

Planning Committee

Minutes of the meeting held on Tuesday 5 November 2019 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Boad (Chairman); Councillors R. Dickson, Heath, Kennedy, Leigh-Hunt, Morris, Murphy, Roberts, Sanghera, Weber and Wright.

Also Present: Principal Committee Services Officer – Mrs Dury; Legal Advisor – Mrs Gutteridge; Head of Development Services – Mr Barber; Development Services Manager – Mr Fisher; Principal Planning Officer – Ms Obremski; Warwickshire County Council Highways Officer – Mr Simm.

86. Apologies and Substitutes

- (a) There were no apologies made.
- (b) Councillor Wright substituted for Councillor Ashford.

87. Declarations of Interest

There were no declarations of interest.

88. Site Visits

There were no site visits made.

89. Minutes

The minutes of the meetings held on 8 October 2019 and 9 October 2019 were taken as read and signed by the Chairman as a correct record.

90. W/19/1030 – Oakley Grove Phase 3, Land off Harbury Lane and Oakley Wood Road, Royal Leamington Spa

The Committee considered an outline application from AC Lloyd (Homes) Limited for a proposed primary school and secondary school with sixth form, sports pitch provision including flood lights, land for use as a country park and a residential development of up to 150 dwellings, with all matters reserved apart from access.

The application was presented to Committee because of the number of objections received. The application was also subject to a Section 106 agreement.

The officer explained that the NPPG stated that "the development plan is at the heart of the planning system with a requirement set in law that planning decisions must be taken in line with the development plan unless material considerations indicate otherwise". Therefore, a departure from the Local Plan would be lawful, but only if material circumstances existed which would justify such a departure.

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It was considered that there was a well-justified education need for the development which had been adequately demonstrated. A clear site options assessment was made and it concluded that this was the only available site. The housing development was required in order to provide this education need, which the NPPF stated should be given great weight.

The development was considered to have a moderate level of harm on the landscape. It was also acknowledged that bringing the built form closer to Bishop's Tachbrook would have a detrimental impact on the setting of the Conservation Area and nearby listed buildings. This harm was less than substantial so had to be weighed against any public benefits derived from the scheme. Providing a community use facility which would have health and wellbeing benefits, providing a wider range of facilities than the current Country Park and increasing its overall size, creating a sustainable green link which provided easier access to the Country Park and south of Leamington and meeting the education needs which the Council was required to provide were all material public benefits which officers considered outweighed the level of harm identified.

The development would also deliver economic benefits through the generation of employment during the construction phase, and from the increased population which would contribute towards increased expenditure in the local area and dependence on local facilities. Social benefits would include the provision of a mix of types and sizes of market and affordable housing to meet identified local needs, the provision of open space, and improvements to shared infrastructure. Environmental benefits would arise from measures to increase biodiversity, sustainable transport improvements, provision of open spaces, sustainable drainage measures and improved footpath/cycle way links. The site was in a sustainable location adjacent to the urban area and would be integrated into the existing settlement by sustainable transport links.

The applicant had been able to demonstrate that the development would have an acceptable impact on the highways network, subject to financial contributions. It had been concluded that any issues of concern that had been raised could be satisfactorily addressed through the assessment of reserved matters applications, the provision of new facilities, and the provision of sustainable infrastructure improvements by way of financial contributions.

In the particular circumstances of this application, it was considered that a departure from the Local Plan was justified. The provision of adequate education facilities to meet the Council's education requirements carried substantial weight and the benefits which would be brought about as a result of the development, including the increase in the size of the Country Park and community use facility were considered to be significant. It was therefore concluded that planning permission should be granted.

An addendum circulated at the meeting advised that officers wished to clarify that in the event that Councillors approved the application, it was also requested that Councillors agreed to amendments to the Section 106 agreements relating to the earlier phases of development (ref: W/14/0023 and W/15/0851) relating to public open space and allotment provision.

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These amendments were also required by the Section 106 agreement for the current application to ensure that they were made.

Councillors were requested that in the event of resolving to approve the application, authority was delegated to the Head of Development Services in conjunction with the Chair of Planning Committee to agree the figure for the open space contribution for the residential element of the scheme.

Officers confirmed that the residential element of the proposal would be CIL liable and the likely contribution would be approximately £1.9 million, which would be apportioned between the District and Parish Council.

The applicant had requested that Councillors were made aware that the education land and country park land would be transferred to the District/County Councils at effectively nil cost, and that the education land would replace the historic obligation to transfer the Phase 1 primary school land to the County Council.

It should also be noted that there were ongoing discussion regarding the S106 Agreement heads of terms.

