Planning Committee

Minutes of the meeting held on Thursday 20 May 2021 in the Town Hall, Royal Leamington Spa at 6.00 pm.

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

Also Present: Democratic Services Manager – Graham Leach; Legal Advisor – Caroline Gutteridge; Business Manager – Development Manager – Sandip Sahota; and Head of Development – Philip Clarke.

16. **Apologies and Substitutes**

(a) there were no apologies; and

(b) Councillor Skinner substituted for Councillor Cullinan.

17. **Declarations of Interest**

There were no declarations of interest made.

18. **Site Visits**

There were no arranged site visits made by the Committee but Councillors Boad, Dickson and Jacques independently visited the site of W/21/0256 – The Old Golf Shop and Golf Course, Newbold Comyn Park, Newbold Terrace East, Royal Leamington Spa.

19. **Minutes**

The minutes of the meeting held on 27 April 2021 were taken as read and signed by the Chairman as a correct record.

20. **W/21/0256 – The Old Golf Shop and Golf Course, Newbold Comyn Park, Newbold Terrace East, Royal Leamington Spa**

The Committee considered an application from Warwick District Council for the redevelopment of an existing disused golf course to create cycle tracks designed for all ages and capabilities, together with alterations to the existing old golf shop and clubhouse to create cycling hub together with external landscaping works

The application was presented to Committee because of the number of objections received and the applicant was Warwick District Council.

The officer was of the opinion that proposal was considered to be appropriate development within the Green Belt and would not have a harmful impact on the character and amenity of the area or highway safety. Furthermore, it was considered that the matters relating to protected species and detailing could be secured by condition.

An addendum circulated prior to the meeting advised that additional consultation responses had been received from Councillor Cullinan and

Royal Leamington Spa Town Council, and there had been further letters of objection and of support. The addendum also proposed an additional condition in requiring written approval of the design of the progressive jump area prior to commencement of works on this aspect

The following people addressed the Committee:

- Kate Pittel, Ian Hamilton, Richard Ashworth and Jennie Johnson, speaking in objection;
- Peter Davies, Andrew Robson, Mark Vernon and Bruno Eurich speaking in support; and
- Councillor Geraldine Cullinan, District Councillor, speaking in objection.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Jacques and seconded by Councillor Ashford that the application should be granted, subject to the conditions in the report, the additional condition in the addendum and two further conditions, which would need to be discharged in consultation with the Chairman, in respect of (1) an access statement for walking and cycling to the site and (2) a management plan in respect of potential conflicts between different users in the area.

The Committee therefore

Resolved that W/21/0256 be **granted** subject to:

(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) 5192555-ATK-XX-00-DR-BS-009, 5192555-ATK-XX-00-DR-BS-010 – 016, 5192555-ATK-XX-00-DR-BS-010 REV P01, 5192555-ATK-XX-00-DR-BS-011 REV P01, 5192555-ATK-XX-00-DR-BS-012 REV P01, 5192555-ATK-XX-00-DR-BS-013 REV P01, 5192555-ATK-XX-00-DR-BS-014 REV P01, 5192555-ATK-XX-00-DR-BS-015 REC P01, 5192555-ATK-XX-00-DR-BS-016 P01, 5192555-ATK-XX-00-DR-BS-017, 5192555-ATK-XX-XX-DR-LA-401001. TWC-1312-D-001. TWC-1312-D-002, and specification contained therein, submitted on 10 February 2021 and 20-012 (07)001 D5, and specification contained therein, submitted on 10 February 2021.

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 permitted shall not commence until a Landscape & Ecological Management Plan (LEMP) in accordance with the British Standard on Biodiversity BS 42020:2013 (see attached note) has been submitted to and approved in writing by the Local Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, tree/hedgerow planting, provision of habitat for protected/notable species. Such approved measures shall thereafter be implemented in full.

Reason: To ensure a net biodiversity gain in accordance with NPPF*;*

(4) the development hereby permitted shall not commence unless and until tree protection/mitigation measures have been submitted to and approved in writing by the LPA and the approved measures have been put into place. The approved measures must remain in place for the duration of demolition and construction works. The proposals must refer to all the trees within the site as well as those highway trees that will be affected by the proposed demolition and re-development, and must include:

a] an arboricultural method statement and tree protection plan in accordance with British Standard BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations, Clause 7 in particular.

b] an arboricultural site monitoring protocol that will confirm to the local planning authority by independent examination that the agreed tree protection measures are in place for the duration of the development

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 take place until a detailed lighting scheme has been submitted and agreed between the applicant and the local planning authority. In discharging this condition, the District Planning Authority expects lighting to be restricted around the boundary edges, along hedgerows, around known bat roosts and badgers setts, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

a) type of lamp used
b) the brightness of lights should be as low as legally possible
c) lighting should be timed to provide some dark periods
d) connections to areas important for foraging should contain unlit stretches

The agreed scheme to be fully implemented before/during development of the site as appropriate.

