

Planning Committee

Minutes of the meeting held on Tuesday 8 November 2022 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Boad (Chairman); Councillors R. Dickson, B Gifford, Jacques, Kennedy, Margrave, Morris, Murphy, Noone, and Quinney.

Also Present: Committee Services Officer – Sophie Vale; Legal Advisor – Ross Chambers; Principal Planning Officer – Helena Obremski; and Business Manager – Rob Young.

71. **Apologies and Substitutes**

- a) Apologies for absence were received from Councillor Norris; and
- b) Councillor Davison substituted for Councillor Tangri

72. **Declarations of Interest**

Minute Number 77 – W/22/1276 – 25 Beverley Road, Royal Leamington Spa

On the advice of the Democratic Services Manager & Deputy Monitoring Officer, Councillor Gifford declared an interest because Mr Hafiji, speaking in objection to the above application, had contacted him. He had advised Mr Hafiji that he was a member of the Planning Committee so he could not speak about the application and recommended that Mr Hafiji contact someone else.

73. **Site Visits**

There were no site visits made.

74. **Minutes**

The minutes of the meeting held on 11 October 2022 were taken as read and signed by the Chairman as a correct record.

75. **W/22/1106 – 32 Russell Terrace, Royal Leamington Spa**

This application was withdrawn from the agenda and therefore was not considered at the meeting.

76. **W/22/1425 – Forge Farm, Pinley Lane, Pinley**

This application was withdrawn from the agenda because Shrewley Parish Council withdrew its objection. Therefore, this application was not considered at the meeting.

PLANNING COMMITTEE MINUTES (Continued)

77. **W/22/1276 – 25 Beverley Road, Royal Leamington Spa**

The Committee considered an application from Mr and Mrs Badhan for the erection of a single-storey rear extension, a two-storey front and side extension, and rendering on the top half of all elevations.

This application had been referred to the Planning Committee because of the number of objections received.

The officer was of the opinion that the proposal constituted good quality design and had an acceptable impact on the amenity of the neighbours and the current and future occupiers of the dwelling. The proposal was considered to satisfy the criteria of Local Plan Policies BE1, BE3 and the Residential Design Guide SPD. Therefore, it was recommended that this application should be granted.

An addendum circulated prior to the meeting advised that revised plans had been submitted increasing separation distance to the neighbouring boundary (with No. 23) by 70mm - from 930mm to 1000mm, to ensure compliance with Residential Design Guide.

The following people addressed the Committee:

- Mr Hafiji, speaking in objection;
- Mr Pugh, representing the applicant, in support; and
- Councillor Syson, District Councillor, speaking in objection.

In response to questions from Members, the Business Manager advised that the front garden was going to be paved over to create a driveway.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Morris that the application should be granted with an additional condition requiring the driveway to be made from permeable materials in order to reduce the risk of flooding.

This was seconded by Councillor Kennedy and the Committee

Resolved that W/22/1276 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 1677-0500-01 and 1677-0501-02, and specification contained therein, |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | submitted on 08/09/2022. 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) | all external facing materials for the development hereby permitted shall be of the same type, texture, and colour as those of the existing building. Reason: To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029; |
| (4) | notwithstanding the provisions of Schedule 2, Part 1, Class A 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 part of the dwellinghouse shall be rendered other than as shown on the approved drawings. Reason: To secure a satisfactory form of development in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029; and |
| (5) | the driveway shall be built from a permeable material in order to reduce the flooding risk. |

78. **W/22/0928 – Third Floor Flat, 28 Clarendon Square, Royal Leamington Spa**

The Committee considered a retrospective application from Mr Ramsey for the change of use from a three-bed flat (Use Class C3) to a four-bed House in Multiple Occupation (HMO) (Use Class C4).

This application was presented to Planning Committee because of the number of objections including an objection from Royal Leamington Spa Town Council having been received.

The officer was of the opinion that the proposed change of use was considered to be acceptable in principle and would not have a harmful impact on neighbouring residential amenity, or the character of the area by reason of an unacceptable concentration of HMOs. There would be no increased demand on parking as a result of the change of use. The proposed change of use was therefore recommended for approval.