The Addendum gave details of further responses received, including those made by County Councillor, Councillor Caborn, and Bishop's Tachbrook Parish Council. A petition of 1,027 signatures had also been submitted against the proposals, and the wording of the petition was detailed in the Addendum along with summarised details of 125 comments that were attached to the petition. Officers drew Members' attention to the fact that the wording of the petition did not align accurately with the description of the proposed development, and therefore the number of signatures should be considered with this in mind.

The wording of conditions 17, 18, 19, 21, 24 and 30 had been changed to enable these to be discharged on a phased basis. Condition 28 had been changed to require this to be discharged alongside any reserved matters application, rather than beforehand. The correct wording for Conditions 6 and 20 was also detailed in the Addendum.

The following people addressed the Committee:

- Councillor Greene, representing Bishop's Tachbrook Parish Council which held neutral views on the application;
- Messrs Martin and White, who objected to the proposals;
- Messrs Budd and Green, who supported the proposals;
- Councillor Hayfield, who was the Warwickshire County Council Portfolio Holder for Education, who spoke in support of the application; and
- Councillor Day, Ward Councillor, who spoke in support.

Officers asked Members that should they be minded to approve the application, then to delegate authority to the Head of Development Services in conjunction with the Chair of Planning Committee to agree to the amendments to the Section 106 agreement relating to the earlier phases of development.

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Members were informed that the land for the school would not be available without the housing when they questioned the need for 150 dwellings.

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

The Committee therefore

Resolved that W/19/1030 be **granted** subject to a Section 106 agreement to secure the necessary financial contributions/obligations in relation to health services, highway infrastructure improvements, education services, libraries, sustainable travel packs, provision of public open space, air quality mitigation, public rights of way, police services, biodiversity offsetting and affordable housing.

Authority is 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.

Should a satisfactory Section 106 Agreement not have been completed by 3 December 2019, authority is 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.

Authority is delegated to the Head of Development Services in conjunction with the Chair of Planning Committee to agree amendments to the Section 106 agreements relating to earlier phases of development (W/14/0023 and W/15/0851) relating to public open space and allotment provision and to agree the figure for the open space Section 106 contribution and the S106 contributions of the earlier phases of development applications.

Conditions:

- (1) details of the means of access to the building(s) and site, appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall

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be carried out in full accordance with these reserved matters as approved. The landscaping plans should be informed by the results of the archaeological evaluation secured by condition 12. **Reason:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended);

- (2) application for approval of the reserved matters shall be made to the local planning authority not later than five years from the date of this permission. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (3) the development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (4) the development hereby permitted shall be carried out strictly in accordance with the parameters plan 0301 Rev P-07, and specification contained therein, submitted on 19th September 2019. **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;
- (5) no development of the school playing field area shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:
 - (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing fields which identifies constraints which could affect playing field quality; and
 - (ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing fields will be provided to an acceptable quality and within an agreed timeframe. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and

sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with the timeframe agreed with the Local Planning Authority pursuant to (ii) above. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord Warwick District Local Plan policy HS5;

- (6) each phase of the development hereby permitted shall not commence until a Construction and Environmental Management Plan for that phase has been submitted to and approved in writing by the District Planning Authority. The CEMP needs to be compliant with the British Standard on Biodiversity BS 42020:2013 published in August 2013. In discharging this condition the LPA expect to see details concerning pre-commencement checks and any updated surveys that may be required due to the time lapsed between the original survey and the anticipated commencement of development; monitoring for protected and notable species, as deemed appropriate; plus necessary working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

Reason: To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policy NE2 of the Warwick District Local Plan 2011 – 2029;

- (7) each phase of the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan for that phase has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and

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management, such as water bodies, native species planting, wildflower grasslands; woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net biodiversity gain in accordance with NPPF and Policy NE2 of the Warwick District Local Plan 2011 – 2029;

- (8) no reserved matters application shall be submitted more than 18 months after the completion of each of the protected species surveys that were submitted as part of the outline planning application unless and until:
- an updated survey for that species has been carried out; and
 - a report detailing the results of the survey and any recommendations in relation to mitigation measures or restrictions on the layout of the development has been submitted to and approved in writing by the local planning authority.

Any mitigation measures approved under this condition shall be implemented in full. Any reserved matters application shall accord with these mitigation measures.

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.

