

Planning Committee

Minutes of the meeting held on Tuesday 11 January 2022 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Boad (Chairman); Councillors Ashford, Davison, R Dickson, Jacques, Kennedy, Leigh-Hunt, Margrave, Morris, Quinney, and Tracey.

Also Present: Committee Services Officer – Sophie Vale, Democratic Services Manager & Deputy Monitoring Officer (observing) – Graham Leach, Manager – Development Services – Gary Fisher, Principal Planning Officer – Helena Obremski, Head of Development – Adrian Harding, Business Manager – Development Management – Rob Young, Warwickshire County Council Highways Officer – Dave Pilcher, Director of Planning Icen Projects – Nick Ireland, Senior Officer, Highways Development Coventry City Council – Richard Hall, Highways and Drainage Development Manager Coventry City Council – Richard Thomas, Senior Environmental Health Officer – Michael Jenkins and Legal Advisor – Caroline Gutteridge.

127. **Apologies and Substitutes**

- (a) There were no apologies for absence received.
- (b) Councillor Davison substituted for Councillor Tangri and Councillor Margrave substituted for the Whitnash Residents Association vacancy.

128. **Declarations of Interest**

There were no declarations of interest made.

129. **Site Visits**

To assist with decision making, Councillors Boad, Dickson, Jacques, Kennedy, Leigh-Hunt, Morris and Quinney visited the application site for W/21/1370 – Coventry Airport, Rowley Road, Baginton, Coventry on Saturday 8 January 2022. Councillors Ashford and Boad also made independent visits to the site.

130. **Minutes**

The minutes of the meeting held on 14 December 2021 were taken as read and signed by the Chairman as a correct record.

131. **W/21/1370 – Coventry Airport, Rowley Road, Baginton, Coventry**

The Committee considered an outline planning application from Coventry Airport Ltd and Coventry City Council with all matters reserved apart from access for the development of battery manufacturing facility with ancillary battery recycling capability including landscaping, car parking, access and associated works.

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The application was presented to Planning Committee because of the number of objections received including objections from both Baginton and Bubbenhall Parish Councils. Should the application be granted, it would be subject to a Section 106 agreement and subject to referral to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2021.

The officer considered that in terms of harm, the development represented a departure from the Local Plan regarding the provision of employment use outside of the directed areas. However, this had to be put into context; the specific nature of the proposal was of regional and arguably national importance, which did not directly compete with other employment allocations in the Local Plan. Moreover, the proposal aligned with the spatial strategy in the Local Plan, in that policy DS4 required that the majority of growth was focused on the main urban areas of Warwick, Royal Leamington Spa, Whitnash and Kenilworth and on the southern edge of Coventry. Therefore, the level of harm associated with the departure from the plan was offered limited negative weight.

The proposal included the loss of an airfield, which was considered to be part of the general aviation network. However, given its very limited existing connectivity and relatively limited opportunities to meaningfully increase connectivity at the site, its loss was significantly outweighed by the substantial benefits which were identified. The loss of the airfield was therefore offered some negative weight.

The development would have a detrimental impact on the wider landscape character, namely through the introduction of a large-scale industrial building, on an open site. However, as detailed above, owing to the wider site context, the actual level of harm was tempered, and the weight offered to the harm was considered to be moderate.

There would be less than substantial harm to the Baginton Conservation Area, identified as being on the lower end of the scale. In view of the limited level of harm, this was given some negative weight.

The development represented inappropriate development by definition within the Green Belt and was harmful to openness in visual and spatial terms. In totality, the NPPF required that this was afforded significant weight.

The benefits of the proposal included the provision of a minimum of 15 hectares of public open space, which would connect to the wider Community Park, approved as part of the Whitley South and Gateway South developments.

The proposal would also make a significant contribution in addressing climate change concerns, which was identified as a key priority within the NPPF.

The very special circumstances case proposed by the applicant detailed the urgent need for the development and the fact that the delivery of the development could not wait for the Local Plan review process (the South Warwickshire Local Plan timetable expected adoption in December 2025) to

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consider release of the site from the Green Belt. It was demonstrated that the application site was the only one which could deliver the development within the required timescales. There would also be significant economic benefits associated with the development on a local and regional scale, and with this, significant detrimental impacts on the region's car manufacturing industry if the development was not to go ahead.

