

# Planning Committee

Minutes of the meeting held on Wednesday 11 October 2023 at Shire Hall, Warwick at 6.00pm.

**Present:** Councillor Boad (Chairman); Councillors Cron, R Dickson, B Gifford, Kang, Luckhurst, Margrave, Noonan, Rosu, Sullivan, and Williams.

**Also Present:** Committee Services Officer – Sophie Vale; Legal Advisor – Ross Chambers; Principal Planning Officer – Adam Walker; Principal Planning Officer – Dan Charles; Business Manager – Sandip Sahota; and Head of Governance & Monitoring Officer – Graham Leach.

## 75. **Apologies and Substitutes**

- (a) An apology for absence was received from Councillor Phillips; and
- (b) Councillor Rosu substituted for Councillor Collins.

## 76. **Declarations of Interest**

Minute Number 78 – W/22/1228 – Surface Car Park, Talisman Square, Kenilworth

Councillor Dickson declared an interest because he lived within 200m of Talisman Square. However, he had an open mind and did not consider himself to be predetermined in any way.

Minute Number 80 – W/22/1077 – Land to the east of Stratford Road, Longbridge, Warwick

Councillor Rosu declared an interest because he was registered to speak in objection in respect of this application in his capacity as District Councillor. He would remove himself from the debate on this item and would not vote.

## 77. **Site Visits**

Councillor R Dickson made independent site visits to:

W/22/1228 – Surface Car Park, Talisman Square, Kenilworth;

W/22/1077 – Land to the east of Stratford Road, Longbridge, Warwick; and

W/23/1115 - Land at Warwickshire Police HQ, Woodcote Lane, Leek Wootton.

Councillors Boad, Gifford, Day and Williams attended the group site visit to W/22/1077 – Land to the east of Stratford Road, Longbridge, Warwick.

## 78. **W/22/1228 – Surface Car Park, Talisman Square, Kenilworth**

## **PLANNING COMMITTEE MINUTES (Continued)**

The Committee considered an application from Cobalt Estates (Kenilworth) Limited for a mixed-use development comprising 670sq.m of Class E Floorspace at ground level, with 43 residential units over.

The application was presented to Committee because of the number of objections received including an objection from Kenilworth Town Council.

The officer was of the opinion that the redevelopment of the site for a mixed commercial and residential scheme had previously been found to be acceptable and the proposal was for a similar form and scale of development. The principle of the proposed Class E units and residential flats was acceptable in this town centre location and the development would contribute towards the vitality of Kenilworth town centre. The massing and design of the building was considered to be acceptable and the development would provide satisfactory living conditions for the future occupiers (subject to consideration of the proposed louvre system as discussed within the report). Furthermore, the proposals would not result in any significant harm to the amenity of neighbouring occupiers and would not unduly prejudice highway safety. There would be no harm to any designated heritage assets and the proposal would not result in any unacceptable ecological impacts. It was therefore recommended that planning permission should be granted.

An addendum circulated at the meeting advised of a clarification on the WCC Highways consultation response, a comment from officers, a clarification on the proposed parking adjacent to the Waitrose store, a comment on the living conditions of future occupiers, and additional public representations.

The following people addressed the Committee:

- Councillor K Dickson, Kenilworth Town Council, speaking in objection;
- Dr Dallaway, objector;
- Dr Fawcett, objector;
- Mr Moss, objector;
- Ms Butler, objector; and
- Mr Pardoe, supporter/applicant.

In response to questions from Members, the Principal Planning Officer confirmed that the Supplementary Planning Document's (SPD) parking standard was 84 spaces. However, the development would only offer 35 car parking spaces. Officers believed that the application met the criteria set out in the SPD regarding highly sustainable locations, which would allow for a reduced number of parking spaces. Therefore, on balance, the reduced number of parking spaces was deemed acceptable. It was acknowledged that 14 of the total number of car parking spaces would be located to the south of the site, slightly further away than was ideal. However, this inconvenience was not deemed substantial enough to warrant a change in assessment.

The Principal Planning Officer explained that the design of the building was a subjective issue. Officers had made a judgement against the relevant

## **PLANNING COMMITTEE MINUTES (Continued)**

policies and concluded that the design was acceptable, despite being larger than surrounding properties.

The Council's Legal Officer reminded Members that weight needed to be given to the application site's existing Planning approval as this was a material consideration relating to design. The current application was in fact smaller than the one with existing approval. He also explained that the Warwickshire Local Plan was a material consideration in the previous application.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Dickson and seconded by Councillor Cron that the application should be refused in relation to concerns about design and the under-provision parking.