Note: The outcomes of the surveys are likely to have implications for the design and/or layout of the development;

- (9) no phase of development shall take place until:
1. (a) A site investigation for that phase has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:
 - (a) A risk assessment to be undertaken relating to human health

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- (b) 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
 - (b) The site investigation for that phase has been undertaken in accordance with details approved by the planning authority and a risk assessment has been undertaken.
 - (c) A method statement detailing the remediation requirements for that phase, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the planning authority prior to the remediation being carried out on the site.
2. All development of the phase shall accord with the approved method statement.
 3. If during development of that phase, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be deal with.
 4. Upon completion of the remediation detailed in the method statement for that phase a report shall be submitted to the planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the

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approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

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

(10) no phase of the development hereby permitted (including any works of demolition) shall commence unless and until a construction method statement for that phase has been submitted to and approved in writing by the local planning authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for:

- A construction phasing plan
- A HGV routing plan
- Any temporary measures required to manage traffic during construction
- Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction
- Dust management and suppression measures – level of mitigation determined using IAQM guidance
- Wheel washing
- Noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites – Part 1 and 2
- Concrete crusher if required or alternative procedure
- Delivery times and site working hours
- Site lighting
- Access and protection arrangements around the site for pedestrians, cyclists and other road users
- Restrictions on burning and details of all temporary contractors buildings
- Plant and storage of materials associated with the development process
- External safety and information signing notices

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- Complaints procedures, including complaints response procedures and dedicated points of contact
- Best practicable means shall be employed at all times to control noise and dust on the site including:
 - Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays.
 - Delivery vehicles should not be allowed to arrive on site before 8 am or after 4.30 pm Mon – Fri, 8 am - 1 pm Sat and not on Sundays or Bank Holidays.

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;

- (11) no development shall take place across the area of the site identified in the document entitled "Oakley Grove Phase 3 Harbury Lane, Royal Leamington Spa, Archaeological Evaluation Report October 2018" (submitted at appendix 5 of the Heritage Assessment) and indicatively shown hatched in blue on the figure titled 'W/19/1030 – Archaeological Plan' until 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 the approved Archaeological Mitigation Strategy document. **Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and/or protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;

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- (12) no development works, including planting and other landscaping, shall take place across the area of the site that was **not** evaluated and identified within the "Oakley Grove Phase 3 Harbury Lane, Royal Leamington Spa, Archaeological Evaluation Report October 2018" (submitted at appendix 5 of the Heritage Assessment) and indicatively shown hatched in pink on the figure titled 'W/19/1030 – Archaeological Plan' until:

a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work across that area 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 any development works, including landscaping across the area highlighted in pink on figure titled 'W/19/1030 – Archaeological Plan' 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/or protected were applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;

- (13) no phase of the development shall take place until a detailed surface water drainage scheme

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for that phase, based on sustainable drainage principles, the approved FRA 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 phase of development is completed. The scheme to be submitted shall:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- 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 the QBar Greenfield runoff rate for the site.
- Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in '*Science Report SC030219 Rainfall Management for Developments*'.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.

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 and FW2 of the Warwick District Local Plan 2011 – 2029;

- (14) no phase of development shall commence until details of foul water drainage for that phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with such approved details.

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Reason: To ensure that adequate drainage facilities are available and to minimise flood risk, in accordance with the National Planning Policy Framework and Policy FW2 of the Warwick District Local Plan 2011-2029;

- (15) no phase of development shall take place until a scheme has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards for that phase will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. **Reason:** To ensure Secured by Design standards are met, in accordance with Policy HS7 of the Warwick District Local Plan 2011 – 2029;
- (16) the school development hereby permitted shall not be commenced unless and until a pre-assessment and design stage assessment by an accredited BREEAM assessor demonstrating how the development will be designed and constructed to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent) 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. The school development shall not be occupied unless and until 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) has been 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;
- (17) no phase of the development hereby permitted shall be occupied until a scheme for that phase 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

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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;

- (18) no phase of the development hereby permitted shall be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes for that phase, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details. **REASON:** In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029;
- (19) no lighting shall be installed on any phase of the development until details of all external light fittings and external light columns for that phase have been submitted to and approved by the Local Planning Authority. The details must include:
- a layout plan detailing the position and type of the proposed lighting for both the construction and operational phase lighting. This should incorporate a zone of influence contour plan showing illuminance levels in relation to residential receptors prior to work starting. The lighting assessment should provide maximum vertical illuminance levels at nearby residential receptors.
 - mounting heights and beam orientation, description and type of 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).
 - purpose of the lighting – e.g. general amenity , security, advertising.
 - how the lighting has been designed to mitigate harm to protected species.