Taken together, the benefits that were identified were considered to be substantial. The economic benefits in particular were afforded significant weight. Furthermore, the very special circumstances case was considered to be compelling. It was considered not only to outweigh the harm to the Green Belt but would also outweigh other matters of harm identified above. Whilst the totality of harm identified above would be substantial (principally due to the fact that the development was inappropriate by definition within the Green Belt), it was considered that the compelling and critical case put forward by the applicants clearly outweighed the identified harm.

For these reasons, it was recommended that Planning Committee should grant planning permission.

An addendum circulated prior to the meeting provided a summary of the additional consultation responses received since the publication of the committee report. Officers recommended that, if granted, the changes and additions to the S106 Agreement outlined within the addendum should also be approved by Councillors. The addendum advised amendments to the wording of Condition 9 and included further conditions that were requested by the Environmental Health Officer, WCC Landscape and WCC Archaeology. It mentioned the potential for the site to be connected to Coventry City Council's (CCC) Very Light Rail Project and stated that officers had agreed with CCC that this idea be passed on to the developer as a note. Details of the Section 106 agreement were also included in the addendum, which secured the use of the site and future occupier, meaning that the site would only be used for the production and recycling of batteries and related low emission power technologies, and could not be occupied by anyone not approved by WDC as being an appropriate commercial entity. The applicant agreed to an additional clause within the S106 agreement which required them to assist businesses located within the application site to relocate to new premises.

The report and addendum gave details of financial contribution requests that had been received, with the addendum, issued subsequently giving further details. At the time of the meeting, the following financial contribution requests had been received.

£1,517,000 contribution towards management of the impacts on infrastructure associated with A46 strategic road link (agreed by WCC Highways, National Highways and Coventry City Council).

- WCC Highways contributions:
- £250,000 towards active travel improvements to the south of the site;
- £410,000 contribution to Baginton Gateway cycle improvements
- £790,000 maximum contribution towards delivery of bus services to serve Warwickshire;

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- £1,250,000 maximum towards delivery of traffic management scheme through Baginton village;
- National Highways contributions:
- £320,000 towards cycle infrastructure improvements to the A45/A46/A444 Stivichall Junction or an alternative scheme;
- £400,000 towards cycle infrastructure improvements on the A45 Corridor, or an alternative scheme;
- Coventry City Council Highways contributions:
- £150 per employee mobility credits, capped at £315,000;
- £480,000 for improvements to W&C Howes Lane / to Finham;
- £1,100,000 towards London Road Active Travel Corridor;
- contribution £200,000 for improvements to St James' Lane to Willenhall / Binley;
- £49,050 x 11 stations to be agreed for cycle hire scheme;
- £1,200,000 towards bus service enhancements;
- £80,000 for bus priority improvements at A444 / London Road;
- £68,000 towards travel plan monitoring.
- Biodiversity offsite mitigation, to equate to provision of 120 biodiversity credits, with a cap of £2.4 million, unless otherwise agreed by the Council;
- Skylark mitigation, with a cap of £600,000, unless otherwise agreed by the Council;
- Air quality mitigation damage costs of £433,386.74 (or equivalent scheme to the value of);
- Employment and Skills Plan to maximise jobs and training benefits for the area;
- WDC monitoring fee.

The following people addressed the Committee:

- Councillor Keightley, representing Baginton Parish Council, speaking in objection;
- Councillor Shattock, representing Bubbenhall Parish Council, speaking in objection;
- Mrs Beeson, objecting;
- Mr Clark, objecting;
- Mr Gilder, objecting;
- Mr Hooton, objecting;
- Ms Lucey, objecting;
- Mr Konrad, objecting;
- Mr Mason-Allen, objecting;
- Mr Penson, objecting;
- Mr Roberts, objecting;
- Mr Stocker, supporting;
- Mr Tait, supporting; and
- Councillor Redford, Ward Councillor, speaking in objection

In response to questions, the Principal Planning Officer informed Members that the scale of the site was not unusual, and that the size addressed the need that electrical battery production required. The Principal Planning Officer added that as the vast majority of the site would be built form, there would be a loss of habitat for local wildlife. However, there would be an opportunity for biodiversity offsetting.

