

Planning Committee

Minutes of the remote meeting held on Wednesday 3 February 2021 at 6.30pm, which was broadcast live via the Council's YouTube Channel.

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

Also Present: Civic & Committee Services Manager – Mrs Tuckwell; Committee Services Officer – Mr Edwards (observing only); Legal Advisor – Mrs Gutteridge; Manager - Development Services – Mr Fisher; Principal Planning Officer – Ms Obremski; Site Delivery Officer - Mr Garden; and Warwickshire County Council Highways Officer – Mr Pilcher.

Before proceeding with the agenda, the Chairman asked Members to hold a moment of silence, having earlier clapped for Captain Sir Tom Moore. The Chairman informed Members that the flags at Leamington Town Hall had flown at half-mast in tribute to Captain Tom.

The Chairman also reminded those present that the meeting started 30 minutes late so that the Committee could first finish the business of the 2 February 2021 adjourned meeting.

113. **Apologies and Substitutes**

There were no apologies for absence made.

114. **Declarations of Interest**

There were no declarations of interest made.

115. **Site Visits**

There were no arranged site visits made by the Committee but Councillor Jacques independently visited the following application site:

W/20/1364 – Homebase Ltd, 46-48 Emscote Road, Warwick.

116. **W/20/1842 – Stags Head Farm, Bubbenhall Road, Baginton**

The Chairman informed Members that, as circulated in the addendum earlier that day, this item had been withdrawn by the applicant and would therefore not be considered by the Planning Committee.

117. **W/20/1364 – Homebase Ltd, 46-48 Emscote Road, Warwick**

The Committee considered an application from Lidl Great Britain Ltd for the demolition of the existing building and erection of a Class E discount foodstore, with car parking, access, landscaping, substation and associated engineering works.

The application was presented to Committee because of the number of objections having been received, including one from Warwick Town Council.

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In the officer's opinion, the proposed development would result in enhancements to the street scene and make use of a vacant site. Evidence had been submitted to demonstrate compliance with retail policies. The scheme was considered to adequately mitigate the impact on neighbouring amenity and highway infrastructure, subject to a legal agreement and conditions as set out in the report. Furthermore, adequate parking arrangements were considered to have been provided and the development would result in a small net biodiversity gain. For these reasons, it was recommended by officers that planning permission should be granted.

An addendum circulated prior to the meeting informed Members of an amendment to condition 17, which should relate to 'Lidl Great Britain Limited' and not 'Lidl Ltd'.

The addendum also advised that condition 10 should be amended to the following: No development shall be carried out above slab level 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. Within three months of occupation, 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 and approved in writing by the Local Planning Authority. **Reason:** To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029.

Following on from detailed discussions between WCC Highways, Legal Services advisors and Planning Officers, as it was considered that it had been demonstrated by the applicant that the sufficient parking was provided on site for the development (subject to a condition limiting the permission to Lidl only), there was no requirement by condition, or legal agreement for a car parking management plan. This was because these requirements would not meet the relevant tests for conditions and planning obligations, i.e. they were not necessary for the purposes of the development, directly related to the development, or fair and reasonable.

In addition, the addendum also informed Members that Warwick Town Council wished to remove their objection as there had been revised comments from Highways which now removed their concerns.

The following people addressed the Committee:

- Mr Sullivan, objecting;
- Mr Budd, supporting; and
- Mr Hardy, supporting.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Weber and seconded by Councillor Jacques that the application should be granted in accordance with the recommendation in the report, subject to the amendments in the addendum, an additional

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condition regarding provision of signage and painted markings for pedestrians over the service ramp and a note to the applicant to do with landscaping.

The Committee therefore

Resolved that W/20/1364 be **granted** in accordance with the recommendation in the report, subject to the conditions listed in the report and amendments in the addendum, an additional condition regarding provision of signage and painted markings for pedestrians over the service ramp and a note to the applicant asking for further discussions with officers around landscaping. Members noted that, based on the information provided by officers in the addendum and at the meeting, the legal agreement was no longer required.

Authority be delegated to the Head of Development Services in consultation with the Chair of Planning Committee to finalise the wording of Condition 17 in the Officer's report.