An addendum circulated prior to the meeting clarified that refuse and recycling was currently stored in the flat and presented on Clarendon Square on collection day, and that this arrangement would continue.

The following people addressed the Committee:

PLANNING COMMITTEE MINUTES (Continued)

- Councillor McAllister, representing Royal Leamington Spa Town Council in objection;
- Mrs Terry, speaking in objection; and
- Councillor King, District Councillor, speaking in objection.

Members had concerns that this interpretation of policy H6D would lead to a continuous frontage of three or more HMO properties which might set a precedent and be detrimental to settled residents. The Committee was advised that the application's compliance with policy H6D was a matter of interpretation.

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 Jacques that the application should be refused, contrary to the recommendation in the report.

The Committee therefore

Resolved that W/22/0928 be **refused** because it was considered that the application was contrary to Local Plan Policy H6D and it would lead to a continuous frontage of three or more HMO properties.

79. W/22/0892 – 28 Clarendon Square, Royal Leamington Spa

The Committee considered an application from Innocent Group Ltd for the demolition of existing outbuildings and the erection of a two-storey coach house fronting onto Trinity Street.

This application was presented to Planning Committee because of the number of support comments received and because it was recommended for refusal.

The officer was of the opinion that the principle of development was considered acceptable in accordance with Policy H1 of the Warwick District Local Plan as well as Policy RLS1 of the Royal Leamington Spa Neighbourhood Development Plan. The overall scale, mass and design of the proposed dwelling would be in-keeping with the general character of the area and street scene. There were no heritage concerns with the proposal which was not considered to cause any adverse impacts on the character and appearance of the Royal Leamington Spa Conservation Area or concerns in relation to vehicle parking. The proposal would result in an improvement to the appearance of the Conservation Area and the setting of a Listed Building through replacement of the garage.

However, although the applicant had amended the scheme in response to Officers' concerns, the proposal would result in harm to neighbours' residential amenity in terms of loss of privacy within the terrace amenity area at 163 Trinity Street. In addition, it was considered that the proposal would provide unacceptable living conditions for future occupiers of the proposed dwelling, due to unacceptable levels of outlook and privacy.

PLANNING COMMITTEE MINUTES (Continued)

The application was therefore contrary to policies stated in the report, and it was recommended that the application be refused.

Mr Chay Innocent, the applicant, addressed the Committee, speaking in support.

Following consideration of the report, presentation, and the representation made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Quinney that the application be refused.

The Committee therefore

Resolved that W/22/0892 be **refused** for the following reasons:

- | No. | Refusal Reasons |
|------------|---|
| (1) | Policy BE3 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that does not provide acceptable standards of amenity for future users and occupiers of the development. Furthermore, the Residential Design Guide Supplementary Planning Document provides more detailed guidance. |

In the opinion of the Local Planning Authority, the proposal would fail to provide a satisfactory living environment for future occupants by reason of unacceptable outlook and privacy.

The proposal is thereby considered to be contrary to the aforementioned policy; and

- | | |
|-----|---|
| (2) | Policy BE3 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. Furthermore, the Residential Design Guide Supplementary Planning Document includes the 45 Degree Guideline which aims to prevent any unreasonable effect on the neighbouring property by reason of loss of daylight or sunlight and by creating an unneighbourly and overbearing effect. |
|-----|---|

In the opinion of the Local Planning Authority, the proposal would result in an unacceptable loss of privacy within the terrace area at 163 Trinity Street.

PLANNING COMMITTEE MINUTES (Continued)

No.

Refusal Reasons

The proposal is thereby considered to be unneighbourly and contrary to the aforementioned policy.

80. W/22/0484 – Land off Europa Way, Tachbrook Country Park, Royal Leamington Spa

The Committee considered a hybrid application for an outline planning application from Warwick District Council for the erection of a refreshment centre and full planning application for the creation of a country park, to include allotments, community growing area and community orchards, children's play areas, car parking, foot and cycle paths, timber pedestrian bridge crossings over the Tach Brook, drainage ditches, associated surface water and foul drainage infrastructure, landscaping and ground works.

This application was presented to Committee because of the number of objections received and because the applicant was Warwick District Council.

