

Planning Committee

Minutes of the meeting held on Wednesday 9 October 2019 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Boad (Chairman); Councillors Davison, R. Dickson, Falp, Jacques, Morris, Murphy, Norris, Sanghera and Weber.

Also Present: Democratic Services Manager & Deputy Monitoring Officer – Mr Leach; Legal Advisor – Mr Howarth; Principal Planning Officer – Mr Charles; Manager – Development Services – Mr Fisher; Planning Officer – Ms Compton; Discharge of Conditions Officer – Mr Gentry; and Trainee Solicitor – Ms Hartopp.

79. **Apologies and Substitutes**

- (a) Apologies were received from Councillors Kennedy and Roberts.
- (b) Councillor Norris substituted for Councillor Ashford, Councillor Falp substituted for Councillor Heath and Councillor Jacques substituted for Councillor Leigh-Hunt.

80. **Declarations of Interest**

Minute Number 83 – W/19/1310 – William Wallsgrove House, 26 Lillington Road, Royal Leamington Spa

All Councillors declared an interest because the applicant was Housing Services at Warwick District Council. Councillors Falp and Norris left the room during the debate and did not vote on this item because they were Members of the Executive and therefore the applicant for this item.

Minute Number 85 – W/19/0818 – 66 Market Place, Warwick

Councillor Morris declared an interest because the applicant was known to him, left the room during the debate and did not vote on this item.

81. **Site Visits**

There were no site visits made.

82. **W/19/0067 – Former Tamlea Building, Nelson Lane, Warwick**

Members were informed that this application had been withdrawn by the applicant prior to the meeting.

83. **W/19/1310 – William Wallsgrove House, 26 Lillington Road, Royal Leamington Spa**

The Committee considered an application from Housing Services for the change of use from an eleven bed hostel (sui generis) to a hostel for up to 30 people (sui generis) (retrospective).

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

The officer was of the opinion that in considering the application, it was necessary to balance the risk of increased anti-social behaviour in the vicinity of the hostel against the significant social benefits that the hostel brought to the District and in particular to homeless, rough sleepers. As set out in the report, there had been an increase in anti-social behaviour and noise complaints since the opening of the hostel in 2018. Whilst this had had a negative impact on the amenity of local residents, it was considered that the management plan that had been submitted with the application provided clear, effective and enforceable measures which would significantly reduce the risk of ongoing impacts on amenity.

Noting that the applicants had undertaken an assessment of alternative sites which had shown that this was the only available, suitable site that could meet the need for a hostel of this type, it was the view of officers that the wider benefits that the proposal would bring by providing 22 bedspaces for rough sleepers significantly outweighed the risk of future impacts on amenity, particularly as there were mechanisms proposed to enable the management of those impacts. The planning statement submitted by the applicants explained the benefits, noting that the facility "plays a major part of Warwick District Council's (WDC) proactive approach to tackling rough sleeping and operates in line with the government's Rough Sleeping Strategy agenda of eradicating homelessness". The Planning Statement further explained that rough sleepers were often amongst the most vulnerable in our society and that hostel facilities were an important part of the approach to reducing rough sleeping in the District's towns and thereby providing an opportunity to support vulnerable people to improve their wellbeing and quality of life. This included those who may need relief from rough sleeping in harsh weather conditions, or those who had experienced mental health issues, forced marriage or domestic violence.

Taking all these factors in to account, and noting that neither the police nor environmental health objected to the application, officers were of the view that the planning balance clearly weighed in favour of granting planning permission subject to the conditions listed in the report.

An addendum circulated at the meeting advised that the wording of Condition 3 in the report had been amended to state that details of the bin storage screen should be submitted within one month of any approval and following the approval of those details, the screening shall be implemented in full within one month. An additional condition had been included to restrict the occupancy of the building to no more than 22 residents at any one time with the exception of during severe weather conditions whereby the occupancy would increase to no more than 30 residents.

The addendum also advised that subsequent responses from Waste Management had been received, stating that the existing bin storage was sufficient. In addition, The Management Plan had been revised to include an additional summary that set out and summarised the key commitments made by William Walls Grove House to the neighbouring residents in the local vicinity. That Additional Information was reproduced in full at the end of the addendum.