- | No. | Condition |
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| (1) | the development hereby permitted shall begin no 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 drawings PL-03 Rev A (site plan), PL-04 Rev A (floor plan), PL-05 Rev A (roof plan), PL-06 Rev C (elevations) and SK-07 Rev C (site plan including finished floor levels) submitted on 27th August 2020 and drawing 8934-L-01 Rev F (soft landscaping) submitted on 9th October 2020, and specification contained therein. 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; |
| (3) | no development shall take place until: <ol style="list-style-type: none">1. A site investigation has been designed for the site using the information obtained from the approved desk-top / preliminary study and any diagrammatical representations (conceptual model). The investigation must be comprehensive enough to enable: |

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No.

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- a risk assessment to be undertaken relating to human health;
- a risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected;
- an appropriate gas risk assessment to be undertaken;
- refinement of the conceptual model;
- the development of a method statement detailing the remediation requirements.

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.

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

3. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be deal with.

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

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | 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; |
| (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: details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, noise and vibration, demolition or clearance works, details of wheel washing, site working hours and delivery times, restrictions on burning and details of all temporary contractors buildings, plant and storage of materials associated with the development process. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. Reason: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;</p> |
| (5) | <p>no development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall include the following information:</p> |

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- | No. | Condition |
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| | <ul style="list-style-type: none">• Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753 through the submission of plans and cross sections of all SuDS features including the underground cellular storage. <p>Reason: To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity, in accordance with Policies FW1, NE2 and BE3 of Warwick District Local Plan 2011 – 2029;</p> |
| (6) | <p>no development shall be carried out above slab level unless and until a hard landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the details contained within the approved soft landscaping plan in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| (7) | no development shall be carried out above slab level unless and until samples of the external facing materials to be used have 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; |
| (8) | prior to the occupation of the development hereby permitted, one twin 50kW DC rapid electric vehicle recharging point and two twin 7kW fast electric vehicle recharging points shall be installed in accordance with the approved details along with cabling for an additional four 7kW fast electric vehicle recharging points. 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). Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan; |
| (9) | no development shall take place above slab level until an appropriate scheme comprising of Type 2 mitigation measures in accordance with Warwick District Council's Air Quality Supplementary Planning Document (January 2019) has been submitted to and approved by the local planning authority. The approved scheme shall then be implemented in full and shall not be altered in any way without expressed written consent from the local planning authority. Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan; |
| (10) | no development shall be carried out above slab level 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 |

PLANNING COMMITTEE MINUTES (Continued)

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| | submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. Within three months of occupation , 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 and approved in writing by the Local Planning Authority. Reason: To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029; |
| (11) | the development shall not be occupied until MOVA (Microprocessor Optimised Vehicle Actuation) method of control has been installed at the Emscote Road/Pickard Street junction in accordance with the details approved under this planning permission. 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; |
| (12) | the development hereby permitted shall not be occupied unless and until the cycle and car parking areas, and loading/unloading areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. Reason: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029; |
| (13) | prior to installation of any lighting, a detailed lighting strategy for the development shall be submitted to the Local Planning Authority for approval and the development shall be carried out in strict accordance with these approved details. The detailed lighting strategy shall include: <ul style="list-style-type: none">• a layout plan detailing the position and type of the proposed lighting for both the construction and operational phase lighting. This should incorporate a zone of influence contour plan showing illuminance levels in |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | <p>relation to residential receptors prior to work starting. The lighting assessment should provide maximum vertical illuminance levels at nearby residential receptors;</p> <ul style="list-style-type: none">• mounting heights and beam orientation, description and type of luminaries / lamp and angle of lighting and predicted light spill/ trespass beyond the site;• steps taken to minimize light trespass, glare and sky glow;• proposed time of operation of the lighting in the scheme including details of any control such as movement detectors and timers and a CMS (Central Management System); and• purpose of the lighting – e.g. general amenity, security, advertising. |

Reason: 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;

- (14) 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.

Reason: To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

- (15) no deliveries, waste collections or other noisy external activities likely to cause nuisance to nearby residents shall take place before 0730 hours or after 2130 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays. **Reason:** To ensure that the development would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby

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- | No. | Condition |
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| | properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (16) | <p>The development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) and outline drainage strategy (by Baynham Meikle, ref: W_20_1364-Revised_FRA, dated July 2019) and in particular the following mitigation measures detailed within the document:</p> <ul style="list-style-type: none">• Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to 35.95 l/s for the site.• Provide provision of surface water attenuation storage as stated within the FRA of 120m³ in accordance with '<i>Science Report SC030219 Rainfall Management for Developments</i>'.• Installation of a Class I full retention separator to remove fuels/oils from surface water runoff upstream of the attenuation. |

Reason: In the interests of preventing increased flood risk, in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029;

