

Planning Committee

Minutes of the remote meeting held on Tuesday 6 October 2020 at 6.00pm, which was broadcast live via the Council's YouTube Channel.

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

Also Present: Principal Committee Services Officer – Mrs Dury; Democratic Services Manager & Deputy Monitoring Officer – Mr Leach, Legal Advisor – Mrs Gutteridge; Business Manager – Development Management – Mr Sahota, Principal Planning Officers – Mr Charles and Mrs Hammond.

44. **Apologies and Substitutes**

- (a) There were no apologies made.
- (b) Councillor Grey substituted for Councillor Murphy.

45. **Declarations of Interest**

Minute Number 52 – W/20/1037 – St Mary's Lands, Warwick

Councillor Ashford declared an interest just before this item was started because he was a Member of St Mary's Lands Working Party and had been involved in certain discussions pertinent to the application. He then left the meeting.

46. **Site Visits**

There were no site visits made.

47. **Minutes**

The minutes of the meeting held on 9 September 2020 were taken as read and signed by the Chairman as a correct record.

48. **W/19/1200 – Land at SouthCrest Farm, Crewe Lane, Kenilworth**

The Committee considered an outline application from Gleeson Strategic Land for the demolition of an existing dwelling house and outbuildings; the residential development of up to 99 dwellings, including the creation of a new vehicular access, open space, landscaping and surface water attenuation.

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

The officer was of the opinion that the application was allocated within the Local Plan as part of the Education Allocation ED2, which was also washed over by allocation H40 for residential development.

PLANNING COMMITTEE MINUTES (Continued)

On the basis that it was confirmed that the land was surplus to education requirements, the scheme was acceptable to bring forward for residential development as part of H40.

When taken into consideration with the scheme for 620 dwellings across the remaining H40 allocation, the proposed number of dwellings would exceed the overall allocation of 640 dwellings by 79 units, which equated to approximately 12% above the overall allocation.

The applicant had demonstrated that the site was capable of accommodating a high quality scheme at that level which was acceptable in overall terms, including in respect of the integration of built development within the surrounding landscape and the site provided additional benefits in securing appropriate linkages with the adjacent sites to provide a comprehensive development across the overall allocation.

For the above reasons, officers recommended that outline planning permission should be granted subject to the conditions listed in the report and the signing of a Section 106 Agreement.

An addendum circulated at the meeting advised that the newly released figures stated that as of April 2020, the Council could demonstrate a 5.58-year housing land supply.

The addendum also stated in full the updated wording for the recommendation for the application.

Highways England maintained a holding response until 8 October for additional information regarding drainage matters. Highways England had also advised that it was to revise this response because progress had been made on resolving the outstanding drainage matter, and would be providing a condition imposition, which could be concluded through delegated authority, as per the revised recommendation in the addendum.

The following people addressed the Committee:

- Mr Jones, representing Kenilworth Town Council, which had objected to the application; and
- Mr Griffin, speaking in support.

(At 6.35pm, a fault on the YouTube livestream meant that the meeting had to be paused for five minutes until the fault was rectified.)

Members wished to ensure that there was a net gain in biodiversity ~~on the site,~~ in the project, so this was to be conditioned in consent, should this be given.

In response to a question from a Member, the Planning Officer suggested that a note to the applicant be issued for details on speed limit reductions and when these would come into effect on roads and whether anything could be done to bring these speed limit reductions forward. This could be examined before any decision on the application was issued. It was suggested that the 30mph limit should be a priority for consideration by the County Council Highways Department and it may be prudent to consider

PLANNING COMMITTEE MINUTES (Continued)

the speed limit reduction prior to commencement of construction works. It was also noted that works at the School, which had an access point on the same road, would, in all likelihood, commence before this application, and this might precipitate the reduction in the speed limit.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Grey that the application should be granted.

The Committee therefore

Resolved that W/19/1200 be **granted** subject to receipt of confirmation that the purchase of the school land has been completed to the satisfaction of the Local Planning Authority and Warwickshire County Council Education Services, which would confirm that the application site is therefore surplus to educational requirements. Permission is granted, subject to the conditions listed below and an additional condition regarding drainage (final wording to be confirmed by Highways England) and a Section 106 Agreement to secure the necessary financial contributions/obligations as set out in the report.