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The following people addressed the Committee:

- Councillor Boulton, representing Leamington Town Council, objecting;
- Dr Leech, objecting;
- Councillor Matecki, supporting, on behalf of the applicant; and
- Councillor Mangat, District Councillor, objecting.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Murphy and seconded by Councillor Morris that the application should be granted in accordance with the recommendation in the report, for a temporary period of six months, with the conditions in the report and addendum, subject to the management plan being revised so the oversight group included a local Councillor and it being implemented immediately. The Committee also included a note to the applicant that any future application should include greater detail of crime records from the police.

The Committee therefore

Resolved that

- (1) W/19/1310 be **granted** for a temporary period of 6 months subject to the following conditions:
 - (a) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s)
AT/WWH/03 - Proposed basement & ground floors, AT/WWH/03 - Proposed first & second floors, AT/WWH/05, and specification contained therein, submitted on 01st August 2019.
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;
 - (b) the development hereby permitted shall be implemented in full accordance with the approved Management Plan submitted on 5th September 2019, subject to the inclusion of a local Councillor on the oversight group.
Reason: To secure a satisfactory form of development in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

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- (c) the development hereby permitted shall not be occupied unless and until details of a screen to the bin storage area to the front of the building have been submitted to and approved in writing by the Local Planning Authority and shall be fully installed in accordance with the approved details. The screening shall remain in situ at all times thereafter.
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; and
- (2) a note to the applicant that any future application should include greater detail of crime records from the police.

(The meeting was adjourned for 20 minutes at 8.05pm.)

84. W/19/2387 - 73 Warwick Street, Royal Leamington Spa

The Committee considered an application from TAG Exclusive Properties Urban Ltd; Mr David J Tucker; Mrs Barbara L Tucker for the demolition of the existing building (currently Peacocks) and the construction of a new building comprising retail space and servicing area on the ground floor with residential accommodation above on five floors creating 26 apartments consisting of 9 x one beds; 16 x two beds and 1 x three bed.

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

The officer was of the opinion that the principle of development for a replacement retail unit with 26 flats above was considered acceptable having regards to Policies TC3 and H1 of the Local Plan.

The scheme was considered to enhance the character of the Royal Leamington Spa Conservation Area and the setting of the adjacent Listed Buildings by replacing a poor quality building with a new building that reflected and respected the Regency character of the Town Centre location.

The scheme was also considered acceptable in terms of the impact on the amenity of neighbouring properties and provided acceptable amenity for the future occupiers of the new development.

Whilst no car parking was provided on site, officers were satisfied that the highly sustainable location of the site would reduce the need for access to the private car. A range of alternative provisions were available should occupiers need access to a vehicle from off-street parking provision or access to a car club within Royal Leamington Spa. Additional on-street parking pressures could be adequately mitigated for through the completion of a Unilateral Undertaking to restrict the occupiers of the properties from

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acquiring on-street permits. Ecological Matters and Drainage Matters could be mitigated through conditions and notes.

For the reasons detailed in the report, the application was recommended for approval subject to the conditions listed in the report.

An addendum circulated at the meeting advised of a letter received from Councillor Gifford, as well as a support statement for the Site Owner.

The following people addressed the Committee:

- Councillor McAllister, representing Royal Leamington Spa Town Council, objecting; and
- Mr Frampton, supporting.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Weber and seconded by Councillor Norris that the application should be granted in accordance with the recommendations in the report.

The Committee therefore

Resolved that W/19/2387 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin no 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 approved drawing(s) 15087-A-PL-(03)-101_01, 15087-A-PL-(03)-102_01, 15087-A-PL-(03)-103_01, 15087-A-PL-(03)-105_01 and 15087-A-PL-(03)-106_01, 15087-A-PL-(05)-101_01, 15087-A-PL-(05)-102_01 and 15087-A-PL-(05)-103_01, and specification contained therein, submitted on 15 May 2019 and approved drawing(s) 15087-A-PL-(03)-100_02, 15087-A-PL-(04)-100_02, 15087-A-PL-(04)-101_02, 15087-A-PL-(04)-102_02, 15087-A-PL-(04)-103_02 and 15087-A-PL-(05)-100_02, and specification contained therein, submitted on 15 May 2019. **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;

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- (3) the development hereby permitted (including any works of demolition) shall not commence unless and until a construction method statement has been submitted to and approved in writing by the local planning authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for: details of any temporary measures required to manage traffic during construction, the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust, noise and vibration; demolition or clearance works, site working hours and delivery times, restrictions on burning, and details of all temporary contractors buildings, plant and storage of materials associated with the development process and a scheme for recycling / disposing of waste resulting from demolition and construction works.