Reason: To ensure appropriate measures are taken in relation to protected species;

(6) the development hereby permitted shall not commence until a Construction and Environmental Management Plan (CEMP) in accordance with the British Standard on Biodiversity BS 42020:2013 (see attached note) has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition, appropriate working practices and safeguards for habitats, such as the Veteran Trees, LWS's/LNR's, woodlands, ponds, hedgerows and trees, to be employed whilst works are taking place on site. The access and compound area should be allocated and illustrated in a site layout within the plan. The agreed CEMP shall thereafter be implemented in full.

Reason: To ensure that protected species and habitats to be retained are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005;

(7) the development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has 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 the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing

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;

(8) no development on each phase shall take place until:

a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority for that phase.
b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken for that phase. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.
c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority for that phase. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

Reason: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved

and protected were applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;

(9) 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), eaves, verges 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 a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029; to ensure that the rural character and appearance of the barn(s) is protected, in accordance with Policies BE1 and BE4 of the Warwick District Local Plan 2011-2029;

(10) 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 a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029;

(11) new roofing material proposed for the development hereby permitted shall be handmade clay roof tiles.

Reason: To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029;

(12) all rainwater goods for the development hereby permitted shall be comprised in cast metal.

Reason: To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029;

(13) mortar used for repointing should be lime-based mixed with sands and aggregates to match the colour and texture of existing historic mortar.

Reason: To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029;

(14) no development shall commence until a Protected Species Contingency Plan has been submitted to and approved in writing by the planning authority. The plan shall include:

a) Further bat surveys of the building and trees in accordance with BCT Bat Surveys – Good Practice Guidelines, has been carried out.
b) Further Great Crested Newt Surveys to be carried out by a suitably qualified ecologist.
c) Reptile Surveys to be carried out by a suitably qualified ecologist.
d) A updated badger survey carried out by a suitably qualified badger consultant.

The results of the surveys to be submitted to and approved in writing by the District Planning Authority. If appropriate a detailed mitigation plans including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation plan shall thereafter be implemented in full. Note: The outcomes of the surveys may have implications for the design and/or layout of the development)

Reason: To ensure that protected species are not harmed by the development;

(15) within 12 months of occupancy a scheme ("the scheme") shall ensure that there is no net biodiversity loss as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity offsetting metric as applied in the area in which the site is situated at the relevant time and the scheme shall include:

i. Proposals for on-site mitigation (full details of which will be provided in relation to each phase of development in

accordance with Condition X of these conditions) and/or for off-site offsetting;

ii. A methodology for the identification of any receptor site(s) for offsetting measures;

iii. The identification of any such receptor site(s);

iv. The provision of arrangements to secure the delivery of any offsetting measures (including a timetable for their delivery); and

v. A management and monitoring plan (to include for the provision and maintenance of any offsetting measures in perpetuity).

The written approval of the Local Planning Authority shall not be issued before the arrangements necessary to secure the delivery of any offsetting measures have been executed. The scheme shall be implemented in full accordance with the requirements of the scheme or any variation so approved.

Reason: To ensure a net biodiversity gain in accordance with NPPF;

(16) the "Progressive Jump Area" shown on the Proposed Trails Plan shall not commence unless and until full details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in strict accordance with the approved details

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;

(17) an access statement to make clear provision for access to the site by foot or cycle which must be approved in writing by the Planning Authority in consultation with the Chairman of Planning Committee; and

(18) a Management plan in respect of responding to potential conflicts between different users of the area which must be approved in writing by the Planning Authority in consultation with the Chairman of Planning Committee.

21. **W/20/2035 – 9 Camberwell Terrace, Royal Leamington Spa**

The Committee considered a retrospective application from Mr Pangli for the formation of a front lightwell and the erection of a low brick wall.

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

Officers considered the application constituted good quality design which had an acceptable impact on the character of the street scene and the conservation area. The lightwell was considered to appear sufficiently subservient and the wall was of a similar appearance to the original wall. The scheme of works was considered to preserve the character and appearance of the conservation area. With the imposition of the recommended condition, the development had an acceptable impact on amenity. The application was recommended for approval on the basis that it complied with all of the aforementioned Local Plan Policies, the relevant sections of the NPPF and Planning Act 1990 and policy RLS3 of the Royal Leamington Spa Neighbourhood Plan.

An addendum circulated prior to the meeting confirmed the position with regard to House in Multiple Occupation Licence requirements, a correction of a paragraph of the report and the response of no objection from Royal Leamington Spa Town Council, subject to a condition.

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

The Committee therefore

Resolved that W/20/2035 be **granted**, subject to the conditions listed below.

(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) and specification contained therein, 200515 P01 R7 and 200515 P03 R7 submitted on 7th December 2020, and 200515_P02_R8 submitted 25th March 2021. **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

(2) the basement conversion facilitated by the lightwell hereby permitted shall not be used as a 'habitable room', which includes dining room, lounge, kitchen, study and bedroom. **Reason:** To ensure adequate amenity is provided for current and future occupiers of the application property and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.

(The meeting ended at 7.25pm)

CHAIRMAN
20 July 2021