The officer was of the opinion that the proposed development would bring forward the delivery of a key piece of green infrastructure identified with the Neighbourhood and Local Plans. In doing so it would provide significant material benefits, namely enhancements to biodiversity, green infrastructure links which assisted health and wellbeing and the provision of community facilities such as orchards and allotments. It was therefore recommended that the application should be approved.

Subject to conditions, the development could also be controlled to manage any impacts on neighbours, nearby highways, and drainage.

An addendum circulated prior to the meeting contained the following:

- the additional consultation responses received;
- amendments to the plans;
- an additional condition to address the reprofiled area of land within the Country Park (condition 23);
- another additional condition to address the Green Spaces Team's comments regarding connectivity and the interface between the Country Park and school site (condition 24);
- that officers had requested that the LLFA reword their proposed conditions so that the development could be delivered in stages but had not received a response. Councillors were recommended to delegate authority to the Head of Development Services to agree the wording of the conditions recommended by the LLFA;
- an amendment to condition 21 following concerns raised by the applicant in relation to the requirements of condition 21 (general crime prevention), notably the requirement for entrances to footpaths to include barriers such as kissing gates to prevent the use of offroad motorcycles as requested by Warwickshire Police. The applicant raised concern that this would become a deterrent for cyclists who wished to use the Country Park and also could result in access issues for individuals living with a disability.

PLANNING COMMITTEE MINUTES (Continued)

Officers confirmed that an error had been made in the addendum, meaning that the amendment to condition 21 should in fact be an amendment to condition 22;

- an amendment to condition 4 to update and replace the drawing numbers; and
- additional officer responses to the pre-meeting questions from Councillors.

Councillor Day, District Councillor, addressed the Committee, speaking in support.

Members were advised that there would be two car parks; one with 20 spaces, and the other with 16. These would mainly be intended for users of the community allotment as other visitors would be encouraged to access the park sustainably. Additional parking capacity would be provided by Oakley Grove school, and this was bound by a Section 106 agreement.

Members were advised that there would be four EV charging points in the car parks but an advisory note could be added to encourage the installation of more.

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

The Committee therefore

Resolved that W/22/0484 be **granted** subject to:

- a) an advisory note to be written by officers encouraging more EV charging points;
- b) the delegation of authority to the Head of Development Services to agree the wording of the conditions recommended by the LLFA; and
- c) the following conditions:

No.	Condition
(1)	<p>the development hereby permitted in detail (all of the development save for the 'refreshment centre') must be begun not later than the expiration of three years from the date of this permission.</p> <p>The development hereby permitted in outline (the refreshment centre) must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.</p>