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Councillor Kennedy praised Condition 9 about large, decentralised heating networks, but he wanted to encourage the developer to set a higher level of sustainability than what was usually mandated by current building regulations. He noted that this new development was supposed to make a huge contribution to sustainability nationally, so it would make sense for the site itself to have more ambitious standards. The Principal Planning Officer and the Legal Advisor stated that a note could be added to ensure that the developer strived for greater sustainability and came as close to carbon neutrality as possible.

In addition to this, Councillor Davison asked that a second note be added to encourage the end user to accommodate electric vehicles in 100% of the site's available car parking spaces. The Principal Planning Officer had stated that although current policy required just 10% of car parking needed to provide for EVs, the applicant was proposing an increase to 25% already. However, Members felt that this was too low so a note requesting 100% should be included.

The Legal Advisor reminded Members that, prior to a decision being issued, in accordance with the Town and Country Planning (Consultation) (England) Direction 2021, the application would be referred to the Secretary of State. This was because the development was considered to represent inappropriate development in the Green Belt and was over 1,000sqm, which was the threshold required for referral. She also stated that the Secretary of State would have the power to impose new conditions or amend the ones agreed by the Committee.

Following consideration of the report, addendum, presentation and the representations made at the meeting, it was proposed by Councillor Jacques and seconded by Councillor Kennedy that the application be granted, subject to referral to the Secretary of State, the S106 obligations and conditions as set out in the report and addendum, along with the additional notes to the applicant.

Resolved that in respect of W/21/1370

- (1) it be **granted** subject to
 - (a) referral to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2021;
 - (b) a section 106 agreement for the use and occupation of the site, and financial contributions as set out above; and
 - (c) the following conditions:

No.	Condition
(1)	details of the following reserved matters for each phase of the development shall be submitted to and approved in writing by the local planning authority before any part of that phase of

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | <p>the development is commenced:-</p> <ul style="list-style-type: none">• the layout of the phase and its relationship with existing adjoining development;• the scale of the buildings;• the appearance of the buildings; and• the landscaping of the site. <p>The development shall be carried out in full accordance with these reserved matters as approved. Reason: To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended);</p> |
| (2) | <p>application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);</p> |
| (3) | <p>the development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);</p> |
| (4) | <p>no development within any phase shall take place until a detailed surface water drainage scheme for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved</p> |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p data-bbox="927 190 1425 324">details before the relevant phase of development is completed. The scheme to be submitted shall:</p> <ul data-bbox="927 333 1425 1749" style="list-style-type: none"><li data-bbox="927 333 1425 504">• Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.<li data-bbox="927 512 1425 1072">• Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.<li data-bbox="927 1081 1425 1498">• If discharging to a drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any discharge to their system should be presented for consideration.<li data-bbox="927 1507 1425 1749">• Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.
	<p data-bbox="927 1792 1425 2067">Reason: To prevent the increased risk of flooding; to improve and protect water quality and to improve habitat and amenity in accordance with Policies FW1, NE5, NE2 and BE3 of the Warwick District Local Plan 2011-2029;</p>

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| (5) | <p>1. no development of each phase shall commence unless and until:</p> <p>(a) a site investigation shall be designed for that phase using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This must be submitted to and approved in writing by the planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:</p> <ul style="list-style-type: none">• A risk assessment to be undertaken relating to human health• A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected• An appropriate gas risk assessment to be undertaken• Refinement of the conceptual model• The development of a method statement detailing the remediation requirements <p>(b) the site investigation has been undertaken in accordance with details approved by the planning authority and a risk assessment has been undertaken for that phase.</p> <p>(c) a method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | information obtained from the site investigation for that phase, has been submitted to the planning authority. The method statement shall include details of programming and of how the remediation works will be validated upon completion of that phase. This should be approved in writing by the planning authority prior to the remediation being carried out on the site; |
| 2. | each phase of the development of the site shall accord with the approved method statement and programming for that phase; |
| 3. | if during development contamination not previously identified is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the planning authority through an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with and a programme for doing so; |
| 4. | upon completion of the remediation detailed in the method statement for each phase, a report shall be submitted to the planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement for that phase. Post remediation sampling and monitoring |