- (17) the development hereby permitted shall be carried out only by Lidl Great Britain Limited and must be occupied only by Lidl Great Britain Limited. **Reason:** Planning permission is granted only on the basis of Lidl trip rates and the associated impact on the Highway Network. Use of the development by an alternative company would require a further assessment to be made by the LPA in conjunction with the Highways Authority;
- (18) the development hereby permitted shall be used as a foodstore and for no other purpose including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 2005, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). **Reason:** Since the retail planning assessment has been based on the fact that the proposals are for a foodstore and not any other type of retail use, in

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | accordance with Policy TC2 of the Warwick District Local Plan 2011-2029; |
| (19) | an additional condition regarding provision of signage and painted markings for pedestrians over the service ramp; and |
| (20) | a note to the applicant asking for further discussions with officers around landscaping. |

118. **W/20/1642 – Asps Farm, Banbury Road, Bishop’s Tachbrook**

The Committee considered an application from BSL II LLP for the variation of conditions 1, 2, 5, 9, 10 and 18 and removal of conditions 19 and 21 of planning permission W/14/0300 (Outline planning application with all matters reserved except access for the erection of up to 900 dwellings, a primary school, a local centre and a Park and Ride facility for up to 500 spaces together with associated infrastructure, landscaping and open space).

The application was presented to Committee because it was recommended that planning permission should be granted, subject to the completion of a legal agreement.

The officer was of the opinion that the proposed revisions set out in the report retained and strengthened the controls in place to ensure the delivery of the infrastructure required to service the development within the surrounding area. It was therefore recommended by officers that planning permission should be granted subject to the revised conditions and Section 106 Agreement proposed.

An addendum circulated prior to the meeting advised Members that Warwick Town Council had raised no objection to the proposal.

Following consideration of the report, presentation and information contained in the addendum, it was proposed by Councillor Murphy and seconded by Councillor Dickson that the application should be granted in accordance with the report.

The Committee therefore

Resolved that W/20/1642 be **granted** subject to the conditions listed below and the completion of a Section 106 Agreement duplicating the requirements of the agreements completed in connection with planning permission reference W/14/0300 and the revisions identified in the report.

Authority be delegated 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.

PLANNING COMMITTEE MINUTES (Continued)

Should a satisfactory Section 106 Agreement not have been completed by 28 February 2021, authority be delegated to the Head of Development Services to refuse planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

