

Planning Committee

Minutes of the remote meeting held on Wednesday 21 October 2020 at 6.00pm, which was broadcast live via the Council's YouTube Channel.

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

Also Present: Democratic Services Manager and Deputy Monitoring Officer – Graham Leach; Committee Services Officer – Mr Edwards; (observing only); Legal Advisor – Mrs Gutteridge; Development Services Manager - Mr Fisher; and Principal Planning Officer – Ms Obremski.

Before proceeding with considering the items on the agenda, the Chairman informed Members of the sad passing of the Chairman of the Council's Consort. A moment of silence was held and the Chairman asked that sincere condolences be passed on behalf of the Planning Committee of which Councillor Ashford was a member.

66. **Apologies and Substitutes**

- (a) Apologies were received from Councillor Murphy.
- (b) Councillor Norris substituted for Councillor Ashford.

67. **Declarations of Interest**

Minute number 71 – W/20/0966 – 45 Brook Street, Warwick

Councillor Morris declared an interest because the application site was in his ward. The application site was for a restaurant which Councillor Morris frequented, and the applicant was known to him. However, he was willing to listen to the debate with an open mind.

Minute Number 72 – W/20/0439 – Warwick Boat Club, 33 Mill Street, Warwick

Councillor Morris declared an interest because the application site was in his Ward.

68. **Site Visits**

There were no site visits made by the Committee. Councillor R Dickson made an independent visit to the following application site:

W/20/0668 – Old Beams, Lapworth Street, Bushwood, Lowsonford.

69. **W/20/0668 - Old Beams, Lapworth Street, Bushwood, Lowsonford**

The Committee considered an application from Mr Jinks for the erection of a new dwelling.

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to Committee because of the number of objections, including an objection from Rowington Parish Council.

Officers considered the proposed development in the light of the policies of the Warwick Local Plan. Having assessed the site specific details of the proposal, officers were satisfied that the scheme complied with Policy H11 of the Warwick Location Plan, specifically criterion (c), which sought to ensure that the site would not harm the integrity of the village, where its loss would have a harmful impact upon the local character and distinctiveness of the area.

The objections received were duly noted and acted upon. As amended, it was considered that, on balance, the proposal was acceptable, having regard to the impact on the character of the local area and the Lowsonford Conservation Area, the impact on the setting of nearby Listed Buildings, the impact on the amenity of neighbouring properties, and the impact on highway safety. Officers were also satisfied that the scheme would not result in harm to protected species.

An addendum circulated prior to the meeting advised Members of further responses from Rowington Parish Council having been received. The Parish Council was concerned that the application was being considered primarily in design terms, without giving proper weight to the adverse impact on Heritage Assets and the Conservation Area, contrary to Policies H11, HE1 and HE2 of the Warwick District Council Local Plan, adopted in September 2017. A range of photographs had been provided to Members showing the evolution of the site over time.

Warwickshire County Council Landscape Team also objected to this planning application and minor changes to the proposal had been made since this comment was received, including the removal of a detached garage. It advised that the current proposal with Sun Room and additions to the previously approved design, destroyed the open views that Policies H11, HE1 and HE2 were designed to protect. Contrary to Policy HE2, the garden and open space that added much to the historic appearance and interest of the Conservation Area had been destroyed, as part of the preparatory building works.

The addendum also stated that the Conservation Officer confirmed that the Conservation Advisory Forum (CAF) looked at the plans for this application and, at its meeting on 1 October 2020, indicated that it was content with the proposals and had no formal comments to submit. The Conservation Officer did not consider that there was a need for this matter to be referred back to CAF and prolong the consideration of this application further.

The following people addressed the Committee:

- Councillor Henderson, representing Rowington Parish Council, which had objected to the application;
- Mr Jinks, speaking in support; and
- Councillor Illingworth, District Councillor, who spoke in objection.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was

PLANNING COMMITTEE MINUTES (Continued)

proposed by Councillor Morris and seconded by Councillor Norris that the application should be granted.