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

results for that phase shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report for that phase;

5. no occupation of each phase of development shall take place until a verification report demonstrating completion of the works set out in the approved remediation method statement and the effectiveness of the remediation has been submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To safeguard health, safety and the environment and to prevent the pollution of Controlled Waters, notably the underlying Principal and Secondary A groundwater aquifers and the nearby River Avon, in accordance with Policies

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | BE3 and NE5 of the Warwick District Local Plan 2011-2029; |
| (6) | no development, other than works of demolition, shall be carried out unless and until a Materials Management Plan for the site to ensure that minerals which can be viably recovered during development operations are recovered, has been provided to and agreed in writing by the Local Planning Authority. The Plan shall set out measures to be taken to minimise the sterilisation of minerals resources of local and national importance, the type and anticipated quantity of mineral to be removed, the method of recovery, time scales, on-site and off-site storage facilities, movement of minerals both on site and/or off site and the measures and controls to be applied to deal with amenity considerations. The Materials Management Plan shall be adhered to throughout the duration of the construction period. Reason: To minimise the sterilisation of minerals resources, in accordance with the requirements of Policy NE5 of Warwick District Local Plan 2011 – 2029; |
| (7) | no above ground construction shall commence in each phase until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site for that phase, has been submitted to and approved in writing by the Local Planning Authority. That phase of the development shall not then be occupied until the scheme for that phase has been implemented to the satisfaction of the Local Planning Authority. Reason: In the interests of public safety from fire and the |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	protection of emergency fire fighters;
(8)	no demolition or construction works shall commence in any phase (including any ground remodelling works), until an arboricultural method statement (AMS) and a tree protection plan (TPP), together referred to as the scheme of protection, for the protection of the trees to be retained within that phase have been submitted to and approved in writing by the Local Planning Authority.

The scheme of protection must be prepared in accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations (referred to here as BS 5837) and shall refer to a retained tree’s root protection area (RPA as defined in BS 5837) and to any work that may affect a retained tree above-ground.

Specific issues to be considered in the scheme of protection shall include how to control:

- the impact that demolition may have (if appropriate).
- the impact that the installation of services/utilities/drainage may have (if appropriate).
- the impact that construction may have
- the impact that changes in level may have.

The scheme of protection should make recommendations for:

- tree pruning to allow the development to proceed (if appropriate)
- tree protection, to be shown on the TPP with offsets from fixed points to confirm the alignment of any protective

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>fencing and the extent of any ground protection</p> <ul style="list-style-type: none">• ground protection where scaffolding will be erected (if appropriate)• ground protection where cranes will be installed (if appropriate).• the specification and installation of any boundary treatments within or adjacent RPA's or that may impact any of the retained trees• the specification for the construction of any access, driveway, parking area or the like that encroach over the RPA's of the retained trees• site setup, including (but not limited to) site access, parking, on-site welfare facilities, temporary buildings, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing, including suitable control measures to protect the retained trees from harm from those facilities or activities• a site monitoring protocol that will confirm by independent examination by a suitably qualified tree specialist that the agreed scheme of protection is in place

The development thereafter for that phase shall be implemented in strict accordance with the approved scheme of protection, which shall be kept in place until all parts of the development of that phase have been completed and all equipment, machinery and surplus materials have been removed.

Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | BE1 and NE1 of the Warwick District Local Plan 2011-2029; |
| (9) | <p>no phase of the development hereby permitted shall be commenced unless and until a pre-assessment and design stage assessment by an accredited BREEAM assessor demonstrating how the development will be designed and constructed to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent) for that phase has been submitted to and approved in writing by the Local Planning Authority. Consideration must be given to the potential to incorporate large scale decentralised district heating networks such as Combined Heat and Power (CHP). Within six months of the first occupation of the development in that phase a completion stage assessment by an accredited BREEAM assessor demonstrating that the development in that phase achieves as a minimum BREEAM standard 'very good' (or any future national equivalent) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029.</p> |
| (10) | <p>notwithstanding the submitted details, no phase of development shall commence on any reserved matters consent until a Final Tree Retention and Removal Plan identifying existing trees, shrubs and hedgerows to be retained within the area to which that application relates has been submitted to and</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | approved in writing by the local planning authority. The existing trees, shrubs and hedgerows shown to be retained on this plan shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any trees, shrubs or hedgerows removed without such consent or dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with trees, shrubs or hedgerows of such size and species details of which must be submitted to and approved by the local planning authority. All trees, shrubs and hedgerows shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). Reason: To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance for the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011; |
| (11) | each phase of the development hereby permitted shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority for that phase. The CEMP needs to be compliant with the British Standard on Biodiversity BS 4200:2013 published in August 2013. In discharging this |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | condition the LPA expect to see details concerning pre-commencement checks and monitoring for protected and notable species, and habitats as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent on further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full for each phase. Reason: To ensure that protected species are not harmed by the development, in accordance with the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029; |
| (12) | <p>no development of each phase shall commence until a Protected Species Contingency Plan has been submitted to and approved in writing by the planning authority for that phase of development. The plan shall include:</p> <ul style="list-style-type: none">a) Updated species surveys –<ul style="list-style-type: none">- Further bat survey of the trees (if trees in the pLWS Rowley Lane are to be impacted, or final plans show trees to be removed, sensitive areas impacted by lighting or significant period lapses);- Updated checks of the buildings for bats;- <i>Further</i> updated badger surveys;- and other species where deemed appropriate.b) If updated surveys record a protected species details will be required on development licences and appropriate mitigation strategy. The latter |

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No.	Condition
(15)	<p>development/associated works and the boundary of the LWS. Access to, or storage of materials within, this buffer zone must not be permitted. Reason: To ensure the protection of important habitats during development in accordance with Policy NE2 of the Warwick District Local Plan 2011 – 2029;</p> <p>no phase of the development hereby permitted shall be commenced unless and until a scheme detailing how the development has been designed in accordance with the principles of 'Secured by Design Commercial 2015' (or any future national equivalent) for that phase, has been submitted to and approved in writing by the Local Planning Authority. In particular, when discharging this condition, the LPA expects to see the following information considered:</p> <ul style="list-style-type: none">• Building sites and in particular, site offices and storage areas are becoming common targets for crimes such as theft of plant and fuel. These sites should be made as secure as possible.• All plant and machinery should be stored in a secure area.• Tools and equipment should be marked in such a way that they are easily identifiable to the company.• Consideration should be given to the use of security patrols.• Developers are requested to inform the local Safer Neighbourhood Policing Team, which covers the area of the development that they have arrived on site and provide contact numbers of the site manager for use in the case of an emergency.

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | <ul style="list-style-type: none">• A grid reference for the site should be provided. <p>Each phase shall be carried out in accordance with the approved details and any approved security measures shall be retained in perpetuity.</p> <p>Reason: To ensure a high quality design which is designed against crime and fear of crime, in accordance with the NPPF and Policy BE1 of Warwick District Local Plan 2011 – 2029;</p> |
| (16) | <p>Each phase of the development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide information on:</p> <ul style="list-style-type: none">• the anticipated movements of vehicles;• the parking and loading/unloading of staff, visitor, and construction vehicles;• the storage of plant and materials used in constructing the development;• a turning area within the site for construction vehicles;• wheel washing facilities and other measures to prevent mud/debris being passed onto the public highway;• a construction phasing plan;• a HGV routing plan for construction traffic and deliveries.;• any temporary measures required to manage traffic during construction,• plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction, |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | <ul style="list-style-type: none">• dust management and suppression measures,• odour management and suppression measures• demolition or clearance works,• noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites – Part 1 and 2; concrete crusher if required or alternative procedure,• delivery times,• site lighting, access and protection arrangements around the site for pedestrians, cyclists and other road users,• restrictions on burning and details of all temporary contractors buildings,• plant and storage of materials associated with the development process,• external safety and information signing notices,• complaints procedures, including complaints response procedures and dedicated points of contact,• membership of the considerate contractors scheme, and• best practicable means shall be employed at all times to control noise and dust on the site, including specification for approval of the hours within which work which is likely to give rise to noise nuisance, and the arrival of delivery vehicles, are allowed. |

A model CMP can be found on the Council's website
[\(<https://www.warwickdc.gov.uk/downloads/file/5811/construction>\)](https://www.warwickdc.gov.uk/downloads/file/5811/construction)

