Planning Committee

Minutes of the meeting held on Wednesday 19 May 2021 at the Town Hall, Royal Leamington Spa at 6.00pm.

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

Also Present: Principal Committee Services Officer – Lesley Dury; Legal Advisor – Max Howarth; Manager, Development Services – Gary Fisher; Principal Planning Officer – Dan Charles and from Warwickshire County Council Highways Department – David Pilcher.

11. **Apologies and Substitutes**

(a) there were no apologies for absence made; and

(b) there were no substitutions.

12. **Declarations of Interest**

Minute Number 15 – W/21/0590 – Land South of Chesterton Gardens, Royal Leamington Spa

Councillor Heath declared an interest because the application site was in his Ward. He was not pre-determined and would listen to arguments for and against the application.

Councillor Jacques declared an interest because when the previous application for this site had been considered by the Committee, he had recused himself for reasons stated in those minutes concerning a site visit he had made independently and people he had spoken on that occasion. He had taken advice for this meeting and could assure everyone that he would approach this new application with an open mind and listen to all points of view.

13. **Site Visits**

To assist with decision making, Councillor Boad had visited the following application site independently on Monday 17 May 2021:

W/21/0590 – Land South of Chesterton Gardens, Royal Leamington Spa.

14. **Public and Press**

Resolved that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within the paragraph 5 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Minute No.	Para No.	Reason
15	5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

15. **W/21/0590 – Land South of Chesterton Gardens, Royal Leamington Spa**

The full minute of Minute 15 would be contained within a confidential minute which would be considered for publication following the implementation of the relevant decisions. The meeting resumed public session at 6.35pm.

The Committee considered an outline application from AC Lloyd (Homes) Limited for a residential development of up to 200 dwellings with associated access, landscaping, and public open space.

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

The officer was of the opinion that the application site was allocated within the Local Plan for residential development as part of allocation H03 which identified approximately 500 dwellings for the wider area of the site and formed a first phase of development pending further negotiations into the second access point.

The development was only in outline form at this stage but the indicative site plan demonstrated that the site was capable of accommodating a very high quality scheme of up to 200 dwellings which was acceptable in overall terms including in respect of the integration of built development within the surrounding landscape and the site provided additional benefits in securing an appropriate highway linkage to the adjacent site to provide a comprehensive development across the overall allocation.

The indicative Masterplan demonstrated that the scheme retained existing green features and delivered a high quality environment with accessible sustainable transport links to the surrounding areas together with areas of open space that were in excess of the requirements set out within the Open Space SPD.

In the opinion of officers in conjunction with their technical consultees from Environmental Health and Warwickshire County Highways, the reasons for refusal had been satisfactorily mitigated and subject to the required conditions, notes and Section 106 Obligations, no technical objection was raised to these matters.

For the above reasons, officers recommended that outline planning permission should be granted subject to the conditions and the signing of a Section 106 Agreement.

An addendum circulated at the meeting advised that condition 7 had been amended, as had other conditions where necessary prior to the submission of reserved matters rather than commencement of development to ensure that any required survey work was carried out that may influence the final design and layout of the scheme. Two additional letters of objection had been received reiterating comments already received and stated within the report and a comment letter had been received raising concerns regarding the protection of Protected Species and Ecological Matters associated with the development.

The following people addressed the Committee:

- Councillor Janet Alty, speaking in objection on behalf of Royal Leamington Spa Town Council;
- objectors - Elizabeth White, Sheila Cooper (on behalf of CPRE Warwickshire), Matt Western MP and Dawn Cowgill; and
- supporters –David Green and Des Wynne; and
- District Councillor Mini Mangat, objecting.

Planning officers advised Members that AC Lloyd had offered some mitigations to help existing residents. They had offered to provide window glazing that would give more sound proofing to existing residents and mechanical trickle vents and this would be secured under the existing S106 agreement. Ways for a resident to communicate the nuisance they were suffering could be set up and there was a traffic calming scheme. The applicant would be willing to work to minimise traffic disruption during the construction phase.

Councillor Heath remarked that if the appeal the applicant had already lodged from the application that had been refused in February was successful, then if this application was refused, all the new mitigations that had been offered with the new application would be lost.

However, some Members remained unconvinced that the changes were sufficient in this new application and that the ongoing noise was still a concern and that a second access route was required as soon as possible. Residents would be affected by a loss of amenity and the mitigation measures did not go far enough. There would be a loss of permanent amenity, not just in the construction phase.

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 Murphy that the application should be refused contrary to the recommendation in the report.

Councillor Heath requested a that the vote be recorded, and this was supported by Councillors Ashford and Dickson. Each Councillor was asked in turn to call out their vote.

Recorded Votes:

Councillor	**For Refusal**	**Against Refusal**
Ashford	X	
Boad		X

Councillor	For Refusal	Against Refusal
Cullinan	X	
R Dickson		X
Heath		X
Jacques	X	
Kennedy	X	
Leigh-Hunt		X
Morris	X	
Murphy	X	
Tangri	X	
Totals	**7**	**4**

The Committee therefore

Resolved that W/21/0590 be **refused** for the following reasons:

No.	Refusal Reasons
(1)	the allocated housing site H03 was identified in the Local Plan as being subject to access; and
(2)	policy BE3 – loss of amenity to existing residents.

(The meeting ended at 8.38pm)

CHAIRMAN
20 July 2021