The Committee therefore

Resolved that W/20/0668 be **granted**, subject to the following conditions:

- | No. | Condition |
|------------|---|
| (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 drawing(s) 19-194.JIN-01 Rev C, 19-194.JIN-02 Rev C, 19-194.JIN-03 Rev C, 19-194.JIN-04/0 Rev C, 19-194.JIN-04/1 Rev C, 19-194.JIN-05 Rev C, 19-194.JIN-06 Rev C, 19-194.JIN-07 Rev C and 19-194.JIN-08 Rev C and specification contained therein, submitted on 25 August 2020. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1, BE3 and HE1 of the Warwick District Local Plan 2011-2029; |
| (3) | no part of the development hereby permitted shall be commenced until details of all earthworks, mounding and the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the Local Planning Authority and thereafter, the development shall be carried out in strict accordance with these approved details or any subsequently approved amendments. Reason: To ensure 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; |
| (4) | the development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | Reason: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029; |
| (5) | no development shall take place until: <ul style="list-style-type: none">(a) A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority;(b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority;(c) an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation. |

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

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

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| (6) | 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; |
| (7) | no development shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. Reason: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029. (CA). To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029. (LB). To ensure that the rural character and appearance of the barn(s) is protected, in accordance with Policies BE1 and BE4 of the Warwick District Local Plan 2011-2029. (Barn Conversions); |
| (8) | no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced until tree and hedge protection in accordance with British Standard BS5837- 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) on the site, or those tree(s) whose root structure may extend within the site and which are within the Lowsonford Conservation Area has been provided on site and shall be retained for the duration of the development. 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); |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | 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 be 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: To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy NE1 of the Warwick District Local Plan 2011-2029; |
| (9) | no development above slab level shall commence until details of both hard and soft landscaping works have 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 any 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 approved details 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 |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | 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; |
| (10) | the existing access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for the first 5 metres of its length. Reason: In the interest of highway safety having regard to Policy TR1 and TR3 of the Warwick Local Plan 2011-2029; |
| (11) | the development shall not be occupied until a turning area has been provided within the site so as to enable a car to leave and re-enter the public highway in a forward gear and thereafter shall be retained in perpetuity. Reason: In the interest of highway safety having regard to Policy TR1 and TR3 of the Warwick Local Plan 2011-2029; |
| (12) | the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. Reason: To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029; |
| (13) | prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) 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 and the Air Quality and Planning Supplementary Planning Document; |
| (14) | noise arising from the air source heat pump hereby permitted, when measured one metre from the facade 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; and |
| (15) | 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 further development shall take place within the curtilage of the dwelling house hereby permitted. 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. |

PLANNING COMMITTEE MINUTES (Continued)

70. **W/20/0852 - 104 Shrewley Common, Shrewley**

The Committee considered an application from Mr Lowe for the demolition of an existing barn and a change of use of land to station a mobile home for use as a dwelling.

The application was presented to Committee because Shrewley Parish Council supported the application and it was recommended for refusal.

In the officer's opinion, the development sought a change of use of land for the siting of a caravan as a separate dwelling. The development would harm the openness of the Green Belt, and would introduce an urbanising feature that would encroach on the open countryside which was contrary to the aims of the Green Belt, and it would be harmful to the character of the immediate setting. Furthermore, the development would introduce a new dwelling in an unsustainable location that did not comply with Local Plan Policies H1 and H11.

The following people addressed the Committee:

- Mr Lawrie, representing Shrewley Parish Council, who supported the application; and
- Mr Cooke, speaking in support.

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

The Committee therefore

Resolved that W/20/0852 be **refused** for the following reasons:

No.	Refusal Reason
(1)	<p>paragraph 146 of the NPPF sets out other forms of development that are not inappropriate development provided they preserve openness and do not conflict with the purposes of including land within it. This includes changes of use of land.</p> <p>The development involves the change of use of land to residential for the purposes of siting a caravan as a separate dwelling. The fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open. The proposal would introduce an urbanizing feature in a rural setting which would encroach on the countryside and would not preserve the openness of Green Belt.</p> <p>The proposal would therefore constitute inappropriate development in the Green Belt which would be harmful by definition and by reason of harm to openness. There are no</p>