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| (1) | <p>details of appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') relating to each phase of development shall be submitted to and approved in writing by the local planning authority before any development begins in respect of that phase. Development shall be carried out in accordance with the approved details.</p> <p>The reserved matters for the advanced planting phase and sub-phase 1a for 65 dwellings shall be carried out in accordance with the details approved by planning permission references W/18/2336 and W/19/0229 respectively or in accordance with details approved under this condition;</p> |
| (2) | <p>following the approval of the first reserved matters application which took place within three years from the date of the original permission, all outstanding reserved matters applications shall be submitted to the local planning authority for approval no later than ten years from the date of commencement of the development;</p> |
| (3) | <p>the development to which this permission relates shall begin within three years of the date of this permission or within two years of the approval of the first application for reserved matters, whichever is the later;</p> |
| (4) | <p>insofar as access is concerned, the development hereby permitted shall be carried out in accordance with the following plans: Europa Way Access Peter Brett Associates plan 28353/015/003 Rev A; and Banbury Road Access Peter Brett Associates plan 28353/015/004 Rev B;</p> |
| (5) | <p>the development shall be undertaken in accordance with the phasing plan submitted in accordance with condition no. 5 imposed on planning permission reference W/14/0300</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | <p>and approved on 19th December 2018 and in the following documents:</p> <ul style="list-style-type: none">• Plan SK10 – Residential and Open Space Phasing (10/8/18) and letter dated 14th August 2018• Email dated 19th December 2018 (which confirms that that the advanced planting stage would be completed before the occupation of the 100th dwelling) <p>or in accordance with any updated phasing plan which is subsequently submitted to and approved in writing by the Local Planning Authority pursuant to this condition;</p> |
| (6) | <p>the development hereby permitted shall be carried out substantially in accordance with the details described on the following plans:</p> <p>Site Location Plan EDP 1871/125
Illustrative Masterplan EDP 1871/140a
Parameters Plan: Land Use EDP 1871/116c
Parameters Plan: Maximum Building Heights EDP 1871/117b
Parameters Plan Advanced Planting EDP/1871/143;</p> |
| (7) | <p>an area of land measuring no less than 0.5 hectare shall be reserved for a local centre. This area of land should broadly be in the location identified on drawing No EDP 1871/116C. Any reserved matters proposal for development on this land must provide a mix of A1 and A2 and A3 and A4 and D1 floorspace, and a police post and associated off-street servicing and parking facilities, all of which shall be delivered in accordance with the phasing plan;</p> |
| (8) | <p>prior to the commencement of development in any phase, details of the mix of type and size of market dwellings to be provided in that phase, informed by the most up to date version of the Council's "<i>Development Management Policy Guidance: Mix of Market Housing on New Development Sites</i>" shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details;</p> |
| (9) | <p>all reserved matters applications shall be informed by the Site Wide Design Code "The</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | Asps Warwickshire Design Code" dated 18th December 2018, submitted in accordance with condition no. 9 imposed on planning permission reference W/14/0300 and approved on 20th December 2019 or with any revisions to that Design Code which shall first have been submitted to and approved in writing by the Local Planning Authority; |
| (10) | <p>no phase of development shall commence until a Construction Method Statement for that phase has been submitted to and approved in writing by the local planning authority. The approved Construction Method Statement shall thereafter be adhered to throughout the construction period for that phase. The Construction Method Statement shall include, but is not limited to, the following matters:</p> <ul style="list-style-type: none">• the parking of vehicles of site operatives and visitors;• the loading and unloading of plant and materials;• the storage of plant and materials used in constructing the development;• the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate;• 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;• measures to control the emission of dust and dirt during construction;• a scheme for recycling/disposing of waste resulting from construction works; and• the positioning and alignment (both vertical and horizontal) of a temporary construction access road, the details of which shall be agreed in consultation with the Highways Authority; |
| (11) | <p>no phase of development shall commence until a Construction and Environmental Management Plan for that phase has been submitted to and approved in writing by the local planning authority. The approved</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | <p>Construction and Environmental Management Plan shall thereafter be adhered to throughout the construction period for that phase. The Construction and Environmental Management Plan shall address, but is not limited to, the following matters:</p> <ul style="list-style-type: none">• pre-commencement checks for protected and notable species, with subsequent mitigation as deemed appropriate; and• appropriate working practices and safeguards for other wildlife (dependent on further survey work) that are to be employed whilst works are taking place on site; |
| (12) | <p>no phase of development shall commence until a detailed Landscape, Arboriculture and Ecological Management Plan for that phase has been submitted to and approved in writing by the local planning authority. The Plan shall include details of maintenance of all new planting. The plan shall also include details of habitat management, such as for pond, wildflower grasslands, and habitat for protected species. Development shall be carried out in accordance with the approved Plan;</p> |
| (13) | <p>no phase of development shall commence, nor shall any equipment machinery or materials for the purpose of the development hereby permitted be brought onto any phase, until all existing trees and hedges to be retained within that phase have been protected by fencing in line with BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations, pursuant to a scheme that shall previously have been submitted to and approved in writing by the local planning authority.</p> <p>Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the local planning authority. The approved protection measures shall not be removed other than in accordance with a timetable that shall previously have been submitted to and approved in writing by the local planning authority;</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| (14) | <p>no phase of development shall take place under any reserved matters consent until a scheme for that phase showing how either:</p> <ul style="list-style-type: none">a) at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources; orb) a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the local planning authority. <p>No dwelling within that phase shall be occupied until all the works within the scheme that relate to that dwelling have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications;</p> |
| (15) | <p>no phase of the development shall commence unless and until a programme of archaeological works has been secured in accordance with a written scheme of investigation which has previously been submitted to and approved in writing by the local planning authority in respect of that phase. Development shall be carried out in accordance with the approved scheme. The details to be submitted shall include provision to be made for publication and dissemination of the analysis and recording, and provision to be made for archive deposition of the analysis and records of the site investigation;</p> |
| (16) | <p>no phase of development shall commence until the following information has been submitted and approved by the local planning authority in respect of that phase:</p> <ul style="list-style-type: none">(1) (a) A site investigation has been designed for the site using the information obtained from the desk-top study as identified at Chapter 10 of the Environmental Statement and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable: |

