

Planning Committee

Minutes of the meeting held on Tuesday 8 November 2016 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Cooke (Chairman); Councillors Ashford, Boad, Mrs Bunker, Day, Mrs Falp, Mrs Hill, Morris, Naimo, Mrs Stevens and Weed.

Also Present: Committee Services Officer – Miss Cox; Legal Advisor – Miss Amphlett; Team Leader, Development Control – Mr Sahota; and Planning Assistant – Mr Lunn.

88. **Apologies and Substitutes**

- (a) There were no apologies; and
- (b) Councillor Mrs Falp substituted for Councillor Heath.

89. **Declarations of Interest**

Minute Number 92 – W/16/1538 – 50 Newnham Road, Lillington, Royal Leamington Spa

Councillor Boad declared an interest because the application site was in his Ward. He also informed the Committee that residents had contacted him for advice regarding the planning issues relating to their objections, but he had not personally expressed an opinion on the application.

Minute Number 94 – W/16/1558 – Tesco Express, Crown Way, Lillington, Royal Leamington Spa

Councillor Boad declared an interest because the application site was in his Ward and he had made an objection prior to the change of the application. However, he wanted to listen to the views expressed at the meeting before voting on the application and was therefore not predetermined.

Minute Number 95 – W/16/1403 – 12 Antony Gardner Crescent, Whitnash

Councillor Mrs Falp declared an interest because she was present at Whitnash Town Council's meeting when this application was discussed, but she did not vote.

Minute Number 96 – W/16/1483 – 11 Balmoral Way, Cubbington

Councillor Mrs Stevens declared an interest because the application site was in her Ward.

90. **Site Visits**

There were no site visits undertaken prior to the meeting, as agreed with the Chairman and following consultation with the Committee members.

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91. Minutes

The minutes of the meeting held on 11 October 2016 were taken as read and signed by the Chairman as a correct record.

92. W/16/1538 – 50 Newnham Road, Lillington, Royal Leamington Spa

The Committee considered an application from Miss O’Sullivan for the demolition of the existing garage and erection of three dwellings and associated car parking.

The application was presented to Committee because of the number of objections received from local residents. An objection had also been received from Royal Leamington Spa Town Council.

The officer was of the opinion that the proposals were in accordance with the requirements of Policies DP1, DP2, DP3, DP6, DP8, DP13, UAP1 and SC13 of the Warwick District Local Plan 1996-2011, Policy H1 of the emerging Warwick District Local Plan 2011-2029 and the provisions of the National Planning Policy Framework. It was considered that they would meet the requirements of adopted planning policy for development of this nature, that the new dwellings would appear in keeping and scale with their surroundings, that the proposals would safeguard the amenities currently enjoyed by neighbouring properties and that they would not give rise to any undue highway safety or ecological concerns.

The following people addressed the committee:

- Councillor John Knight, representing Royal Leamington Spa Town Council, in objection to the application; and
- Dr Herbison-Evans and Ms Koivusalo, in objection to the application.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Mrs Bunker that the application should be refused, contrary to the recommendation in the report.

The Committee therefore

Resolved that W/16/1538 be **refused** because it constitutes overdevelopment, was unneighbourly, harmful to highway safety and was out of keeping with the street scene.

93. W/16/1547 – 52 Queen Street, Cubbington

The Committee considered an application from Mr Soden for a proposed change of use from a shop to a two bedroom dwelling.

The application was presented to Committee because Cubbington Parish Council and the Ward Councillor supported the application and officers were recommending it for refusal.

The officer was of the opinion that the proposed change of use would not adversely affect the character and appearance of the area and would not

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have a detrimental impact on local residents. However, when balanced against the potential loss of retail use, it was considered that there was no justification for the change of use. The development would be contrary to the adopted Local Plan policy UAP4 and emerging Local Plan policy TC17 because it would not replace the existing unit with a community service or facility. The evidence presented by the agent in support of the change of use would not outweigh the harm caused by the loss of the retail unit to this local shopping centre, which would have a long term impact on the area.

An addendum circulated at the meeting advised that the Environmental Sustainability Section of Health and Community Protection had no objection to the application.

Mr Baldwin addressed the Committee in support of the application.