(At 7.10pm, the meeting was adjourned for 10 minutes so Officers could gather more information to advise Councillors.)

Following the short adjournment, the Council's Legal Advisor stated that robust, clear, evidence-based planning reasons needed to be given in order to refuse the application contrary to the recommendation in the report.

Members clarified that, in their view, the proposals conflicted with policies TC1, BE1 and TR3 of the Warwickshire Local Plan regarding the design of the application and the under-provision of car parking spaces. It was also determined that the proposals conflicted with policies KP12 and KP13 in the Kenilworth Local Plan for the same reasons. In terms of parking, weight was also given to the objection received from the WCC Highways Officer.

The Council's Legal Advisor accepted that these were valid planning concerns which officers could defend.

The advice from the Legal Advisor was accepted by Councillor Dickson and seconded by Councillor Cron, and the proposal was put to a vote.

The Committee therefore

**Resolved** that W/22/1228 be **refused**, contrary to the recommendation in the report, because the proposals would conflict with policies BE1, TC1, TR3, KP12 and KP13 in the Warwick District Local Plan and Kenilworth Neighbourhood Plan respectively.

(Councillor Tangri left the room briefly during consideration of this item and therefore could not vote.)

### 79. **W/23/1115 - Land at Warwickshire Police HQ, Woodcote Lane, Leek Wootton**

The Committee considered an application from Cala Homes (Cotswolds) Limited for up to 83 dwellings (including affordable housing), access, internal roads and footpaths, car parking, public open space, landscaping,

## **PLANNING COMMITTEE MINUTES (Continued)**

drainage and other associated works and infrastructure (all matters of detail reserved except for the vehicular access to the site).

The application was presented to Committee because of the number of objections including an objection from Leek Wootton and Guys Cliffe Parish Council, and also because the recommendation was one of approval, subject to a Section 106 Agreement.

The officer was of the opinion that the principle of development had been considered acceptable as the site formed part of a wider allocation, although circumstances had changed, which precluded bringing the whole site forward for a comprehensive re-development. As the parcels of land associated with this development were separate entities, Officers were satisfied that some housing could be realised on these land parcels and, as the balance of the allocated site area would remain within the control of Warwickshire Police, the existing Heritage Asset of Woodcote House would be maintained. This concern was a driving factor behind the requirement for a comprehensive redevelopment project.

Technical Matters had been resolved to the satisfaction of statutory consultees. On this basis, no objection was raised to the proposal.

Subject to the outstanding information being submitted to the satisfaction of the relevant consultees, Officers recommended that the application should be granted subject to the conditions set out within the report and subject to the completion of a Section 106 Agreement to secure the required obligations.

The following people addressed the Committee:

- Councillor Coates, Leek Wootton and Guys Cliffe Parish Council, speaking in objection;
- Mr Cooper, objector;
- Mr Gill, objector;
- Ms Rigby, objector;
- Mr Wilson, objector;
- Ms Owen, supporter; and
- Councillor Payne, District Councillor, speaking in objection.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Gifford that the application be refused in line with the reasons given with the last time an application for Talisman Square came before the Committee. He noted that this could have been an opportunity for the applicant to come back with a masterplan to comply with policy DS22, but instead it was the exact same plan as before.

Before this proposal was seconded, Councillor Williams requested to slightly reword the order of refusal reasons. He acknowledged that the Committee's primary concern was non-compliance with policy DS22, so wanted to put this first and then concerns surrounding harms outweighing public benefit second. He also proposed to keep biodiversity concerns as part of the refusal reason.

## **PLANNING COMMITTEE MINUTES (Continued)**

The Council's Legal Advisor noted that biodiversity concerns were not part of the reason for refusal last time. Biodiversity concerns were encompassed in a note to the applicants but were not included in the reasons provided by the Committee. If Members were minded to add this to the refusal reasons then they needed to consult with Officers.

At 8.19pm, it was proposed by Councillor Boad and seconded by Councillor Gifford that the public and press be excluded from the meeting so that the Committee could discuss confidential information relating to the ongoing enquiry regarding the Committee's previous decision on the application site, and to receive advice from the Council's Legal Advisor.