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No.	Condition
	<ul style="list-style-type: none">• a risk assessment to be undertaken relating to human health;• a risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected;• an appropriate gas risk assessment to be undertaken;• refinement of the conceptual model; and• the development of a method statement detailing the remediation requirements.
	<p>(b) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.</p>
	<p>(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 local planning authority. The method statement shall include details of how the remediation works will be validated upon completion and shall be approved in writing by the local planning authority prior to the remediation being carried out on the site.</p>
	<p>(2) Development of the site shall accord with the approved method statement.</p>
	<p>(3) If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless an addendum to the method statement, detailing how the unsuspected contamination shall be dealt with, has been submitted to and approved in writing by the local planning authority). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.</p>
	<p>(4) 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</p>

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report; |
| (17) | <p>no phase of development hereby permitted shall commence until details of surface water drainage works for that phase have been submitted to and approved in writing by the local planning authority, demonstrating means of disposing of surface water and associated SUDS facilities from the development, that surface water runoff would not exceed runoff from the undeveloped site and would not increase the risk of flooding off-site, in accordance with the Flood Risk Assessment dated November 2013 ref: 28353/019 and The Asps Hydraulic Modelling Report prepared by Peter Brett Associated Ref. 28353. The scheme to be submitted, which shall be based on an assessment of the hydrological and hydrogeological context of the site, shall:</p> <ul style="list-style-type: none">i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;ii) include a timetable for its implementation in relation to each phase of the development; and,iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime. <p>The approved scheme shall be installed in strict accordance with the approved details and timetable. It shall be retained thereafter and shall be managed and maintained in strict accordance with the approved details;</p> |
| (18) | <p>a) No dwellings shall be occupied until the access to the site from Banbury Road has been constructed in accordance with a Highways Agreement with the Highways Authority in general accordance with Drawing 28353-015-004 Rev B, which secures its subsequent adoption as publicly maintainable</p> |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	highway, or an alternative arrangement is agreed with the Highways Authority to secure the necessary mitigation.
	b) No more than 200 dwellings shall be occupied until a Site access is provided to Europa Way. No more than 400 dwellings shall then be occupied until the Europa Way Corridor Potential Mitigation Scheme has been constructed in accordance with a Highways Agreement with the Highways Authority in general accordance with Drawing 28353-5501-005, which secures its subsequent adoption as publicly maintainable highway, or an alternative arrangement is agreed with the Highways Authority to secure the necessary mitigation.
	c) No more than 200 dwellings shall be occupied until the Banbury Road/Myton Road Junction Mitigation Scheme has been constructed in accordance with a Highways Agreement with the Highways Authority in general accordance with Drawing 28353-5501-002 which secures its subsequent adoption as publicly maintainable highways, or an alternative arrangement is agreed with the Highways Authority to secure the necessary mitigation.
	d) No more than 200 dwellings shall be occupied until the Banbury Road/Gallows Hill Junction Mitigation Scheme and no more than 400 dwellings shall be occupied until the Greys Mallory Roundabout (including section of Warwick bypass) have been constructed in accordance with a Highways Agreement with the Highways Authority in general accordance with Drawings 28353-5501-003 and 28353-85501-004, which secures their subsequent adoption as publicly maintainable highways, or an alternative arrangement is agreed with the Highways Authority to secure the necessary mitigation.
	e) No more than 100 of the dwellings hereby permitted shall be occupied until the Europa Way/Gallows Hill/Heathcote Lane/Harbury Lane roundabout scheme is constructed in accordance with a Highways Agreement with the Highways Authority in general accordance with Drawing 28353-5501-001 which secures its subsequent adoption as publicly maintainable highways, or an alternative

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | arrangement is agreed with the Highways Authority to secure the necessary mitigation; |
| (19) | each phase of development hereby permitted shall be carried out in strict accordance with details of a scheme for the provision of onsite footpaths which link with the wider public rights of way network, that shall previously have been submitted to and approved in writing by the local planning authority in respect of that phase; |
| (20) | no phase of development shall commence until a detailed lighting scheme for public areas in that phase, including roads and footways, has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details; |
| (21) | no phase of development shall commence until a scheme for that phase, detailing arrangements to protect future residents of the development hereby permitted from traffic noise, in accordance with the mitigation measures set out in Chapter 14 of the Environmental Statement, has been submitted to and approved in writing by the local planning authority. No dwelling within a phase shall be occupied until the commensurate noise mitigation measures have been implemented in accordance with the approved details, which measures shall be retained thereafter; |
| (22) | noise arising from any plant or equipment installed at any of the commercial units hereby permitted (i.e. any unit falling within Use Classes A1, A2, A3, A4 or D1), 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; |
| (23) | none of the commercial units hereby permitted shall be used as a restaurant; cafe or drinking establishment, i.e. for purposes |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | falling within the former Use Class A3 and use Class A4 unless and until: <ul style="list-style-type: none">(a) an odour assessment has been undertaken to assess the impact of odour arising from cooking and any proposed fume extraction system that is required to serve that unit;(b) the results of the odour assessments carried out to comply with criterion (a), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority; and(c) any necessary mitigation measures approved under (b) have been implemented in full accordance with the approved details. The odour mitigation measures installed and shall be retained thereafter and shall be operated and maintained in accordance with manufacturer's instructions; and |
| (24) | no phase of the development shall commence until a scheme for the provision of adequate water supplies and fire hydrants necessary for fire fighting purposes in that phase, has been submitted to and approved in writing by the local planning authority. That phase of development shall not then be occupied until the scheme has been implemented in accordance with the approved details. |

