

Planning Committee

Minutes of the meeting held on Tuesday 25 April 2023 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Boad (Chairman); Councillors R Dickson, B Gifford, Jacques, Kennedy, Margrave, Morris, Murphy, Quinney, and Tangri.

Also Present: Principal Committee Services Officer – Rob Edwards; Legal Advisor – Ross Chambers; Development Manager - Gary Fisher; Principal Planning Officer - Lucy Hammond; Planning Assistant - Theo Collum; and Planning Assistant - James Moulding.

153. Apologies and Substitutes

- a) Apologies for absence were received from Councillors Noone and Skinner.
- b) There were no substitutes.

154. Declarations of Interest

Minute Number 157 – W/22/1762 – 41 Portland Street, Royal Leamington Spa & Minute Number 128 – W/22/1763 LB – 41 Portland Street, Royal Leamington Spa

Councillor Gifford declared an interest because he knew the applicant, and he left the meeting during these items.

155. Site Visits

Minute Number 156 - W/21/1280 – Land South of Westwood Heath Road, Burton Green

Councillors Dickson and Kennedy made independent site visits to this location.

156. Minutes

The minutes of the meeting held on 10 January 2023 were taken as read and signed by the Chairman as a correct record.

157. **W/23/0089 – 83 Whitnash Road, Whitnash**

The Committee considered an application from Mr Raynor for minor repairs to specific areas of timber framing, relaying of a single storey mono pitched roof, improvement of drainage of paving to the east, raising and renewal of the modern stair balustrade, plastering over of modern decorative internal masonry, renewal of bathroom fittings, and internal and external redecoration.

The application had been referred to the Planning Committee because of the number of comments in support, and the application was recommended for refusal.

PLANNING COMMITTEE MINUTES (Continued)

The Conservation Officer was of the opinion that any increase in height to the existing extension would only compound and increase the harm to the modest historic core of the building.

The proposal was not considered to be subservient, respectful of the surrounding buildings in terms of scale and massing or reflect the local architectural and historical distinctiveness. The proposal was therefore considered to contravene Local Plan Policies BE1, HE1, and Whitnash Neighbourhood Plan Policies W3 and W4.

The proposal would also be considered contrary to the Residential Design Guide SPD by introducing a two-storey flat roof. While this feature was existing the proposed increase in height would be considered to increase the harm.

The Local Planning Authority would support the restorative and repair works proposed in the rest of the application and did not believe that the proposed extension was required to facilitate this.

The following people addressed the Committee:

- Mr Raynor, the applicant;
- Mr Thompson, supporting; and
- Councillor Falp, District Councillor, speaking in support.

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

The Committee therefore

Resolved that W/23/0089 be **refused** because of the following reasons:

- (1) 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. In addition, Neighbourhood Plan Policies W3 and W4 set out a number of design characteristics that should be upheld to retain the unique features and character of both the Whitnash Conservation Area and locally listed heritage assets.

In the opinion of the Local Planning Authority the proposal would cause less than substantial harm to the significance of the listed building and conservation area by reason of raising the height of the two-storey rear extension. This addition is

PLANNING COMMITTEE MINUTES (Continued)

viewed as inappropriate in terms of scale, subservience, and failing to enhance or preserve the historic architectural features of the listed building. No public benefits have been identified to outweigh this harm.

The development is thereby considered to be contrary to the aforementioned policies; and

- (2) Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good design. The Council has also adopted The Residential Design Guide as a Supplementary Planning Document (SPD).

In the opinion of the Local Planning Authority, the proposed increase in height of the existing two storey rear extension with a flat roof constitutes poor design, failing to respect the scale, design and character of the original property. As proposed, the eaves of this extension would be raised above the eaves of the original dwellinghouse, resulting in the extension no longer being subservient to the main dwellinghouse. Additionally, the proposed two storey flat roof would contravene the Residential Design Guide SPD. The extension is not considered to harmonise with the character of the existing dwelling nor the streetscene, nor add to the overall quality of the area.

The proposal is therefore contrary to the NPPF, Policy BE1 and the Residential Design Guide SPD which promotes good design.

158. W/23/0090 LB – 83 Whitnash Road, Whitnash

The Committee considered an application from Mr Raynor for minor repairs to specific areas of timber framing, relaying of a single storey mono pitched roof, improvement of drainage of paving to the east, raising and renewal of the modern stair balustrade, plastering over of modern decorative internal masonry, renewal of bathroom fittings, and internal and external redecoration.

The application had been referred to the Planning Committee because of the number of comments in support, and the application was recommended for refusal.

