

Planning Committee

Minutes of the meeting held on Tuesday 4 February 2020 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Boad (Chairman); Councillors Ashford, R. Dickson, Heath, Kennedy, Leigh-Hunt, Morris, Murphy, Roberts and Weber.

Also Present: Principal Committee Services Officer – Mrs Dury; Committee Services Officer – Mr Edwards (observing); Legal Advisor – Mr Howarth; Manager - Development Services – Mr Fisher; Principal Planning Officer – Ms Obremski; and Planning Officer – Mr Tew (observing).

127. Apologies and Substitutes

- (a) there were no apologies made; and
- (b) there were no substitutions.

128. Declarations of Interest

Minute Number 134 – W/19/1360 – 25 Shakespeare Avenue, Warwick

Councillor Ashford declared an interest whilst this application was being considered because the application site was in his Ward.

Minute Number 135 – W/19/1559 – Victoria Lodge, Park Drive, Royal Leamington Spa

All Councillors declared an interest at the start of consideration of this application because the applicant was Warwick District Council.

129. Site Visits

There were no site visits made.

130. Minutes

The minutes of the meeting held on 8 January 2020 were taken as read and signed by the Chairman as a correct record.

131. **W/19/1379 – 32 Russell Terrace, Royal Leamington Spa**

The Committee considered an application from Dr Davies for the erection of two no. dwellings.

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 the development was located within the urban area of Royal Leamington Spa where housing was considered acceptable in principle.

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The proposal had been assessed and was considered acceptable having regard to the impact on the character and amenity of the local area and Royal Leamington Spa Conservation Area, the impact on the amenity of neighbours and future occupiers, highway safety and ecological matters.

Site specific matters could be adequately controlled by condition. For the above reasons, officers recommended that the application should be granted, subject to conditions.

An addendum circulated at the meeting advised that three additional letters of objection had been received.

The addendum also contained a statement from the applicant, in relation to parking. The applicant stated that in addition to their proposal, they intended to utilise the space occupied by the garage which fronted Plymouth Place, as a replacement for parking lost on Russell Terrace. This garage would be extended back in order to accommodate a car with open parking, which would provide two off street parking spaces for the house. This proposal would require minor structural alterations and having been received by Highways, had received no objections.

The following people addressed the Committee:

- Mr Kenyon, who objected to the application; and
- Mr Pugh, speaking on behalf of the applicant.

In response to questions from Members of the Committee, officers explained that:

- The Highways Authority had looked "holistically" at the parking in relation to the permissions already granted and so it was their expectation that this had been taken into account. A parking survey had been undertaken over two consecutive evenings within a 200 metre radius of the application site, at times when heavy parking was expected. On the first night, there had been three available parking spaces, and on the second night, 14.
- The Highways Authority would consider the application against the plans submitted; it was not known if they had conducted a site visit, but they would do what was necessary to make their judgement. (Councillor Morris had raised a concern that the aerial photographs shown in the presentation with regards to parking arrangements in Russell Terrace were outdated; a search he had made on Google showed that the parking was marked out by chevrons. He also felt that the 3D visualisation was wrong and questioned whether one of the parking spots would in fact block the drive to a house on the street.)

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Ashford that the application should be deferred to get a further report from Warwickshire County Council Highways on whether the proposed arrangements for

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parking were feasible. Officers would liaise with the applicant to confirm the two additional parking spaces.

The Committee therefore

Resolved that W/19/1379 be **deferred** pending a full report from WCC Highways on whether the parking proposed is feasible. The applicant will be asked to confirm that two parking spaces will be available to both properties.

132. **W/19/1427 – 27 Jury Street, Warwick**

The Committee considered an application from Mr Chapman for the removal of a section of wall, installation of electric gates and EV chargers to provide additional parking space.

The application was presented to Committee because Warwick Town Council supported the recommendation but it was recommended that the application should be refused.

The officer was of the opinion that the proposed development would cause unacceptable harm to the character and appearance of the listed building and the conservation area. The proposal should therefore be refused.

Mr Chapman, the applicant, addressed the Committee.

Officers informed Members that the fact a vehicle would be taken off the road by the provision on an additional parking space was a material consideration, but the legislation referred to public benefits rather than private benefits. On balance, it was their considered opinion that the harm would outweigh the benefits.

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

The Committee therefore

Resolved that W/19/1427 be **refused** because Policy HE1 of the Warwick District Local Plan 2011-2029 states that consent will not be granted to alter or extend a listed building where those works will adversely affect its special character or historic interest, integrity or setting. Furthermore, Policy HE2 of the Warwick District Local Plan 2011-2029 requires that development preserves or enhances the special architectural and historic interest and appearance of the District's Conservation Areas.

The proposal relates to a Listed Building within a Conservation Area and it is considered that the proposed works would be seriously detrimental to the character and appearance of both the building itself

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and the Conservation Area as a whole, by reason of the loss of a significant part of a historic boundary wall and its replacement by a boundary treatment that is not in keeping with the character of the rear of these listed properties. There are no public benefits to outweigh this harm.

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

133. **W/19/1428 LB – 27 Jury Street, Warwick**

The Committee considered an application from Mr Chapman for the removal of a section of wall, installation of electric gates and EV chargers to provide additional parking space.

The application was presented to Committee because Warwick Town Council supported the recommendation but it was recommended that the application should be refused.