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);</p> |
| (2) | <p>the refreshment centre is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 as amended, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced on each subsequent phase of development:-</p> <ul style="list-style-type: none">a. appearanceb. landscapingc. layoutd. scale <p>Reason: To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended);</p> |
| (3) | <p>in the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars must be made to the Local Planning Authority, for each phase of the development, not later than the expiration of three years beginning with the date of this permission.</p> <p>Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);</p> |
| (4) | <p>the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings:</p> <p>807055-WOOD-XX-XX-DR-L-00001 (Masterplan), 807055-WOOD-XX-XX-DR-L-00029 (Post and Wire Fence), 807055-WOOD-XX-XX-DR-L-00030 (Bench), 807055-WOOD-XX-XX-DR-L-00031 (Timber Bollard), 807055-WOOD-XX-XX-DR-L-00032 (Timber Bridge), 807055-WOOD-XX-XX-DR-L-00033 (3m Tarmac</p> |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	Path), 807055-WOOD-XX-XX-DR-L-00034 (Self-Binding Gravel Path), 807055-WOOD-XX-XX-DR-L-00036 (Picnic Bench), 807055-WOOD-XX-XX-DR-L-00037 (Timber Vehicle Gate), 807055-WOOD-XX-XX-DR-L-00038 (Vehicle Barrier), 807055-WOOD-XX-XX-DR-L-00039 (Post and Rail Fence), 807055-WOOD-XX-XX-DR-L-00040 (Waste Bins), 807055-WOOD-XX-XX-DR-L-00041 (Timber Boardwalk), 807055-WOOD-XX-XX-DR-L-00043 (Timber Knee Rail), 'Southern Car Park Access General Arrangement' and 'Maintenance Access of Peabody Way - dropped kerb' submitted on 15th March 2022; and,
	807055-WOOD-XX-XX-DR-L-00002 P02 (Landscape Plans Sheet 1), 807055-WOOD-XX-XX-DR-L-00003 P03 (Landscape Plans Sheet 2), 807055-WOOD-XX-XX-DR-L-00004 P02 (Landscape Plans Sheet 3), 807055-WOOD-XX-XX-DR-L-00005 P02 (Landscape Plans Sheet 4), 807055-WOOD-XX-XX-DR-L-00006 P03 (Landscape Plans Sheet 5), 807055-WOOD-XX-XX-DR-L-00007 P02 (Landscape Plans Sheet 6), 807055-WOOD-XX-XX-DR-L-00008 P02 (Landscape Plans Sheet 7), 807055-WOOD-XX-XX-DR-L-00009 P02 (Landscape Plans Sheet 8), 807055-WOOD-XX-XX-DR-L-00010 P03 (Landscape Plans Sheet 9), 807055-WOOD-XX-XX-DR-L-00011 P02 (Landscape Plans Sheet 10), 807055-WOOD-XX-XX-DR-L-00012 P02 (Landscape Plans Sheet 11), 807055-WOOD-XX-XX-DR-L-00013 P02 (Landscape Plans Sheet 12), 807055-WOOD-XX-XX-DR-L-00014 P03 (Landscape Plans Overview Sheet), 807055-WOOD-XX-XX-DR-L-00045 (SuDs Reference Drawings Sheet 1), and 807055-WOOD-XX-XX-DR-L-00046 (SuDs Reference Drawings Sheet 2) submitted on 6th October 2022; and
	807055-WOOD-XX-XX-DR-L-00015 P02 (Planting Plans Sheet 1), 807055-WOOD-XX-XX-DR-L-00016 P02 (Planting Plans Sheet 2), 807055-WOOD-XX-XX-DR-L-

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | <p>00017 P02 (Planting Plans Sheet 3), 807055-WOOD-XX-XX-DR-L-00018 P02 (Planting Plans Sheet 4), 807055-WOOD-XX-XX-DR-L-00019 P02 (Planting Plans Sheet 5), 807055-WOOD-XX-XX-DR-L-00020 P02 (Planting Plans Sheet 6), 807055-WOOD-XX-XX-DR-L-00021 P02 (Planting Plans Sheet 7), 807055-WOOD-XX-XX-DR-L-00022 P02 (Planting Plans Sheet 8), 807055-WOOD-XX-XX-DR-L-00023 P03 (Planting Plan Sheet 9), 807055-WOOD-XX-XX-DR-L-00024 P03 (Planting Plans Sheet 10), 807055-WOOD-XX-XX-DR-L-00025 P02 (Planting Plan Sheet 11), 807055-WOOD-XX-XX-DR-L-00026 P02 (Planting Plan Sheet 12), 807055-WOOD-XX-XX-DR-L-00027 P02 (Planting Plans Overview), and 'Northern Access General Arrangement' submitted on 26th October 2022,</p> <p>and the specification contained therein.</p> <p>Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;</p> |
| (5) | <p>each phase of the development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) for that phase has been submitted to and approved in writing by the local planning authority. The CMP shall provide for:</p> <p>(d) Any temporary measures required to manage traffic during construction</p> <ul style="list-style-type: none">• Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction• 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 |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<ul style="list-style-type: none">• 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• Complaints procedures, including complaints response procedures and dedicated points of contact

A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP.
Reason: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;

- (6) no development for 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. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | 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 Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

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

- (7) each phase of the development hereby permitted shall not commence until a Construction and Environmental Management Plan (CEMP) in accordance with the British Standard on Biodiversity BS 42020:2013 has been submitted to and approved in writing by the District Planning Authority for that phase. In discharging this condition the Local Planning Authority expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition, details of appropriate working practices and safeguards for habitats, such as the Local Wildlife Site, hedgerows and trees, to be employed whilst works are taking place on site. The compound area should be allocated and illustrated in a site layout

