

Planning Committee

Minutes of the meeting held on Tuesday 12 March 2024 at Shire Hall, Market Place, Warwick, at 6.00pm.

Present: Councillor Tangri (Vice Chairman); Councillors Cron, Dray, B Gifford, Luckhurst, Margrave, Redford, Russell, Sinnott, and Williams.

Also Present: Committee Services Officer – Mia Matthews; Legal Advisor – Sue Mullins; Business Manager – Sandip Sahota; Principal Planning Officer– Erin Weatherstone; and Senior Planning Officer – Millie Flynn.

138. **Apologies and Substitutes**

- (a) Apologies for absence were received from Councillors R Dickson, Noonan, and Sullivan; and
- (b) Councillor Redford substituted for Councillor Phillips, Councillor Dary Substituted for Councillor Collins, Councillor Russell substituted for Councillor Boad and Councillor Sinnott substituted for the Labour Vacancy.

139. **Declarations of Interest**

Councillor Tangri declared an interest on behalf of the Committee for Item 7 – W/23/1121 South Lodge (West Lodge), Jephson Gardens, Royal Leamington Spa as the applicant was Warwick District Council (WDC), Councillor Sinnott also declared an interest for this item as the Portfolio Holder. Councillor Russell declared an interest for Item 5 – W/23/0801 66 Montrose Avenue, Lillington, Royal Leamington Spa as he was the Ward Member and would be speaking on this application.

140. **Site Visits**

To assist with decision making, the Councillors Boad, Dickson, Gifford, Luckhurst, Tangri and Williams had visited the following application sites on Saturday 9 March 2024:

Item 5 – W/23/0801 - 66 Montrose Avenue, Lillington; and
Item 6 – W/23/0988 – The Old Nursery, 6 Mill Road, Royal Leamington Spa.

Councillor Gifford also made an independent site visit to W/23/1695 - 140-142 Parade, Royal Leamington Spa.

141. **Minutes**

The minutes of the 13 February 2024 meeting were approved and signed by the Chairman as a correct record.

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142. W/23/1352- 10 Park Road, Royal Leamington Spa

This application was withdrawn from the agenda as amendments had been received which overcame officers' concerns. Specifically, the design of the dormers had been amended so they were considered to comply with Local Plan Policy BE1. It was considered the application could be dealt with under delegated powers.

(Councillor Russell left the Committee for this item and did not vote on it because he was speaking in objection to the application.)

143. W/23/0801 - 66 Montrose Avenue, Lillington, Royal Leamington Spa

The Committee considered an application from Mr O'Sullivan for the erection of a two storey, two bedroom detached dwelling on land adjacent to 66 Montrose Avenue.

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

The officer was of the opinion that the that the development would give rise to any adverse impacts in relation to the character of the area, residential amenity, highways matters including parking, flood risk, ecology and biodiversity or climate change and mitigation. The principle of the development was therefore considered to be supported by Policy H1 and NDP Policy RLS1. The development was considered to represent a sustainable form of development and it was therefore recommended that planning permission should be granted.

An addendum circulated prior to the meeting advised of an updated consultation response from Warwick County Council Ecology, an update to the report, update to Condition 4 and an additional Condition.

The following people addressed the Committee:

- Councillor Stevens, Royal Leamington Spa Town Council, objecting;
- Mr Brannan, objecting;
- Mr Philpott, objecting;
- Mr Godfrey, Supporter/ Applicant; and
- Councillor Russell, Warwick District Councillor, objecting.

(At 6:45pm the Chairman Adjourned the meeting for 10 minutes, to allow for the council's solicitor to read the decision of the previous application.)

Following consideration of the report, presentation, and representations made at the meeting, and information contained in the addendum it was proposed by Councillor Williams and seconded by Councillor Luckhurst that the application should be refused.

The Committee therefore

Resolved that W/23/0801 be **refused** because Members considered that the proposal had not

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overcome the Inspector's concerns about the impact on the amenity of neighbouring properties as set out in the appeal decision for the previously refused application.

(At the conclusion of this item, Councillor Russell re-joined the Committee.)

