



THE TOWN COUNCIL

OF

ROYAL LEAMINGTON SPA

TOWN HALL, PARADE,

ROYAL LEAMINGTON SPA

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ROBERT NASH ACIS DMS

Clerk to the Town Council

16th January 2020

Dear Councillor

PLANNING COMMITTEE – THURSDAY 23rd JANUARY 2020

You are invited to attend a Meeting of the Planning Committee in ROOM 5, at the **TOWN HALL, ROYAL LEAMINGTON SPA**, commencing at **6.00 p.m.** on **THURSDAY 23rd JANUARY 2020**.

Yours faithfully,

CLERK TO THE TOWN COUNCIL

To: Councillors: Alty, Boulton, Brunson, Chowdry, Clarke, McAllister, Stevens and Wilkins

(All other Members of the Town Council – Agenda for information only, via website)

MEMBERS ARE INVITED TO DECLARE ANY INTEREST THEY MAY HAVE IN ITEMS IDENTIFIED FOR CONSIDERATION AT THE MEETING

AGENDA

1. Apologies for absence.
2. Declarations of Interest and Dispensations
3. Public Forum

To receive any representation from Members of the Public in accordance with Standing Order No. 36.

4. Minutes

To approve and sign the Minutes of the Meeting of the meeting of the Planning Committee held on 7th January 2020 (Report No. 4)

5. Matters Arising

6. Planning Applications

To consider a schedule of planning applications received from the Planning Authority (Report No 6)

7. Determination of Planning Applications

To consider Applications determined by the Planning Authority (Report No. 7)

8. Planning Appeal Notifications

To note the following Planning Appeal Notifications:

Application No:W/19/1055

Applicant: Mr Tony Johnson

Site: The Limes 21 Beauchamp Avenue CV32 5RG

Description: Demolition of existing chimney; Erection of 3no. dormer windows within the rear roofslope; Erection of first floor rear extension; Installation of roof lights to front elevation; Installation of 2nd floor side facing window and replacement of side facing window at first floor level within the side elevation of the existing two storey rear extension.

Application No:W/19/1056LB

Applicant: Mr Tony Johnson

Site: The Limes 21 Beauchamp Avenue CV32 5RG

Description: Demolition of existing chimney; Erection of 3no. dormer windows within the rear roofslope; Erection of first floor rear extension; Installation of roof lights to front elevation; Installation of 2nd floor side facing window and replacement of side facing window at first floor level within the side elevation of the existing two storey rear extension

9. Planning Appeal Decisions

To consider the following Planning Appeal Decisions, if any:

Application No:

Applicant:

Site:

Description:

Decision:

10. Tree Preservation Orders

To consider the following Tree Preservation Orders, if any.

11. AOB



THE TOWN COUNCIL OF ROYAL LEAMINGTON SPA
MINUTES OF THE MEETING OF THE PLANNING COMMITTEE
HELD ON 7th JANUARY 2020 AT THE TOWN HALL,
ROYAL LEAMINGTON SPA

Present: Councillors Julija Boulton, Jennifer McAllister, Janet Alty, Judith Clarke, Mubarik Chowdry, Nick Wilkins and Amanda Stevens.

Apologies: Councillor David Brunson

113. DECLARATIONS OF INTEREST AND REQUIREMENTS FOR DISPENSATIONS

There were none.

114. PUBLIC FORUM

No representations were made

115. MINUTES

The Minutes of the Planning Committee held on 16th December 2019, having been circulated, were considered.

RESOLVED that the Minutes of the Meeting of the Planning Committee held on 16th December 2019 are confirmed and signed as a correct record.

116. MATTERS ARISING

There were none.

117. PLANNING APPLICATIONS

Consideration was given to a schedule of planning applications (Report No. 6).

RESOLVED that no objections are raised to the planning applications in the schedule (Report No. 6), with the exception of the following which were discussed in greater detail:

W/19/1981 Mr L Vraitch Change of use from a dwelling (use class C3) to a 5 bed HMO (use class C4) (retrospective) 115
Brunswick Street CV31 2EF

RESOLVED that an objection is raised on the following grounds:

1. Significant breach of Local Plan policy H6a) at 20%
2. Would create a continuous frontage of three or more HMO's thereby contravening Local Plan policy H6d)
3. This part of Brunswick Street is clearly not a mixed use area but wholly residential.