The Conservation Officer was of the opinion that any increase in height to the existing extension would only compound and increase the harm to the modest historic core of the building.

PLANNING COMMITTEE MINUTES (Continued)

The proposal was not considered to be subservient, respectful of the surrounding buildings in terms of scale and massing or reflect the local architectural and historical distinctiveness. The proposal was therefore considered to contravene Local Plan Policies BE1, HE1, and Whitnash Neighbourhood Plan Policies W3 and W4.

The proposal would also be considered contrary to the Residential Design Guide SPD by introducing a two-storey flat roof. While this feature was existing the proposed increase in height would be considered to increase the harm.

The Local Planning Authority would support the restorative and repair works proposed in the rest of the application and did not believe that the proposed extension was required to facilitate this.

The following people addressed the Committee:

- Mr Raynor, the applicant;
- Mr Thompson, supporting; and
- Councillor Falp, District Councillor, speaking in support.

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

The Committee therefore

Resolved that W/23/0090 LB 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. In addition, Neighbourhood Plan Policy W3 set out a number of design characteristics that should be upheld to retain the unique features and character of both the Whitnash Conservation Area and locally listed heritage assets.

In the opinion of the Local Planning Authority the proposal would cause less than substantial harm to the significance of the listed building by reason of raising the height of the two-storey rear extension. This addition is viewed as inappropriate in terms of scale, subservience, and failing to enhance or preserve the historic architectural features of the listed building. No public benefits have been identified to outweigh this harm.

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

PLANNING COMMITTEE MINUTES (Continued)

159. W/21/1280 – Land South of Westwood Heath Road, Burton Green

The Committee considered a Reserved Matters application from Crest Nicholson Operations Limited, pursuant to condition 2 of planning permission W/17/2357 for details of appearance, landscaping, layout and scale of 296 dwellings for the remaining phases 2,3 and 4 of the site, together with public open space, landscaping and associated works.

The application had been referred to the Planning Committee because of the number of objections received, including one from Burton Green Parish Council.

The site edged red formed part of a wider allocated site for housing and mixed-use development. An original hybrid permission was approved in 2018 which established the principle of development for the site, as well as granting in detail the first residential phase of development for 129no. dwellings. Reserved matters approval was now sought for the remaining 296 dwellings which made up phases 2-4 of the site as a whole. This application excluded plans for the convenience store, land for which was reserved and shown on the proposed layout that formed part of this submission.

The officer was of the opinion that the proposed development would provide a high-quality residential environment in accordance with the garden suburbs principles, and which accorded with the principles of the approved Design Code for the wider site. A number of amendments had been made to the layout throughout the course of the application which had sought to address concerns noted by both officers and statutory consultees and the latest series of amendments were found to be acceptable for the reasons set out in the report.

The proposed development would include an appropriate mix of market and affordable housing and acceptable house and layout design solutions, including significant areas of landscaping and an over provision of public open space. There would be no harm arising in terms of neighbour amenity, highway safety or ecology and the standards of amenity for future occupiers were considered to either meet or exceed the guidance. As such, officers considered the scheme therefore complied with the policies listed in the report and accordingly, it was recommended that planning permission should be approved. The benefits of increased energy were not seen to outweigh this harm, and benefits to energy efficiency could also be achieved.

The following people addressed the Committee:

- Mr Aizlewood, objecting; and
- Mr Burrow, the applicant.

An addendum circulated prior to the meeting advised that a final consultation response had been received from WCC Highways on 18 April 2023, confirming no objection to the development subject to additional conditions 7, 8 and 9.

PLANNING COMMITTEE MINUTES (Continued)

The addendum also stated that Condition 1 (approved plans) was updated to reflect latest set of landscaping drawings received on 10 March 2023.

Following consideration of the report, presentation, the information contained in the addendum, and the representations made at the meeting, it was proposed by Councillor Dickson and seconded by Councillor Kennedy that the application be granted.

The Committee therefore

Resolved that W/21/1280 be **granted** subject to:

- (1) Advisory notes to the applicant as follows:
 - (a) that in pursuance of condition 4 the applicant needs to specify what measures precisely are intended to be used across the development, paying particular regard to the general measures set out in 5.10 of the document entitled 'Design Compliance Statement; June 2021 (Rev.A)' submitted with the application;
 - (b) that in pursuance of condition 2 (in particular hard landscaping details), the applicant needs to be aware there will be a need for car parking for the allotments;
 - (c) an advisory note drawing applicant's attention to the latest comments from the Open Space Officer which offer detailed advice on specific elements of the public open space provision; and
 - (d) an advisory note drawing the applicant's attention to the requirement for shared surfaces/private shared driveways to be surfaced with a permeable material.

