change the use of the ground floor of the building from A1 retail to mixed use A1/B1. There is residential accommodation on the first floor of the building.

The application site is located within Kings Worthy Conservation Area and is adjacent to The Old Post Office to the south west of the site which is a Grade II listed building. Access to the site is from an access track off London Road and there are 6 car parking spaces to the front of the site and two along the northern side of the building. There is also an access to the rear of the site from St Mary's Close which is a private and un-adopted road.

Proposal

The application seeks permission for alterations to the existing first floor flat reducing it from three bedrooms to two. The application also involves a first floor extension, loft conversion and roof alterations to create an additional two bedroom flat. A single storey outbuilding is also proposed to the rear of the property and there are also proposed alterations to the existing parking layout to the front and rear of the site.

Relevant Planning History

18/02758/FUL (Permitted 30/01/2019) - Change of use of ground floor from A1 to mixed use; A1/B1 plus associated alterations. Replacement of existing outbuilding. Alterations to existing signage and illumination to signage.

Consultations

Environment Service Lead: Environmental Protection:

Concerns over the use of the proposed outbuilding and the potential for increased noise and odour.

Natural England: Comments addressed within Appropriate Assessment
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Representations:

Kings Worthy Parish Council – Object, No response received in relation to amended plans

- Objection to original plans, however no comment received in relation to amended plans.
- The Parish Council in their original comments considered that the roof/dormer layout was not appropriate.
- The Parish also commented that whilst not a planning consideration, the proposed parking area would be off of a private road, over which they do not currently have access. This would make the proposed parking area unviable if access to St Marys Close were restricted

15 representations received objecting to the application for the following reasons:

- Increase in traffic
- Parking issues
- Impact of extra commercial traffic
- Access from St Mary's Close not lawful
- Increase in smells and waste
- Impact on waste collection and larger vehicles
- Over development of the site
- Increase in industrial waste
- Commercial use out of character with surrounding properties
- Impact on conservation area
- Safety of pedestrians using St Mary's Close
- Overlooking impact
- Impact on residential amenity
- Impact of development on St Mary's Close
- Limited turning circle space for reversing vehicles
- Impact of increased height of the building

Reasons aside not material to planning and therefore not addressed in this report

- Impact on valuation of surrounding properties

0 representations of support received.

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy

Policy DS1 – Development Strategy and Principles
Policy CP13 – High Quality Design

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Policy CP20 – Heritage and Landscape Character

Policy CP11 – Sustainable Low and Zero Carbon Built Development

Winchester District Local Plan Part 2 – Development Management and Site Allocations

Policy DM15 – Local Distinctiveness

Policy DM16 – Site Design Criteria

Policy DM17 – Site Development Principles

Policy DM18 – Access and Parking

Policy DM19 – Development and Pollution

Policy DM23 – Rural Character

Policy DM27 – Development in Conservation Areas

Policy DM29 – Heritage Assets

National Planning Policy Guidance/Statements:

Section 4 of National Planning Policy Framework 2019

Section 16 of the National Planning Policy Framework 2019

Section 66 of Planning (Listed Building and Conservation Areas) Act 1990

Section 72 of Planning (Listed Building and Conservation Areas) Act 1990

Planning Practice Guidance

Supplementary Planning Guidance

High Quality Places SPD 2015

National Design Guide 2019

Kings Worthy Village Design Statement 2007

Planning Considerations

Principle of development

Paragraph 47 of the NPPF requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The application site is located within the settlement boundary of Kings Worthy where the principle of new residential development is accepted provided it is in accordance with the relevant policies of the development plan.

The principle of a commercial use (mixed A1/B1) on the site has already been established under application 18/02758/FUL. The Little Kitchen Company is catering business which uses the existing premises as a catering kitchen for the production of food to be consumed off site for events. There is also a retail space within the existing ground floor of the building for customers to visit and order food for events. This application therefore only seeks to extend the established commercial use by providing one additional outbuilding to be used in connection with the Little Kitchen Company for the preparation of food and storage. It also seeks to provide one new residential unit within the second floor of the building.