W/19/2073 Clarke Telecom Ltd Removal of 3no. existing antennas and replacement with 6 no antennas on new headframe of monopole and ancillary development thereto including 9 no. remote radio units (RRU's)

RESOLVED that no objection is raised

W/19/2077 Investry Ltd Proposed mixed use development comprising ground floor retail (A1), restaurant (A3), offices (B1a) and gym (D2) including purpose built student accommodation providing a total of 182 rooms (comprising en-suite cluster flats and studios) across two separate five storey buildings. The proposal includes 184 secure cycle parking spaces, 22 public cycle spaces, 10 e-bike charging stations and 2 disabled parking spaces Land between High Street, Lower Avenue and Bath Place

RESOLVED that an objection is raised on the following grounds:

- 1) Development would contravene Local Plan policy H6a) significantly and lead to an increase in activity along a nearby residential street (Bath Place) as residents walk into town along a safer and more pleasant route.
- 2) Not in line with Local Plan policies BE1c) and BE1d) in that the proposed development with its two blocks of five storey buildings does not enhance or reinforce the character of the Old Town area in general nor is it in keeping with this particular location with its small, creative, well-used local businesses and industrial heritage.
- 3) The blocks would dominate this location in terms of massing, scale, bulk and height. This would negatively impact on All Saints House, the Chinese restaurant and the Motoring Centre, and constitute unnecessary overdevelopment of the site. They would be the tallest structures in this particular block.
- 4) Does not comply with Local Plan policy BE3 in that the development would have a negative impact on the amenity of those living in All Saints House in terms of visual intrusion and noise disturbance, and the poor air quality in this location would create an unacceptable standard of amenity for future residents and users of this site.
- 5) Would contravene Local Plan policy TR3b) in that by providing retail/restaurant/gym facilities on site and no on-site parking provision, this would lead to detrimental on-street parking and congestion. Bath Place public car park is well-used so should not be depended on to provide additional parking for this site.
- 6) Contravenes Policy RLS3n) of the emerging Neighbourhood Plan which states that proposed development in Leamington Spa should protect key views, especially of landmark buildings. The view of All Saints Church will be compromised as the Heritage Statement confirms: "The proposals will result in the loss of some long-distance views towards the tower of the Grade II* Church of All Saints." (p2). Planning officers have stated this view is important and should be protected.
- 7) Does not accord with Policy RLS18 in that student accommodation is not one of the uses that the emerging Neighbourhood Plan supports within the Creative Quarter and, indeed, Bath Place car park is a potential redevelopment site within the Creative Quarter which the emerging Neighbourhood Plan supports certain uses of which specifically underpin the Creative Quarter aspirations (p63).
- 8) The Old Town area (including this site) contains local businesses which are independent, creative and artisanal; wholeheartedly supporting the aspirations and ethos of the Creative Quarter. Development here should be of a scale and design which reflects and positively adds to this. Instead it is proposed that thriving, independent, creative businesses are removed from this location,

impacting negatively on the local economy. Existing retail units are empty in the town centre - what evidence is there more are required? What happens to these units if they remain unfilled?

9) Leamington Spa and particularly the Old Town area already contains a number of built and planned PBSAs and many student HMOs. One recently built PBSA has just applied again to have its planning condition that it house solely students overturned and instead house a mix of residents. If development does take place on this site, a mix of residents would be preferable, including live/work units to support the Creative Quarter and a social housing element.

W/19/1957LB Mr Uniss Ali Mohammed Retention of existing external decoration and shopfront signage 40-42 Bedford Street CV32 5DY

RESOLVED that no objection is raised - the town council notes that, according to the WDC Shopfronts & Advertisements Guidance, as an area outside the Parade in the town centre, Bedford Street/Regent Street has "room for some diversity in shopfront design". However, it seems somewhat incongruous on this listed building to have part of it painted pale green and it is unfortunate no advice was sought by the applicant prior to this work being done. Should the Conservation officer recommend the colour be returned to magnolia, the town council would support that.

