

# Planning Committee

Minutes of the meeting held on Tuesday 13 December 2022 at the Town Hall, Royal Leamington Spa at 6.00pm.

**Present:** Councillor Boad (Chairman); Councillors R. Dickson, B Gifford, Jacques, Kennedy, Margrave, Morris, Murphy, Noone, Norris, Quinney and Tangri.

**Also Present:** Principal Committee Services Officer – Lesley Dury; Legal Advisor – Sue Mullins; Development Manager – Gary Fisher; Principal Planning Officer – Dan Charles; Principal Planning Officer – Helena Obremski (remote); and from WCC Highways – Dave Pilcher (remote).

## 103. **Apologies and Substitutes**

There were no apologies for absence or substitutions made.

## 104. **Declarations of Interest**

Minute Number 107 – W/22/0232 – Land on the South Side of Chesterton Drive, Royal Leamington Spa

Councillor Morris declared an interest to clarify that he had been vehemently opposed to the original application but that had subsequently been resolved. He remained open-minded about reserved matters.

Minute Number 108 – W/22/1509 – 5A Spencer Street, Royal Leamington Spa

The Chairman declared an interest for the Committee because the site was Council owned. Members had an ongoing dispensation to determine Council-owned properties and sites.

## 105. **Site Visits**

W/22/1238 – (a) Rosalind Franklin Laboratory, Harrison Way, Royal Leamington Spa (b) Old Foundry Car Park, behind Pets at Home, Unit 2B, Myton Road

Councillor Kennedy attended an organised visit to the application site about a year ago. This was not part of a planning site visit.

## 106. **W/22/1238 – a) Rosalind Franklin Laboratory, Harrison Way, Royal Leamington Spa (b) Old Foundry Car Park, behind Pets at Home, Unit 2B, Myton Road**

The Committee considered an application from United Kingdom Health Security Agency for the continued use of the Rosalind Franklin Laboratory building (in sui generis use) to allow for its operation as a Very High Throughput Laboratory and associated activities (including Research & Development), retention of associated external works and landscaping; along with retention of associated works related to the continued use of the

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

existing 'Old Ford Foundry car park' site in conjunction with the laboratory and including: installation of new lighting and drainage, CCTV, boundary fencing, bus shelter for park and ride facility, landscaping and associated works.

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

The officer was of the opinion that the proposed retention of the Laboratory and Old Ford Foundry Car Park was considered to represent an appropriate use of both sites, which did not have an unacceptable impact on neighbouring amenity, nor had an unacceptable impact on the highway network. Adequate parking arrangements were considered to have been provided and would be monitored through use of a Travel Plan. It was highlighted that the scheme delivered the potential to provide a significant number of jobs within the District and provided significant public health benefits in responding to the current and any future pandemics.

An addendum circulated at the meeting advised that a representation from WCC Highways had stated that it had no objection, subject to condition. A note to advise the applicant of the Council's expectations for the Travel Plan was to be secured by conditions 4 and 5 should be added to any approval as follows:

*"The Full Travel Plan required by conditions 4 and 5 above must include a survey of staff travel patterns in order to highlight any significant discrepancies in the number of employees travelling to work by private car and the level of parking provision at the Old Ford Foundry car park and to identify any vehicles on surrounding streets that might have been parked there by employees. Quarterly surveys will then be required for 9 months from the date of agreement of the Travel Plan and then when necessary, as to be defined with the Full Travel Plan. The Full Travel Plan must also include an 'employee welcome pack' which must highlight sustainable travel options available to employees to reduce car travel associated with the proposal and a scheme of delivery."*

The following people addressed the Committee:

- Mrs Buckle, objecting; and
- Mr Neate, supporting.

In response to questions on whether the bund should be reinstated to protect the residents, Members were informed that Planning Officers had to assess whether the development being carried out had a detrimental impact on neighbouring amenity or not. The Applicant had made a full assessment, including lighting and noise assessments and there was no planning reason in terms of this application to require the developer to carry out any works to the bund. The removal of the bund took place in 2017, before the current developer was involved and was not associated with the current developer.

The current position with the shuttle bus was that it was operating through all shift patterns because it was in operation 24/7, but an informative note

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to the Applicant could be added to ensure that it continued to operate through all shift patterns.

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 Gifford that the application should be granted in accordance with the recommendation in the report, the informative note in the addendum, and an informative note to the applicant to ensure that the shuttle bus operated through all shift patterns.