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There is also an unimplemented office building within the northern section, which was approved under application 18/02758/FUL and is currently extant.

The application site is located within the local centre of Kings Worthy, therefore any proposal will be subject to Policy DM7 of WDLPP2. Changes of use that result in a net loss of town centre uses (A1-A5, B1, C1, D1, D2) at ground floor level will not be permitted within the boundaries of identified centres. The new residential unit will not impact upon the current A1/B1 use at a ground floor level and is considered to accord with the stipulations of Policy DM7.

The new residential unit will be in the form of a two bedroom flat and the existing flat at a first floor level will be reduced from a three bedroom to a two bedroom. Whilst the reduction in bedrooms to the existing flat does not in itself require planning permission, the external alterations do. The provision of 1 additional 2 x bedroom flat is considered to accord with Policy CP2 of LPP1 which requires the majority of new homes to be in the form of 2 and 3 bedroom units.

Significant concern has been expressed in relation to the access that has been created to the site from St Mary's Close. The new access to the site was constructed before application 18/02758/FUL was implemented. It is confirmed that the creation of a new access from an un-adopted road, which St Mary's Close is, does not require planning permission and is permitted development under Schedule 2, Part 2, Class B of the General Permitted Development Order 2015 (GPDO) (as amended). The new access does therefore not form part of this application. However any additional traffic movements through it is a material consideration.

The application site is located within the Kingsworthy Conservation Area. Policy DM27 of LPP2 establishes the principle of development within the District's Conservation Areas and allows for development proposals which conserve or enhance the character, appearance or special architectural/historic interest of the area in accordance with the Development.

The application site is situated adjacent to a Grade II listed building, The Old Post Office which is located immediately south of the site. Policy DM29 of WDLPP2 establishes the principle of alterations to listed buildings and other development affecting the special interest and setting of a heritage asset:

The development does not fall under Schedule I or Schedule II of the EIA Regulations, therefore an Environmental Impact Assessment is not required.

The assessment of the application in relation to the Development Plan policies is set out below.

Design/Layout

The original plans included a dormer window on the rear elevation of the building, which would have been situated above the existing dormer at the first floor level. This was considered to create an overly dominant and heavily layered roof scape which was further compounded by a number of proposed rooflights which cluttered the rear and front elevations.

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The rear dormer has been removed in the amended plans and has been replaced with two rooflights. The number of rooflights on the front elevation has also been halved. This is considered to simplify the appearance of the loft conversion and the rooflights will have a less significant impact on the roof scape than the originally proposed dormer window.

An objection has been received in relation the impact of the increased height of the roof. There is no change in the height of the existing roof, however the highest section of the existing roof will be extended by approximately 2 metres to the south. Whilst this will create an additional mass at the first and second floor level, the proposal will maintain the overall form and appearance of the building by keeping the distinctive dual height gabled roof.

The proposal also involves an additional outbuilding which will be located to the rear of the site towards the southern boundary. The outbuilding will be clad in timber to match the replacement outbuilding approved under the previous application. The outbuilding is considered to remain subservient to main building on the site in size and appearance.

A more formalised car parking arrangement and rear layout is proposed at the site. Objections have been received relating to the parking provision, however the site currently holds 7 cars and the application seeks to formalise this layout. 7 car parking spaces are still proposed, but are arranged in a more uniform and linear pattern making it easier for cars to park, access and egress the site. Whilst a larger expanse of hard surfacing is to be introduced at the rear, it will result in a more organised parking arrangement which is not considered to result in significant visual harm over an beyond the established car parking situation. There is no increase in the overall number of existing car parking spaces at the site.

Impact on Conservation Area and Surrounding Listed Buildings

As noted within the 'Principle' section of this report, the application site is located within Kingsworthy Conservation Area and is located next door to a Grade II listed building. The following legislation and policies are taken into account in the assessment and determination of this planning application.