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Refusal Reason |
|------------|--|
| | very special circumstances which outweigh the harm identified; |
| (2) | <p>Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Policy BE1 requires all development to respect surrounding buildings in terms of scale, height, form and massing, and use appropriate materials to ensure that it does not detract from the character of the local area.</p> <p>The proposal would introduce an urbanizing feature in a rural setting which would encroach on the countryside and would be harmful to the character of this area. The siting of a caravan on this site would likely lead to domestic paraphernalia surrounding the caravan which would add further urbanizing features that would encroach on the open countryside and the rural setting.</p> <p>The development is thereby considered to be contrary to the aforementioned policy; and</p> |
| (3) | <p>Local Plan Policy H1 states that new housing will be permitted in Growth Villages and Limited Infill Villages as shown on the proposal maps. Shrewley Common is identified as a Limited Infill Village and therefore the development could be acceptable in principle if it meets the definition of limited infilling in accordance with Local Plan Policy H11. The policy defines limited infilling as acceptable as long as the development comprises of no more than two dwellings, infill's a small gap fronting the public highway between an otherwise largely uninterrupted built up frontage, which is visible as part of the street scene, and as long as the site does not form an important part of the integrity of the village, the loss of which would have a harmful impact upon the local character and distinctiveness of the area.</p> <p>The application site is situated behind the existing row of dwellings along Shrewley Common and so is not considered to infill a small gap along an otherwise largely</p> |

PLANNING COMMITTEE MINUTES (Continued)

No.	Refusal Reason
	uninterrupted built up frontage, which is visible as part of the street scene. Furthermore, the corner plot is considered to be an important part of the integrity of the village as it reinforces the rural edge of the village and the rural character of the area. The proposal would therefore introduce a new dwelling in an unsustainable location that does not comply with the requirements of Policies H1 and H11.

71. **W/20/0966 - 45 Brook Street, Warwick**

The Committee considered an application from Dough and Brew for the erection of a timber pergola to an outdoor seating area with a sliding canvas sun shade over.

The application was presented to Committee because of the amount of public responses both in support and objection, including an objection from Warwick Town Council.

The officer was of the opinion that the development was visually harmful to the character and appearance of the street scene and failed to enhance or preserve the character of the wider Conservation Area. These impacts were carefully considered relative to the economic benefits that could be linked to the development, however, the visual harm was considered to outweigh any such benefits. It was therefore considered that the application should be refused.

An addendum circulated prior to the meeting advised Members of a further comment of support from a member of the public, commenting on the need for the structure due to the Covid-19 pandemic, and that the pavement was wide enough for both diners and pedestrians.

Mr Martin addressed the Committee, speaking in support of the application.

Following consideration of the report, presentation, information contained in the addendum and the representation made at the meeting, it was proposed by Councillor Weber and seconded by Councillor Kennedy that the application should be refused.

The Committee therefore

Resolved that W/20/0966 be **refused** because the application site is situated within a conservation area and within the setting of a number of listed buildings. Policy HE1 of the Warwick District Local Plan 2011-2029 states that where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

PLANNING COMMITTEE MINUTES (Continued)

The design of the pergola and the use of un-treated timbers in such a prominent location is not in keeping with the character and appearance of the street scene or the wider conservation area. It appears as an incongruous addition to this historic setting.

Therefore, it is considered that the proposals would harm the character and appearance of the conservation area and the setting of the nearby listed buildings. There are no public benefits sufficient to outweigh this harm.

The proposals are therefore contrary to the aforementioned policies.

72. W/20/0439 - Warwick Boat Club, 33 Mill Street, Warwick

The Committee considered an application from Warwick Boat Club for proposed alterations and improvements to Warwick Boat Club, including the demolition of one squash court and part of the existing club house, to be replaced by a two-story extension; the redevelopment of Court 11 to create two synthetic clay courts with floodlights; a replacement boathouse on the site of the existing boathouse, to include a small stores extension; the replacement of the existing bowls green with an enlarged synthetic bowls green with floodlights; the removal of some trees together with replacement planting; and the remodelling of the Banbury Road access to provide improved access arrangements.

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

The officer was of the opinion that the proposed development would not have a harmful impact on heritage assets, subject to conditions to secure a high quality finish. The development would also not have a harmful impact on neighbouring amenity, subject to adequate mitigation measures and adequate parking arrangements being made. The loss of six trees was noted as regrettable, but the identified health and wellbeing benefits were considered to far outweigh the very low level of harm which would be caused as a result of the loss of the trees. It was therefore considered that the application should be granted.

An addendum circulated prior to the meeting advised Members that following on from a query raised, officers wished to clarify the Warwickshire County Council Highways confirmed in writing that the red "stop" sign, which was to be moved from outside of the site access to the start of Mill Street, would be given permission from the Highways Authority, to be sited in an appropriate location in Mill Street, which was outlined in the Parking and Traffic Generation Strategy.