Reason: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;

- (4) no development shall commence unless and until details of surface water drainage works to include a scheme for surface water runoff reduction methods have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details. **Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029;

- (5) no development shall be carried out above slab level unless and until large scale details of parapets, external fire escape and covered fire escape route leading thereto, render detailing, doors, windows (including a section showing

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the window reveal, heads and sill details), eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy BE1 and HE1 of the Warwick District Local Plan 2011-2029;

- (6) no development shall be carried out above slab level unless and until samples of the external facing materials including details of render and colour thereof to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
- (7) noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To ensure that future occupants and neighbouring residential uses do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
- (8) the ground floor commercial unit hereby permitted shall not be occupied unless and until:
- a) a noise assessment has been undertaken to assess the impact of noise arising from any plant, fume extraction, air conditioning or refrigeration equipment that is required to serve that premises;

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- b) the results of the noise assessments carried out to comply with criteria (a), together with details of any necessary mitigation measures together with a timescale for implementation, have been submitted to and approved in writing by the local planning authority; and
- c) any necessary mitigation measures approved under (b) have been implemented in full accordance with the approved details.

The mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority.

Reason: To ensure that future occupants and neighbouring residential uses do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

- (9) the ground floor commercial unit hereby permitted shall not be occupied unless:
 - a) a noise insulation scheme together with a timescale for implementation has been submitted to and agreed in writing by the Local Authority to ensure that noise levels from the proposed ground floor unit do not cause detriment to the amenity of the occupiers in the proposed first floor residential premises;
 - b) the noise insulation scheme approved under (a) has been implemented in full accordance with the approved details; and
 - c) a noise report demonstrating that the scheme has been satisfactorily implemented shall be submitted to and agreed in writing by the Local Authority.

Thereafter, the mitigation measures shall be retained at all times and shall not be removed or altered in any way without the prior written approval of the Local Planning Authority.

Reason: To ensure that future occupants and neighbouring residential uses do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

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- (10) no development above slab level shall commence until a noise assessment has been undertaken and a scheme of works to protect residents of the development from elevated environmental noise entering habitable rooms and the provision of quiet external amenity spaces has been submitted to and approved in writing by the local planning authority.
Reason: To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
- (11) no deliveries, waste collections or other noisy external activities likely to cause nuisance to nearby residents shall take place before 0730 hours or after 2000 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays. **Reason:** 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;
- (12) no customers shall be permitted to be on the ground floor retail premises other than between 0730 and 2330 hours on any day.
Reason: To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; and
- (13) all window and door frames shall be constructed in timber and shall be painted and not stained. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029.

85. W/19/0818 - 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 to extend previously approved opening hours from 08:00 to 23:00 on any day to 09:00 to 23:30 Sunday to Wednesday, 09:00 to 24:00 Thursdays and 09:00 to 01:00 Fridays and Saturdays.

The application was presented to Committee because more than five letters of support had been received, and the application was recommended for refusal.

The officer was of the opinion that an extension to the opening hours of The Iron Works would cause unacceptable harm to the amenity of the

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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 11pm. It was acknowledged within the assessment of planning application ref: W/17/1033 that 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 11pm was considered necessary in order to protect neighbour amenity.

To vary this condition to extend the opening hours would result in an unacceptable form of development which would have a negative impact on the amenity of the neighbours by virtue of increased noise and disturbance for prolonged period of time. The proposal therefore failed to satisfy the criteria of Local Plan Policy BE3 and was recommended for refusal.

As part of their presentation to the Committee the Manager – Development Services explained that on page four of the report in paragraph three it stated an acceptable level of harm however this should read an unacceptable level of harm.

Dr Mulder addressed the Committee, speaking in support of the application.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Norris and seconded by Councillor Jacques that the application should be granted.

A motion to defer consideration of the application to the next meeting of the Planning Committee was proposed by Councillor Weber and seconded by Councillor Murphy to enable an Environmental Health Officer to attend.

The Committee therefore

Resolved that W/19/0818 be **deferred** to the next meeting of the Planning Committee to enable an Environmental Health Officer to attend.

(The meeting ended at 10.00pm)

CHAIRMAN
5 November 2019