

Planning Committee

Minutes of the meeting held on Thursday 15 December 2022 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Boad (Chairman); Councillors Ashford, B Gifford, Margrave, Murphy, Noone, Quinney, and Tangri.

Also Present: Committee Services Officer – Sophie Vale; Legal Advisor – Sue Mullins; Assistant Conservation Officer – Jane Catterall (remote), and Business Manager – Sandip Sahota.

109. **Apologies and Substitutes**

- a) Apologies for absence were received from Councillors Jacques, Kennedy, Morris, and Skinner; and
- b) Councillor Kohler substituted for Councillor R Dickson.

110. **Declarations of Interest**

Minute Number 114 – W/21/1456 LB – Seaforth House, 8 Warwick New Road, Royal Leamington Spa

Councillor Kohler declared an interest because his children attended the nursery at the application site, although this was 13 years ago.

Minute Number 115 – W/22/1042 – 66 Market Place, Warwick

Councillor Murphy declared an interest because the application site was in his ward as a Member of Warwick Town Council.

111. **Site Visits**

There were no site visits made.

112. **Minutes**

The minutes of the meetings held on 8 November, 9 November, and 15 November 2022 were taken as read and signed by the Chairman as a correct record.

113. **W/22/1213 – 12 Ridgeley Close, Woodloes Park, Warwick**

This application was withdrawn from the agenda because the site edged red on the site location plan submitted with the application contained land not within the ownership of the applicant and the correct notice had not been served on the owner of the land. The legal advice was that the Council were therefore lawfully unable to determine the application as submitted. Therefore, this application was not considered at the meeting.

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114. **W/21/1456 LB – Seaforth House, 8 Warwick New Road, Royal Leamington Spa**

The Committee considered an application from Ms Hall for listed building consent for the complete replacement of the covering to existing pitched roofs, with the material to be altered from Welsh slate to imported Canadian slate.

The application had been referred to the Planning Committee because of the amount of support comments received.

The officer was of the opinion that the benefits offered by the applicant in the choice of imported roofing material over domestic slate were not considered to outweigh the harm identified to the building and would not be in the wider public interest. The current proposal would constitute significant harm which, whilst being less than substantial, would nevertheless be contrary to local and national policy. As such, the proposal was deemed unacceptable, in direct contradiction to policy HE1 of the Warwick Local Plan and was therefore recommended for refusal.

The following people addressed the Committee:

- Ms Hall, the applicant, speaking in support; and
- Councillor King, District Councillor, speaking in support.

Members were advised that the Welsh quarry from which the original slate had come from had now closed, and other Welsh slate was similarly difficult to source and was expensive. Therefore, Members had concerns that policy HE1 gave no leeway for any difficulties in sourcing original materials in the volume required for this application. Canadian slate had very little visual difference to Welsh slate and was cheaper and easier to source.

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

The Committee therefore

Resolved that W/21/1456 LB be **granted**, subject to a condition requiring a sample of the Canadian slate to be submitted and approved in writing by the LPA and for the development to proceed in accordance with the approved details.

115. **W/22/1042 – 66 Market Place, Warwick**

The Committee considered an application from The Table Ltd for the variation of condition 3 of planning permission ref: W/17/1033, 'Change of use from Retail (Class A1) to a mixed use of Retail (Class A1), Restaurant and Cafe (Class A3), Drinking Establishment (Class A4) and the sale of food and drink for consumption on or off the premises' to vary previously approved opening hours from 08:00-23:00 on any day, to 08:00-23:30 on

PLANNING COMMITTEE MINUTES (Continued)

Thursdays, Fridays and Saturdays and to extend opening hours to 08:00am-02:00am on Good Friday and Christmas Eve and 08:00am-03:00am on New Year's Eve. (Resubmission of application ref: W/21/0099).

The application had been referred to the Planning Committee because of the number of supportive responses received, and an objection from Warwick Town Council.

The officer was of the opinion that a variation of the opening hours of The Iron Works, to extend the opening hours, would cause unacceptable harm to the amenity of the neighbours. Market Place accommodated a high number of residential properties, many in very close proximity to the site. Given that The Iron Works was located within a mixed-use retail and residential area, it was considered an unsuitable space to accommodate a drinking establishment that was open late into the night beyond 23:00 when residents could reasonably expect relatively quiet surrounds.