The officer was of the opinion that the proposed development would cause unacceptable harm to the character and appearance of the listed building and the conservation area. The proposal should therefore be refused.

Mr Chapman, the applicant, addressed the Committee.

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

The Committee therefore

Resolved that W/19/1428 LB be **refused** because Policy HE1 of the Warwick District Local Plan 2011-2029 states that consent will not be granted to alter or extend a listed building where those works will adversely affect its special character or historic interest, integrity or setting. Furthermore, Policy HE2 of the Warwick District Local Plan 2011-2029 requires that development preserves or enhances the special architectural and historic interest and appearance of the District's Conservation Areas.

The proposal relates to a Listed Building within a Conservation Area and it is considered that the proposed works would be seriously detrimental to the character and appearance of both the building itself and the Conservation Area as a whole, by reason of the loss of a significant part of a historic boundary wall and its replacement by a boundary treatment that is not in keeping with the character of the rear of these listed properties. There are no public benefits to outweigh this harm.

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

134. **W/19/1360 – 25 Shakespeare Avenue, Warwick**

The Committee considered an application from Mr Dhesi for erection of a two-bedroom dwelling.

The application was presented to Committee because an objection had been received from Warwick Town Council.

The officer was of the opinion that the development respected surrounding buildings in terms of scale, height, form and massing and did not adversely affect the amenity of nearby residents or highway safety. The proposal was also considered to be acceptable in terms of ecological impact and flood risk. The proposal was considered to comply with the policies listed and therefore the application should be granted.

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

The Committee therefore

Resolved that W/19/1360 be **granted** subject to the following conditions and subject to the receipt of a flood risk assessment. Delegated authority is given to officers in consultation with the Chair of Planning Committee to issue the decision.

- (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) 3859-01F and 3859-02F, and specification contained therein, submitted on 03/01/2020. **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) the development hereby approved shall not commence unless and until the applicant has undertaken a percolation test for the proposed disposal of surface water from the site, details of which shall be submitted to and approved in writing by the local planning authority. This should include calculations and a report along
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with photos of the tests being carried out. Should the percolation test provide insufficient, then a new drainage strategy for the site is to be submitted. All details shall be carried out as approved. **Reason:** To secure a satisfactory form of development and sufficient means of disposal of surface water in accordance with the Environment Agency's Standing Advice;

- (4) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building at 25 Shakespeare Avenue. **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;
- (5) the development shall not be occupied until the existing vehicular access to the site is widened in accordance with drawing 3859-02D. **Reason:** To ensure that the proposed development has a satisfactory access and parking in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029;
- (6) the finished floor level of the development hereby permitted shall be no lower than the existing floor level of the existing property No.25 Shakespeare Avenue. **Reason:** To secure a satisfactory form of development in accordance with the Environment Agency's Standing Advice and to reduce the risk of flooding to the proposed development and safeguard the amenities of future occupiers in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029; and
- (7) the dwelling hereby permitted shall not be occupied unless and until the car parking provision for that dwelling and the existing dwelling at No. 25 Shakespeare Avenue has been constructed or laid out, and made available for use by the occupants and / or visitors to those dwellings and thereafter those spaces shall be retained for parking purposes at all times. **Reason:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies BE1 and TR3 of the Warwick District Local Plan 2011-2029.

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135. **W/19/1559 – Victoria Lodge, Park Drive, Royal Leamington Spa**

The Committee considered an application from Rickett Architects Limited for the refurbishment, change of use and extension of an existing C3 dwelling house to a B1 office space with associated car parking.

The application was presented to Committee because the applicant was Warwick District Council.

The officer was of the opinion that the specific circumstances associated with the nature of this application meant that the change of use from residential to office accommodation in this location was acceptable in principle. Furthermore, as amended the proposed extensions would have an acceptable impact on the setting of the Conservation Area, Registered Park and Garden and the street scene. The development would not have a harmful impact on ecological species and the development provided adequate parking arrangements. It was therefore recommended that the proposed development should be approved.

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

The Committee therefore

Resolved that W/19/1559 be **granted** 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 approved drawings BE 3064 PA 003 B and BE 3064 PA 004 C, and specification contained therein, submitted on 8th January 2020 and 15th January 2020 respectively. **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) no works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority (with advice from WCC Ecological Services). The scheme must include all aspects landscaping including details of proposed mixed native species planting and

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habitat creation including the locations and proposed types of any bat and bird boxes on mature trees and proposed ponds or refuges for amphibians and reptiles and hedgehog highways/homes. The agreed scheme will be fully implemented before/during development of the site as appropriate. **Reason:** To ensure no net loss to biodiversity in accordance with the NPPF and Policy NE2 of the Warwick District Local Plan 2011 – 2029;

- (4) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **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;
- (5) 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 amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

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- (6) no development shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **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;
- (7) the development hereby permitted shall be timetabled and carried out to wholly accord with the detailed mitigation measures for the safeguarding of bats within the site as set out in the document 'Roost Characterisation survey report V1A dated 8th January 2020' prepared by Wharton, received by the District Planning Authority on 8th January 2020. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029;
- (8) the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times, to ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029; and
- (9) the finished ground floor level of the approved extension shall be no lower than the finished floor level of the existing property. **Reason:** To ensure that future occupants are protected in the event of flooding in accordance with Policy FW1 of the Warwick District Local Plan 2011 - 2029.

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136. 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 7.29pm)

CHAIRMAN
3 March 2020