



**THE TOWN COUNCIL**  
OF  
**ROYAL LEAMINGTON SPA**  
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ROBERT NASH ACIS DMS  
Clerk to the Town Council

Our Ref: RN/

Date: 25<sup>th</sup> November, 2019

Dear Councillor,

An **EXTRAORDINARY MEETING OF THE COUNCIL** will be held in the COUNCIL CHAMBER, Town Hall, Parade, Royal Leamington Spa on **MONDAY 2<sup>nd</sup> DECEMBER, 2019 at 6.00 pm.**

The business will be as set out below.

Yours faithfully,

**CLERK TO THE TOWN COUNCIL**

To All Members of the Council

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### **AGENDA**

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**

Members of the Committee are invited to declare any interest they may have in items identified for discussion at the Meeting.

3. **PUBLIC FORUM**

To receive representations from members of the public in accordance with the Council's Standing Orders.

4. **MINUTES**

To consider and approve as a correct record the Minutes of the Meeting of the Council held on 4<sup>th</sup> November, 2019 (Report No. 4)

5. **MATTERS ARISING FROM THE MINUTES**

#### **CREATIVE QUARTER PROJECT**

To consider matters arising following submissions made to the District Council Executive.

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6. LEAMINGTON SPA NEIGHBOURHOOD PLAN

To consider the attached Report (Report No.6).

**MINUTES OF A MEETING OF THE TOWN COUNCIL OF ROYAL LEAMINGTON SPA  
HELD ON 4<sup>th</sup> NOVEMBER, 2019 AT THE TOWN HALL, PARADE, LEAMINGTON SPA**

**PRESENT:** Councillors Bill Gifford, (Chairman), Janet Alty, Alan Boad, Sarah Boad, Julija Boulton, David Brunson, Will Bryce, Mubarik Chowdry, Judith Clarke, Jennifer McAllister, Louisa Radice, Susan Rasmussen, Amanda Stevens and Nick Wilkins.

There was one Member of the Public in attendance.

50. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Navdeep Atwal and Amy Evans.

51. **ELECTION OF COUNCILLOR- LILLINGTON WARD**

The Declaration of Acceptance of Office by Councillor Amanda Stevens had been made prior to the start of the meeting.

The Council welcomed Councillor Stevens following her election to the vacant seat of Councillor for the Lillington Ward.

52. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman reminded Members that the Annual Service of Remembrance would take place on Sunday 10<sup>th</sup> November at the War Memorial Euston Place. The traditional 2 minute silence would also be observed on the 11<sup>th</sup> November at 11.00 am.

53. **DECLARATIONS OF INTEREST/GRANT OF DISPENSATION**

The following Declarations of Interest were made in relation to items identified for discussion at the Meeting:

Councillors Boad and Gifford declared non pecuniary interests as Members of Warwick District Council in the following items of business:-

Newbold Comyn – Consultation on options for future use  
Canalside Development Plan Document  
Creative Quarter Project

54. **PUBLIC FORUM**

No representations had been made by members of the public in accordance with Standing Order No.36.

55. **COUNTY AND DISTRICT COUNCILLOR FORUM**

Councillor Sarah Boad referred to the submission of a bid for capital funding to Warwickshire County Council for the Kenilworth to Leamington Cycleway. There was no good prospect that this scheme would be progressed in the relatively near future.

**RESOLVED** that the Reports are noted.

56. **NEWBOLD COMYN – CONSULTATION ON OPTIONS FOR FUTURE USE**

Consideration was given to a Report (Report No. 7) regarding a consultation by Warwick District Council in relation to the future options for the use of Newbold Comyn. Members of the Council had been circulated with details of the consultation available on-line prior to the meeting.

The Council recognised that Newbold Comyn is an asset of great potential representing the single largest area of open space in the Town. The closure of the Golf Course and associated facilities offered the opportunity to consider how best to make use of this area for future generations. Members were also aware of the ideas put forward by a group of local stakeholders under the title “A centre for health and well- being”.

Reference was made to the health benefits to the general population from access to exercise and some of the solutions suggested in the consultation were beneficial to this objective. However several Members referred to the potential for exploiting opportunities around biodiversity and the appreciation of wildlife. The introduction of more managed facilities such as artificial sports pitches, mini golf etc would potentially limit opportunities for wildlife conservation and activities that entail less disruptive intervention. The view of many users of Newbold Comyn was that this was an area that should be nurtured as open space and a natural resource.