The Committee therefore

**Resolved** that W/22/1238 be **granted** subject to:

(1) the following conditions:

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
| (1)        | the development hereby permitted relates strictly to the details shown on the site location plans and approved drawings: |

*Rosalind Franklin Laboratory:*

MLAB1-HOK-ZZ-00-DR-A-111100 Rev P05 (site layout), MLAB1-HOK-ZZ-ZZ-DR-A-110001 Rev P05 (site plan), MLAB1-HOK-ZZ-ZZ-DR-A-113003 Rev P04 (elevations), MLAB1-HOK-ZZ-ZZ-DR-A-113002 Rev P04 (demolition), MLAB1-HOK-ZZ-ZZ-DR-A-114300 Rev P04 (entrance canopy details), MLAB1-HOK-ZZ-ZZ-DR-A-114303 Rev P04 (substation), MLAB1-WSP-XX-00-DR-L-000001 Rev P03 (vegetation removal), MLAB1-WSP-XX-00-DR-L-000004-PA Rev C04 (reinstatement planting), MLAB1-WSP-XX-00-DR-Y-999991 Rev P01 (security layout), MLAB1-WSP-ZZ-00-DR-PM-000019 Rev C03 (ethanol storage and compressor house layout), MLAB1-WSP-ZZ-00-DR-PM-000020 Rev C03 (ethanol storage and compressor house sections), and LUX,S,B Generic drawing Sheet 1. (barrier details) submitted on 27th July 2022, and

*Old Ford Foundry Car Park:*

CPAR1-WSP-C1-ST-DR-D-000100 Rev C03 (site layout) and CPAR1-WSP-C1-00-DR-L-000004PA Rev C05 (reinstatement planting) submitted on 27th July 2022, and specification contained therein.

**Reason:** For the avoidance of doubt and to

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
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|            | secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;  |
| (2)        | <p>Within three months of the date of this decision, a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (CPAR1-WSP-C1-ST-RP-0000001-P01) shall be submitted to and approved in writing by the Local Planning Authority by a suitably qualified independent drainage engineer for (a) The Rosalind Franklin Laboratory and (b) The Old Ford Foundry Car Park. The details shall include:</p> <ol style="list-style-type: none"><li>1. Demonstration that any departure from the agreed design is in keeping with the approved principles.</li><li>2. Any As-Built Drawings and accompanying photos.</li></ol> |

The approved details and all measures therein shall be retained and maintained in perpetuity.

**Reason:** To secure the satisfactory drainage of the site in accordance with the agreed strategy, the NPPF and Policy FW2 of the Warwick District Local Plan 2011 – 2029;

- |     |   |
|-----|---|
| (3) | <p>within three months of the date of this decision, a detailed, site-specific maintenance plan shall be submitted to and approved in writing by the Local Planning Authority for site (a) The Rosalind Franklin Laboratory. Such maintenance plan should:</p> <ol style="list-style-type: none"><li>1. Provide the name of the party responsible, including contact name, address, email address and phone number</li><li>2. Provide details on how surface water each relevant feature shall be maintained and managed for the lifetime of the development.</li></ol> |
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The maintenance plan shall be implemented in full accordance with the approved details and all measures therein shall be retained and maintained in perpetuity.

**Reason:** To ensure the future maintenance of the sustainable drainage structures in accordance with Policy FW2 of the Warwick District Local Plan 2011 – 2029;

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
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| (4)        | <p>within one month of the date of this decision, the occupier must submit to the Local Planning Authority for approval details of the scope of a Full Travel Plan that promotes sustainable forms of access to the site and defines arrangements for monitoring parking associated with the use hereby approved. The scope of the Full Travel Plan shall include the specification of targets for mode share shifts to be achieved and a time period to achieve this. Within three months of the date of the approval of this scope the occupier must submit to the Local Planning Authority for approval a Full Travel Plan in accordance with the approved scope.</p> <p><b>Reason:</b> In order to reduce car travel and increase travel by more sustainable transport modes and to assist with the monitoring and management of on-street parking in nearby residential areas, in accordance with the requirements of the NPPF and Policy TR3 of the Warwick District Local Plan 2011 – 2029;</p> |
| (5)        | <p>the Full Travel Plan approved under condition 4 shall be implemented and monitored in strict accordance with its terms. In the event of failing to meet these targets a revised Full Travel Plan shall be submitted to and be approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to the site. The Full Travel Plan thereafter shall be implemented and reviewed annually with changes agreed with the Local Planning Authority.</p> <p><b>Reason:</b> In order to achieve a sustained reduction in car travel and increase travel by more sustainable transport modes in accordance with the requirements of the NPPF;</p>  |
| (6)        | <p>the use hereby permitted shall only operate if a minimum of 121 car parking spaces at the Rosalind Franklin Laboratory site and 508 car parking spaces at the car park known as 'Old Ford Foundry Car Park' (as shown on drawing CPAR1-WSP-C1-ST-DR-D-000100 Rev03) are available and remain available at all times for the use of employees of and visitors to the Rosalind Franklin Laboratory (identified on</p>   |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
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|            | location plan MLAB1 -HOK -ZZ -ZZ -DR - A - 110002 Rev P04) in accordance with the details contained within approved Travel Plan.<br><br><b>Reason:</b> To ensure that adequate parking is provided for the site in accordance with the requirements of Policy TR3 of the Warwick District Local Plan 2011 – 2029;   |
| (7)        | the rating level of noise arising from the approved fixed plant and equipment shall not exceed the limits set out in the table shown on Page 2 as measured at the points identified in the noise monitoring location plan (Figure 1) appended to the letter dated 23 November 2022 (reference: 7008299.231122.SNHO). The rating level shall be determined in accordance with BS 4142:2014+A1:2019.<br><br><b>Reason:</b> To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;   |
| (8)        | the hard landscaping works shall be completed in full accordance with the approved details within three months of the date of this permission; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following approval of this application. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.<br><br><b>Reason:</b> To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
|            | the Warwick District Local Plan 2011-2029; and   |
| (9)        | the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted. Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted . All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces). |