The development shall not be carried out otherwise than in full accordance with such approved details. **Reason:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby

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properties and that appropriate measures are taken in relation to protected species in accordance with Policies BE3, NE2, NE4 and NE5 of the Warwick District Local Plan 2011-2029;

- (20) no development or other operations (including demolition, site clearance or other preparatory works) shall commence until adequate measures have been taken to protect existing trees, scrub and ground flora of the adjacent Local Wildlife Site, Tach Brook, during development. A barrier, such as a wire fence, should be erected before works start. This fenced area should include a buffer zone of at least 8 metres between the development and the boundary of the LWS. It is important NOT to allow access, or storage of materials within this buffer zone, otherwise soil compaction is likely to occur, with subsequent damage to the ground flora. It should be ensured that there is no contamination of the watercourse either during or after development. **Reason:** To ensure the protection of important habitats during development in accordance with Policy NE2 of the Warwick District Local Plan 2011 - 2029;
- (21) No development or other operations (including demolition, site clearance or other preparatory works) shall commence on any phase of the development unless the tree protection measures identified in the approved application documentation for that phase have been put into place 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

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

- (22) no part of the education phase shall be occupied until the detailed drawings for the layout of the access arrangements have been laid out, constructed and implemented in accordance with drawing 20232-02 Rev D. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (23) no part of the development shall be occupied until the detailed drawings for the layout of the access arrangements have been laid out, constructed and implemented in accordance with drawing 20232-04. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (24) any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition one shall be completed in all respects for each phase of development within the first planting season following the first use of the dwellings or buildings in that phase, save that the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of each phase shall be replaced within the next planting season by tree(s) or shrub(s) of the same size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;
- (25) the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or

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uprooted. Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;

- (26) the mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the Strategic Housing Market Assessment at the point of submission. **Reason:** To ensure the provision of adequate affordable housing in accordance with the advice contained within the National Planning Policy Framework and Policy H4 of the Warwick District Local Plan 2011-2029;
- (27) the building heights shall not exceed the heights set out in the approved parameters plan 0301 Rev P-07. **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;
- (28) prior to the approval of any reserved matters application a scheme of mitigation for the relevant phase of development including detailed arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **Reason:** To provide a satisfactory

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noise environment for the future occupiers of the development in accordance with Policy BE3 of the Warwick District Local Plan 2011 - 2029;

- (29) the sports pitches shall not be used after 21:00 and before 08:00, except for the pitches shown on drawing 0305 P-00 submitted to the Local Authority on 27th September 2019 which shall not be used after 21:00 and before 07:00 Monday - Friday inclusive and before 08:00 Saturday and Sunday. **Reason:** To ensure that the premises are not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
- (30) no occupation and subsequent use of each phase of the development shall take place until a detailed maintenance plan is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the life time of that phase of the development. The name of the party responsible, including contact name and details shall be provided to the LPA within the maintenance plan. **Reason:** To ensure the future maintenance of the sustainable drainage structures in accordance with FW2 of the Warwick District Local Plan 2011 - 2029; and
- (31) a condition requiring the applicant to submit a School Travel Plan.

91. **W/19/0933 – Land on the North Side of Birmingham Road, Hatton**

The Committee considered an application from Taylor Wimpey UK Limited for 150 dwellings (Class C3), new vehicular access from Birmingham Road, new temporary vehicular access for sales and construction from Birmingham Road and associated works.

The application was presented to Committee because of the number objections that had been received including an objection from Hatton Parish Council.

The officer was of the opinion that the development of this allocated site (H28) for the construction of 150 dwellings together with the necessary infrastructure and associated works, including the provision of open spaces and highway improvements was considered to be acceptable in principle in accordance with Local Plan Policy DS11.

Following the withdrawal of the earlier application due to the issue with providing an appropriate pedestrian cycle link, the applicants had assessed the available options. The applicants had now confirmed that they were

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accepting of a Grampian Condition to secure the provision of the link and this was within the list of conditions accordingly.

The proposals would ensure appropriate levels of amenity for neighbouring dwellings whilst also providing positive and suitable living conditions for future occupants. The proposals would have a positive impact on the character and appearance of the area. Additionally, the proposals were considered to be acceptable in terms of car parking and highway safety.

Furthermore, the proposals were considered to be acceptable in ecological terms and there were a number of necessary and relevant conditions recommended in the event permission was forthcoming which would ensure that any possible impacts of the development were adequately mitigated.

Overall, the development was considered to accord with all relevant provisions of the Development Plan and for these reasons, it was therefore recommended that planning permission should be granted.

An addendum circulated at the meeting advised that the Conservation Officer had considered the proposal and was satisfied that the development would not result in harm to the setting of the Canal Conservation Area.

An additional contribution of £32,639 towards police infrastructure to mitigate for the development had been requested and was therefore included in the list of contributions.

The allotment contribution was to be offered to Hatton Parish Council for a period of three years from the payment being received for the purposes of establishing local allotments in Hatton. If after this period, there was no take-up of this offer, the money would be transferred to Warwick Town Council to be put towards improvements within Warwick.

The Addendum also advised that five additional letters of objection had been received and gave a listing of the nature of the objections.