**RESOLVED** that the District Council is advised that this Council favours options that will protect and enhance the use of Newbold Comyn as a place to appreciate biodiversity, wildlife and activities associated with appreciation of a unique environment.

57. **WARWICK DISTRICT COUNCIL – CANALSIDE DEVELOPMENT PLAN DOCUMENT**

Consideration was given to a Report (Report No.8) regarding the preparation by Warwick District Council of a supplementary Planning Document with regard to the future development of land along the Grand Union Canal. After a lengthy period of evidence gathering and public consultation, a new conservation area was designated covering the whole of the canal lengths throughout the District, in January 2019.

The Town Clerk advised that the Development Plan was an extensive document that was available on the District Council website. The Council also noted that the Draft

Neighbourhood Plan for Royal Leamington Spa contained a specific policy (RLS16) relating to the Canal and Riverside Development and this should be applied as the Council's response to the Consultation.

**RESOLVED** that the Town Council response to the Canalside Development Plan document is set out in Policy RLS16 of the draft Neighbourhood Plan and the District Council is advised accordingly.

58. **ANNUAL GOVERNANCE STATEMENT AND ANNUAL RETURN 2018/19**

Consideration was given to a Report (Report 9) concerning the completion of the Audit of the Council's Annual Governance Statement and Annual Return of Accounts. The Town Clerk advised that the Auditor had requested an amendment to the Annual Return to record the fact that the Council Tax Support Grant in the sum of £22,648 should be identified as other receipts rather than as precept income. He confirmed that this change would be suitably recorded in the Annual Return for 2019/20. The notice of conclusion of audit had been published on 24<sup>th</sup> September, 2019.

**RESOLVED** that the Report is noted and action taken by the Town Clerk endorsed.

59. **NEIGHBOURHOOD PLAN**

The Town Clerk reported on progress in relation to the Leamington Spa Neighbourhood Plan.

The consultation under Regulation 14 had been concluded and a total of 38 individual responses had been made with only 2 objections, both of which related to the introduction of pedestrianisation of the Parade. The Steering Group had met on the 15<sup>th</sup> October to agree on any policy changes necessary for inclusion in the final Regulation 16 Draft. These had been principally confined to the rewording of the policy RLS1 regarding live/work units in the area around Court Street and the qualification that the car park at Bath Place shall be considered for potential development provided that equivalent car parking can be provided elsewhere or that it can be demonstrated that it is no longer needed.

The Council was also advised that subject to there being no further amendments to the draft Plan, the following timetable for completion of the remaining stages of the Plan process were now possible:-

- Steering Group to consider, agree and recommend approval of Regulation 16 draft – Tuesday 12<sup>th</sup> November
- Town Council to consider and sign off Regulation 16 draft – extraordinary meeting - Monday 25<sup>th</sup> November
- Regulation 16 draft goes to WDC
- WDC to start the Regulation 16 consultation by end of 2019/start of 2020 for six weeks

- Appoint inspector during the consultation period
- Any proposed changes arising from this final consultation to be agreed by Steering Group and Town Council
- Independent examination of final version – March 2020
- Referendum – May 2020 ( to coincide with the Police and Crime Commissioner election on 7th)

It was noted that this timetable represented a best case scenario and that some slippage should be anticipated.

Reference was made to the possible strengthening of policies in relation to carbon neutral housing, sometimes referred to as the “Passivhaus” standard. Under this code of construction buildings are designed and built to provide a high level of occupant comfort while using very little energy for heating and cooling. A member referred to the opportunity to ensure that this higher standard is included in the draft Neighbourhood Plan.

The Council noted that the Plan currently encourages applicants to go beyond prevailing sustainable development standards, particularly with regard to environmental performance of buildings, resource consumption and recycling. This was however the limit which could be included in the Plan as measures such as Passivhaus were voluntary and unable to be enforced.

### **RESOLVED**

(i) that the Neighbourhood Plan Steering Group is requested to consider the option of including reference to the “passivhaus” standard in Policy RLS2 – Housing Design- of the Neighbourhood Plan; and

(ii) that the timetable for commencing the consultation in respect of the Regulation 16 draft Neighbourhood Plan is noted and that an extraordinary meeting of the Council is convened as early as possible to approve the amended version of the Plan.

## 60. **APPOINTMENT TO STANDING COMMITTEES AND OTHER BODIES**

The Town Clerk reported that following the by-election for the Lillington ward occasioned by the resignation of Councillor Heather Calver, the political composition of the Town Council remained unchanged. It was necessary therefore for the Town Council to appoint a new Member to those Committee seats formerly occupied by Councillor Calver.