At 8.57pm, the Committee resumed public session to deliver the verdict. As the original proposer, Councillor Gifford accepted amendments to include biodiversity to the refusal reason. It was then proposed by Councillor Gifford and seconded by Councillor Cron that the application should be refused.

The Committee therefore

**Resolved** that W/23/1115 be **refused**, contrary to the recommendation in the report because of the harm to the setting of the Grade II Listed Building and locally listed park. There were no public benefits to outweigh this harm and the proposals would conflict with Local Plan Policy DS22, which imposed a stricter test for development proposals on this particular site. Criteria (a) (b) (c) and (h) required proposals to protect and enhance the historic assets and their setting and to contribute positively to the landscape character. Furthermore, the proposals were therefore contrary to Local Plan Policy HE1 and the NPPF.

The proposal was contrary to Policy DS22 as it would not bring about a comprehensive redevelopment of the site as a whole through a masterplan as envisaged by that policy, and as a direct result of this, the biodiversity offsetting was not able to be achieved on site, and therefore the proposal was also contrary to Local Plan Policy NE3.

### 80. **W/22/1077 – Land to the east of Stratford Road, Longbridge, Warwick**

The Committee considered an outline application (with all matters reserved except for access) from Midlands Land Portfolio Limited for employment related development (including B2/B8 use class and E g) iii) use class) together with associated development.

The application was presented to Committee because of the number of objections received and because it was recommended that planning permission be granted subject to the completion of a legal agreement.

## **PLANNING COMMITTEE MINUTES (Continued)**

The Officer was of the opinion that this was an outline planning application, with all matters reserved except for access for the development of 8.8hectares of land for employment purposes consisting of Use Classes B2, B8 and E(g)iii.

No indicative details had been presented at this stage in relation to the possible siting or appearance, but a Parameters Plan indicated the parts of the site in which built form was expected to be located. The Parameters Plan also set out the maximum scales of development within the site.

The principle of development was considered acceptable having regard to Policies EC1 and DS9.

Having regard to all the possible impacts of the proposed development, in relation to visual and landscape impacts, the setting of heritage assets, residential amenity, highway safety and traffic, drainage, ecology, sustainability measures and air quality, Officers were satisfied that the site could accommodate the proposed development without causing demonstrable harm to the aforementioned matters. In making this assessment, regard was made to a number of proposed mitigation measures, necessary conditions to secure such measures which would form part of any approved outline permission and a S.106 Agreement that further sought to ensure the impacts of the development were properly mitigated.

Subject to such conditions being imposed and the subsequent reserved matters applications having regard to the considerations and requirements set out in the report, it was recommended that planning permission should be approved subject to the conditions set out in the report, as well as the relevant terms of the S.106 Agreement which were summarised in the report.

An addendum circulated at the meeting advised that an additional representation from the public had been received, and of the following additional condition requested by WCC Highways:

*"Prior to first occupation of the development, the developer shall complete a routing agreement with the Local Planning Authority (in conjunction with the Local Highway Authority), in order to prevent goods vehicles from the site using nearby residential areas or the weight limited Town Centre routes in Warwick. The agreement shall include for monitoring facilities such as ANPR to identify any vehicles not complying with the Routing Agreement. 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".*

The following people addressed the Committee:

- Dr Hodgetts, Conservation Advisory Forum, speaking in objection;
- Mr Gardener, objector;
- Mrs Wallbank, objector;
- Councillor Holland, objector;
- Mr Wakefield, supporter/applicant; and
- Councillor Rosu, District Councillor, speaking in objection.

## **PLANNING COMMITTEE MINUTES (Continued)**

In response to questions from Members, the Principal Planning Officer stated that:

- condition 20 (1) related to the maximum height that would be permitted on the site. The height was based on the floor area of the building and the condition aimed to provide maximum flexibility for the applicants;
- if Members were minded to grant this application, any future reserved matters applications could not be refused solely on the grounds of the height of the building. Members would not be bound to accept a building reaching the maximum height, but their reasons for refusal would need to be in relation to the reserved matters issues and any potential harm caused;
- the application being considered was for the principal access of the roundabout only. Everything else, including cycle and pedestrian routes, would come under future reserved matters applications. There were no details as of yet for the site, only an indicative plan that was subject to change;
- the maximum height of 18.5m stemmed from the 15m internal clear working height;
- recent times had demonstrated that industrial warehouses, especially those within the use class B8, were now in demand, The site was designated employment land so would be suitable for this type of application; and
- design, appearance, layout, and landscaping would fall under reserved matters.