The following people addressed the Committee:

- Dr LeTocq, representing Hatton Parish Council, which objected to the proposals;
- Dr Cheetham, an objector;
- Mr Halliday, speaking against the application and then continuing to speak against the application on behalf of his wife, Mrs Halliday who had also registered to speak but was unable to attend the meeting;
- Mrs Kemp, an objector;
- Dr Sutcliffe, also an objector, whose speech was read out by the Committee Services Officer at his request;
- Mrs Ventham, representing Taylor Wimpey UK Limited; and
- Councillor Hales, who read out the speech of the Ward Councillor, Councillor Matecki, in opposition to the application.

Councillors checked that funding would be available as part of the S106 Agreement to improve bus services. Officers also assured them that accessibility to GP services and shops was considered as part of the Local

PLANNING COMMITTEE MINUTES (Continued)

Plan process. It was noted that Budbrooke School was situated in Hampton Magna so the distance might be too far for children to walk to school.

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

The Committee therefore

Resolved that W/19/0933 be **granted** subject to a Section 106 agreement to secure the necessary contributions/obligations, including an additional contribution of £32,639 towards police infrastructure to mitigate for the development.

Authority is 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.

Should a satisfactory Section 106 Agreement not have been completed by 5 December 2019, authority is 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.

Conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 0102/1000 Rev C, 0102/2000 Rev B, 0102-116A, 0102-118, 0102-119, 10-05-01-P9, 10-05-02-P9, 10-05-03-P6, 10-06-P8, 10-07-P8, 20142-DG-PL, 20142-DSG-PL, 20142-SG-PL, AA11, AA24, AA32, AA42, BU2, The Devonford – Plan, The Devonford – Elevations, The Devonford – Elevations (Plots 64&65 only), The Keydale – KE, The Keydale – KE (Plot 57 only), The Keydale – KE (SP), The Keydale – KE (SP) (Plot 131 only), The Beauford – NA21, The Byford – NA32, The Ransford – NA46 – Plans, The Ransford – NA46 – Elevations, The Ransford –

PLANNING COMMITTEE MINUTES (Continued)

NA46 – Elevations (Plot 52&63 only), The Stanford – NA47 – Plans, The Stanford – NA47 – Elevations, The Ruston – NB52 – Elevations, The Ruston – NB52 – Plans, The Canford – PA25, The Gosford – PA34, The Lavenham – PD51 – Elevations, The Lavenham – PD51 – Plans, The Teasdale – PT45 – Elevations and The Teasdale – PT45 – Plans, and specification contained therein, submitted on 29 May 2019, approved drawing(s) 20142/PL/01E, c-1562-07 Rev B and c-1562-08, and specification contained therein, submitted on 27 August 2019, approved drawing(s) 890193-10-07-P8, 1562-01J, 1562-02J, 1562-03J, 1562-04L, 1562-06K and 20142-EP-01 Rev D, and specification contained therein, submitted on 18 October 2019 and approved drawing number 1562-05J, and specification contained therein, submitted on 24 October 2019.

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 unless and until the tree and hedgerow protection measures have been put into place in full accordance with the details set out in the document titled Stage 1 & 2 Arboricultural Impact Assessment and Method Statement Report (Rev.9) dated August 19. Thereafter, the protective fencing shall remain in place for the full duration of any construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s).

Reason: In order to protect and preserve

PLANNING COMMITTEE MINUTES (Continued)

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 (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for:
- 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;
 - dust management and suppression measures - level of mitigation determined using IAQM guidance;
 - a scheme for recycling / disposing of waste resulting from demolition and construction works;
 - any temporary measures required to manage traffic during construction;
 - plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction;
 - noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites - Part 1 and 2;
 - concrete crusher if required or alternative procedure;
 - delivery times and site working hours;
 - site lighting;
 - access and protection arrangements around the site for pedestrians, cyclists and other road users;

PLANNING COMMITTEE MINUTES (Continued)

- restrictions on burning and details of all temporary contractors buildings;
- plant and storage of materials associated with the development process;
- external safety and information signing notices;
- complaints procedures, including complaints response procedures and dedicated points of contact;
- best practicable means shall be employed at all times to control noise and dust on the site including:
 1. Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays.
 2. Delivery vehicles should not be allowed to arrive on site before 8 am or after 4.30 pm Mon - Fri, 8 am - 1 pm Sat and not on Sundays or Bank Holidays.

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, TR4 and NE5 of the Warwick District Local Plan 2011-2029;

- (5) the development hereby permitted shall not commence unless and until a hard and soft 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 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

PLANNING COMMITTEE MINUTES (Continued)

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;

- (6) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority. **Reason:** In the interests of Public Safety from fire, and the protection of Emergency Fire Fighters;

- (7) no development and subsequent use of the 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:

- Undertaken infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site.
- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Where flooding occurs onsite to store the 1 in 100 year climate change event details should be provided of the storage capacity required outside of the

PLANNING COMMITTEE MINUTES (Continued)

proposed formal drainage system.