The preservation of the special architectural/historic interest of the listed building and its setting (S.66 P(LBCA) Act 1990; Policies DM29 & DM30 of the Winchester District Local Plan Part 2 Adopted 2017; Policies CP19 & CP20 Winchester District Joint Core Strategy; NPPF (2019) Section 16.

The preservation or enhancement of the character or appearance of the conservation area (S.72 P(LBCA) Act 1990; Policies DM27 & DM28 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP19 & CP20 Winchester District Joint Core Strategy; NPPF (2019) Section 16.

The site lies within the Conservation Area of Kings Worthy. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area. The existing building is not considered to have any special architectural merit, however it is recognised within the Kings Worthy Conservation Appraisal as being one of the few commercial premises within the area. The building will still be easily readable as commercial premise from London Road and there are no proposed alterations at the

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ground floor level. The extension of the roof is not considered to significantly alter the character and appearance of the building and the addition of well positioned rooflights is also not considered to harmfully impact upon it. The proposed outbuilding will be constructed in natural timber cladding which is considered to help reduce the visual impact of it from St Mary's Close and will remain subservient within the plot.

The proposals in their appearance, size, siting, detailing and the materials used are considered not to involve the erosion of character of the Conservation Area. Based upon the above assessment it is considered that the proposed development would conserve the character, appearance and historic interest of the Conservation Area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in compliance with DM27 of LPP2, CP20 of LPP1 and para 16 of the NPPF and the historic environment section of the Planning Practice Guidance.

In accordance with Section 16, para 193 of the NPPF, 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. The Old Post Office, which is located next door to the application site, is a Grade II listed building. The historic significance of this building lies within the its L-shaped, 3 bay timber frame and timber frame core encased in and extended in brick , since colour washed, old plain tile and slate roof. The proposed alterations to the roof of the application site are not considered to detract from the historic significance of the listed building given the degree of separation between the two buildings. The proposed outbuilding will be located towards the southern boundary with The Old Post Office, however will be single storey in height and afforded screening by the current fence and vegetation along the boundary and will also be screened by an outbuilding within the rear amenity space of the listed building. The proposed development is considered to result in less than substantial harm to the significance of the setting and historic interest of the listed building, in accordance with Section 16 para 193 of the NPPF, S.66 of the (Listed Buildings and Conservation Areas) Act and Policy CP20 of WDLPP1 and DM29 of WDLPP2 and the historic environment section of the Planning Practice Guidance.

Impact on Residential Amenity

Concerns have been expressed in relation to the overlooking impact of the development on neighbouring amenity. The standard style casement windows that will be introduced within the centre of the rear roof slope will serve a landing area inside the building which is considered to be of low amenity value, and these windows will be recessed further back than the main roof plane limiting views to the north of the site.

The two roof lights proposed on the second floor rear elevation will serve a bedroom, however given the angle of these within the roof, degree of separation between the site and neighbouring properties and the existing level of overlooking already established between the properties, they are not considered to result in significantly harmful overlooking.

The existing dormer on the lower part of the roof will be extended southwards, however this does not result in a larger window as its purpose is to enlarge the internal useable space.

The outbuilding will create an additional 32 sq.m of floor space which will be used in

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association with the B1 side of the catering business, by being used for kitchen preparation and storage for the Little Kitchen Company. It is not considered that the proposed outbuilding would significantly intensify the use on the site as it will be a less active floor area of the commercial premises, with the main kitchen and facilities being located on the ground floor of the main building on site.

Objections have been received in relation to use of the proposed outbuilding and the potential for increased noise and odour. The applicant has confirmed that the proposed outbuilding will be used for storage and food preparation and that no cooking or extraction equipment will be installed within the building. The use of the outbuilding will be lower key and ancillary to the operation of the business in the main building. It is considered that a condition would be sufficient to restrict the use of the outbuilding and to protect the amenity of the neighbouring properties. Condition 4 restricts the use of the new outbuilding.