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | <p>n management plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. Reason: In the interests of the safe and efficient operation of the strategic road network, highway safety, the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with the NPPF and Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;</p> |
| (17) | <p>no development shall take place other than in accordance with a phasing plan, or any subsequent revision to a previously approved phasing plan, which shall first have been submitted to and approved in writing by the Local Planning Authority. Reason: To define the permission in the interests of highway safety and impact on neighbouring amenity in accordance with Policies TR1, TR3 and BE3 of the Warwick District Local Plan 2011-2029;</p> |
| (18) | <p>no occupation and subsequent use of any phase of the development shall take place until a detailed maintenance plan is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the lifetime of the development of that phase. The name of the party responsible, including contact name and details shall be provided to the LPA within the maintenance plan. Reason: To ensure the future maintenance of the sustainable drainage structures in accordance with Policy FW2 of</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | the Warwick District Local Plan 2011 – 2029; |
| (19) | piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. Reason: To ensure the protection of Controlled Waters in accordance with Policy NE5 of the Warwick District Local Plan 2011 – 2029; |
| (20) | no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. Reason: To ensure the protection of Controlled Waters in accordance with Policy NE5 of the Warwick District Local Plan 2011 – 2029; |
| (21) | no construction or deliveries traffic during the construction phase will take place Monday to Friday during the following time periods 07:00 – 09:00 and 16:00 – 18:00 to minimise the impact construction traffic has on the operation of A45 and A46 Corridors, notably A45/A46/A444 Stivichall and A45/A46 Toll Bar End Junctions during the peak travel periods. Reason: To ensure the safe and efficient operation of the strategic road network in accordance with the NPPF and |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | Policy TR1 of the Warwick District Local Plan 2011 – 2029; |
| (22) | prior to occupation of the first phase of the development a Site Wide Travel Plan will be submitted and approved in writing by the Local Planning Authority in consultation with Highways England as Highway Authority for the A45 and A46 Corridors. The approved Site Wide Travel Plan shall be implemented in strict accordance with the approved details at all times thereafter.
Reason: To promote the use of sustainable modes of transport and reduce the reliance upon car based journeys, in accordance with the NPPF and Policies TR1 and TR2 of the Warwick District Local Plan 2011 – 2029; |
| (23) | in respect of the Reserved Matters to be submitted in accordance with Condition 1, the building ridge heights and footprints and the overall Gross Internal Area of all building floorspace shall be within the maximum limits set down in approved Parameters Plan drawing no. 1618701-SPG-XX-XX-DR-A-111008. Reason: To define the permission in the interests of urban design and highway safety and capacity in accordance with Policies BE1 & TR2 of the Warwick District Local Plan 2011-2029; |
| (24) | the reserved matters to be submitted in accordance with Condition 1 for each phase shall include sample details of facing, roofing and hard surfacing materials for that phase. Thereafter the development shall be constructed in full accordance with such approved details or any amendment of these subsequently approved in writing by the local planning |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | authority. 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; |
| (25) | pursuant to condition one, in respect of each phase of development, any hard landscaping approved under any reserved matters consent, including boundary treatment, paving and footpaths, shall be completed in all respects within the 6 months of the first use of that phase of the development hereby permitted. In respect of each phase of development, any soft landscaping approved under any reserved matters consent, including any tree(s) and shrub(s), shall be planted within the first planting season following that first use of that phase. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of that phase of development shall be replaced within the next planting season by tree(s) or shrub(s) of the same size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. 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; |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| (26) | the reserved matters to be submitted in accordance with Condition 1 shall be accompanied by details of showering and changing facilities for employees working or visiting. Thereafter such approved facilities shall be provided in the construction of the development at all times following the first occupation. Those facilities shall remain in place and be available for use at all times thereafter. Reason: To promote sustainable transport choices in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; |
| (27) | no lighting or illumination of any part of the building or site shall be installed for each phase of the development until a detailed lighting scheme has been submitted and agreed between the applicant and the local planning authority for that phase. In discharging this condition the District Planning Authority expects lighting to be restricted around the boundary edges, along the pLWS Rowley Lane wooded belt, any trees, hedgerows, around any 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: <ul style="list-style-type: none">• Lighting should be directed away from vegetated areas• Lighting should be shielded to avoid spillage onto vegetated areas• The brightness of lights should be as low as legally possible;• Lighting should be timed to provide some dark periods;• Connections to areas important for foraging should contain unlit stretches. |