**RESOLVED** that the following appointments to vacant seats on Council Committees and external groups are approved as follows:-

<b>Committee</b>	<b>Councillor Appointed</b>
Planning	Cllr Amanda Stevens
Cultural & Community Committee	Cllr Amanda Stevens
Allotments Sub-Committee	Cllr Sarah Boad
Leamington in Bloom Committee	Cllr Amanda Stevens

61. **MINUTES OF COUNCIL AND COUNCIL COMMITTEES**

(i) Planning Committee

**RESOLVED** that the Minutes of the Meetings of the Planning Committee held on 19<sup>th</sup> September and 10<sup>th</sup> October 2019 (Reports Nos.12 (a) and 12 (b)) are received.

(ii) Cultural and Community Committee

**RESOLVED** that the Minutes of the Meeting of the Cultural and Community Committee held on 3<sup>rd</sup> October, 2019 (Report No.12 (c) are received, and the following recommendation is approved:-

**VE DAY 75 – 8TH MAY 2020**

(i) to support the proposed celebratory event at the Pump Room Gardens on 8th May 2020 to celebrate the 75th Anniversary of VE Day; and

(ii) that the Policy and Resources Committee considers an appropriate financial contribution based on a costed project plan for inclusion in the Revenue Budget 2020/21.

(iii) Policy and Resources Committee

**RESOLVED** that the Minutes of the Meetings of the Policy and Resources Committee held on 9<sup>th</sup> September and 7<sup>th</sup> October, 2019 (Reports No 12 (d) and (e) are received and the recommendation therein approved as follows:-

**CLIMATE CHANGE TASK AND FINISH GROUP**

**RESOLVED** that this Council adopts the following measures in support of Plastic Free Leamington and Warwick:-

**OBJECTIVE 1 – Local Governance**

Resolves to support Plastic Free Communities, committing to Plastic free alternatives and supporting plastic free initiatives within the constituency.

**Action**

1. Town Council to cease use of any form of single use plastics in its premises.

2. To encourage greater use of plastic free initiatives through support for the plastic free campaign and supporting events. This is to be achieved through use of Council Social Media/ Website and other promotional opportunities.

3. Consider appointing a Member of Council to the Plastic Free Steering Group

Objective 3 – Plastic Free Allies

Gain widespread support spreading the message and establishing the call to arms against Wasteland. Targets will be suggested and will be judged on individual allocation. More evidence provided of Plastic Free being adopted by local community, the increased effectiveness of the campaign.

Action: Utilise Social Media and regular contacts with Community Groups to gain support for the 5 Easy Changes:-

1. Buy a reusable water bottle and refill
2. When shopping, take a reusable bag
3. Buy Local and loose where possible
4. Use a reusable Coffee cup
5. Stop using single use plastic straws and cutlery

The achievement of (1) above is to be supported through the Refill Leamington Scheme. The Town Council will also lobby Severn Trent Water to provide public water refill stations.

(iv) Council

**RESOLVED** that the Minutes of the Meeting of the Town Council held on 16<sup>TH</sup> September, 2019 Report (12 (f)) are confirmed and signed as a correct record.

62. **CREATIVE QUARTER PROJECT**

Councillor Gifford reported on his attendance at a meeting of the Member Reference Group established by Warwick District Council to consider proposals put forward for consideration of the development of the creative quarter.

Councillor Gifford informed the Council that a draft report for consideration by the District Council Executive Committee on 13<sup>th</sup> November had been prepared but it had not been possible for it to be distributed to the Council for tonight's meeting as it had been superseded by a later version that had not been released for the public and press. The Town Council was disappointed that the redraft of this Report intended for publication on 5th November could not have been released in time for discussion at this meeting and that the District Council has not taken the opportunity to consult more directly with the Town Council on these matters in the time available.

The Council nevertheless noted that based on the process identified in the Draft Report, that Spencer Yard (including the United Reform Church, Old Dole Office and Nursery) and Bath Street are the two priority sites for immediate development.



The Town Council had consistently supported the concept of investment in some of these key areas of the Town and, through its emerging Neighbourhood Plan, had shown flexibility in devising policies that would help to enable these development opportunities to come to fruition.

With regard to the Town Hall, the Council was dismayed to read that there remains a preference for re-purposing the Town Hall and that the Town Council, whilst being mentioned in the context of “close collaboration”, is noticeably excluded from the ownership and management options discussed later in the Report. It was felt that the Town Council has a unique interest in helping to determine the future use of the Town Hall which was erected with public and private donations from within the then Royal Borough of Leamington Spa. The Council was therefore ready, along with other Stakeholders, to play an active role in identifying future options for the site.