144. W/23/1743 - 6b Southborough Terrace, Brunswick Street, Royal Leamington Spa

The Committee considered an application from Mr Chima for the change of use from a three-bed flat (Use Class C3) to a three-bed House in Multiple Occupation (Use Class C4). This was a retrospective application.

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

The officer was of the opinion that the change of use was considered to be acceptable in principle and would not have a harmful impact on neighbouring residential amenity, or the character of the area. There would be no increased demand on parking as a result of the change of use. It was recommended that the application should be refused.

An addendum circulated prior to the meeting advised of updated consultation responses following the amended proposed floor plans and an update to Condition 2.

The following people addressed the Committee:

- Councillor Stevens, Royal Leamington Spa Town Council, objecting; and
- Mr Eurich, objecting.

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

The Committee therefore

Resolved that W/23/1743 be **refused** as Members noted the concentration of HMOs was significantly over the 10% stipulated in Local Plan Policy H6 and that the proposal did not satisfy the main thoroughfare/ mixed use exception within the Policy. It should not be applied in this case because Brunswick Street was not a main thoroughfare, and the HMO concentration was such that it would not be appropriate to allow this application here.

145. W/23/1695 - 140-142 Parade, Royal Leamington Spa

The Committee considered an application from C/O Agent for the painting of the shopfront. This was a retrospective application.

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to Committee because of an objection from the Royal Leamington Spa Town Council having been received.

The officer was of the opinion that the proposal preserved the character and appearance of the Conservation Area and was not considered to cause harm to its wider setting. It was recommended that the proposal should be approved.

Councillor Stevens of Royal Leamington Spa Town Council addressed the Committee speaking in objection.

Following consideration of the of the report, presentation and representation made at the meeting, it was proposed by Councillor Gifford and seconded by Councillor Dray that the application should be granted in accordance with the recommendation in the report.

The Committee therefore

Resolved that W/23/1695 be **granted**, subject to the following condition:

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 drawing(s) 'Technical Signs - B' submitted on 24 November 2023 and '596856-2 - B' submitted on 25 January 2024 and specification contained therein.

Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and HE1 of the Warwick District Local Plan 2011-2029.

146. W/23/0988 – The Old Nursery, 6, Mill Road, Royal Leamington Spa

The Committee considered an application for D & J Whitehead for the erection of a replacement dwelling.

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

The officer was of the opinion that the amended proposal was considered acceptable in principle and were of an acceptable standard of design that would preserve the character of the Conservation Area. The proposal would not result in an unacceptable adverse impact on the amenity of neighbouring uses by reason of overbearing effect, loss of light or privacy. There was also an acceptable impact on the amenity of future occupiers. The development did not pose risk to highway safety. It was recommended the application should be approved.

PLANNING COMMITTEE MINUTES (Continued)

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

The Committee therefore

Resolved that W/23/0988 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) (LS)1.0.1/A, (LS)1.2/A, (LS)1.3/A, (LS)1.6/A, (LS)2.0/A, (LS)2.1/A, (LS)2.4/A, (LS)3.0/B, (LS)3.1/A, (LS)3.2/A submitted on 29th September 2023 and (LS)2.2/A submitted on 3rd November 2023 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;

- (3) notwithstanding details contained within the approved documents, prior to commencement of development (within its relevant phase), a Sustainability Statement including an energy hierarchy scheme for that phase and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;

- a) How the development will reduce carbon emissions and utilise renewable energy;
- b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
- c) Details of the building envelope (including U/R values and air tightness);
- d) How the proposed materials respond in terms of embodied carbon;

PLANNING COMMITTEE MINUTES (Continued)

- e) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised;
- f) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs, and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

For the avoidance of doubt, the scheme must accord with any relevant Development Plan Document and Supplementary Planning Document relating to sustainability which has been adopted by the Council at the time the scheme is submitted.

No dwelling shall be first occupied until the works within the approved scheme have been completed 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.

Reason: To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019);

- (4) prior to the commencement of the development hereby approved (including all preparatory work), the tree protection measures in the arboricultural method Statement in the Tree Survey report from Tree Safe reference TS/JW.23 dated 15 September 2023, as shown on their Tree Protection Plan, together referred to as the scheme of protection, shall be adopted.