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

The lighting scheme must include:

- a layout plan detailing the position and type of the proposed lighting for both the construction and operational phase lighting. This should incorporate a zone of influence contour plan showing illuminance levels in relation to residential receptors prior to work starting. The lighting assessment should provide maximum vertical illuminance levels at nearby residential receptors.
- mounting heights and beam orientation, description and type of luminaires / lamp and angle of lighting and predicted light spill/ trespass beyond the site.
- steps taken to minimize light trespass, glare and sky glow.
- proposed time of operation of the lighting in the scheme including details of any control such as movement detectors and timers.
- purpose of the lighting – e.g. general amenity, security, advertising.

The lighting shall be carried out and operated only in full accordance with those approved details. **Reason:** To ensure that any lighting is designed and operated so as not to detrimentally affect the amenities of the occupiers of nearby properties and to safeguard the presence and population of protected species in line with UK and European Law, the National Planning Policy Framework and Policies BE3 and NE2 of the Warwick District Local Plan 2011-2029;

(28) no phase of the development hereby permitted shall be

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) for that phase has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan; |
| (29) | noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. Reason: To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (30) | the development shall not be occupied until the vehicular access and emergency vehicular access into the application site have been provided, in accordance with Drawing Number 05232-j-0100-P3 (Preliminary Access Proposals) and constructed to the standard specification of the Local |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | Highway Authority. Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; |
| (31) | no development shall be occupied until the estate roads (including footways) serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with details approved in writing by the Local Planning Authority. Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; |
| (32) | the accesses to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. Reason: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; |
| (33) | prior to the submission of any reserved matters application for any phase of the development, a Parking Strategy for that phase shall be submitted to and approved in writing by the local planning authority. The approved Parking Strategy shall thereafter be implemented in strict accordance with the approved details. Reason: To ensure adequate off-street car parking and servicing facilities in the interests of highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029; |
| (34) | no phase of the development hereby permitted shall be occupied unless and until the car |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | parking and manoeuvring areas, and secure cycle parking area indicated on the approved drawings as part of the reserved matters process for that phase have been provided and thereafter those areas shall be retained and kept marked out and available for such use at all times. Reason: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029; |
| (35) | each reserved matters application shall include for a scheme of cycle parking to meet the minimum requirements of the Warwick District Parking Standards. Reason: To ensure adequate cycle storage facilities are provided in the interests promoting sustainable transport patterns in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; |
| (36) | prior to occupation of any building within the development hereby permitted, access on Bubbenhall Road, Stoneleigh Road and Coventry Road for the vehicles of employees, HGVs and other service/delivery vehicles to the site, shall be restricted and enforced in full accordance with an Access Restriction Strategy (taking into account the provisions included with in the strategy for Gateway South) that shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the monitoring and enforcement of the approved Strategy associated with the development shall be managed in full accordance with this approval unless otherwise agreed in writing by the Local |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | Planning Authority. Reason: To ensure that HGV and employee traffic does not result in a detrimental impact on amenity and in the interests of both highway safety and residential amenity in accordance with Policies BE3 and TR1 of the Warwick District Local Plan 2011-2029; |
| (37) | in pursuance of condition 1 above, the details submitted shall be in accordance with the Green Infrastructure Strategy (Appendix 11.9 of the Environmental Statement), submitted with the application. Reason: In accordance with Policies NE1 and NE4 of the Warwick District Local Plan 2011 – 2029; |
| (38) | the submission of any reserved matters application for any phase of the development shall be accompanied by a noise impact assessment report for all operational noise for that phase, to be submitted to and agreed in writing by the Local Planning Authority for approval. The report shall include full details of noise mitigation measures for that phase of the development (including noise calculations). The noise mitigation measures approved shall be implemented in strict accordance with the approved details. The approved noise mitigation measures shall be maintained in a manner that achieves the noise attenuation specified in the approved report at all times thereafter. Reason: To ensure that the level of noise emanating from the site is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | the Warwick District Local Plan 2011-2029; |
| (39) | <p>the submission of any reserved matters application for any phase of the development shall be accompanied by an air quality assessment report for all operational plant source emissions from that phase, to be submitted to and agreed in writing by the Local Planning Authority. The report shall include full details of air quality mitigation measures for that phase of the development. The air quality mitigation measures approved shall be implemented in strict accordance with the approved details. The approved air quality mitigation measures shall be maintained in a manner that achieves the mitigation specified in the approved report at all times thereafter.</p> <p>Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;</p> |
| (40) | <p>any potential odour processes within any phase of development shall be identified and an odour assessment (including external ducting flues) for that phase shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation required shall be installed in full accordance with the approved details, along with an Odour Management Plan and the equipment shall be inspected by the Local Authority before the use hereby permitted commences within that phase. The equipment shall thereafter be permanently maintained in full accordance with the manufacturer's instructions and be operated at all times.</p> <p>Reason: To ensure that odours</p> |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>2. Reflect that access to usable and attractive green space is important for health and wellbeing and should reflect local needs, directly connect to the wider green infrastructure, namely the nearby Community Park, and create accessible and well-designed amenity green spaces. Trees and associated green infrastructure should provide for a range of functions and benefits and be proportionate to the built development and of a sufficient height at the time of planting to help mitigate the development. A list of species should be provided as a palette for use. This can include non-native species within the core of the development. Trees should be selected to reflect the local landscape character and which can provide valuable habitat and take account of local site conditions.</p>
	<p>3. Consider sustainability and climate change, e.g. in terms of choice of materials, boundary treatments, water conservation, and sustainable drainage.</p>
	<p>4. Neighbourhood views and middle to long distance views are considered to be sensitive and should be a design consideration. Green walls should be considered to help minimise landscape and visual impacts, particularly those which face towards the public realm. External lighting should be sensitively designed to avoid light spillage.</p>
	<p>The reserved matters for any phase should reflect the approved Design Code or any subsequent amendment to the Design Code which shall first have been submitted to and</p>