Details of the depths and locations of flooding should also be provided to the LLFA where the depths may be unsafe. Hazard mapping may be required to ensure the development remains safe to users of the site.

- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity in accordance with Policies FW1, FW2 and NE3 of the Warwick District Local Plan 2011-2029;

(8) no development shall take place until: -

1.(a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:

- A risk assessment to be undertaken relating to human health
- A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
- An appropriate gas risk assessment to be undertaken

PLANNING COMMITTEE MINUTES (Continued)

- Refinement of the conceptual model
- The development of a method statement detailing the remediation requirements

(b) The site investigation has been undertaken in accordance with details approved by the planning authority and a risk assessment has been undertaken.

(c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the planning authority. The method statement shall include details of how the remediation works will be validated upon completion.

This should be approved in writing by the 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 planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with and shall be submitted to and approved in writing by planning authority. The site shall not be occupied until the approved addendum has been complied with.

4. Upon completion of the remediation detailed in the method statement a report shall be submitted to the planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.'

Reason: To safeguard health, safety and the environment in accordance with Policies BE3

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PLANNING COMMITTEE MINUTES (Continued)

and NE5 of the Warwick District Local Plan 2011-2029;

- (9) 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, have been submitted and approved in writing by the Local Planning Authority (LPA) in consultation with Warwickshire County Council (WCC). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- a. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753 The SuDS Manual.
- b. Evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm has been limited to the QBAR runoff rates for all return periods.
- c. Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storms durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- d. Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.
- e. Provide a Maintenance Plan to the LPA giving details on how the entire surface water system shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details, for the maintenance of all features within the communal areas onsite (outside of individual plot boundaries) shall be provided to the LPA.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policies

PLANNING COMMITTEE MINUTES (Continued)

FW1 and FW2 of the Warwick District Local Plan 2011-2029;

- (10) the development hereby permitted shall not be occupied unless and until a pedestrian/cycle link has been provided to connect the development with Ebrington Drive. The pedestrian/cycle link shall be constructed to the satisfaction of the Local Planning Authority in consultation with Warwickshire County Highways in accordance with a scheme which will have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development has acceptable permeability with the existing residential development in accordance with Policies SC0 and TR1 of the Local Plan 2011-2029;

- (11) 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;

- (12) the development hereby permitted shall be carried out strictly in accordance with the Landscape and Ecological Management Plan reference CSA/2684/05 (updated April 2019) received on 29 May 2019. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE3 of the Warwick District Local Plan 2011-2029;

- (13) the development hereby permitted shall be carried out strictly in accordance with the Construction and Environmental Management Plan (CEMP) reference CSA/2684/06 (updated April 2019) received on 29 May 2019. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE3 of the Warwick District Local Plan 2011-2029;

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PLANNING COMMITTEE MINUTES (Continued)

- (14) the development shall not be occupied until the public highway A4133 has been improved so as to provide for the site access in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority, as shown on plan 890193 10-09 P3. **Reason:** In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (15) the layout of the estate roads serving the development [including footways, verges and footpaths] shall not be designed other than in accordance with the principles and guidance as set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001'. **Reason:** In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (16) no dwelling shall be occupied until the estate roads [including footways] serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority. **Reason:** In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (17) the temporary construction/sales access shall be constructed strictly in accordance with the details as shown on plan reference 0102/2000 Rev B. The access shall be used for a maximum period of three years from the commencement of the development or the substantial completion of the primary access (whichever is the sooner) and thereafter, the land shall be restored to its former condition. Any new planting shall be carried out within the first planting season following the cessation of the use of the access. **Reason:** The access is only proposed for a temporary period and is not proposed to be a permanent vehicular access to serve the site;
- (18) the Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site. Prior to the commencement of the development, the details of these measures (including type, method of operation and control of use) shall

PLANNING COMMITTEE MINUTES (Continued)

be submitted in writing to the Local Planning Authority for their approval in consultation with the Highway Authority. **Reason:** In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (19) the lighting scheme shall be carried out in accordance with the details submitted on plan reference 10-06 P8 received by the Local Planning Authority on 29 May 2019. In considering the lighting scheme, the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, 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:

- a. low energy LED lighting should be used in preference to high pressure sodium or mercury lamps;
- b. the brightness of lights should be as low as legally possible; and
- c. lighting should be timed to provide some dark periods.