The development thereafter shall be implemented in strict accordance with the approved scheme of protection, which shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

- (5) the development hereby permitted shall not commence until details of all external light fittings and external light columns 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. In discharging this condition, the Local Planning Authority expects lighting to be kept to a minimum at night across the whole site and restricted in brightness in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:

Narrow spectrum lighting should be used to avoid the blue-white wavelengths

Lighting should be directed away from vegetated areas

Lighting should be shielded to avoid spillage onto vegetated areas

The brightness of lights should be as low as legally possible;

Lighting should be timed to provide some dark periods;

Connections to areas important for foraging should contain unlit stretches.

Reason: In accordance with NPPF, ODPM Circular 2005/06;

- (6) no part of the development hereby permitted shall be commenced until a scheme for the provision of a bat boxes/bat roosting features to be erected on/within buildings within the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme to include details of box type, location, and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity.

Reason: In accordance with NPPF, ODPM Circular 2005/06;

- (7) no development shall be carried out above slab level unless and until samples of the external facing materials 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

PLANNING COMMITTEE MINUTES (Continued)

amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (8) the development hereby permitted shall not be occupied unless and until the refuse and recycling storage areas for the development have been constructed or laid out in strict accordance with the approved plans and made available for use by the occupants of the development. Thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development.

No dwelling shall be occupied unless and until it has been provided with the appropriate refuse containers necessary for the purposes of refuse, recycling, and green waste, in accordance with the Council's specifications.

Refuse and recycling storage containers must be stored within the refuse and recycling storage area shown on the approved plans, unless when being presented on street for collection facilities.

Reason: To ensure the satisfactory provision of refuse and recycling storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (9) in the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.

Reason: To protect the amenity of future occupiers of the dwelling, in accordance with Policy BE3 of the Warwick District Local Plan 2011 – 2029;

PLANNING COMMITTEE MINUTES (Continued)

- (10) 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.

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;

- (11) flood storage compensation shall be carried out, in accordance with the details submitted, including plan [LS] 1.7 'Proposed Floodplain Compensation', submitted to the Local Authority on 6 February 2024, unless otherwise agreed in writing by the Local Planning Authority, in consultation with the Environment Agency.

Reason: To minimise flood risk and enhance the flood regime of the local area; and

- (12) finished floor levels shall be set no lower than 51.905m AOD (600mm plus 1% plus climate change flood level) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the proposed dwelling from flood risk for the lifetime of the development.

(Councillor Sinnott left the Committee for this item and did not vote on it because he was the Portfolio Holder for Communities and Leisure.)

147. W/23/1211 – South Lodge (West Lodge), Jephson Gardens, Royal Leamington Spa

The Committee considered an application for Warwick District Council for the Change of use from tourist information office to Safe Space and support centre. Part of this application was retrospective.

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to Committee because the application had been submitted by Warwick District Council and was not for a routine minor development.

The officer was of the opinion that the change of use of the existing building to a new Sui Generis use within the Urban Area Boundary, Town Centre, and Creative Quarter of Royal Leamington Spa. Based on the information provided and subject to a condition the principle of the development was supported by Policies TC1 and CT1 and NDP Policy RLS17. Furthermore, the proposal was in line with the spirit of Policy HS8 and NDP Policy RLS6. Officers were satisfied that the development would not give rise to any adverse with respect to impacts on the character of the area, heritage, residential amenity, highways and parking, flood risk matters, biodiversity and ecology, climate mitigation and adaption or community safety. The development was therefore considered to represent a sustainable form of development and it was recommended that planning permission be granted.

Following consideration of the report and presentation it was proposed by Councillor Margrave and seconded by Councillor Gifford that the application should be granted.

The Committee therefore

Resolved that W/23/1211 be **granted**, subject to the following condition:

No.	Condition
(1)	the building hereby permitted shall be used as a Safe Space and Support centre, office use and community use as outlined in the Supporting Information and E-mail from the Applicant received on 15 December 2023 only.

Reason: In order that the local planning authority have the opportunity of reviewing the impact of any variation to the use on the amenities of occupants of other properties in the vicinity, highways and parking and flood risk having regard to Policies BE3, FW1, TR1 and TR3 of the Warwick District Local Plan 2011-2029.

(The meeting ended at 7.40pm)

CHAIRMAN
16 April 2024