PLANNING COMMITTEE MINUTES (Continued)

119. W/17/0440 – Land off Bremridge Close, Barford

The Committee considered an application from Taylor Wimpey West Midlands Ltd for the erection of 63 dwellings together with all ancillary works including infrastructure, surface water attenuation measures and on-site open space provision.

The application was presented to Committee because it was a Proposed Deed of Variation to the signed Section 106 Agreement.

This report related to planning permission W/17/0440, which was previously presented to Members of the Planning Committee on 20 June 2017. The officer's recommendation was to grant planning permission, subject to the various conditions listed in the report as well as a Section 106 Agreement to secure a range of obligations from the Owner. The Section 106 was thereafter signed and the decision issued on 7 September 2017.

The application site was now substantially complete and occupied.

The Housing Team had been approached by an occupier of one of the affordable properties who wished to exercise their Right to Buy their property.

The current wording within the Section 106 prohibited the disposal of the affordable housing units to any party other than a Registered Provider. This prevented individual tenants from exercising their statutory Right to Buy the affordable housing units.

In order to overcome the conflict between the tenants' statutory Right to Buy and the terms of the agreement, the Housing Services Team of the District Council had recommended that the wording should be amended.

The change required is to Paragraph 1.9 of the Third Schedule of the Section 106 Agreement and needed to be amended to include the words "SAVE THAT this clause shall not apply to or prohibit any statutory right to purchase" at the end of the paragraph. This would allow the occupier to exercise their Right to Buy.

It was the officer's opinion that the agreement of a standard clause was not affected by the CIL regulations and was purely the mechanism to provide conformity with the legislation relating to Right to Buy.

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

The Committee therefore

Resolved that W/17/0440 be **granted** and the revisions to the wording through a Deed of Variation to the Section 106 Agreement be approved.

120. W/20/1331 – Land adjacent, Daly Avenue, Hampton Magna, Budbrooke

PLANNING COMMITTEE MINUTES (Continued)

The Committee considered an application from Mr R Earley for the display of 12 flag poles and flags, and one free standing, V-board sign (all non-illuminated).

The application was presented to Committee because an objection from Budbrooke Parish Council had been received.

In the officer's opinion, the proposed signage was appropriately positioned within the development and proportionate relative to the overall scale and character of the wider development site and would not result in any visual harm to the amenity of the area, nor would there be any detriment to highway safety. Accordingly, it was recommended that Advertisement Consent should be approved.

An addendum circulated prior to the meeting advised Members of some additional information which had been submitted by the applicant regarding the construction of the flagpoles, summarised below:

- the poles were made out of steel so they did not sway in the wind;
- no ropes were present;
- the flags were fixed at the top section along a metal bar to minimise the flapping and noise; and
- there was a metal tether tag to the bottom of the flag.

Following consideration of the report, presentation and information contained in the addendum, it was proposed by Councillor Ashford and seconded by Councillor Dickson that the application should be granted.

The Committee therefore

Resolved that W/20/1331 be **granted** and Advertisement Consent be approved, subject to the five Statutory Advertisement Conditions and the two conditions below:

- | No. | Condition |
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| (1) | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing SK200 Rev.P2, and specification contained therein, submitted on 11 November 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 |
| (2) | within 14 days of the occupation of the last residential unit approved under application reference W/19/2112, or any subsequent amendments, the advertisements hereby permitted shall be removed in full. Reason: In the interest of visual amenity in |

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

121. Planning Appeals Report

Members received a report from officers outlining the existing enforcement matters and appeals currently taking place.

Resolved that the report be noted.

(The meeting ended at 7.42pm)

CHAIRMAN
30 March 2021