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | approved by the Local Planning Authority.
Reason: To ensure that the proposed development has a high-quality comprehensive design and in the interests of the visual amenities of the locality in accordance with the NPPF and Policy BE1 of the Warwick District Local Plan 2011-2029; and |
| (43) | prior to the approval of Reserved Matters for any phase of development:
a) A programme of archaeological evaluation is to be undertaken in accordance with a written scheme of investigation for that phase which has been submitted by the applicant and approved in writing by the local planning authority. A report detailing the results of this fieldwork is to be submitted to the Local Planning Authority.
b) An Archaeological Mitigation Strategy document for that phase shall be submitted to the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development for that phase. Dependent upon the results of the trial trenching, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits of national importance. Unless otherwise agreed in writing with the Local Planning Authority, no development shall take place in any development phase until the Archaeological Mitigation Strategy document for that development phase has been approved in writing by the Local Planning Authority and any fieldwork detailed in the approved Archaeological |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>Mitigation Strategy document has been completed to the satisfaction of the Local Planning Authority. The post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the approved Mitigation Strategy document.</p> <p>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.</p>

- (2) that subject to the wording being agreed in liaison with the Chairman the following notes to the applicant be added to the decision notice:
- (a) the improved sustainability potential of the building so it is as close to carbon neutral as possible;
 - (b) the expectation that 100% of the car parking space will have the provisions to accommodate electric vehicle charging; and
 - (c) the applicant be encouraged to design the proposed multi-modal interchange, and associated access arrangements at the Gigafactory site to provide passive provision to accommodate future Very Light Rail services, in addition to the bus services that will be serving the site from the opening of the site, in consultation with Coventry City Council and Warwickshire County Council Highways Engineers.
- (3) authority be delegated to the Head of Development Services, in liaison with the Chair of Planning Committee, to finalise the terms of the Section 106 agreement including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test; and

PLANNING COMMITTEE MINUTES (Continued)

- (4) should a satisfactory Section 106 agreement not have been completed by 31st March 2022 and there is no ongoing progress towards the satisfactory completion of the Section 106 Agreement, authority be delegated to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues that are the subject of that agreement.

(The meeting ended at 9.46pm)

CHAIRMAN
1 February 2022