Delegated authority is given to the Head of Development Services in consultation 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 finalise the wording of proposed conditions.

Delegated authority is given to officers to issue the decision following confirmation, in consultation with Warwickshire County Council Education Services, that the application site is surplus to educational requirements and following the receipt of further guidance from Highways England regarding the imposition of an additional condition concerning drainage.

Should a satisfactory Section 106 Agreement not have been completed within three months of the date of decision, delegated authority is given to the Head of Development Services to refuse planning permission on grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

Conditions:

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| (1) | <p>Reserved Matters</p> <p>details of the appearance, landscaping, layout and scale of the development (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 strict accordance with these reserved matters as approved.</p> <p>Reason: To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended);</p> |
| (2) | <p>Submission of Reserved Matters Timescale</p> <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.</p> <p>Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);</p> |
| (3) | <p>Commencement of Development</p> <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.</p> <p>Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);</p> |
| (4) | <p>In Accordance with Plans</p> <p>the development hereby permitted shall be carried out strictly in accordance with the site location plan and the development area as detailed on the Parameters Plan reference 1824_060 Revision p2 received by the Local Planning Authority on 9 July 2019.</p> <p>Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| (5) | <p>Site Levels/Finished Floor Levels</p> <p>no development other than site clearance and preparation works shall take place until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and immediate adjoining land have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments.</p> <p>Reason: To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;</p> |
| (6) | <p>Construction Environmental Management Plan (CEMP)</p> <p>the development hereby permitted shall not commence on any phase of development until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority for that phase of development. The CEMP shall be compliant with the British Standard on Biodiversity BS 42020:2013 published in August 2013. In discharging this condition, the Local Planning Authority 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 of further survey work, that are to be employed whilst works are taking place on site should be included. The CEMP shall include a timetable for the implementation of measures stated. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.</p> <p>Reason: To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | and Policies NE2 and NE3 of the Warwick District Local Plan; |
| (7) | no part of development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan (LEMP) for that phase of development has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan shall also include details of tree and hedgerow retention; habitat enhancement/creation measures and management, such as ponds, wildflower grasslands; and the provision of habitat for protected species. The LEMP shall also include details on soil management to make best use of the high quality soils on site - detailed guidance to inform this matter is available in Defra 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites'. Such approved measures shall thereafter be implemented in full. |

Reason: To protect, enhance and/or restore habitat biodiversity in accordance with Policy NE3 of the Warwick District Local Plan 2011-2029;

- (8) **Protected Species Contingency Plan**
- no development hereby permitted shall commence until a Protected Species Contingency Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following measures:
- a. Further bat roosting surveys in accordance with BCT Bat Surveys – Good Practice Guidelines, have been carried out and if appropriate a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the Local Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.
 - b. A pre-commencement badger survey carried out by a suitably qualified badger consultant and has been

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | submitted to and approved in writing by the Local Planning Authority. Any approved mitigation plan shall thereafter be implemented in full. |
| c. | Details on safeguarding great crested newts during construction and post development to include details of a development licence and appropriate mitigation strategy. |

The approved mitigation plan shall thereafter be implemented in full.

Reason: To ensure that protected species are not harmed by the development in accordance with Policy NE3 of the Warwick District Local Plan 2011-2029;

- (9) the development hereby permitted shall not commence until a detailed schedule of great crested newt mitigation measures (to include timing of works, protection measures, enhancement details, monitoring and further survey if deemed necessary) has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation measures shall thereafter be implemented in full.

Reason: To ensure that protected species are not harmed by the development in accordance with Policy NE3 of the Warwick District Local Plan 2011-2029;

(10) **Construction Management Plan**

no development (including any works of demolition) hereby permitted shall commence until a construction method statement for that phase has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highways Authority and Environmental Health Thereafter, the approved statement shall be strictly adhered to throughout the construction period. The submitted statement shall provide for:

- A construction phasing plan
- An HGV routing plan
- Any temporary measures required to manage traffic during construction