It was acknowledged within the assessment of planning application W/17/1033, that the use of the premises as a mixed A1, A3 and A4 use could potentially impact on the amenity of the neighbours. Therefore, the imposition of condition 3 to prevent closing time beyond 23:00 was considered necessary in order to protect neighbour amenity. This approach was also taken with the refusal of the previous application for extended opening hours and no additional supporting documentation had been provided here. To vary this condition to extend the closing time of the premises would result in a negative impact on the amenity of the neighbours by virtue of increased noise and disturbance for a prolonged period of time into the night. Business competition was not considered a material planning consideration and had not been taken into consideration in the decision-making process. The proposal therefore failed to comply with Local Plan Policy BE3 and was recommended for refusal.

The following people addressed the Committee:

- Dr Mulder, speaking in support; and
- Mr Wesley, speaking in support.

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

The Committee therefore

Resolved that W/22/1042 be **refused** because Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents.

In the opinion of the Local Planning Authority, it is considered that the proposed variation of the opening hours would result in material harm to the living conditions of neighbouring residents by reason of noise, disturbance and anti-social behaviour derived

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from customers leaving and congregating outside the premises later into the night.

The permitted hours, 08:00 – 23:00, are considered appropriate for the location of the site in a mixed commercial and residential part of the town centre in order to strike an acceptable balance between the commercial and residential role of this part of the town centre. To permit the business to open later into the night would result in an unacceptable form of development which would fail to comply with Local Plan Policy BE3.

The proposal is thereby considered to be unneighbourly and contrary to the aforementioned policy.

116. W/22/1524 – 192 Cromwell Lane, Burton Green

The Committee considered a retrospective application from Mr Ward for the erection of a rear roof dormer and conversion of roof space, alteration of part two storey, part single storey rear extension and two storey side extension of previously approved scheme ref: W/19/0504.

This application had been referred to the Planning Committee because of the amount of support comments received, when it was recommended for refusal.

The officer was of the opinion that the erection of a rear box dormer constituted poor quality design by virtue of being inappropriate in scale, dominating the rear elevation and was contrary to the Council's Residential Design Guide SPD. The addition to the roof was considered to be out of keeping with the existing dwelling and also the architectural character of the local area. The development was therefore contrary to Local Plan Policy BE1.

The following people addressed the Committee:

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

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

Resolved that W/22/1524 be **refused** because 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 design. The Council has also adopted The Residential Design Guide as a Supplementary Planning Document.

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In the opinion of the Local Planning Authority, the alterations to the approved scheme: W/19/0504 at 192 Cromwell Lane constitutes poor design, failing to respect the scale, design, and character of the original property. The rear dormer structure lies wholly contrary to the provisions of the Residential Design Guide SPD. The design, mass and bulk of this structure forms an incongruous design feature of poor design.

The proposal is therefore contrary to Policy BE1 and the NPPF which promotes good design.

(At 7.23pm, the meeting was adjourned for 20 minutes for a comfort break.)

117. W/21/1944 – Land at Peacock Lane, Holywell, Rowington

The Committee considered a retrospective application from Mrs Hughes for the change of use of land for the siting of a log cabin for three years as a temporary rural worker's dwelling, and to regularise the commercial equestrian use.

This application had been referred to the Planning Committee because of the number of objections received.

The officer was of the opinion that the proposal had been independently assessed by a specialist rural consultant under Policy H12 of the Local Plan and was considered to meet the tests set out in the policy. The proposal was therefore considered acceptable in principle and was an exception under Green Belt Policy. The development had been assessed against site specific criteria and did not result in any demonstrable harm. The proposal was therefore recommended for approval subject to conditions.

An addendum circulated prior to the meeting advised that an additional consultation response had been received from a member of the public. The response objected to the proposal on the grounds of increased traffic generation.

Members were advised that after the three years, the applicant would need to come back before the Committee if they wished to extend the use of the temporary log cabin.