In answer to a question, Members were advised that a note could be issued to the applicant regarding minimising the impact of the building works on its setting within Warwick and being adjacent to Warwick Castle.

PLANNING COMMITTEE MINUTES (Continued)

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

The Committee therefore

Resolved that W/20/0439 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|--|
| (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 101 (site plan), 102 (ground floor plans squash courts), 103 (first floor squash courts), and drawing 105A (boat house) submitted on 2nd July 2020 and drawing 104C (squash courts) submitted on 3rd September 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 or other operations (including demolition, site clearance or other preparatory works) shall commence on each phase of the development unless the tree protection measures identified in the approved application documentation have been put into place for all trees affected by that phase in full accordance with the approved details and thereafter 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 |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | 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 NE1 of the Warwick District Local Plan 2011-2029; |
| (4) | the development hereby permitted shall either: <ol style="list-style-type: none">(a) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.(b) Not commence on each phase of development until a qualified ecologist has been appointed by the applicant to inspect the building/vegetation to be cleared on site for each phase for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by the ecologist. |

Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011 – 2029;

- (5) no development shall take place on each phase of the development until a detailed surface water drainage scheme for that phase, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall include the following information:
- 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. This should include measures taken to prevent groundwater ingress to the attenuation and manage the risk of floatation from high groundwater levels.
 - Limit the discharge rate generated by all rainfall events up to and including the 100

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 3.0 l/s. |
| | <ul style="list-style-type: none">• Demonstrate the provisions of surface water run-off attenuation storage are provided in accordance with the requirements specified in 'Science Report SC030219 Rainfall Runoff Management for Developments'.• Demonstrate detailed design (plans, network details and calculations) of the surface water drainage scheme including details of all attenuation 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 30 years and 1 in 100 years, plus climate change return periods. The calculations should be supported by a plan of the drainage network with all manholes and pipes labelled accordingly. |

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, NE3 and BE3 of the Warwick District Local Plan 2011-2029;

- (6) no development on each phase shall take place until:
- (a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority for that phase;
 - (b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken for that phase. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority; and
 - (c) an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority for that phase. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | <p>informed by the results of the archaeological evaluation.</p> <p>The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.</p> <p>Reason: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;</p> |
| (7) | <p>each phase of the development hereby permitted (including any works of demolition) shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority for that phase. 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 (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> |
| (8) | <p>no phase of the development shall commence unless and until a hard and soft landscaping scheme for that phase 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</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | 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 for each phase shall be completed in full accordance with the approved details within three months of the first occupation of the development within that phase; and all planting shall be carried out in accordance with the approved details 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; |
| (9) | no development of each phase shall be carried out above slab level until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the local planning authority for that phase. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments. 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; |
| (10) | no development for each phase 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 for that phase. The development shall only be carried out in accordance with the approved details. Reason: To ensure that the proposed development has a |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | 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; |
| (11) | no development of each phase shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), and the balcony at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority for that phase. The development shall not be carried out otherwise than in strict accordance with such approved details. Reason: To ensure an appropriate standard of design and appearance within the Conservation Area and setting of listed buildings, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029; |
| (12) | no occupation and subsequent use of each phase of the development shall take place until a detailed maintenance plan, written in accordance with CIRIA C753, is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the lifetime of the development for each phase. The name of the party responsible, including contact name and details, shall be provided to the LPA and LLFA within the maintenance plan. Reason: To ensure the future maintenance of the sustainable drainage structures in accordance with the requirements of policy FW2 of Warwick District Local Plan 2011 – 2029; |
| (13) | there shall be no use of the development hereby approved until a scheme for the monitoring of the "Car Park and Traffic Management Strategy: 2020" submitted on 18th March 2020 has been submitted to and agreed in writing by the Local Authority. Thereafter, the development shall be monitored in accordance with the approved details. Reason: To ensure that adequate access arrangements to the site are provided in accordance with Policy TR1 of the Warwick District Local Plan 2011 – 2029; |
| (14) | no lighting or illumination of any part of the buildings or site shall be installed until a detailed lighting scheme has been submitted and agreed between the applicant and the local planning authority for each phase of the development, which shall also include lighting spillage from the approved buildings. In discharging this condition, |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | <p>the District Planning Authority expects lighting to be restricted around the boundary edges, along the river, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:</p> <ul style="list-style-type: none">• Lighting should be directed away from the river and vegetated areas.• Lighting should be shielded to avoid spillage onto the river and vegetated areas.• The brightness of lights should be as low as legally possible.• Lighting should be timed to provide dark periods. <p>The use of the lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. Reason: To ensure that protected species are not harmed by the development, so that the development would have an acceptable impact on neighbouring amenity and so that the lighting respects the sensitive nature of the site and heritage assets in accordance with Policies NE2, BE3 and HE1 of the Warwick District Local Plan 2011 – 2029;</p> |
| (15) | <p>each phase of development hereby permitted shall not be used until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029;</p> |
| (16) | <p>noise arising from plant or equipment hereby permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (five 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.</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | 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; and |
| (17) | no development shall be carried out above slab level of the squash courts unless and until details of a noise mitigation scheme for the squash courts has been submitted to and approved in writing by the local planning authority. The development shall not be used until the mitigation measures have been completed in full accordance with the approved details, and shall be retained thereafter.
Reason: To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; and |
| (18) | a note to the applicant regarding minimising the impact of the building works on its setting within Warwick and being adjacent to Warwick Castle. |