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<ul style="list-style-type: none">• Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction• Details of all site compound areas including parking for construction workers• Dust management and suppression measures – level of mitigation determined using IAQM guidance• Wheel washing• Noise and vibration 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 and site working hours• Site lighting• Access and protection arrangements around the site for pedestrians, cyclists and other road users• Restrictions on burning and details of all temporary contractor's 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• Best practicable means shall be employed at all times to control noise and dust on the site including: Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays• Delivery vehicles should not be allowed to arrive on site between 7:30am and 9:15am and 4.30pm and 6:00pm Mon – Fri• How the construction will be managed to minimise the cumulative impacts on the highway network as a result of the construction of the site and HS2• A strategy to manage and maintain any construction materials from

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | entering or silting up the local ditch network |
| | <ul style="list-style-type: none">• Details to prevent silt or chemicals leaving the phase being constructed |

The measures indicated within the Construction Management Plan shall be implemented prior to the commencement of development in each phase and maintained for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the free flow of traffic, minimising pollution and to protect the amenities of the occupiers of nearby properties, and the visual amenity of the locality in accordance with Policies BE3, TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029;

(11) **Low Emission Strategy**

no development shall commence unless and until a Low Emission Strategy has been submitted to and approved in writing by the Local Planning Authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details.

Reason: To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policies NE5 and TR1 of the Warwick District Local Plan 2011-2029 and the aims and objectives of national guidance within the NPPF 2019;

(12) **Site Wide Drainage Strategy**

no development shall take place until a comprehensive site-wide surface water drainage strategy, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Demonstrate that the surface water drainage system(s) are designed in

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p data-bbox="837 190 1380 257">accordance with 'The SuDS Manual', CIRIA Report C753.</p> <ul data-bbox="782 264 1415 1498" style="list-style-type: none"><li data-bbox="782 264 1415 470">• Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 50% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of a total of 83.2 l/s for the site.<li data-bbox="782 477 1415 683">• Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.<li data-bbox="782 689 1415 1108">• 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="782 1115 1415 1288">• 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.<li data-bbox="782 1294 1415 1498">• Provide evidence of liaison with Highways England, regarding the discharge upstream and clearance of their asset, to ensure it is in a suitable condition to convey flow from the development.

Reason: To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies FW1, FW2 and NE4 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
(13)	Details of Surface Water and Foul Drainage

prior to the commencement of the development, details of surface water and foul drainage works shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029;

(14)	Tree Protection Scheme
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no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with BS5837: 2012 Trees in Relation to Design, Demolition and Construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

Reason: To protect trees and other features on site during construction in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
(15)	Assessment of Landscape Features

notwithstanding the details within the submitted Arboricultural Assessment, prior to the submission of any reserved matters relating to layout, a report demonstrating how the proposed scheme has sought to retain as many existing hedgerows and trees within the site shall be submitted to and approved in writing by the Local Planning Authority. Where any features are to be removed, a rationale shall be provided to demonstrate that all alternative options have been considered. Thereafter, the layout shall be submitted in accordance with the approved details unless otherwise agreed in writing.

Reason: To retain existing landscape features 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 and NE4 of the Warwick District Local Plan 2011-2029;

(16)	Details of External Lighting
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no development shall take place under any relevant phase of development until a detailed scheme for all external lighting has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition, the Local Planning Authority expects due consideration to be given to biodiversity, visual amenity and residential amenity.

Such works, and use of that lighting and/or illumination, shall be carried out and operated only in strict accordance with those approved details.

Reason: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and that appropriate measures are taken in relation to protected species in accordance with Policies BE3, NE2, NE4 and NE5 of the Warwick District Local Plan 2011-2029;

(17) Sustainability Statement

notwithstanding details contained within the approved documents, prior to commencement 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 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;
- 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,

No dwellings shall be first occupied until the works within the approved scheme have been completed for each dwelling 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.

No further development phases shall be inhibited from shared heating/cooling systems unless otherwise agreed in writing by the Local Planning Authority.

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

Reason: To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019);

(18) **Noise Mitigation Measures**

prior to the submission of any reserved matters relating to layout, a scheme of mitigation including detailed arrangements to protect residents of the development from excessive noise from Glasshouse Lane traffic and the proposed playing fields and playground areas of the school (pursuant to planning permission W/19/0655), entering habitable rooms and the provision of quiet garden areas shielded from noise from both the existing road network and new roads within the site shall be submitted to and approved in writing by the Local Planning Authority.