In response to further comments from Members, the Business Manager explained that:

- the site was allocated in the Local Plan as employment land and a lot of the decisions about the conditions for the outline application were taken at the point of allocation;
- Members were able to either amend the height limit set out in condition 20 (1) or to remove the condition altogether. The reserved matters application could then determine the scale of the building;
- to ensure that the reserved matters application would be considered, Members were entitled to call it in to Planning Committee within the 21-day period; and
- there was not enough information provided at this time to put an exact height restriction on the building.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Gifford that the application be granted. However, there were concerns about the number of EV charging points, so Councillor Gifford requested that condition 33 be amended to increase the required provision of EV charging points.

The Principal Planning Officer then explained that this was not possible as the requirement that one in 10 parking spaces be equipped with EV charging points was the minimum requirement as set out in the Supplementary Planning Document.

## PLANNING COMMITTEE MINUTES (Continued)

At this point, it was suggested that condition 8 on BREEAM standards be removed to allow for it to be part of a future reserved matters application. This was due to Members requesting that a higher BREEAM rating be required in line with the upcoming Net Zero Carbon DPD (NZDPD). The Business Manager acknowledged the Committee's sustainability aspirations, but reminded Members that the NZDPD could not yet be taken into consideration.

The Head of Governance and Monitoring Officer added that the NZDPD was due back from the Inspector within the next few weeks and would be going to Cabinet in November. As the Committee did not yet know the Inspector's verdict on the NZDPD, too much weight could not be given to it when making a decision.

Councillor Dickson then proposed that the application be granted, subject to the removal of condition 20 (1). As the original proposer, Councillor Gifford accepted this amendment.

Going back to the request to remove condition 8 about the BREEAM rating in anticipation of the NZDPD, the Business Manager stated that BREEAM requirements may well change in the future, but decisions needed to be based on current, rather than future, policy. The Council's Legal Advisor noted Members' comments about new policy but explained that condition 8 needed to be imposed at the outline stage of the application, rather than waiting for the reserved matters. He suggested that the condition be kept in, but that authority could be delegated to officers to review the wording of it.

Councillor Gifford accepted the advice to delegate authority for review of the BREEAM condition. Thus, it was proposed by Councillor Gifford and seconded by Councillor Dickson that the application be granted, subject to the additional condition contained within the addendum, the removal of condition 20 (1), and the delegation of authority to Officers to review the wording of condition 8.

The Committee therefore

**Resolved** that W/22/1077 be **granted**, subject to

- 1) the signing of a Section 106 agreement;
- 2) authority be delegated to officers to review the wording of the BREEAM condition to ensure that detailed plans which come forward comply with any higher standards in the Net Zero Carbon Development Plan document, if adopted when detailed proposals are submitted. The wording of the revised condition to be agreed by the Chairman; and
- 3) the following conditions:



**PLANNING COMMITTEE MINUTES (Continued)**

- | <b>No.</b> | <b>Conditions</b>  |
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| (1)        | <p>details of the appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved.</p> <p><b>Reason:</b> 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 five years from the date of this permission.</p> <p><b>Reason:</b> 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 eight years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later.</p> <p><b>Reason:</b> To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);</p>   |
| (4)        | <p>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 for;</p>   |

## PLANNING COMMITTEE MINUTES (Continued)

<b>No.</b>	<b>Conditions</b>
	<ul style="list-style-type: none"><li>• temporary measures required to manage traffic during construction</li><li>• plans and details for the turning, unloading and loading of vehicles within the site during the construction</li><li>• the parking of vehicles of site operatives and visitors; site working hours and delivery times</li><li>• the loading and unloading of plant and materials</li><li>• the storage of plant and materials used in constructing the development</li><li>• the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate</li><li>• wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway</li><li>• measures to control the emission of dust and dirt during construction</li><li>• details in relation to mitigation of potential noise and vibration</li><li>• restrictions on burning</li><li>• a scheme for recycling / disposing of waste resulting from demolition and construction works</li><li>• details of all temporary contractors buildings.</li></ul>

A model CMP can be found on the Council's website ([https://www.warwickdc.gov.uk/downloads/file/5811/construction\\_management\\_plan](https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) ) or by searching 'Construction Management Plan'.  
The development hereby permitted



## PLANNING COMMITTEE MINUTES (Continued)

### **No.**

### **Conditions**

- An appropriate gas risk assessment to be undertaken
- Refinement of the conceptual model 2
- The development of a method statement detailing the remediation requirements
- a) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.
- b) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the local planning authority prior to the remediation being carried out on the site.