W/19/1961 Mr & Mrs Child Proposed change of use from C3 (4 bedroom residential) to 6 bedroom house in multiple occupation use class C4
16 Augusta Place CV32 5EL

RESOLVED that no objection is raised - support the comments of Contract Services regarding the requirements for an appropriately sized communal bin with accompanying appropriate bin store on site with room to manoeuvre and the installation of a dropped kerb

W/19/2144 Mr D Jeevan Single storey rear infill extension to create enlarged kitchen/living room 52 Leicester Street CV32 4TB

RESOLVED that no objection is raised

W/19/1911 Mr & Mrs Scale Demolition of numbers 43-49 Cubbington Road, Leamington Spa and the erection of 1 no. two-storey replacement dwelling together with the demolition of an existing garage block and the erection of a two-storey garage block 47 Cubbington Road Lillington CV32 7AA

RESOLVED that no objection is raised. It would be beneficial to the legacy of the hexagonal houses if the new design could better observe the original unique design on the exterior of the property - perhaps this could be reviewed further?

W/19/2008 Mr & Mrs Paterson Demolition of outbuildings, bay window and extension (total volume 100m³) and erection of single storey rear extension 13 Vicarage Road Lillington CV32 7RH

RESOLVED that no objection is raised

W/19/2095 Mr M Tanna Application for change of use from residential dwelling (C3) to a 5 bed HMO (C4) 18 Taylor Avenue Lillington CV32 7SB

RESOLVED that an objection is raised on the following grounds:

1) Lack of required parking provision proposed on site leading to detrimental on-street parking, creating in turn pedestrian/vehicular safety issues. A parking survey (conducted during Higher Education term time) is required to demonstrate there is enough safe on-street parking capacity available. We therefore support the comments of the Highways department.

The town council also questions whether there is sufficient light available to Bedroom 5 and the Dining room?

W/19/2006 Sureway Property Services Removal of Condition
15 of planning permission ref: W/15/2154 [Demolition of existing commercial buildings
and erection of a 47 bedroomed House in Multiple Occupation (HMO)] to allow for
unrestricted occupancy (resubmission of W/18/2212) Unit 1 Moss
Street CV31 2DA

RESOLVED that no objection is raised as Highways have now removed their objection. However, the town council notes that the parking survey was conducted on 13th/14th August 2019 which is clearly outside Higher Education term time. Point 2.9, p 10 of the WDC Parking Standards states any parking surveys conducted in Leamington Spa must be completed during Higher Education term time therefore we request that another survey is carried out - this time in accordance with the Parking Standards SPD.

The planning inspector at the previous appeal stated that "the appeal site suffers from a high level of parking stress" - it is important then to look at how the area manages during termtime as this area now has a high proportion of students resident there.

W/19/1063 Mr Jagtar Singh Gill Erection of single storey
rear extension 96 Radford Road CV31 1LE

RESOLVED that no objection is raised

118. PLANNING APPEAL NOTIFICATIONS

Application No: W/19/1164
Applicant: Midland Heart Limited
Site: 24 Church Hill CV32 5AY
Description: Retrospective planning application for the replacement of sash windows, doors and associated works

Application No: W/19/1265
Applicant: Ms S Walton
Site: 21 Elizabeth Road Queensway CV31 3LJ
Description: Change of use of class C3 (residential unit) to class C4 (HMO)

119. PLANNING APPEAL DECISIONS

Application No: W/19/0596
Applicant: Ballinger Properties
Site: 29 Leam Street CV31 1DY
Description: Removal of a brick boundary wall
Decision: Allowed

120. TREE PRESERVATION ORDERS

There were none.