Reason: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE3 of the Warwick District Local Plan 2011-2029;

- (20) the development hereby permitted shall not be occupied 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; and

- (21) the development hereby permitted shall be carried out strictly in accordance with the

PLANNING COMMITTEE MINUTES (Continued)

methodology set out in the Stage 1 & 2 Arboricultural Impact Assessment and Method Statement Report (Rev.9) dated August 19 and received by the Local Planning Authority on 27 August 2019. **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.

(The meeting was adjourned at 8.42pm for 13 minutes.)

92. W/18/2123 – 200 Warwick Road, Kenilworth

The Committee considered an outline planning application from Mr Tebby for up to five dwellings and associated works.

The application was presented to Committee because an objection had been received from Kenilworth Town Council.

The application was previously deferred by Planning Committee in October to clarify matters pertaining to heritage and transport. Further information had been provided in relation to these matters.

The officer was of the opinion that the main planning considerations in determining this application had been set out and considered in the report stating accordance with relevant Local Plan Policy. The application had also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there was not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.

The application had addressed the main considerations and would accord with relevant policy. The proposal should therefore be supported.

An addendum circulated at the meeting advised that Warwickshire County Council Highways submitted a revised consultation response on 31 October 2019 clarifying their position as Highway Authority. The response stated that the quantum of development considered was five dwellings, that the resulting vehicle movements from the development would not have an adverse impact and that the road width was sufficient to accommodate a shared surface space for vehicles and pedestrians.

The addendum also advised that 200 Warwick Road was a Grade II listed building adjacent to the application site. The Council's Conservation Team considered that should outline permission be granted, further detailed proposals for up to five dwellings were capable of coming forward in a manner which would not impact upon the setting of that building or upon the character and appearance of the Conservation Area.

The following people addressed the Committee:

- Councillor Worrall, representing Kenilworth Town Council, which objected to the proposals; and

PLANNING COMMITTEE MINUTES (Continued)

- Mr Tebby, the applicant.

Members were informed that access was a reserved matter and they would have the opportunity to review this when the full application was submitted.

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

The Committee therefore

Resolved that W/18/2123 be **granted** subject to the following conditions:

(1) details of the;

- a) Means of access to the building(s) and site,
- b) Appearance of the building(s),
- c) Landscaping of the site,
- d) Layout of the site and its relationship with adjoining development, and
- e) The scale of building(s)

(hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved.

Reason: To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended);

(2) application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);

(3) the development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);

(4) prior to commencement of the development hereby approved, details of bat and bird boxes

PLANNING COMMITTEE MINUTES (Continued)

to be erected on buildings on the site to include;

- a) Details of box type;
- b) Location of boxes; and
- c) Program of delivery.

Shall be submitted to and approved in writing by the District Planning Authority. Thereafter, the boxes shall be installed and maintained in perpetuity.

Reason: In accordance with Policy NE3 of the Warwick District Local Plan 2011-2029;

- (5) prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the District Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages,

PLANNING COMMITTEE MINUTES (Continued)

maintenance and arrangements for contingency action.

5) A verification report containing the data identified in (4).

Any changes to these components require the express consent of the District Planning Authority. The scheme shall be implemented strictly as approved.

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

(6) the development hereby permitted (including any works of demolition) shall not commence unless and until a construction method statement has been submitted to and approved in writing by the local planning authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for: 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; and a scheme for recycling / disposing of waste resulting from demolition and construction works. **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;

(7) notwithstanding details contained within the application, the development hereby approved shall not be occupied until;

a) The access for vehicles to the site has been widened to 5 metres in width for a minimum distance of 7.5 metres, as measured from the near edge of the public highway carriageway;

PLANNING COMMITTEE MINUTES (Continued)

b) The 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 a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway;

c) The access to the site shall not be reconstructed/widened in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway;

d) A turning area has been provided within the site so as to enable the largest vehicle likely to enter the site to leave and re-enter the public highway in a forward gear; and

e) Gates/barriers/doors erected at the entrance to the site for vehicles shall not be hung so as to open to within 6 metres of the near edge of the public highway carriageway

Reason: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (8) in the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, all of which shall be submitted to and approved in writing by the local planning authority. The remediation shall be carried out in accordance with the approved details. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted to and approved in writing by the local planning authority. **Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;

- (9) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary

PLANNING COMMITTEE MINUTES (Continued)

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;

- (10) any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition one shall be completed in all respects within the first planting season following the first occupation of the development hereby permitted, save that the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of the same size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;
- (11) the development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details. **Reason:** In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029;
- (12) the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres

PLANNING COMMITTEE MINUTES (Continued)

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.

93. W/19/0990 – Land at Seven Acre Close, Bishop’s Tachbrook

The Committee considered a reserved matters application from AC Lloyd (Homes) Limited pursuant to Condition 1 of planning permission W/16/0279 for details of access, appearance, landscaping, layout and scale of 50 no. dwellings together with all associated works. This was a re-submission of W/19/0324.