The scheme should ensure that proposed measures whilst acoustically effective are designed to minimise visual impacts. It shall include full details of the design, siting and appearance of acoustic fencing or alternative measures that may be required.

Thereafter a Noise Mitigation Compliance Statement shall be submitted as part of the reserved matters submission for the residential development to demonstrate how the mitigation measure have been incorporated into the layout and design of the dwellings.

All dwellings shall be constructed in accordance with the approved details. The scheme for mitigating traffic noise shall be implemented in accordance with the approved details prior to the first occupation of any dwelling and shall be retained thereafter in perpetuity and any approved mitigation measures shall be implemented in accordance with the approved programme.

Reason: To protect residents of the development from the adverse effects of noise from within and outside the development in accordance with Policies BE3

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | & NE5 of the Warwick District Local Plan 2011-2029; |
| (19) | Design Code |
| | notwithstanding details contained within the approved documents, prior to the submission of reserved matters for the development hereby approved, a Site Wide Design Code to include; |
| | <ul style="list-style-type: none">a. A statement setting out how the design code adheres to the Development Principles in the Land East of Kenilworth Development Brief and where there is any deviation robust justification for thisb. Hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas);c. Development blocks including built form and massing and relationship with adjoining development areas/blocks including areas of transition between development parcels (including the relationship between built form and adjoining open space);d. Building types;e. Building heights;f. The means to accommodate the parking of vehicles and cycles;g. Sustainable Urban Drainage features;h. Key spaces, open spaces and green features;i. Architectural language and detailing;j. A scheme of strategic landscaping (including site sections, site visuals, site levels, structural landscaping and hedgerow retention)k. Design principles for street tree planting and other structural planting landscaping areas;l. Design principles on hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long-term management;m. Design principles on waste disposal and recycling;n. Design principles on the colour and texture of external materials and facing finishes for roofing and walls of buildings and structures; |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | <ul style="list-style-type: none">o. Design principles for street lighting and any other lighting to public space (including parking areas);p. The principles shall include a regulating plan on an ordnance survey base at a scale no greater than 1:1250;q. A mechanism for periodic review and refinement if necessary, of the approved Design Code;r. Evaluation of site-wide District Heating. |

Shall be submitted to and approved in writing by the Local Planning Authority. The Site Wide Design Code shall be used in the assessment of future applications unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029;

(20) **Ground Investigations and Mitigation to be Submitted (Pre- Commencement)**

notwithstanding details submitted as part of this application, prior to commencement of development ground investigations shall be undertaken in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority which shall include:

- a) A site investigation that has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should 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:
 - A risk assessment to be undertaken relating to human health
 - A risk assessment to be undertaken relating to

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

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

b) The site investigation shall be undertaken in accordance with details approved by the planning authority and a risk assessment shall be undertaken;

c) 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 planning authority. The method statement shall include details of how the remediation works will be validated upon completion; and

d) Programme of delivery (if applicable)

Shall be submitted to and approved in writing by the Local Planning Authority. Any remediation shall thereafter be carried out in accordance with the approved details.

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

(21) **Contamination not Previously Discovered (Compliance)**

notwithstanding details contained within the approved documents, if during development, contamination not previously identified, is found to be present at the site;

a) No further development shall take place within that area of Reserved Matters Consent (unless otherwise agreed in writing with the planning authority for an addendum to the method statement);

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | b) This addendum to the method statement must detail how this contamination shall be dealt with; and
c) Programme of delivery (if applicable) |

Shall be submitted to and approved in writing by the Local Planning Authority. Any remediation shall thereafter be carried out in accordance with the approved details.

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

(22) **Verification of Remediation to be Submitted**

notwithstanding details contained within the approved documents, in the event that any phase of future development requires land remediation agreed through an approved method statement;

- a) Upon completion of the remediation 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; and
- b) A post remediation sampling and monitoring which 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.

Shall be submitted to and approved in writing by the Local Planning Authority.

Any mitigating/monitoring works shall be carried out in accordance with the approved details.