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | within the plan. 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 the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029; |
| (8) | a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Authority prior to the commencement of the development (or specified phase of development). The content of the LEMP shall include the following: <ol style="list-style-type: none">a) Description and evaluation of features to be managed.b) Ecological trends and constraints on site that might influence management.c) Aims and objectives of management.d) Appropriate management options for achieving aims and objectives.e) Prescriptions for management actions.f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).g) Details of the body or organisation responsible for implantation of the plan.h) Ongoing monitoring and remedial measures. |

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | approved plan will be implemented in accordance with the approved details.
Reason: To ensure a net biodiversity gain in accordance with NPPF; |
| (9) | prior to the commencement of each phase of the development hereby approved (including all preparatory work), an Arboricultural Method Statement and Tree Protection Plan, together referred to as the scheme of protection, for the protection of the trees to be retained for that phase shall be submitted to and approved in writing by the Local Planning Authority. |

The scheme of protection must be prepared in accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations (referred to here as BS 5837) and shall refer to a retained tree's root protection area (RPA as defined in BS 5837) and to any work that may affect a retained tree above-ground.

The scheme of protection should make recommendations for:

- a) tree pruning to allow the development to proceed (if appropriate)
- b) tree protection, to be shown on the Tree Protection Plan with offsets from fixed points to confirm the alignment of any protective fencing and the extent of any ground protection
- c) the specification for the construction of any hard surfacing that encroach over the RPA of a retained tree
- d) a site monitoring protocol that will confirm by independent examination by a suitably qualified tree specialist that the agreed scheme of protection is in place

The development thereafter shall be implemented in strict accordance with the approved scheme of protection, which shall be kept in place until all parts of the development have been completed and

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | all equipment, machinery and surplus materials have been removed.

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; |
| (10) | no development shall commence or be used for the approved purpose within the area identified as 'Severn Trent Water land' (hereafter STW site) as shown on drawing 807055-WOOD-XX-XX-DR-L-00045 submitted to the Local Planning Authority on 24th October 2022, unless and until the following components of a scheme to deal with the risks associated with contamination of the site have each been submitted to and approved, in writing, by the Local Planning Authority:

1.(a) A site investigation designed for the STW 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
§ 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 |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>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.</p> <p>This should be approved in writing by the planning authority prior to the remediation being carried out on the site.</p>
2.	<p>All development of the STW site shall accord with the approved method statement.</p>
3.	<p>If during development, contamination not previously identified, is found to be present at the STW 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.</p>
4.	<p>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.</p>
	<p>Any changes to these components require the express consent of the District Planning Authority. The scheme shall be implemented strictly as approved.</p>
	<p>Reason: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;</p>

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
(11)	<p>a sustainability statement must be submitted to and approved in writing by the Local Planning Authority, prior to the submission of details pertaining to the reserved matters relating to the refreshment centre detailing how the development has been designed to incorporate features that contribute to reducing greenhouse gas emissions and increasing resilience to the impact of climate change. The statement should include consideration of the following (but not limited to):</p> <ol style="list-style-type: none">a) All new buildings should be designed to be carbon neutral;b) Building and roof orientation maximise opportunities for harnessing solar energy for renewable energy generation and passive solar gain;c) Heating systems are carbon neutral incorporating such technology as Ground/Air Source Heat pumps or community heating systems;d) Water saving technology and waste water recycling are incorporated;e) All properties have vehicle charging points;f) Sustainable standards of resource consumption and recycling have been applied ensuring that there is an appropriate balance between innovation and respecting and harmonising with the local quality and character of the surrounding development;g) Building for Life standards, or an equivalent assessment framework, have been met;h. The vulnerability of the site, and the wider area to flooding, especially during extreme weather events, have been identified and mitigated for in the proposal's design;h) The incorporation of buffer strips to protect streams, trees and hedgerow rooting zones;i) Extensive tree planting and landscaping using native species to increase carbon sequestration and ensure biodiversity is connected to the plan;

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | j) Surfaces that increase groundwater infiltration and reduce run-off will be used. |

The design of the refreshment centre submitted under reserved matters must demonstrate how the agreed sustainability measures have been incorporated into the design. **Reason:** To demonstrate how the development has been designed to respond to climate change and meet the requirements of Policy BT12 of the Bishops Tachbrook Neighbourhood Plan 2020 – 2029;

