

Planning Committee

Minutes of the meeting held on Tuesday 23 May 2023 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillors Boad, Davison, Day, R Dickson, Luckhurst, Margrave, Payne, Sinnott, Tangri and Yellapragada.

Also Present: Civic & Committee Services Manager – Patricia Tuckwell; Legal Advisor – Sue Mullins; Development Manager - Gary Fisher; Business Manager – Rob Young.

1. **Appointment of Chairman**

It was proposed by Councillor Dickson, seconded by Councillor Day and

Resolved that Councillor Boad be appointed Chairman of the Committee for the 2023/2024 municipal year.

2. **Apologies and Substitutes**

Apologies for absence were received from Councillors Dray, Noonan and Sullivan.

Councillor Davison was substituting for Councillor Cron, Councillor Payne for Councillor B Gifford, and Councillor Yellapragada for Councillor Williams.

The Chairman informed the Committee that Warwick Town Council had also passed apologies for not being able to provide representation to the meeting, but would endeavour to do so in the future.

3. **Declarations of Interest**

There were no declarations of interest made.

4. **Appointment of Vice-Chairman**

It was proposed, duly seconded and

Resolved that Councillor Tangri be appointed Vice-Chairman of the Committee for the 2023/2024 municipal year.

5. **Site Visits**

Minute Numbers 7 - W/22/1728 – Claywood, Clattyland Lane, Beausale, and Minute Number 8 - W/23/0253 – 1 Percy Terrace, Royal Leamington Spa

Councillor Dickson made independent site visits to these locations and he did not speak to anyone whilst he was there.

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6. Minutes

The minutes of the following meetings were taken as read and signed by the Chairman as a correct record:

- a) 28 February 2023;
- b) 28 March 2023; and
- c) 25 April 2023.

7. **W/22/1728 – Claywood, Clattyland Lane, Beausale**

The Committee considered an application from Mr and Mrs Slatem for the demolition of the existing dwelling and outbuildings, and the erection of a replacement dwelling with all associated works (resubmission of application W/21/2243).

The application had been referred to the Planning Committee because it was called in by Councillor Hales.

The officer was of the opinion that the proposed replacement dwelling was materially larger than the existing property and would constitute inappropriate development in the Green Belt which would be harmful by definition and by reason of harm to openness. No very special circumstances existed which outweighed the harm identified.

The proposed replacement dwelling also failed to harmonise with the existing street-scene and character of the surrounding area. It therefore provided a harmful form of development.

The proposed development conflicted with the NPPF and Local Plan Policies DS18, H13 and BE1. The proposal was therefore recommended for refusal.

The following people addressed the Committee:

- Mrs Rogers, speaking in support; and
- Councillor Hales, District Councillor, speaking in support.

An addendum circulated prior to the meeting advised of further comments received from Beausale, Haseley, Honiley and Wroxall Parish Council.

Following consideration of the report, presentation, and the representations made at the meeting and the information contained in the addendum, it was proposed by Councillor Davison and seconded by Councillor Dickson that the application be refused for reason 1 set out in the report. The Committee did not support the use of reason 2.

The Committee therefore

Resolved that W/22/1728 be **refused** because of the site is situated within the Green Belt and the NPPF states that, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The Framework contains a general presumption

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against inappropriate development in Green Belt areas and lists specific forms of development which can be permitted in appropriate circumstances. The proposed development does not fall within any of the categories listed under Para.149 and therefore the proposal constitutes inappropriate development which is harmful by definition. The proposal would also result in harm to openness. There are considered to be no very special circumstances which outweigh the harm identified; and

8. W/23/0253 – 1 Percy Terrace, Royal Leamington Spa

The Committee considered a retrospective application from Mrs Doyle for an increase in height of a wall and the application of replacement render and installation of a new gate.

The application had been referred to the Planning Committee because more than five support comments had been received and the application was recommended for refusal.

The officer was of the opinion that the proposal had acceptable impact on the amenity of the neighbours and the current and future occupiers of the dwelling. The proposal was considered to cause less than substantial harm to the character and appearance of the conservation area but there were no public benefits which outweighed the harm identified. The development was therefore not in accordance with all of the policies mentioned in the report, and it was therefore recommended that the application for planning permission should be refused.

The applicant, Mrs Doyle, addressed the Committee speaking in support.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Margrave and seconded by Councillor Day that the application should be granted contrary to the recommendations in the report, because it made a positive contribution to the character of the area in accordance with Policy HE2.

The Committee therefore

Resolved that W/23/0253 be **granted** contrary to the recommendations in the report.

9. W/23/0313 – 1-9 Martinique Square, Bowling Green Street, Warwick

The Committee considered an application from Martinique Square (Warwick) Ltd for the replacement of all single glazed timber framed sash windows with double glazed timber framed units.

The application had been referred to the Planning Committee because it was supported by Warwick Town Council, and it was recommended for refusal.

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The officer was of the opinion that this proposal resulted in a detrimental impact to the significance of the designated heritage asset, and the public benefits did not balance when weighed against the less than substantial harm. The visual impact to the sensitive elevations of double glazing would undermine the historic character and overall significance of this listed building and it was felt there were less harmful avenues available to achieve improved energy efficiency at the property. The application was felt to be contrary to Local Plan Policy HE1, BE1 and the relevant sections of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990 and as such, it was recommended for refusal.

Ms Bradley addressed the Committee, speaking in support.