Following consideration of the report, presentation, information contained in the addendum and the representation made at the meeting, it was proposed by Councillor Mrs Bunker and seconded by Councillor Mrs Stevens that the application should be granted, on the grounds that there was no demand for a shop in this location, there were neighbouring shops to support the village community and the building would provide a residential windfall site.

It was then proposed by Councillor Cooke, seconded by Councillor Morris that the application should be refused and duly

Resolved that W/16/1547 be **refused** because adopted Local Plan policy UAP4 emerging Local Plan TC17 seeks to protect local shopping centres and changes of use from Use Class A to all other uses will not be permitted unless the proposal is for a community service or facility which can be demonstrated to meet a particular local need and which can be satisfactorily controlled by a planning condition.

The proposal seeks to change the existing retail unit (use class A1) to a residential dwelling (use class C3). A dwelling house is not considered to represent a community service or facility and therefore the development is not considered to be acceptable in principle.

The evidence presented by the agent in support of the change of use would not outweigh the harm caused by the loss of the retail unit to this local shopping centre which would have a long term impact on the area.

94. **W/16/1558 – Tesco Express, Crown Way, Lillington, Royal Leamington Spa**

The Committee considered an application from Tesco Stores Limited for the variation of condition 13 of planning permission number W/09/0351 to

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allow the delivery of goods to, and the removal of refuse from, the retail unit between 7.30am and 8.00am, and 9.30am and 7.00pm Mondays to Fridays; 8.00am and 7.00pm on Saturdays; and 9.00am and 6.00pm on Sundays and Bank Holidays.

The application was presented to Committee because of the number of objections received, including an objection from Royal Leamington Spa Town Council.

The officer was of the opinion that the proposal accorded with the requirements of Policies DP2 and DP9 of the Warwick District Local Plan 1996-2011 and the provisions of the National Planning Policy Framework. It was contended that, subject to the imposition of a condition requiring the implementation of the specified noise minimisation measures, extending the delivery and refuse collection times as proposed would not harm the amenities of surrounding residents.

The Planning Officer advised the Committee that Warwickshire County Council Highways had not formally responded to the application, but had commented verbally after the addendum was published that it had a 'slight concern' regarding deliveries undertaken at peak times. With respect to this, the applicant had stated that there would be a maximum of five deliveries in a day; one HGV and four smaller vehicles. There was a dedicated delivery bay. On balance, the Planning Officer felt that this was not likely to give rise to any highway safety concerns and did not affect the recommendation in the report to agree the revised condition.

The following people addressed the committee:

- Councillor John Knight, representing Royal Leamington Spa Town Council, in objection to the application; and
- Miss Barrett, in support of the application.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Ashford that the condition be varied as set out in the report.

The Committee therefore

Resolved that W/16/1558 for the variation of condition 13 of planning permission number W09/0351 be **agreed** in accordance with the recommendations in the report, subject to a note to the applicant to operate within the scheduled delivery times, and the following conditions:

- (1) the approved plans are drawing numbers 3603/(P)101/App(iii); /(P)201/aPP(iv); /(P)501/App(vi) and GC/31384.001/C and the details contained within the application submitted on 20th April 2009 as amended by the applicants agents letters dated 1st July 2009 and 19th August 2009. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with
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Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (2) the existing boundary treatment shall be retained at all times. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) no materials, plant or equipment of any description including skips or containers, shall be stacked, stored or deposited on any open area of the site. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (4) the screen fences enclosing the service bay shall be retained at their current height at all times. **Reason:** To protect the amenity of adjacent residents in accordance with Policies DP1, DP2 and DP9 of the Warwick District Local Plan 1996-2011;
- (5) the first floor of the building shall be used solely for residential purposes. **Reason:** To ensure a satisfactory form of development and to ensure the total floor area of the building in retail use does not exceed that shown on the approved plans in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (6) no external lighting or sound amplification or tannoy system shall be installed on any external wall or roof of any building or within the open land comprised in the application site other than in accordance with details first submitted to, and approved in writing by, the Local Planning Authority. **Reason:** To protect the amenity of the occupiers of nearby properties, and to satisfy the requirements of Policy DP9 of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (7) all car, disabled car, resident and cycle parking spaces, and the associated footpaths and pedestrian routes, shall be kept available for their specified purpose at all times. **Reason:** To ensure that satisfactory parking/pedestrian provision is retained in conjunction with the development to meet the requirements of