### **RESOLVED**

- (i) that the Council’s observations on the preparation of the Report on options for the development of the Creative Quarter are sent to Warwick District Council; and
- (ii) that a request is made to the Leader of Warwick District Council to permit Councillor Gifford to attend a meeting of the Executive Committee on 13<sup>th</sup> November to represent the Council’s views.

### 63. **CLEAN AIR PROJECT**

Councillor Rasmussen reported on the work of the Leamington Clean Air Project which comprised local authority representatives and Members of the public and whose aim was to address problems associated with pollution of the atmosphere in urban areas. She explained that Air pollution is now regarded as the biggest environmental threat to health in the UK, with approximately 30,000 deaths a year attributed to long-term exposure. Air pollution was linked to the development of coronary heart disease, stroke, respiratory disease and lung cancer, and was known to exacerbate conditions such as asthma.

Locally the Project Group was seeking to achieve some quick “wins” including:-

- An anti-idling campaign to encourage drivers to switch-off their engines
- Promoting ride sharing applications
- Re-routing of Heavy Goods Vehicles away from the Town centre

In the longer term, it was accepted that improvements would be necessary to transport infrastructure and in that regard discussions were taking place with the County Highway Authority.

The Council was also circulated with a letter received from Warwick District Council on 1<sup>st</sup> November seeking support for its bid for funding from central government for a pilot cycle scheme as part of the residential and leisure development on land west of Europa Way. The scheme was designed to promote and facilitate healthier personal travel and reduce the number of cars operating on short commuting journeys.

**RESOLVED**

(i) that the Town Council provides support for the application by Warwick District Council for funding for the introduction of a pilot cycle scheme as part of the development of land west of Europa Way, Warwick; and

(ii) Councillor Rasmussen is thanked for her Report.

64. **ACCOUNTS**

Consideration was given to a schedule of invoices arising for payment since the last meeting, a copy of which is attached to the signed Minutes.

**RESOLVED** that the schedule of accounts in the sum of £45,010.93, including £3924.08 under Section 137 of the Local Government Act, 1972, is approved for payment.

The meeting commenced at 6.00 m and ended at 7.35 pm

Signed .....  
(Chairman)

Date.....

**REPORT TO A MEETING OF THE TOWN COUNCIL OF ROYAL LEAMINGTON SPA TO BE HELD ON 2<sup>ND</sup> DECEMBER 2019.**

**LEAMINGTON SPA NEIGHBOURHOOD PLAN**

**1. PURPOSE OF THE REPORT**

To enable the Council to consider the latest revision to the draft Neighbourhood Plan and approve its publication under Regulation 16 of the Neighbourhood Plan provisions set out in the National Planning Policy Framework.

**2. INTRODUCTION**

2.1 The Town Council is the designated Qualifying body the purpose of designating a Neighbourhood Plan area and initiating a Neighbourhood Development Plan. The Town Council designated the whole Parish of Royal Leamington Spa as the designated area on 14 September 2016.

2.2 The Council has established a Neighbourhood Plan Steering Group to implement the various stages of the neighbourhood Plan process. It has been assisted throughout this process by Officers of the Council and the Council's appointed external planning adviser, Michael Wellock of Klrkwells.

2.3 The various stages of the Neighbourhood Plan process have been reported periodically to the Council. At the meeting of the Council on 4<sup>th</sup> November it was agreed as follows:-

(i) that the Neighbourhood Plan Steering Group is requested to consider the option of including reference to the "passivhaus" standard in Policy RLS2 – Housing Design- of the Neighbourhood Plan; and

(ii) that the timetable for commencing the consultation in respect of the Regulation 16 draft Neighbourhood Plan is noted and that an extraordinary meeting of the Council is convened as early as possible to approve the amended version of the Plan.

**3. HOUSING DESIGN**

3.1 At the Town Council meeting, Councillor Alty, one of the Council's representatives on the Steering Group, raised the possibility of including provision for "passivhaus" within the Housing Design policy of the Neighbourhood Plan.

3.2 The Paasivhaus Trust describes this building method as follows:-

"Passivhaus buildings provide a high level of occupant comfort while using very little energy for heating and cooling. They are built with meticulous attention to detail and rigorous design and construction according to principles developed by the Passivhaus Institute in Germany, and can be certified through an exacting quality assurance process.