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

Resolved that W/22/1944 be **granted** subject to the following conditions:

No.	Condition
(1)	the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings and documents:

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<ul style="list-style-type: none">• OCTL00420SO, received on 20/10/2021• Unnumbered plan titled, 'Site/Block Plan', received on 20/10/2021• Flood Risk Assessment, dated AUGUST 2021, received on 20/10/2021• Foul Sewerage Statement, received on 20/10/2021• Planning Statement incorporating Rural Enterprise Dwelling Appraisal, dated September 2021, received on 20/10/2021• Report titled, 'BUSINESS PLAN and FORECASTS', received on 17/11/2021• Preliminary Ecological Appraisal by Martin Ecology, dated 25th July 2022, received on 25/07/2022• BIA spreadsheets titled 'BIA Peacock Stables.xls' and 'Peacock Stables 2.xls', received on 25/07/2022.

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) no development in relation to the erection of the cabin hereby permitted shall commence until an Ecological Enhancement and Management Scheme as detailed in the Preliminary Ecological Assessment prepared by Martin Ecology dated 25 July 2022 and received by the Local Planning Authority on 25 July 2022, has been submitted and approved in writing by the District Planning Authority. In discharging this condition, the LPA expect to see an annotated site plan showing details of the following: location of the existing site and proposed enhancement site, species to be planted, timing of works, programme of implementation and monitoring if deemed necessary. The ecological enhancement shall thereafter be carried out in accordance with the approved details and maintained in perpetuity.

Reason: To ensure a net biodiversity gain in accordance with NPPF;

- (3) no development in relation to the erection of the temporary cabin hereby permitted shall be carried out unless and until samples of the external facing materials to be used have been

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | 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 the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029; |
| (4) | the occupation of the cabin hereby permitted shall be limited to a person solely or mainly working on the site in pursuance of the on-site equestrian business together with any dependants who reside with such a person.

Reason: Permission is granted, in accordance with Policies H1 and DS18 of the Warwick District Local Plan 2011-2029, because the residential accommodation is needed for occupation by an equestrian worker for the purposes of a functional need on the application site and in order to protect the Green Belt, occupation is restricted; |
| (5) | within three years from the date of this permission, the cabin hereby permitted shall be removed from the site, and the land upon which the building stood shall be restored either:

(i) in accordance with a scheme which shall be submitted to and be approved in writing by the Local Planning Authority prior to the removal of the building and which shall then be implemented in accordance with the approved restoration scheme; or

(ii) if no such scheme has been submitted to and approved by the Local Planning Authority within 6 months of the removal of the building to its condition immediately prior to the erection of the building.

Reason: Temporary permission has been granted in the instance solely to allow the applicant adequate time to demonstrate the viability of the on-site business in accordance with Policy H12 of the Warwick District Local Plan 2011-2029; |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| (6) | the use hereby permitted shall be used for a full livery operation only and shall not be used for any DIY livery or other form of livery arrangements without the prior written consent of the Local Planning Authority. |

Reason: To restrict the intensity of use of the site 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;

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| (7) | no form of horse-riding school shall operate from or within the site without the prior written consent of the Local Planning Authority. |
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Reason: To restrict the intensity of use of the site 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;

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| (8) | the full livery operation hereby permitted shall be limited to a maximum of 14 horses at any one time. |
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Reason: To restrict the intensity of use of the site 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;

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| (9) | 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. |
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Reason: To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029; and

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
(10)	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.

118. **TPO 573 – 9 Elm Bank Close, Lillington, Royal Leamington Spa**

The Committee considered a confirmation of a provisional Tree Preservation Order (TPO) relating to an oak tree.

This application had been referred to the Planning Committee because of the number of objections received.

The officer was of the opinion that the issues raised in objection to the TPO were not sufficient to outweigh the significant amenity contribution which the handsome oak tree made to the surrounding area and therefore it was expedient to confirm the TPO.

Following consideration of the report and presentation, it was proposed by Councillor Quinney and seconded by Councillor Murphy that the application should be confirmed.

Resolved that TPO 573 be **confirmed**.

119. **Appeals Report**

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

PLANNING COMMITTEE MINUTES (Continued)

Resolved that the report be noted.

(The meeting ended at 7.57pm)

CHAIRMAN
28 February 2023