121. ANY OTHER BUSINESS

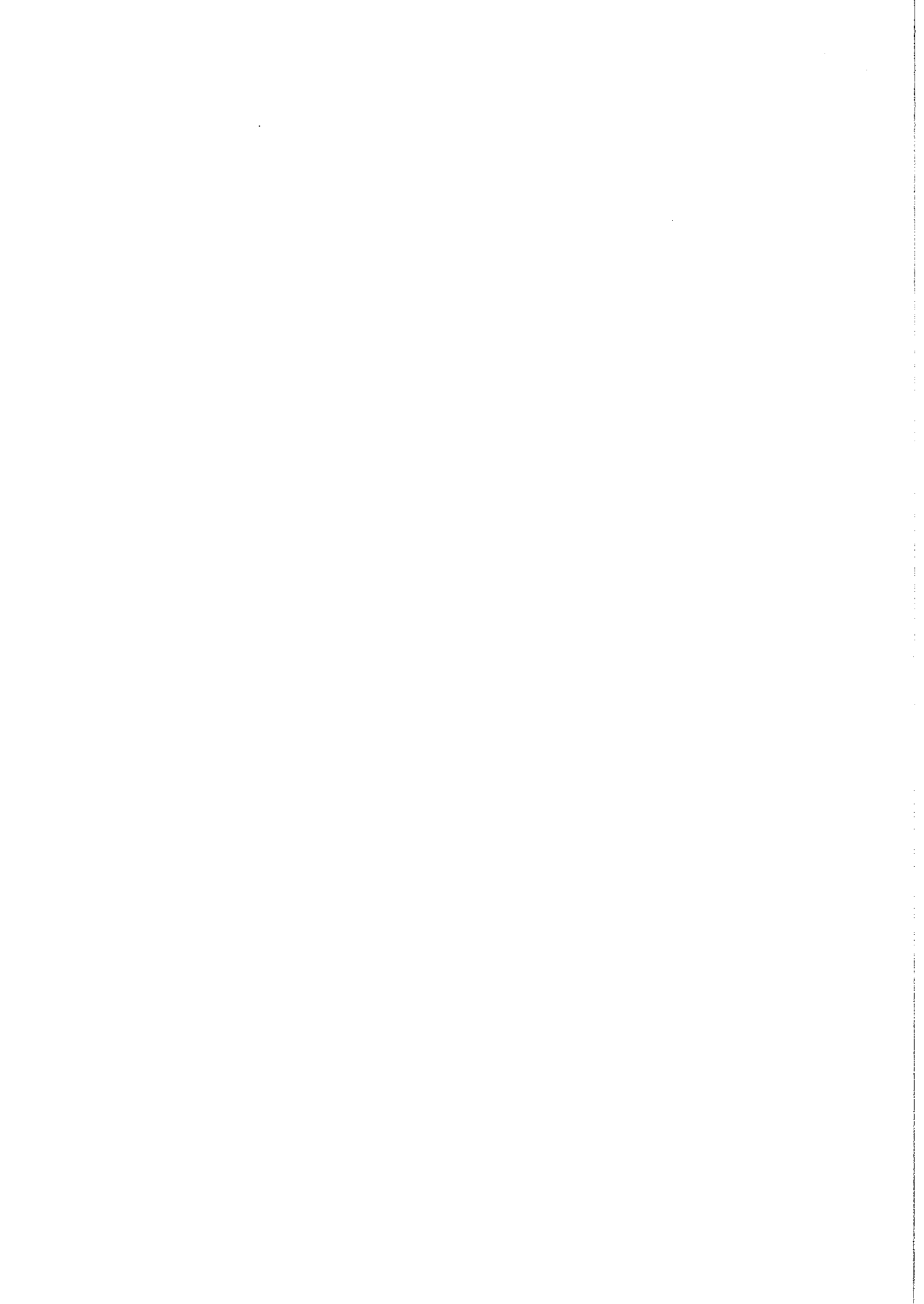
Mr Neil Pearce of Avon Planning Services has been in touch regarding application W/19/1197 - 89 Shrubland Street CV31 2AR to which the town council lodged an objection on 16th October 2019 on the grounds of contravention of Policy H6a) whereby the HMO calculation is at 28% and the fact that this road is not a main thoroughfare. Mr Pearce is the agent for this application and wishes to inform the Planning Committee that an appeal has been lodged against WDC for non-determination of the application and that, at the same time, WDC have issued an enforcement notice against the applicant which Mr Pearce is also appealing.

Our objection was part based on the considerable breach of the H6a) policy within the Local Plan using the HMO calculation as provided by WDC as the local planning authority. Should this calculation turn out not to be accurate at appeal, we would review this application and would seek assurances from WDC that the calculations are rectified and made accurate as soon as possible - not just in this case but future cases.