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

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
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(23) Water Efficiency	
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notwithstanding details contained within the approved documents, prior to construction of each phase of residential development a scheme demonstrating how a water efficiency standard of 110 litres per person per day (or higher where appropriate) will be achieved giving consideration to the incorporation of grey water and rainwater recycling measures, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved measures 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 the any relevant manufacturer's specifications.

Reason: To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policies FW3 and CC1 of the Warwick District Local Plan 2011-2029;

(24) Provision of Access	
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should access and local highway works have been implemented in pursuance of planning permission W/19/0655, the access to the development hereby permitted from Glasshouse Lane shall be carried out in accordance with plan reference ITB6145-GA-014 received on 12 September 2019 including footway and cycle works unless otherwise agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority. The approved access to Glasshouse Lane shall be completed in general accordance with the approved details prior to the first occupation of any dwellings constructed on the site.

Should no works have been implemented in pursuance of planning permission W/19/0655, the access to the development hereby permitted from Glasshouse Lane shall be carried out in accordance with plan reference ITB6145-GA-009 Rev F received on 17 December 2019 including footway and cycle works unless otherwise agreed in writing by the Local Planning Authority in consultation with the Local Highway

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	Authority. The approved access to Glasshouse Lane shall be completed in general accordance with the approved details prior to the first occupation of any dwellings constructed on the site.

Reason: In the interest of highway safety and to ensure appropriate access is available for the future occupiers of the dwellings and that crossing points are provided for all highway users including pedestrians and cyclists in a timely manner having regard to Policies TR1 and BE3 of the Warwick District Local Plan 2011-2029;

(25) **Details of Materials**

no development shall be carried out above slab level unless and until a schedule of the external facing materials has been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

Reason: To ensure 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;

(26) **Provision of Hydrants**

no development hereby permitted shall be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire-fighting purposes 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 fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
(27)	Surface Water Systems Maintenance Plan

no occupation and subsequent use of the development shall take place until a detailed maintenance plan is submitted to and approved in writing by the Local Planning Authority giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the Local Planning Authority within the maintenance plan. The approved detailed maintenance plan shall thereafter be implemented in full prior to first occupation of the development.

Reason: To ensure the future maintenance of the sustainable drainage structures in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029;

(28)	Landscape Replacement Planting
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any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition 1 shall be completed in all respects, with the exception of tree(s), hedge(s) and shrub(s) planting, within the first planting season following the first occupation of dwellings within that phase and within the first planting season following the first occupation of the new school, and the tree(s), hedge(s) and shrub(s) shall be planted within six months of that first occupation. Any tree(s), hedge(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 the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar 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

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;

(29) **Retention of Existing Trees/Hedges**

the existing tree(s), hedge(s) and shrub(s) indicated to be retained on the submitted plans contained within the Arboricultural Impact Assessment (Update) reference edp3089_r003f February 2019 received by the Local Planning Authority on 12 March 2019, shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the Local Planning Authority. Any tree(s), hedge(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, 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 tree(s), hedge(s) and shrub(s) of such size and species details of which must be submitted to and approved by the Local Planning Authority. All tree(s), hedge(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 (excluding hard surfaces).

Reason: To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;

(30) **Housing Mix**

the mix of type and size of market and affordable dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the Housing Mix Supplementary Planning Document or the most up to date version of the Strategic Housing Market Assessment (should this post-date the SPD) at the point of submission unless an alternative strategy is agreed in writing by the Local Planning Authority.

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | Reason: To ensure that the housing meets the needs of the District as required by Local Plan Policy H4 of the Warwick District Local Plan 2011-2029 and the NPPF; |
| (31) | Open Space Provision

any Reserved Matters submission pursuant to layout shall demonstrate that the site meets or exceeds all Open Space typologies as set out within the Open Space Supplementary Planning Document.

Reason: To ensure an acceptable form of development for future occupiers in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (32) | Pedestrian and Cycle Links

the reserved matters to be submitted pursuant to condition 1 shall include full details of how the development will ensure pedestrian and cycle connectivity both within the site and to adjoining land parcels and land uses including the remainder of the Land East of Kenilworth area.

Reason: In the interests of encouraging sustainable modes of travel in accordance with Policies HS1, HS6, BE1 and TR1 of the Warwick District Local Plan 2011-2029; |
| (33) | notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no permitted changes contained therein shall be enacted within the development hereby permitted. For the avoidance of doubt this shall include changes from C3 dwellinghouse to C4 Houses in Multiple Occupation.