All development of the site shall accord with the approved method statement.

2. 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 local planning authority for an addendum to the method statement). This addendum

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Conditions</b>  |
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|            | to the method statement must detail how this unsuspected contamination shall be dealt with.  |
| 3.         | Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results 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. |

**Reason:** To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;

- (7) notwithstanding details contained within the approved documents, prior to commencement of any phase of development, a Sustainability Statement including an energy hierarchy scheme for that phase and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;
- a) how the development will reduce carbon emissions and utilise renewable energy;
  - b) measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials

## PLANNING COMMITTEE MINUTES (Continued)

<b>No.</b>	<b>Conditions</b>
	and natural ventilation methods to mitigate against rising temperatures;
c)	how proposals will de-carbonise major development;
d)	details of the building envelope (including U/R values and air tightness);
e)	how the proposed materials respond in terms of embodied carbon;
f)	consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised; and
g)	how the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

For the avoidance of doubt, the scheme must accord with any relevant Development Plan Document and Supplementary Planning Document relating to sustainability which has been adopted by the Council at the time the scheme is submitted.

No building shall be first occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

**Reason:** To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the

**PLANNING COMMITTEE MINUTES (Continued)**

- | <b>No.</b> | <b>Conditions</b>  |
|------------|--|
|            | Warwick District Local Plan (2011-2029) and National Design Guidance (2019);   |
| (8)        | <p>prior to the submission of Reserved Matters for any new building, a BREEAM pre-assessment demonstrating how the proposed building will achieve BREEAM "Very Good" Standard (or better) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Thereafter, the development hereby permitted shall not be commenced unless and until a 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) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. A Completion Stage Assessment by an accredited BREEAM assessor demonstrating that the development achieves as a minimum BREEAM standard 'very good' (or any future national equivalent) shall be submitted to the Local Planning Authority within 3 months of first occupation.</p> <p><b>Reason:</b> 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> |
| (9)        | <p>no phase of the development hereby permitted shall commence until details of all external light fittings and external light columns have been submitted to and approved in writing by the Local</p>   |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Conditions</b>   |
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|            | <p>Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted on the building and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:</p> <ul style="list-style-type: none"><li>• Lighting should be directed away from vegetated areas</li><li>• Lighting should be shielded to avoid spillage onto vegetated areas</li><li>• The brightness of lights should be as low as legally possible;</li><li>• Lighting should be timed to provide some dark periods;</li><li>• Connections to areas important for foraging should contain unlit stretches.</li></ul> <p><b>Reason:</b> In accordance with NPPF, ODPM Circular 2005/06 and Policy NE2 of the Warwick District Local Plan 2011-2029;</p> |
| (10)       | <p>the development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition, the LPA expect to see details including:</p> <ul style="list-style-type: none"><li>• existing habitat and protected/notable species information, including a clear site plan;</li><li>• updated and detailed protected and notable species surveys as required prior to work starting on site, together with any</li></ul>  |



## PLANNING COMMITTEE MINUTES (Continued)

### **No.**

### **Conditions**

- appropriate follow-up measures to be taken;
- details of tree and shrub protection;
  - care should be taken when clearing the ground prior to development to ensure protected and/or notable species are not adversely affected during or after the construction period. If evidence of reptiles or amphibians is found (great crested newt, grass snake, common lizard or slow-worm), work should stop while WCC Ecological Services or Natural England are contacted. Reptiles and amphibians are protected to varying degrees under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000 and great crested newts are additionally deemed European Protected Species under the Conservation of Habitats and Species Regulations 2010;
  - any holes or trenches shall be covered over at night & other periods when the site is undisturbed, to prevent animals falling into them. Any materials stored during such times should be raised above ground (eg on pallets) to prevent animals sheltering underneath them, and building waste put in skips and not left lying around for animals to take refuge in it. Concrete not to be left unset during such times unless suitable barriers are erected;
  - breathable roofing membranes, BRMs, started to be used from 2004 onwards. Research has shown that all BRMs pose a

## PLANNING COMMITTEE MINUTES (Continued)

**No.**

**Conditions**

threat of entanglement to bats. Only traditional Type 1F bitumen roofing felt is safe for bats. Further advice and information can be obtained from the Bat Conservation Trust (BCT); and

- any proposed habitat enhancements such as tree & shrub planting should also be detailed, and should be of native species, and in line with the Warwickshire Landscape guidelines. Aftercare details to be included, such as avoidance of harmful pesticide use.