The meeting commenced at 6:00pm and concluded at 7:12pm.

Signed

Dated





The Town Council of Royal Leamington Spa

PLANNING DETERMINATIONS 23RD JANUARY 2020

Planning Permission has been **REFUSED** by the Planning Authority in respect of the following application:

W/19/1828 Mr Matharu Retrospective application
for the retention of installed lightwells and basement windows
9 Leicester Street, Leamington Spa, CV32 4TG

RESOLVED that no objection is raised

WDC Reason for Decision

Policy HE1 of the Warwick District Local Plan 2011-2029 requires development to preserve or enhance the special architectural and historic interest of the District's Conservation Areas. Policy BE1 of the Local Plan reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing.

In the opinion of the Local Planning Authority it is viewed that the lightwell structure and associated stairwell does not react positively to the character of the local area and Conservation Area setting, and would fail to enhance and preserve its appearance and character as a result of its inappropriate scale and detailing. The proposal would result in less than substantial harm to the Heritage Asset and there are no material public benefits identified to sufficiently outweigh this identified harm.

W/19/1906 Mrs K Fowler Erection of single storey
rear extension 8 Binswood Avenue, Leamington Spa, CV32 5SQ

RESOLVED that no objection is raised

WDC Reason for Decision

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. The Council's Residential Design Guide SPD provides specific guidance on how to design side courtyard extensions.

The distinction between the service wing and the courtyard is considered to be an important historical feature which is not reflected and respected by the proposed 'wrap around' layout. This is exacerbated by the proposed large bi-folding doors which span the rear elevation.

The proposal is thereby considered to be contrary to the aforementioned policy and SPD.

W/19/1907LB Mrs K Fowler Erection of single storey rear
extension 8 Binswood Avenue, Leamington Spa, CV32 5SQ

RESOLVED that no objection is raised

WDC Reason for Decision

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. The Council's Residential Design Guide SPD provides specific guidance on how to design side courtyard extensions.

The distinction between the service wing and the courtyard is considered to be an important historical feature which is not reflected and respected by the proposed 'wrap around' layout. This is exacerbated by the proposed large bi-folding doors which span the rear elevation.

The proposal is thereby considered to be contrary to the aforementioned policy and SPD.

| Application No | Applicant | Proposal | Location | Ward | Link on website |
|----------------|---|---|---|-----------|---|
| 1 | Chalice Build Ltd | Outline application for erection of two no. blocks of residential accommodation of up to 90 bed spaces together with undercroft parking (amended plans) | Milverton House Court Street CV31 2BB | Brunswick | https://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?keyVal=WARWI_DCAPR_83547&activeTab=summary |
| 2 | Mr Daljinder Theara | Change of use of existing storage rooms for retail outlet (A1) to offices (B1a), totalling 27 sq m | 29 Clemens Street CV31 2DP | Brunswick | https://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?keyVal=WARWI_DCAPR_85258&activeTab=summary |
| 3 | Mr C Reynolds | Retrospective application for the following: update derelict building for use as a garage and office/store room, extend rear of building to allow for length of vehicles, brick up hay barn door for added privacy, add 2 upper (non opening and opaque) and 1 lower opening window, Velux windows in single storey extension. | 50 Clarendon Avenue CV32 4SA | Clarendon | https://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?keyVal=WARWI_DCAPR_85101&activeTab=summary |
| 4 | CMP Ltd | Demolition of existing substation and development of 3 studio apartments, incorporation of a lift, amendments to the third floor and elevation and landscaping of external areas | 62 Brandon Parade CV32 4JE | Clarendon | https://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?keyVal=WARWI_DCAPR_85236&activeTab=summary |
| 5 | TAG Exclusive Properties Urban Ltd, Mr David J Tucker; Mrs Barbara L Tucker | The demolition of the existing building (currently Peacocks) and the construction of a new building comprising retail space within Class A1 (shop and/or Class A2 (financial and professional services) and/or Class A3 (food and drink) and servicing on the ground floor, with residential accommodation above on five floors creating 26 no apartments consisting of 9 no x 1 beds; 1 6 no x 2 beds and 1 no x 3 bed. (No physical changes to design approved under application W/19/2387) | 73 Warwick Street CV32 4RQ | Clarendon | https://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?keyVal=WARWI_DCAPR_85316&activeTab=summary |