Reason: To manage the balance of sustainable communities in accordance with Policy SC0 of the Warwick District Local Plan 2011-2029; |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| (34) | notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure shall be erected within the curtilage of any dwellinghouse fronting a highway or footpath

Reason: That having regard to the design, layout and general nature of the proposed development it is important to ensure that no further development is carried out which would detract from the appearance of the area and affect the amenity of adjacent properties; |
| (35) | a condition on biodiversity; and |
| (36) | a note to the applicant on speed limits. |

(Councillor Ashford arrived during the presentation, so did not participate in the discussions or the vote.)

49. **W/20/0884 – Post Office, 97 Shrewley Common, Shrewley**

The Committee considered an application from Mr Singh for the erection of a two storey rear extension to provide a first floor addition to the ground floor shop.

The application was presented to Committee because five letters of support had been received, Shrewley Parish Council supported the application, but the recommendation was to refuse permission.

The officer was of the opinion that the proposed development would represent a disproportionate addition to the application property which therefore meant that the proposal constituted inappropriate development in the Green Belt, which was harmful by definition. It would also be harmful by reason of harm to openness. There were considered to be no very special circumstances which would outweigh the harm identified.

The following people addressed the Committee:

- Councillor Wesbury, representing Shrewley Parish Council, which supported the application; and
- Mr Jowitt, who spoke in support.

Following consideration of the report, presentation, and the representations made at the meeting, it was proposed by Councillor Ashford and seconded by Councillor Weber that the application should be refused.

The Committee therefore

PLANNING COMMITTEE MINUTES (Continued)

Resolved that W/20/0884 be **refused** for the following reason:

No.	Refusal Reason
(1)	in the opinion of the Local Planning Authority, the proposed development represents a disproportionate addition to the original building and therefore constitutes inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. No very special circumstances are considered to exist which outweigh the harm identified.

The proposed development is therefore contrary to the National Planning Policy Framework and to Policies DS18 and H14 of the Warwick District Local Plan 2011-2029.

50. W/20/1055 – Hobournes, Upper Spring Lane, Kenilworth

The Committee considered an application from Mr Frisby for the construction of two detached dwellings and ancillary site works.

The application was presented to Committee because of the number of objections receiving including one from Kenilworth Town Council.

The officer was of the opinion that the proposed development represented the provision of two dwellings, with adequate parking and amenity within a sustainable location. The development was considered to have an acceptable impact on neighbouring residential amenity and was considered to preserve the character of the Conservation Area. Subject to the conditions listed in the report, the development would have an acceptable impact on highway safety and would not result in an unacceptable loss of biodiversity or trees of amenity value. The development was therefore recommended for approval.

The following people addressed the Committee:

- Councillor Coker, representing Kenilworth Town Council which objected to the proposals; and
- Mr Hornbrook, who spoke in objection.

It was noted that the application was in a Conservation Area and that the Council's own Conservation Officer had raised concerns that should not be overlooked in this instance.

(At 7.50pm, the meeting was adjourned to start a new YouTube livestream. It recommenced at 8.08pm.)

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Ashford that the application should be refused. Councillor Morris had cited policies H1 and HE2 as reasons for refusal, but upon receipt of advice from the Business Manager - Development Management, amended

PLANNING COMMITTEE MINUTES (Continued)

this to policies H1 and HE1. He advised that HE2 was more concerned with the demolition of the Conservation Area.

The Committee therefore

Resolved that W/20/1055 be **refused** because it contravenes policies H1 and HE1.

51. W/19/0816 – Coplow Wood, Sherbourne Hill, Sherbourne

The Committee considered an application from Mr Salisbury for a change of use of land and siting of eight glamping pods, with associated works and car parking.