The application was presented to Committee because of the number of objections received and because, if approved, it would be subject to a Deed of Variation pursuant to the original S.106 Agreement associated with the original outline permission.

The officer was of the opinion that the proposed development would provide a high quality residential environment in accordance with the garden suburbs principles, including an appropriate mix of market and affordable housing, where the affordable housing was spread across the site. The dwellings themselves were varied in their architectural styles and finishes and the majority of the development would be grouped around a large central area of public open space providing natural surveillance and positive outlooks from both the market and the affordable units. The development would be well landscaped with the various typologies set out in the open space SPD all being met or exceeded.

There would be no harm caused to the amenity of existing neighbouring properties, future occupiers of the development would be provided with garden sizes and distance separation that either met or exceeded the standards set out in the Council’s adopted guidance.

There would be no detriment to highway safety, flood risk or drainage and ecology and biodiversity offsetting was provided for through the conditions on the outline permission and through the proposed variation to the S.106 Agreement to allow an increased financial contribution to be paid in the event permission was forthcoming for this development.

PLANNING COMMITTEE MINUTES (Continued)

Having regard to all of the above, officers considered the scheme complied with the relevant policies of the Development Plan, and accordingly, it was recommended that planning permission should be approved.

An addendum circulated at the meeting advised that a revised landscape drawing (Rev.M) had been received in response to final comments from the Open Space Team. This had resulted in "no objection" in respect of all details and specifications shown (path, benches, bins, bollards, knee rail and "white" area of open space) on the Landscape Concept Plan. As a result, Condition 1 as stated in the report would be amended to reflect the updated Landscape Concept Plan Rev. M. Condition 3 was also to be amended so that it read as a compliance condition rather than a pre-commencement condition (in accordance with revised plan Rev. M).

The associated Deed of Variation in respect of biodiversity offsetting had been drafted and agreed in line with the recommendation set out in the report and was ready to be completed in the event that permission was forthcoming.

Additional third party representations had been received regarding the updated Bishop's Tachbrook Housing Needs Survey 2019.

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

The Committee therefore

Resolved that W/19/0990 be **granted** subject to the original S.106 Agreement being varied to allow an increased financial contribution to be paid towards ecological biodiversity offsetting and subject to the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 3635-01 Rev.A, 3635-10 Rev.B, 3635-11 Rev.D, 3635-12 Rev.D, 3635-13 Rev.B, 3635-14 Rev.E, 3635-15 Rev.D, 3635-16 Rev.D, 3635-17 Rev.B, 3635-18 Rev.C, 3635-19 Rev.B, 3635-20 Rev.B, 3635-21 Rev.C, 3635-22 Rev.B, 3635-23 Rev.A, 3635-30 Rev.C and 3635-31 Rev.B and specification contained therein, submitted on 13 June 2019, approved drawings 1424-14-21E, 1424-14-22E and 1424-14-25E and specification contained therein, submitted on 25 September 2019 and revised drawings 3635-05 Rev.R and 3635-06 Rev.K and specification contained therein, submitted on 17 October 2019 and 1424-14-20 Rev.M and specification contained therein, submitted on 4 November 2019. **Reason:** For the avoidance of

PLANNING COMMITTEE MINUTES (Continued)

doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

- (2) 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;
- (3) the development hereby permitted shall be carried out strictly in accordance with the approved details and specifications of the path, benches, bins, bollards, knee rail and the 'white' area of open space as illustrated on revised Landscape Concept plan number 1424-14-20 Rev.M. **Reason:** To create an acceptable form of public open space in accordance with policies HS1, NE4 and BE3 of the Warwick District Local Plan 2011-2029;
- (4) the construction of the estate roads serving the development including footways, verges and footpaths shall not be other than in accordance with the standard specification of the Highway Authority. **Reason:** In the interest of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (5) prior to the first occupation of the development hereby permitted, details, in respect of the surface treatment of the area of land between the end of the turning head and proposed field access, shall be submitted to and approved in writing by the Local Planning Authority, setting out how extraneous material shall be prevented from being deposited onto the highway by the wheels of vehicles utilising the field access. The development shall thereafter be carried out strictly in accordance with the approved details. **Reason:** In the interest of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; and

PLANNING COMMITTEE MINUTES (Continued)

- (6) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure shall be erected within the curtilage of any dwelling house.

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

94. **Planning Appeals Report**

The Chairman informed the Committee that the report would be delivered to the Committee meeting in December.

(The meeting ended at 9.40pm)



Signature Redacted

CHAIRMAN
4 December 2019

AB