(2) the following conditions:

- | No. | Condition |
|------------|--|
| (1) | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and the following approved drawings: |

A934_13 and specification contained therein, submitted on 02 July 2021;

A934_12 Rev.A and specification contained therein, submitted on 25 July 2022;

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | A934_05 Rev.E; A934_06 Rev.E ; A934_07 Rev.E; A934_08 Rev.E; A934_09 Rev.F and 'House Type Brochure' June 2021: Rev.F and specification contained therein, submitted on 11 October 2022; |
| | DR-0501 S4-P5; DR-0502 S4-P5; DR-0503 S4-P5; DR-0504 S4-P5; DR-0505 S4-P5; A934_02 Rev.J (Sheets 1-3 of 3) and A934_61 Rev.C and specification contained therein, submitted on 25 January 2023; |
| | A934_04 Rev.F and specification contained therein, submitted on 30 January 2023; |
| | A934_71; A934_03 Rev.F and A934_11 Rev.F and specification contained therein, submitted on 06 March 2023; and |
| | DR-0500 S4-P7; DR-0511 S4-P6; DR-0512 S4-P6; DR-0513 S4-P6; DR-0514 S4-P6; DR-0515 S4-P6; DR-0516 S4-P6; DR-0517 S4-P6; DR-0518 S4-P6; DR-0519 S4-P6; DR-0520 S4-P5; DR-0521 S4-P6; DR-0522 S4-P5; DR-0523 S4-P6; DR-0524 S4-P6; DR-0525 S4-P5; DR-0526 S4-P5; DR-0527 S4-P6; DR-0528 S4-P6; DR-0529 S4-P6; DR-0530 S4-P5; DR-0531 S4-P5; DR-0532 S4-P5; DR-0533 S4-P5; DR-0534 S4-P5; DR-0535 S4-P5; DR-0536 S4-P5; DR-0537 S4-P5; and specification contained therein, submitted on 10 March 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; |
| (2) | notwithstanding the landscaping details submitted, no part of the development hereby permitted shall commence unless and until further landscaping details (both hard and soft) for the allotments illustrated on Drg. No. 03 Rev.F and approved under this application have been submitted to and approved in writing by the Local Planning Authority. Details of hard landscaping works shall include boundary treatment, including full details of any proposed boundary walls, railings or gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard |

PLANNING COMMITTEE MINUTES (Continued)

No.
landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;

(3) 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;

(4) notwithstanding details contained within the approved documents, no development hereby permitted, other than site clearance and any other preparatory works, shall commence until a Sustainability Statement including an energy hierarchy scheme 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) How proposals will de-carbonise major development;
- d) Details of the building envelope (including U/R values and air tightness);
- e) How the proposed materials respond in terms of embodied carbon;
- f) Consideration of how the potential for energy from decentralised, low carbon and renewable

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	energy sources, including community-led initiatives can be maximised; g) 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; h) Details of EV charging points to ensure there is the appropriate provision in line with current policy/SPD,

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/ building 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).

- (5) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure shall be erected on any land between the front or side elevation of any dwelling and any road or footpath.

Reason: Due to the open plan layout of the proposed development it is considered important to ensure that control is maintained over boundary treatments fronting the public highway;

- (6) the garaging and car parking areas for Plots 133, 140, 164, 165, 194, 196, 199, 217, 220, 243, 245, 246, 273, 276, 289, 296, 303, 307, 308, 310, 317, 318, 319, 328, 322, 323, 329, 330, 331, 332, 347, 348, 362, 363, 394, 401, 409 and 425 shall be used for the parking of private

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | vehicles for the benefit of the occupants of those dwellings to which they relate and shall be retained and kept available for such purposes in perpetuity.

Reason: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and residential amenity in accordance with Policies BE3 and TR3 of the Warwick District Local Plan 2011-2029; |
| (7) | the development must be laid out in accordance with the following approved drawing: A934 03 Rev.F 'Coloured Planning Layout' dated 02 March 2023.

Reason: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; |
| (8) | no structure, tree or shrub shall be erected, planted, or retained within the visibility splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

Reason: in the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; and |
| (9) | prior to first occupation, a plan will be required to be submitted detailing the provision and placement of 20mph and 30mph zone signs at the entrance into the 20mph and 30mph areas of the development for the approval of the Local Planning Authority in consultation with the Highway Authority.