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| 6 | W/19/2109 | Mr Naysan Mail & Negin Mail Ayers | Application for re-building of two storey rear outrigger extension, previously roofed over ground floor rear storage area to be properly constructed to include accessible W/C facility and rear entrance, enlargement of existing basement to form extended storage area, new external access route to upper floor flat and replacement second floor window to rear. | 45 Regent Street CV32 5EE | Clarendon | https://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?keyVal=WARRWI_DCAPR_85318&activeTab=summary |
| 7 | W/19/2132LB | Scope | Internal and external alterations, including repairs to chimney, roof render, masonry, ceilings, internal walls, windows, stairs and redecoration | 90 Warwick Street CV32 4QG | Clarendon | https://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?keyVal=WARRWI_DCAPR_85344&activeTab=summary |
| 8 | W/19/2136 | Mrs Carol Duckham | Proposed pitch roof rear extension and reroofing of existing side extension | 54 Villiers Street CV32 5YF | Clarendon | https://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?keyVal=WARRWI_DCAPR_85348&activeTab=summary |
| 9 | W/19/2154 | Mr & Mrs Hyams | Rear extension and reconfiguration of ground floor and associated external works. Proposed approved under W/19/0545 but constructed with a level of 125mm higher than approved drawings | 44 Granville Street CV32 5XN | Clarendon | https://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?keyVal=WARRWI_DCAPR_85372&activeTab=summary |
| 10 | W/19/2167LB | Denfield Ltd | Minor internal alterations to accommodate air conditioning system | 6 Clarence Terrace CV32 5LD | Clarendon | https://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?keyVal=WARRWI_DCAPR_85389&activeTab=summary |
| 11 | W/19/2062 | Mr Wu | Erection of single storey side and rear extension with internal alterations | 30 Keir Close CV32 5WE | Lillington | https://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?keyVal=WARRWI_DCAPR_85266&activeTab=summary |

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|----|-----------|------------------------|---|---|------------|---|
| 12 | W/19/2121 | Miss Hannah O'Sullivan | Variation of condition 2 of planning permission W/19/0730 (Demolition of existing garage and erection of 2no. detached dwellings, garages and associated car parking [revised design to previously approved W/17/2095]) to allow internal reconfiguration resulting in fenestration alterations and the increase in length of the garage to enable the inclusion of a utility room. Proposed removal of condition 5 as the existing garage has since been demolished and removed from site. | 50 Newnham Road CV32 7SW | Lillington | https://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?keyVal=WARWI_DCAPR_853333&activeTab=summary |
| 13 | W/19/2170 | Kully Birdi | Proposed two storey rear extension. Proposed loft conversion incorporating hip to gable and rear dormer. Garage conversion. | 111 Kinross Road Lillington CV32 7EW | Lillington | https://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?keyVal=WARWI_DCAPR_853394&activeTab=summary |
| 14 | W/19/1986 | Mr Sam McMurty | Replace three (non original) windows on the side of the property with UPVC wood grain effect double glazed units | Flat 2 58 Kenilworth Road CV32 6JW | Milverton | https://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?keyVal=WARWI_DCAPR_85181&activeTab=summary |
| 15 | W/19/2166 | Mr & Mrs A Hayer | Side and rear extension | 21 The Fairways CV32 6PU | Milverton | https://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?keyVal=WARWI_DCAPR_85386&activeTab=summary |
| 16 | W/19/1614 | Miss Bill | Convert garage at front of house into study (similar to the neighbours next door). Add bifold doors to rear of property going out into the garden | 10 St Marks Road CV32 6DL | Milverton | https://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?keyVal=WARWI_DCAPR_85386&activeTab=summary |
| 17 | W/19/1949 | Mr Steven White | Conversion and extension of existing garaging into residential dwelling | 22 St Mary's Terrace CV31 1JT | Willes | https://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?keyVal=WARWI_DCAPR_85140&activeTab=summary |