**Reason:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029; and

- (2) informative notes to:
- (1) advise the applicant of the Council's expectations for a Travel Plan to be secured by conditions 4 and 5 as follows:
- "The Full Travel Plan required by conditions 4 and 5 above must include a survey of staff travel patterns in order to highlight any significant discrepancies in the number of employees travelling to work by private car and the level of parking provision at the Old Ford Foundry car park and to identify any vehicles on surrounding streets that might have been parked there by employees. Quarterly surveys will then be required for 9 months from the date of agreement of the Travel Plan and then when necessary, as to be defined with the Full Travel Plan. The Full Travel Plan must also include an 'employee welcome pack' which must highlight sustainable

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

travel options available to employees to reduce car travel associated with the proposal and a scheme of delivery"; and

- (2) ensure that the shuttle bus operates through all shift patterns.

### **107. W/22/0232 – Land on the South Side of Chesterton Drive, Royal Leamington Spa**

The Committee considered an application from AC Lloyd (Homes) Limited for the approval of Reserved Matters for residential development of 200 dwellings relating to appearance, landscaping, layout and scale in pursuance of outline planning permission W/20/0617.

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

The officer was of the opinion that the proposed development would provide a high-quality residential environment in accordance with the garden suburbs principles, including an appropriate mix of market and affordable housing and acceptable dwelling house and layout design solutions, including landscaping and substantial areas of public open space.

There would be no harm arising in terms of neighbour amenity, highway safety or ecology and as such it was considered the scheme therefore complied with the policies listed. It was recommended that the reserved matters should be approved.

An addendum circulated at the meeting gave details the Applicant had provided on clarification of the Sustainability Statement:

"The outline planning permission requires a reduction in carbon emissions (compared with Code L2013 Building Regulations) of 40%. A sustainable scheme will be brought forward comprising 200 energy efficient homes with solar panels and air source heat pumps which will ensure a 61.1% reduction in carbon emissions, 21.1% above the 40% requirement. The measures will also ensure that a 74% energy reduction is achieved compared to buildings regulations compliance."

There were also details of three additional public responses to the proposals and details of changes to Conditions 1, 2 and 4 should the application be granted.

The following people addressed the Committee:

- Councillor Singh, representing Royal Leamington Spa Town Council which had objected to the application;
- Ms White, objector;
- Mr Green, supporting; and
- Councillor Luckhurst, District Councillor, objecting.

The Chairman explained what had already been decided on this site and was therefore outside the scope of application W/22/0232. The principle of



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

development had previously been granted as had the means of access to the site. This meant these could not be debated as part of the application under discussion. Assessment of the W/22/0232 was limited to those matters that were reserved from the outline application.

Members noted the buffer area that provided screening for residents who would be living closest to the railway and wished to ensure that this buffer was properly maintained. The Legal Officer advised Members that should they decide to grant permission for the application, they could delegate authority to officers in liaison with the Chairman to determine the best way to secure the maintenance of the buffer.

It was noted that a cycleway and footpath shown in the plans effectively split up two distinct areas of green space and would force children and families using the area to cut across the cycleway and footpath when playing or using the areas. A suggestion was made to move the cycle track to maximise useable space and this could be referred to the Applicant by an informative note.

There was land near to the site that was currently used for agricultural purposes. Members were concerned that farm vehicles would be using the roads through the development. Officers advised the Committee that an informative note to the Applicant on the consideration of safety issues in respect of farm vehicles using the roads was the most appropriate means to raise the matter since WCC Highways had not pointed to safety issues in respect of farm vehicles.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Gifford and seconded by Councillor Dickson that the reserved matters application be approved in accordance with the recommendation in the report and addendum.