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

The officer was of the opinion that the principle of development was considered acceptable in accordance with Policy CT5 of the Warwick District Local Plan 2011-2029. There would be no visual harm resulting from the development and more importantly, no harm caused to the area of woodland in which the site was located or wider landscape setting. The proposed timber pods themselves were considered to be appropriate to the site and context and their construction method was deemed appropriate in order to minimise any physical harm to the trees and woodland setting, subject to a condition requiring further details in respect of construction and access. Officers were satisfied there would be no harm to neighbouring amenity nor would there be any harmful impacts on future users of the site as a result of noise. There would be no detriment to highway safety; the access was considered safe and suitable in the proposed location and the appropriate amount of parking was proposed. Subject to a condition, there were no concerns in respect of biodiversity and drainage and flood risk matters were considered acceptable. For the above reasons, it was recommended that planning permission should be approved.

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

The Committee therefore

Resolved that W/19/0816 be **granted** subject to the following conditions:

No.	Condition
(1)	the development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| (2) | <p>the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 002 and specification contained therein, submitted on 16 May 2019 and approved drawing 001C, 006, 007 and BDS-08-18 Rev.C and specification contained therein, submitted on 15 January 2020.</p> <p>Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;</p> |
| (3) | <p>no part of the development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan should include description of features to be managed, aims and objectives of management, prescriptions of management actions and a work schedule capable of being rolled forward over a repeating five-year period. Such approved measures shall thereafter be implemented in full.</p> <p>Reason: To ensure a net biodiversity gain in accordance with Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029 and the NPPF;</p> |
| (4) | <p>notwithstanding the details submitted as part of the application, no part of the development hereby permitted shall commence until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall provide for the access and construction details for the pods, including (but not necessarily limited to) method of delivery, method of construction and details of any felling that may be associated with the creation of a glade to the front of each pod. The development hereby permitted shall only proceed in strict accordance with the approved CMS.</p> <p>Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| (5) | no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless and until a scheme for the protection of all existing trees has been submitted to and approved in writing by the Local Planning Authority and thereafter, the development shall be carried out in strict accordance with such approved measures which shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). |

Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;

- | | |
|-----|---|
| (6) | the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted. Any tree(s) or shrub(s) removed, 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/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted. All 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 (excluding hard surfaces). |
|-----|---|

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | <p>Reason: To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;</p> |
| (7) | <p>the development hereby permitted shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) prepared by Willis & Co and dated July 2019.</p> <p>Reason: To prevent the increased risk of flooding in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029;</p> |
| (8) | <p>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 firefighting 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.</p> <p>Reason: In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029;</p> |
| (9) | <p>the use of the site for glamping purposes hereby permitted shall be limited to up to and including 8 pitches at any one time, in accordance with approved drawing BDS-08-18 Rev.C.</p> <p>Reason: In the interests of protecting a site of local importance for biodiversity and protecting the landscape character in accordance with Policies NE2 & NE4 of the Warwick District Local Plan 2011-2029; and</p> |
| (10) | <p>a note to the applicant to ensure suitable lighting from the car park to the pods in keeping with the surrounding area.</p> |

(Councillors Ashford and Jacques left the meeting.)

PLANNING COMMITTEE MINUTES (Continued)

52. **W/20/1037 – St Mary’s Lands**

The Committee considered an application from Warwick District Council to create four wetland scrapes.

The application was presented to Committee it was a Warwick District Council application.

The officer was of the opinion that the application would help create a wetland habitat that would increase biodiversity in the area and was viewed as a positive addition to the area. As such, it was recommended that planning permission should be granted.

Following consideration of the report and presentation, it was proposed by Councillor Morris and seconded by Councillor Heath that the application should be granted.

The Committee therefore

Resolved that W/20/1037 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|---|
| (1) | the development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); |
| (2) | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) PLI-C8-GF-DR-L-0140 PL02, PL1-C8-GF-DR-L-0110 PL02 and PL1-C8-GF-DR-L-0141 PL01, and specification contained therein, submitted on 28/07/2020 and PLI-C8-GF-DR-L-0100 PL02 and specification contained therein, submitted on 07/09/2020

Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and |
| (3) | none of the excavated material shall be deposited on any land that falls within Flood Zones 2 or 3.

Reason: To ensure that the development does not increase flood risk, in accordance with Policy FW1 of the Warwick District Local Plan. |

PLANNING COMMITTEE MINUTES (Continued)

(The meeting ended at 8.52pm)

CHAIRMAN
4 November 2020

Correction on page 92 approved

CHAIRMAN
1 December 2020