73. **Urgent Item – W/19/1858 – Former Tamlea Building, Nelson Lane, Warwick**

With the Chairman's approval, the Committee considered an urgent item from Orbit Group Limited for the redevelopment of the former Tamlea Building for residential purposes, including the demolition of all existing buildings and creation of associated access, parking, landscaping and associated infrastructure.

The report related to the above planning application which, following its consideration at the 3 March Planning Committee, was refused planning permission.

Following the recent Hearing being conducted into that appeal, as a result of the likely imminent timing of the Inspectors decision, this matter came forward to the meeting as an urgent item.

The applicants appealed against the refusal and a hearing into the appeal was conducted on 6 October 2020. As part of the appeal process, a completed legal agreement was required to secure the necessary contributions in the event that the appeal was allowed.

Furthermore, the completion of a Section 106 Agreement did not in any way undermine the Council's position in defending the appeal. It was, however, important in securing the necessary infrastructure provisions and contributions, should the Inspector decide to grant planning permission.

The report, therefore, sought authority from the Planning Committee for officers to agree to the completion of a Section 106 Agreement to secure

PLANNING COMMITTEE MINUTES (Continued)

the following contributions which had been requested by consultees as part of the appeal process:

- Amenity Area Off Site Provision: £64,728.00 to be applied towards the upgrading of local open spaces at St Nicholas Park, Warwick and/or the Canalside Play Area and Recreation Ground, Warwick;
- Education Contribution: £97,015.00 towards secondary school places (approved by WCC and expressed as a per dwelling formula in the s106);
- Grass Pitch Contribution: £9,028.00 to be applied towards the improvement of grass pitches at Harbury Lane, St Nicholas Park, St Mary's Lands and Newbold Comyn;
- Highways Contribution: £15,000.00 to be applied towards a sustainable cycle scheme on Coventry Road (approved by WCC);
- Indoor Sports Facilities Contribution: £23,256.00 to be applied towards the provision of indoor sports facilities at St Nicholas Park Leisure Centre, Newbold Comyn Leisure Centre, Abbey Fields Swimming Pool and Kenilworth School Community Sports Centre;
- Outdoor Sports Facilities Contribution: £2,083.00 to be applied towards the provision of outdoor artificial sports facilities at St Nicholas Park, Racing Club Warwick and Newbold Comyn;
- Public Open Space Contribution: £145,080.00 to be applied towards the improvement of footpaths and signage at Priory Park;
- Road Safety Contribution: £1,450.00 to support road safety initiatives within the community (approved by WCC);
- Sustainable Travel Pack Contribution: £290.00 to be used for the purpose of providing information packs to be provided to the initial Owner and/or occupiers of the Dwellings to promote sustainable travel in the local area (approved by WCC); and
- WDC Monitoring Fee: £3,171.20.

The proposed contributions were considered to be appropriate and proportionate in delivering the necessary infrastructure arising from the proposed development, and the Planning Committee were therefore requested to agree to the recommendation.

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

The Committee therefore

Resolved that delegated authority be given to the Head of Development Services to agree the completion of the Section 106 agreement.

74. **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 9.19pm)

PLANNING COMMITTEE MINUTES (Continued)

CHAIRMAN
1 December 2020