The Committee therefore

**Resolved** that in respect of W/22/0232, authority be delegated to the Head of Place, Arts and Economy in consultation with the Chairman of Planning Committee to grant planning permission, subject to the securing of a mechanism to ensure the maintenance of the buffer to the railway in perpetuity and subject to:

(1) the following conditions:

<b>No.</b>	<b>Condition</b>
(1)	the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 4208-20 Rev E, 4208-21 Rev D, 4208-22 Rev E, 4208-23 Rev D, 4208-24 Rev D, 4208-25 Rev D, 4208-26 Rev D, 4208-27 Rev D, 4208-28 Rev E, 4208-29 Rev D, 4208-30 Rev E, 4208-31 Rev E, 4208-203

## PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	35 Rev E, 4208-36 Rev E, 4208-37 Rev F, 4208-38 Rev E, 4208-39 Rev E, 4208-40 Rev F, 4208-41 Rev E, 4208-42 Rev B, 4208-43 Rev B, 4208-44 Rev B, 4208-45 Rev B, 4208-46 Rev C, 4208-47 Rev C, 4208-48 Rev B, 4208-49 Rev B, 4208-50 Rev B, 4208-51 Rev B, 4208-52 Rev C, 4208-53 Rev C, 4208-54 Rev A, 4208-55 Rev A, 4208-56 Rev A, 4208-57 Rev A, 4208-58 Rev A, 4208-59 Rev A, 4208-68 Rev B, 4208-70 Rev A, 4208-71 Rev B, 4208-72 Rev B, 4208-80 Rev B, 4208-81 Rev B and 4208-82 Rev B, and specification contained therein, submitted on 8 February 2022 and approved drawing(s) 4208-11 Rev L, 4208-14 Rev E, 2228-21-01 P10, 2228-21-02 P5, 2228-21-03 P5, 2228-21-04 P5, 20376-03-1 Rev C, 20376-03-2 Rev C, 20376-03-3 Rev E, 20376-03-4 Rev C, 20376-03-5 Rev C, 20376-03-6 Rev D, 20376-03-7 Rev D, 20376-03-8 Rev D and 228-SK7, and specification contained therein, submitted on 28 November 2022 and approved drawing(s) 4208-34 Rev E and 4208-69 Rev A, and specification contained therein.

**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;

- (2) the development shall not be occupied until it has been laid out in general accordance with drawing no. 4208-11 Rev L Proposed Site Plan.

**Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029

- (3) the construction of the estate roads serving the development including footways, verges and footpaths shall not be other than in accordance with the standard specification of the Highway Authority.

**Reason:** To ensure that a pavement and verge crossing is available for use when the development is completed thereby enabling safe and convenient access to and egress from the site in the interests of the safety of

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

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
|            | road users and pedestrians in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; and  |
| (4)        | The accesses to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. |
|            | <b>Reason:</b> In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; and        |
| (2)        | informative notes to the applicant in respect of:   |
| (1)        | the consideration of safety issues relating to farm vehicles using the roads; and   |
| (2)        | the specific location of the cycle track within the green space area to ensure its optimum use.   |

(At 7.56pm, the meeting was adjourned partway through debate on W/22/0232 for a comfort break. It reconvened at 8.03pm.)

### **108. W/22/1509 – 5A Spencer Street, Royal Leamington Spa**

The Committee considered an application from CDP for a proposed change of use from Nursery (use Class E) to Learning Institution (use Class F1) for provision of private education and associated external alterations.

The application was presented to Committee because it related to Spencer Yard, a Warwick District Council owned site.

The officer was of the opinion that the main extent of built works to the site were already approved under previous application W/20/2134. Prior approval had been granted in 2021 for a change of use to education but this was for a Public School. The current application was for a proposed change of use to F1 education for Private School and it included minor revisions to fenestration and design of previously approved works which officers considered acceptable. The principle of educational use was considered acceptable in this location and no material harm had been identified as a result of the proposed change of use.

An addendum circulated at the meeting advised that WCC Highways raised no objections to the application; gave details of two further objections from the public; and the agent had provided additional information regarding the proposed private-education use.

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

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

The Committee therefore

**Resolved** that W/22/1509 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.<br><br><b>Reason:</b> To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); and   |
| (2)        | The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved site location plan '2362.00.05-P' and drawings '2362.02.1100-T2', '2362.02.1101-C', '2362.02.1102-C', '2362.02.1200-C', '2362.02.1201-C' submitted on the 15 <sup>th</sup> September 2022, and specification contained therein.<br><br><b>Reason:</b> For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029. |

(The meeting ended at 8.59pm)

CHAIRMAN  
28 February 2023