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Policies DP1, DP2 and DP8 of the Warwick District Local Plan 1996-2011;

- (8) the delivery of goods to the retail unit on this site and the removal of refuse from it shall only occur between the hours of 0730 to 0800 hours and 0930 to 1900 hours Monday to Friday, 0800 to 1900 hours on Saturdays and 0900 to 1800 hours on Sundays and Bank Holidays. All refrigeration plant on stationary delivery vehicles within the application site shall be switched off at all times. **Reason:** To protect the amenity of the adjacent residents in accordance with Policies DP1, DP2 and DP9 of the Warwick District Local Plan 1996-2011;
- 9 the noise reduction measures set out in the Environmental Noise Assessment by Sharps Redmore and dated 2nd March 2016 shall be implemented in full and retained in place at all times that the extended delivery and refuse collection hours are in operation. **Reason:** To protect the amenity of the adjacent residents in accordance with Policies DP1, DP2 and DP9 of the Warwick District Plan 1996 – 2011;
- 10 the retail unit on this site shall only be open to the public between the hours of 0600 and 2300 hours. **Reason:** To protect the amenity of the adjacent residents in accordance with Policies DP1, DP2 and DP9 of the Warwick District Plan 1996 – 2011; and
- 11 the service vehicle turning area shall be retained at all times solely for the use of delivery and refuse vehicles. **Reason:** In the interests of highway safety in accordance with the requirements of Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011.

95. W/16/1403 – 12 Antony Gardner Crescent, Whitnash

The Committee considered an application from Ms Brereton for the erection of a two storey side extension incorporating the existing garage.

The application was presented to Committee because Whitnash Town Council supported the application and officers were recommending it for refusal.

The officer was of the opinion that the proposal failed to accord with the Council's minimum distance separation standards and would therefore result in material harm to the living conditions of the occupiers of the neighbouring property. Accordingly, the proposal failed to comply with Policy DP2 of the Local Plan.

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Following consideration of the report and presentation, it was proposed by Councillor Ashford, seconded by Councillor Mrs Hill that the application should be refused and duly

Resolved that W/16/1403 be **refused** because Policy DP2 of the Warwick District Local Plan 1996-2011 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

The proposed development fails to accord with the Council's minimum distance separation standards as set out in the adopted Distance Separation Supplementary Planning Guidance. In the opinion of the Local Planning Authority the proposed development would therefore result in material harm to the living conditions of the occupiers of neighbouring properties by reason of harm to outlook and the overbearing impact on the enjoyment of the dwellings and rear gardens.

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

96. **W/16/1483 – 11 Balmoral Way, Cubbington**

The Committee considered an application from Mrs Meadows for the erection of a single storey front, side and rear extension.

The application was presented to Committee because an objection had been received from Cubbington Parish Council.

Planning Committee was recommended to grant planning permission, subject to the conditions in the report.

Following consideration of the report and presentation, it was proposed by Councillor Boad and seconded by Councillor Ashford that the application should be granted.

The Committee therefore

Resolved that W/16/1483 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and

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approved drawing No. 16038 002, 16038 005, 16038 004, 16038 003, 16038 001 and specification contained therein, submitted on 20th June 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and

- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

97. W/02/1472 – Portobello Works, Emscote Road, Warwick

The Committee considered an application from Gallagher and Pettifer Estates for the variation of a Section 106 agreement that related to the planning application for a residential and office development; new road bridge across the River Avon together with appropriate supporting infrastructure.

The application was presented to Committee because it was a variation to a Section 106 agreement.

The officer was of the opinion that the proposed changes to the affordable housing provisions of the Section 106 Agreement were in accordance with the Council's policies, and it was therefore recommended that the Section 106 Agreement was amended as requested.

Following consideration of the report and presentation, it was proposed by Councillor Cooke and seconded by Councillor Ashford that the application be deferred to enable the provision of further information from officers.

The Committee therefore

Resolved that W/16/1472 for the request of a variation to a Section 106 agreement be **deferred** pending the provision of additional information from officers.

98. Planning Appeals Report

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

Resolved that the report be noted.

(The meeting ended at 8.05 pm)