The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

**Reason:** To ensure that trees and shrubs, together with protected species are not harmed by the development, and to enhance the nature conservation value of the site 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;

- (11) the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and

**No. Conditions**  
hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full.  
**Reason:** To ensure a net biodiversity gain in accordance with NPPF;

(12) prior to the commencement of any phase of the development hereby approved (including all preparatory work), a Tree Protection Plan and an Arboricultural Method Statement, together referred to as the scheme of protection, that will detail how the retained trees are to be protected from harm during the development shall be 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:

## PLANNING COMMITTEE MINUTES (Continued)

### **No.**

### **Conditions**

1. tree pruning to allow the development to proceed (if appropriate)
2. tree protection, to be shown on the TPP with offsets from fixed points to confirm the alignment of any protective fencing and the extent of any ground protection
3. tree protection measures where under and overground services are to be installed close to retained trees (if appropriate)
4. ground protection where scaffolding will be erected (if appropriate)
5. ground protection where cranes will be installed (if appropriate).
6. the specification and installation of any boundary treatments within or adjacent RPA's or that may impact any of the retained trees
7. the specification for the construction of any access, driveway, parking area or the like that encroach over the RPA's of the retained trees
8. 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
9. 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

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Conditions</b>  |
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|            | 10. The development thereafter shall be implemented in strict accordance with the approved scheme of protection. |

**Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;

- (13) prior to the submission of any Reserved Matters applications for any phase of development:
- a) A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work for the eastern area of the site shall be submitted to and approved in writing by the Local Planning Authority
  - b) The programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the Local Planning Authority
  - c) An archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be

## PLANNING COMMITTEE MINUTES (Continued)

**No.** **Conditions**  
informed by the result of the archaeological evaluation.

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

**Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;

- (14) no development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles 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 details before the development is completed. The scheme to be submitted shall:
1. Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 30l/s for the site in line with the approved Flood Risk Assessment and Drainage Strategy (ref 330201857/400 revision 1, dated 17/01/2023).
  2. Where the drainage scheme proposes to connect into an

## PLANNING COMMITTEE MINUTES (Continued)

### **No.**

### **Conditions**

existing surface water sewer network details should be provided demonstrating the suitability of the outfall location. Details should include:

- a) The point of connection location
  - b) Evidence that the existing network is in a suitable condition to provide a suitable outfall for the site.
  - c) A method statement for the connection works.
  - d) Agreement under Section 106 of the Water Industry Act (1991) as appropriate.
3. Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.
4. Provide detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
5. Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:

## PLANNING COMMITTEE MINUTES (Continued)

### **No.**

### **Conditions**

- a) Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant.
  - b) Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events
  - c) Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.
  - d) Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.
6. Provide plans such as external levels plans, supporting the exceedance and overland flow routing provided to date. Such overland flow routing should:
- a) Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
  - b) Consider property finished floor levels and thresholds in relation to exceedance flows. The LLFA recommend FFLs



## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Conditions</b>   |
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|            | are set to a minimum of 150mm above surrounding ground levels.  |
|            | c) Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding. |

**Reason:** To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity;

- (15) no occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (ref 330201857/400 revision 1, dated 17/01/2023) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:
1. Demonstration that any departure from the agreed design is in keeping with the approved principles.
  2. Any As-Built Drawings and accompanying photos
  3. Results of any performance testing undertaken as a part of the application process (if required / necessary)
  4. Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
  5. Confirmation that the system is free from defects, damage and foreign objects

**Reason:** To secure the satisfactory drainage of the site in accordance with the agreed

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Conditions</b>   |
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|            | strategy, the NPPF and Local Planning Policy;   |
| (16)       | <p>no occupation and subsequent use of the development shall take place until a detailed, site specific maintenance plan is provided to the LPA in consultation with the LLFA. Such maintenance plan should;</p> <ol style="list-style-type: none"><li>1. Provide the name of the party responsible, including contact name, address, email address and phone number</li><li>2. Include plans showing the locations of features requiring maintenance and how these should be accessed.</li><li>3. Provide details on how surface water each relevant feature shall be maintained and managed for the life time of the development.</li><li>4. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance</li></ol> |

**Reason:** To ensure the future maintenance of the sustainable drainage structures;

- (17) the development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details.