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

The Committee therefore

Resolved that W/23/0313 be **granted** contrary to the recommendations in the report, subject to the standard conditions.

10. W/23/0314 LB – 1-9 Martinique Square, Bowling Green Street, Warwick

The Committee considered an application from Martinique Square (Warwick) Ltd for the replacement of all single glazed timber framed sash windows with double glazed timber framed sash windows.

The application had been referred to the Planning Committee because it was supported by Warwick Town Council, and it was recommended for refusal.

The officer was of the opinion that this proposal resulted in a detrimental impact to the significance of the designated heritage asset, and the public benefits did not balance when weighed against the less than substantial harm. The visual impact to the sensitive elevations of double glazing would undermine the historic character and overall significance of this listed building and it was felt there were less harmful avenues available to achieve improved energy efficiency at the property. The application was felt to be contrary to Local Plan Policy HE1 and the relevant sections of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990 and as such, it was recommended for refusal.

Ms Bradley addressed the Committee, speaking in support.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Luckhurst and seconded by Councillor Day that the application be refused.

The Committee therefore

PLANNING COMMITTEE MINUTES (Continued)

Resolved that W/23/0314 LB be **granted** contrary to the recommendation in the report, subject to standard conditions.

(At 8.00pm, the Chairman adjourned the meeting for 15 minutes for a comfort break.)

11. **W/23/0363 – 10-12, 14-28, 32-45 Martinique Square, Bowling Green Street, Warwick**

The Committee considered an application from Martinique Square (Warwick) Ltd for the replacement of existing timber framed windows and balcony doors with uPVC.

The application had been referred to the Planning Committee because five or more letters of support had been received, it was supported by Warwick Town Council, and it was recommended for refusal.

The officer was of the opinion that the proposals would result in unacceptable harm to the Conservation Area and the setting of a Listed Building, and were contrary to Local Plan Policies HE1, HE2, BE1 and the Council's 'Windows in Listed Buildings and Conservation Areas' Supplementary Planning Document. This harm was not considered to be outweighed by public benefits. It was therefore recommended that planning permission be refused.

Mr Batchelor addressed the Committee, speaking in support.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Day and seconded by Councillor Davison that the application be refused.

The Committee therefore

Resolved that W/23/0363 be **refused** because Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Local Plan Policy HE2 recommends resisting alterations which would have an adverse effect upon the overall character of the conservation area. Local Plan Policy BE1 states development must reflect, respect and reinforce local architectural and historical distinctiveness.

In the opinion of the Local Planning Authority, the proposed uPVC windows would result in less than substantial harm to the significance of the conservation area and the setting of a Listed Building. However, there are considered to no public benefits which outweigh this harm.

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

12. **W/23/0371 – The Shire Grill, Chesterton Drive, Royal Leamington Spa**

The Committee considered an application from The Shire Grill for the retention of the marquee on the patio to the rear of The Shire Grill.

The application had been referred to the Planning Committee because of the number of objections and an objection from Royal Leamington Spa Town Council having been received.

The officer was of the opinion that the proposal had an acceptable impact on the character and appearance of the area. The proposal was also considered to create no additional harm to the amenity of neighbouring uses. There would be no detriment to highway safety, having regard to the safety of both vehicles and pedestrians.

The proposals were in accordance with the aforementioned policies, and it was therefore recommended for approval.

Following consideration of the report and presentation, it was proposed by Councillor Davison and seconded by Councillor Day that the application be approved.

The Committee therefore

Resolved that W/23/0371 be **granted** subject to:

- (a) authority being delegated to the Head of Place, Arts and Economy to agree an additional condition to mitigate noise nuisance in consultation with the Chairman of the Committee; and
- (b) the following condition:

The development hereby permitted shall be retained strictly in accordance with the details shown on the site location plan and approved drawing(s) MARQUEE MANUFACTURER SPECIFICATION submitted on 10th March 2023 and A-P10-001 submitted on 21st March 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.

PLANNING COMMITTEE MINUTES (Continued)

13. W/23/0405 – 1 St Chads Cottage, Old Warwick Road, Lapworth

The Committee considered an application from Mr Daplyn for the erection of a two-storey side/rear extension plus alteration to fenestration (resubmission of approval W/22/1521).

The application had been referred to the Planning Committee because of an objection from Lapworth Parish Council having been received.

The officer was of the opinion that the proposals would have an acceptable impact on the character and appearance of the area and on the living conditions of neighbouring dwellings. Therefore, it was recommended that planning permission should be granted.

Following consideration of the report and presentation, it was proposed by Councillor Day and seconded by Councillor Tangri that the application be granted.

The Committee therefore

Resolved that W/23/0405 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|--|
| (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 approved drawing(s) 5928/01 D, and specification contained therein, submitted on 20/03/2023.

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; 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 BE1 of the Warwick District Local Plan 2011-2029. |

(Councillors Luckhurst and Yellapragada left the meeting.)

PLANNING COMMITTEE MINUTES (Continued)

Urgent Item – Appeal against decision W/22/0941

It was proposed by Councillor Day, seconded by Councillor Margrave and

Resolved that authority was delegated to the Head of Place, Arts and Economy to enter into a Section 106 agreement requiring biodiversity offsetting in respect of an appeal against the Council's refusal of planning application W/22/0941.

14. **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 9.18pm)

CHAIRMAN
18 July 2023