Landscape/Trees

The proposed outbuilding will be located near a tree within the neighbours garden to the south of the site, and this tree is protected as it is within the Conservation Area. A condition will be attached to ensure measures are put in place to protect this tree during construction. The application proposes two small garden amenity spaces for the occupiers of the existing and proposed flats, and general landscaping of the site as whole. New hedging is proposed along the southern boundary and along the new access which will help soften the appearance of the hard surfacing, however a landscaping condition will be attached to ensure the level and type of landscaping is suitable. Condition number 5 ensures this.

Highways/Parking

Significant concern has been expressed in relation to the access to the site from St Mary's Close, however as discussed previously this is permitted development and cannot be controlled through this application.

Access to the site remains as existing, with the number of car parking spaces remaining the same. The applicant has confirmed that the two of the car parking spaces will be allocated for the residential flats which is in accordance with the Residential Car Parking Standards SPD.

The new outbuilding will provide an additional 32 sq.m of commercial floor space, when adding this to the total amount of existing commercial floor space which includes the unimplemented office building, the total commercial floor space would be approximately 362 sq.m. Hampshire Parking Strategy and Standards Spring 2002 requires that commercial premises in areas of low accessibility have 1 car parking space per 45 sq.m, which would equate to 8 car parking spaces at the application site. In areas of high accessibility, the requirement is 1 car parking space per 167 sq.m and the requirement for this site would be 3. There are 11 commercial car parking spaces provided at the site which exceeds the requirement in both instances and fully satisfies the commercial car parking standards.

Nitrates

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A separate appropriate assessment in relation to the nitrate issue has been completed and is attached to this case. If Committee is minded to approve the application the applicant has agreed that a Grampian Condition can be attached to the consent to ensure that a mitigation strategy is submitted to and approved in writing by the Council prior to the occupation of the development.

Drainage

The site is within Flood Zone 1 and is at very low risk of surface water flooding. The geology is chalk. There is already a detailed drainage strategy in place for the approved A1/B1 use, however condition 8 of this report requires details to be submitted for the additional residential unit before development commences.

Other Matters

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of our duty.

Conclusion:

The proposal accords with The Development Plan and the following policies: DS1, CP13, CP20, CP2 of LPP1, DM15, DM16, DM17, DM18, DM19, DM27, DM29 of LPP2 and The High Quality Places SPD.

Recommendation

Permit subject to the following condition(s):

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

2. The development hereby approved shall be constructed in accordance with the following plans:

East and West Elevations as Proposed Plans Drawing 1818_3000 REV C
North and South Elevations as Proposed Drawing 1818_3001 REV B
First Floor as Proposed Drawing 1818_2100
Second Floor as Proposed 1818_2200 REV A
Proposed Site Plan Drawing 1818_1101 REV D
Outbuilding as Proposed Drawing 1818_3002 REV A

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Reason: In the interests of proper planning and for the avoidance of doubt and to ensure the development is carried out in accordance with the relevant policies of The Development Plan.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those as detailed in section 8 (materials) of the associated application forms.

Reason: To ensure a satisfactory visual relationship between the new development, the existing and the surrounding Conservation Area in accordance with Policy DM15, DM16, DM27 of Winchester District Local Plan Part 2 (2017) and The High Quality Places SPD (2015).

4. The outbuilding hereby approved shall not be used for any purpose other than for cold food preparation and storage in association with the main business. No cooking or heating of food shall take place and no extraction equipment shall be installed anywhere in the outbuilding.

Reason: To protect the amenities of nearby residential properties in accordance with Policy DM1 and DM19 of Winchester District Local Plan Part 2.