A Passivhaus is a building in which thermal comfort can be achieved solely by post-heating or post-cooling the fresh air flow required for a good indoor air quality, without the need for additional recirculation of air."

3.3 The Neighbourhood Plan presently provides for Housing Design under Policy RLS 2. The Policy as originally set out in the first consultation draft This policy was drawn up recognising the increasing demands that development is undertaken in a manner that is suitably sustainable, having regard to the statutory requirements within other Planning Documents, most notable the District Local Plan.

3.4 Policy RLS2 is presently as follows:-

**Policy RLS2 – Housing Design**

Planning proposals for new housing development will be required to achieve good design. They should function well for all by being Lifetime Homes and make a positive contribution to the quality of the built environment in Royal Leamington Spa. Proposals will be assessed against Warwick District Local Plan Policy BE1 and should have regard to any relevant Supplementary Planning Documents, including the Warwick District Council Residential Design Guide.

Applicants are encouraged to go beyond prevailing sustainable development standards, particularly with regard to environmental performance of buildings, resource consumption and recycling. When considering such measures applicants and decision-makers will need to ensure that there is a balance between the need for innovation and respecting and harmonising with buildings and local quality and character of surrounding development. Building for Life, or an equivalent assessment framework, should be used to assess the suitability of proposals.

New housing development should include design features and measures to increase resilience to deal with the impacts of climate change, including the increased risk of river and surface water flooding.

Poor design that fails to meet the relevant criteria in this, other development plans and national planning policies will be refused.

3.5 As requested at the last meeting of the Council, the opportunity has been taken to reconsider this Policy in the light of the emergence of the “passivhaus” option. Whilst this was not possible at the meeting of the Neighbourhood Plan Steering Group on 12<sup>th</sup> November, this matter has been explored extensively with both the Council’s Planning Consultant and the Neighbourhood Plans Officer appointed by Warwick District Council.

3.6 The Council is therefore advised of the following advice with which both professional planning advisers concur:

***“Any neighbourhood plan may include policies which generally encourage and lend support to technical exceedances of the Building Regulations, such as Passivhaus standards. The current legal framework does not however allow for neighbourhood plans to ‘require’ new development to be built to standards in excess of building regulations. The submission version of the Kenilworth Neighbourhood Plan sought to ‘require’ higher environmental building standards, and cited Passivhaus as one such method of achieving this. Policy KP15 was subsequently amended by the independent examiner, and in the final version of the plan, policy KP15 “encourages adoption of higher environmental standards such as Passivhaus or similar approach.*”**

***The 2018 NPPF consultation response from government directly references the Planning and Energy Act 2008 as being the relevant position in respect of this matter. The Act is very clear that in order to set requirements beyond building regulations, this must come forward as part of a Local Plan or Development Plan Document (DPD), produced by the Local Planning Authority. A neighbourhood plan does not fall into this category of document.***

- 3.7 A revised wording has therefore been included in the Regulation 16 draft of the Leamington Spa Neighbourhood Plan in accordance with this advice.

***“Where possible, proposals should aim to achieve Level 4 of the Code for Sustainable Homes and the incorporation of higher environmental standards such as Passivhaus or a similar approach is encouraged.”***

#### 4. **OTHER AMENDMENTS**

- 4.1 There are relatively few amendments to the Plan beyond the matter discussed in paragraph 3 above. All changes to the original draft are highlighted in light blue text within the document now available on the Town Council website at <https://www.leamingtonspatowncouncil.gov.uk/Neighbourhood-Plan-.aspx>

- 4.2 In summary these are:-

##### Policy RLS1 – Housing Development within the Royal Leamington Spa Urban Area

A revision to the wording of this Policy has been included to conform to the references within the Local Plan regarding the Court Street area:-

***Community-led housing developments and the provision of live/work units on the Court Street area as defined in allocation H16 of the Local Plan.***

The remaining changes are contextual only and simply help strengthen the policies as originally proposed.

#### 5. **CONCLUSION**

- 5.1 The Neighbourhood Plan has now been amended to take account of the observations and comments received during the consultation period ending on 12 August 2019. The Neighbourhood Plan Steering Group has further considered revisions proposed following discussions with Warwick District Council, (Policy RLS1) and the introduction of a reference to Passivhaus construction in Policy RLS2.
- 5.2 The Council is requested to approve the draft Neighbourhood Plan as amended to submit to Warwick District Council under Regulation 16 of the Neighbourhood Plan Regulations.