Reason: in the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029. |

(Councillor Gifford left the meeting).

160. **W/22/1762 – 41 Portland Street, Royal Leamington Spa**

The Committee considered an application from Mr and Mrs Talbot for replacement windows with specialist slimlite timber sashes to match existing geometry.

The application had been referred to the Planning Committee because of the number of comments in support, and the recommendation was one of refusal.

PLANNING COMMITTEE MINUTES (Continued)

The officer was of the opinion that the proposals resulted in unacceptable harm to the listed building and its setting and there were no public benefits which were sufficient to outweigh the extent of that harm. The proposals were therefore contrary to Local Plan Policy HE1, and it was recommended that planning permission should be refused.

The following people addressed the Committee:

- Mr Talbot, the applicant; and
- Councillor King, District Councillor, objecting.

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

The Committee therefore

Resolved that W/22/1762 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. The Council has also produced guidance on windows in listed buildings.

In the opinion of the Local Planning Authority the proposal would cause less than substantial harm to the significance of the listed building and Conservation Area by reason of the loss of historic fabric in the form of the existing windows and their replacement with windows of a non-traditional design and appearance. No public benefits have been identified to outweigh this harm.

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

161. W/22/1763 LB – 41 Portland Street, Royal Leamington Spa

The Committee considered an application from Mr and Mrs Talbot for replacement windows with specialist slimlite timber sashes to match existing geometry.

The application had been referred to the Planning Committee because of the number of comments in support, and the recommendation was one of refusal.

The officer was of the opinion that the proposals resulted in unacceptable harm to the listed building and its setting and there were no public benefits which were sufficient to outweigh the extent of that harm. The proposals were therefore contrary to Local Plan Policy HE1, and it was recommended

PLANNING COMMITTEE MINUTES (Continued)

that planning permission should be refused.

The following people addressed the Committee:

- Mr Talbot, the applicant;
- Councillor King, District Councillor, objecting.

Following consideration of the report, presentation, the information contained in the addendum, it was proposed by Councillor Kennedy and seconded by Councillor Ashford that the application be refused.

The Committee therefore

Resolved that W/22/1763 LB 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. The Council have also produced guidance on windows in listed buildings.

In the opinion of the Local Planning Authority the proposal would cause less than substantial harm to the significance of the listed building and conservation area by reason of the loss of historic fabric in the form of the existing windows and their replacement with windows of a non-traditional design and appearance. No public benefits have been identified to outweigh this harm.

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

(Councillor Gifford re-joined the meeting).

162. TPO 574 – The Sycamores, Sydenham Drive, Royal Leamington Spa

The Committee considered a confirmation of a Provisional Tree Preservation Order relating to three early mature maple trees.

The three trees in question, because of their position toward the boundary of the site on sloping ground (increasing their visibility), were considered to make a significant contribution toward the public amenity in the surrounding area. They were readily visible from the public realm and were relatively unusual in that there were few trees of such stature and visibility within the area. The Order was served to protect and preserve the public amenity, in accordance with the relevant guidance which set out that:

“Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an

PLANNING COMMITTEE MINUTES (Continued)

Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.”

The Order was served to allow the Council some oversight of the work that might be undertaken to the trees and an opportunity to prevent their felling which, in the opinion of the Council, would have a significant negative impact on the local environment and its enjoyment by the public.

The trees had been assessed for their TPO quality using the nationally recognised TEMPO method of assessment. The trees scored 19; the TEMPO guidance was that where the score was 16 or more the making of a TPO was merited (if there were no other mitigating circumstances). In summary, the Council considered it expedient to make a provisional TPO under section 198 of the Town and Country Planning Act.

The two key issues to be addressed in deciding whether or not to confirm the Tree Preservation Order were:

- whether the three trees were of sufficient amenity importance to justify a TPO, and
- whether the public benefit afforded by the three trees outweighed the benefits that any possible further development at the site would provide.

It was not considered that the issues raised in objection to the TPO were sufficient to outweigh the significant visual amenity contribution which the group of three trees made to the surrounding area and therefore it was expedient to confirm this TPO. It was not considered that the issues raised were sufficient to outweigh the benefits afforded by the three trees outweighed any possible further developments.

Mr Russell addressed the Committee, speaking in objection.

Following consideration of the report, presentation, and the representation made at the meeting, it was proposed by Councillor Quinney and seconded by Councillor Jacques that the TPO be confirmed.

The Committee therefore

Resolved that TPO 574 be **confirmed**.

144. **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 9:00pm)

CHAIRMAN
23 May 2023