PRE COMMENCEMENT CONDITIONS

5. No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include the following;

- planting plans, including the proposed planting along the boundaries of the site.
- schedules of plants and replacement trees, noting species, planting sizes and proposed numbers/densities where appropriate.
- details of materials to be used in hard surfacing
- details of any means of enclosure (fencing/walling) and all boundary treatments.

All hard and soft landscape works shall be carried out in accordance with the approved details.

The works shall be carried out before the use hereby permitted is commenced and prior to the completion of the development or in accordance with the programme agreed with the Local Planning Authority. If within a period of five years after planting any tree or plant is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged, defective or diseased another tree or plant of the same species and size as that originally approved shall be planted at the same place, within the next planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of visual amenity of the area and to ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

6. Prior to the construction of the new outbuilding, hereby approved, a tree protection statement and methodology must be submitted to and approved in writing by the Local

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Planning Authority which demonstrates how the tree to the south of the site will be protected during construction.

Reason: To protect the amenity value of the protected tree in accordance with Policy DM24 of WDLPP2.

CONDITIONS ONLY RELATING TO NEW RESIDENTIAL UNIT

7. The development hereby permitted shall NOT BE OCCUPIED until:

- a) A water efficiency calculation which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to and approved in writing by the Local Planning Authority
- b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European sites by the development and be implemented in full prior to first occupation and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and
- c) All measures forming part of that mitigation have been secured and submitted to the Local Planning Authority.

Reason: To accord with the Conservation of Habitats and Species Regulations 2017, and Policy CP11, CP16 and CP21 of the Winchester District Local Plan Part 1.

8. Detailed proposals for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved details shall be fully implemented before development commences.

Reason: To ensure satisfactory provision of foul and surface water drainage.

Informatives

1. This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

2. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Winchester District Local Plan Part 1 (2013): DS1, CP13, CP2, CP11, CP16, CP21

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Winchester District Local Plan Part 2 (2017): DM15, DM16, DM17, DM18, DM27, DM29, DM19

Winchester District High Quality Places Supplementary Planning Document

3. In accordance with paragraph 38 of the NPPF (July 2018) , Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

- offer a pre-application advice service and,
- update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

4. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

5. During Construction, no materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.

6. Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible.

For further advice on this please refer the Construction Code of Practice <http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>

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APPENDIX A

From: Cllr Jackie Porter
Sent: 25 October 2019 16:13
To: Planning Mailbox Account
Cc: Cllr Jane Rutter; Cllr Malcolm Prince
Subject: Re: Committee Application - 19/02057/FUL

Dear Nathan

Thank you.

I would like to call in the current planning application for The Little Kitchen Company, London Road, Kings Worthy please.

I object for the following reasons against the planning permission being approved:-

1. The car parking described is already in use and exceeded. This use of the rear garden to park 5 cars even at present, results in the overuse by vehicles of St Mary's Close, a very narrow private road, and popular public footpath.
2. The operation of the business. Whilst I appreciate it is a civil matter, in the opinion of other homeowners on St Mary's Close, the applicant does not the right to have an access there, despite already having created one. There has been no permission sought.
3. The application includes the use of eight 'front' spaces. I am aware that rubbish is piled up here, the bins occupy one space some of the time. Delivery vehicles block the carriageway. (Photos can be supplied) Use of this back access to store rubbish may result in an oversized commercial waste collection vehicle being required to use St Mary's Close which is too marrow: this practice is unacceptable.
4. The access made by a cut in the fence in St Mary's Close should have had planning permission by reason that the property is in a conservation area and any material changes must be applied for. This seems to fly in the face of the regulations-regulations to which others comply.
5. The changes to the upstairs accommodation seeks to reduce the number of bedrooms, but also increases the number of parking spaces. This is contrary to the principles of the car parking in the current local plan.

I would like to know if the committee is minded to approve or reject. If the officers are minded to object, I ask you to consider this letter as my 'call-in' of the decision'.

Kind regards

Cllr Jackie Porter,

County and City Councillor, School Governor, Charity Trustee