**Reason:** In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of

**PLANNING COMMITTEE MINUTES (Continued)**

- | <b>No.</b> | <b>Conditions</b>  |
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|            | the Warwick District Local Plan 2011-2029;   |
| (18)       | <p>the Reserved Matters for any phase to be submitted in accordance with Condition 1 shall include details of all earthworks, mounding and the finished floor levels of all buildings and structures, together with details of existing and proposed site levels and cross-sections to show the relationship with adjacent land and buildings.</p> <p><b>Reason:</b> In the interests of urban design and to ensure the proposals do not harm the amenity of nearby buildings and they are in keeping with the surrounding landscape in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;</p> |
| (19)       | <p>the Reserved Matters for any phase to be submitted in accordance with Condition 1 shall include samples of facing, roofing and hard surfacing materials. 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 Authority.</p> <p><b>Reason:</b> In the interests of urban design in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;</p>   |
| (20)       | <p>the development hereby permitted shall not be used for purposes falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) unless:</p> <ul style="list-style-type: none"><li>a) a noise assessment (including details of noise mitigation measures if deemed appropriate) has been submitted to and approved in writing by the local planning authority; and</li></ul>  |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Conditions</b>  |
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|            | b) any noise mitigation measures approved under (a) have been implemented in strict accordance with the approved details. Any noise mitigation measures shall thereafter be retained and maintained in strict accordance with the approved details at all times that the unit is used for purposes falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987.' |

**Reason:** To protect the living conditions of the nearby dwellings and hotel, in accordance with Policies BE3 & NE5 of the Warwick District Local Plan;

- (21) the Reserved Matters to be submitted in accordance with Condition 1 shall include details of footpaths and cycleways for pedestrians and cyclists, including details of how new links will connect into the existing footpath/cycleway network. 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 Authority.

**Reason:** In the interests of urban design and the promotion of sustainable transport choices in accordance with Policies BE1 and TR1 of the Warwick District Local Plan 2011-2029;

- (22) the Reserved Matters to be submitted in accordance with Condition 1 shall include details of the provision of access for vehicles to include access for pedestrians and cyclists up to and including the ownership boundary to allow unhindered connection into the remainder of the allocated site.

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Conditions</b>   |
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|            | <p>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 Authority.</p> <p><b>Reason:</b> In the interests of comprehensive development, urban design and the promotion of sustainable transport choices in accordance with Policies BE1 and TR1 of the Warwick District Local Plan 2011-2029;</p>   |
| (23)       | <p>any soft landscaping referred to in Condition 1 shall be completed in all respects within 6 months of the substantial completion of development. Any such landscaping removed, dying or becoming seriously damaged, defective or diseased within 5 years from the substantial completion of development in that phase shall be replaced within the next planting season with landscaping of a similar size and species to that which they replace. Any replacement hedging, trees or shrubs shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations.</p> <p><b>Reason:</b> To ensure a satisfactory standard of appearance of the development in there interest of visual amenity in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;</p> |
| (24)       | <p>where trees are to be felled or lopped, it should be ensured that this work does not disturb nesting birds, with work ideally being conducted outside the main breeding season (March-September). All nesting birds are protected from disturbance or injury under the 1981 Wildlife and</p>   |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Conditions</b>  |
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|            | <p>Countryside Act. In addition, if mature trees are likely to be affected by the development, (e.g. by felling or lopping work), it is important to survey these trees for the presence of bats prior to work starting.</p> <p><b>Reason:</b> Bats and their roost sites are protected under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act, and are also deemed a European Protected Species. Local Authorities are bound by the Conservation of Habitats and Species Regulations 2010 to have regard to the Habitats Directive when exercising their functions;</p>                    |
| (25)       | <p>the Reserved Matters to be submitted for any phase in accordance with Condition 1 shall include details of secure cycle parking of an appropriate level for the proposed floor space of the building. The development shall be constructed in full accordance with such approved details and thereafter those facilities shall remain available for use at all times.</p> <p><b>Reason:</b> In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029;</p> |
| (26)       | <p>within one month of the occupation date of any new building, an updated Travel Plan in accordance with Warwickshire County Council guidance will be submitted and approved in writing by the Local Planning Authority in consultation with the Local Highway Authorities to include arrangements for ongoing monitoring of implementation and effectiveness</p>   |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Conditions</b>  |
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|            | with targets to reduce private car movements to and from the site.<br><br><b>Reason:</b> To ensure the provision of opportunities for travel by all modes of transport to and from the development site and prevent a reliance on car-based journeys. Ensuring the safe and efficient operation of the highway network and protecting the environment;   |
| (27)       | noise arising from any plant or equipment, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). 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.<br><br><b>Reason:</b> To ensure that the level of noise emanating from the building 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 the Warwick District Local Plan 2011-2029; |
| (28)       | no noisy external activities likely to cause nuisance to nearby residences shall take place on site before 0700 hours or after 1900 hours on Monday to Saturday or before 0900 hours or after 1800 hours on a Sunday or Bank / Public Holiday.<br><br><b>Reason:</b> To protect the amenities of occupants of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029;  |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Conditions</b>  |
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| (29)       | <p>as part of any reserved matters submission for a new building on the site, a supplementary noise impact assessment report and, where necessary, a noise mitigation scheme shall be submitted to ensure that potential adverse noise impacts are reduced to a minimum. This assessment should be a refinement of the applicant's existing noise assessment report (Ref. NT15727, dated April 2022) and tailored to address the finalised proposed site layout. Thereafter, the development shall not be occupied until the noise mitigation measures have been put in place and maintained in perpetuity.</p> <p><b>Reason:</b> To ensure that the level of noise emanating from the building 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 the Warwick District Local Plan 2011-2029;</p> |
| (30)       | <p>the development hereby permitted shall not be occupied unless and until an acoustic close-boarded fence has been installed between the western boundary and any proposed service yard located on that area of the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The fence shall be imperforate, sealed at the base, and shall have a minimum superficial density of at least 10kg/sq.m. Once installed the fence shall be retained thereafter and shall not be altered in any way without expressed written consent from the local planning authority.</p> <p><b>Reason:</b> To protect the amenities of occupants of nearby properties in accordance with Policies BE3 &amp;</p>   |



## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Conditions</b>  |
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|            | NE5 of the Warwick District Local Plan 2011-2029;  |
| (31)       | <p>to ensure that future site users are not exposed to unpleasant/offensive odours from the adjacent sewage treatment works, regularly occupied spaces such as receptions, offices, canteens, etc. should not be located within the 5.0 (or higher) ouE/m<sup>3</sup> odour contour areas as shown on Figure 4 of the Olfasense odour impact assessment report (Ref. STMP20A_06_FINAL, date 29th June 2021).</p> <p>Any office accommodation ancillary to industrial units within these areas will likely require filtered air ventilation and cooling system to minimise the ingress of odours. It would be advisable to factor in filtered ventilation systems in all regularly occupied spaces across the development to account for any uncertainties in the odour modelling process. The reserved matters application shall provide a proposed site layout drawing with the odour contour plan overlaid to demonstrate which (if any) structures will be located within the 5.0 ouE/m<sup>3</sup> and above odour contour areas. Where regularly occupied spaces are proposed within these contour areas, the reserved matters application shall detail the arrangements for odour mitigation.</p> <p><b>Reason:</b> To safeguard the health and safety of the occupiers of the development in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;</p> |
| (32)       | <p>no chimneys or flues shall be installed on any of the premises hereby permitted other than in strict accordance with details that shall have been submitted to and</p>  |

**PLANNING COMMITTEE MINUTES (Continued)**

- | <b>No.</b> | <b>Conditions</b>  |
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|            | approved in writing by the local planning authority.   |
|            | <b>Reason:</b> To ensure that the development would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;   |
| (33)       | prior to the occupation of the development hereby permitted, one 16amp (minimum) electric vehicle recharging point per every 10 parking spaces shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging points have been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging points; (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging points shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). |
|            | <b>Reason:</b> To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document;  |
| (34)       | no lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures (including details of hours of  |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Conditions</b>  |
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|            | operation) shall have been submitted to and approved in writing by the Local Planning Authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.   |
|            | <b>Reason:</b> To ensure that any lighting is designed and operated so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; and  |
| (35)       | prior to first occupation of the development, the developer shall complete a routing agreement with the Local Planning Authority (in conjunction with the Local Highway Authority), in order to prevent goods vehicles from the site using nearby residential areas or the weight limited Town Centre routes in Warwick. The agreement shall include for monitoring facilities such as ANPR to identify any vehicles not complying with the Routing Agreement. |
|            | <b>Reason:</b> 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.   |

(The meeting ended at  
10.27pm)

CHAIRMAN  
16 January 2024