- (12) a crime prevention statement must be submitted to and approved in writing by the Local Planning Authority, prior to the submission of details pertaining to the reserved matters relating to the refreshment centre detailing how the development has been designed to minimise the potential for crime and anti-social behaviour. The statement should include consideration of the following (but not limited to):
- windows and doors should be protected by roller shutters that have been tested and certified to LPS1175 security rating 2 (minimum) and installed in accordance with the manufacturer's specifications. Roller shutters/grilles protecting windows should be tested and certified to LPS1175 security rating 2 (minimum) (Level 2) and installed in accordance with the manufacturer's specifications;
 - all windows and should be Certificated (BSI Kitemark or similar) to PAS 24 'Specification for enhanced security performance of casement and tilt/ turn windows for domestic applications' or Loss Prevention Certification Board standard LPS 1175 Security Rating 2;
 - a monitored CCTV system should be installed near to the location of the café building.

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | The design of the refreshment centre submitted under reserved matters must demonstrate how the agreed crime prevention measures have been incorporated into the design.

Reason: To minimise the potential for crime and anti-social behaviour in accordance with Policy HS7 of the Warwick District Local Plan 2011-2029; |
| (13) | a full quantitative noise assessment must be undertaken in accordance with the methodology provided in BS 4142: 2104+A1: 2019 (or any subsequent BS which supersede this guidance) and be submitted to and approved in writing by the Local Planning Authority, prior to the submission of details pertaining to the reserved matters relating to the refreshment centre. 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; |
| (14) | prior to first use of the site by members of the public, details of access prevention measures to prohibit unauthorised access, but ensure accessibility for pedestrians and cyclists must be submitted and agreed by the Local Planning Authority. Reason: In the interests of cyclist and pedestrian safety in accordance with policy TR1 of the Warwick District Local Plan 2011 – 2029; |
| (15) | there shall be no development above slab level unless and until a phasing scheme for the delivery of the approved hard and soft landscaping details has been submitted to and approved in writing by the Local Planning Authority. The phasing scheme must identify the separate phases of development and timescales for delivery of both hard and soft landscaping within each phase. The development shall be carried out in strict accordance with the approved phasing |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | scheme. Any tree(s) or shrub(s) which within a period of five years from the completion a phase of 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; |
| (16) | each phase of 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 for that phase. 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; |
| (17) | no lighting or illumination of any part of any building or the site for each phase shall be installed or operated unless and until a detailed lighting scheme for that phase has been submitted and agreed between the applicant and the local planning authority. In discharging this condition the District Planning Authority expects lighting to be restricted around trees and mature vegetation 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 |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | <p>nocturnal wildlife. This could be achieved in the following ways:</p> <ul style="list-style-type: none">• Lighting should be directed away from vegetated areas• Lighting should be shielded to avoid spillage onto vegetated areas• The brightness of lights should be as low as legally possible• Lighting should be timed to provide some dark periods• Connections to areas important for foraging should contain unlit stretches <p>Reason: To ensure that protected species and habitats to be retained are not harmed by the development in accordance with National Planning Policy Framework, ODPM Circular 06/2005 and with Policy NE2 of the Warwick District Local Plan 2011-2029;</p> |
| (18) | <p>the accesses to the site for vehicles (including maintenance vehicles) shall not be used in connection with the development until they have been constructed and surfaced in accordance with details to be approved in writing by the Local Planning Authority. Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;</p> |
| (19) | <p>each of the play areas / play trails shall not be installed unless and until details to include the scale, layout, design and materials of that play area / play trail 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;</p> |
| (20) | <p>the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted. Any tree(s) or shrub(s) removed, dying, or</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | 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; |
| (21) | noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). 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; |
| (22) | prior to first use of the hereby approved development a crime prevention statement must be submitted to and approved in writing by the Local Planning Authority detailing how the development has been designed to minimise the potential for crime and anti-social behaviour. The statement does not require reference to the 'refreshment |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | <p>centre', but should include consideration of the following (but not limited to):
entrances to car parks should be protected by height restricted barriers that are permanently secured in place;
entrances to paths should be designed to discourage any passenger vehicle designed for operation on ordinary roads to gain access and should include signage which indicates that use of paths within the Country Park is restricted to bicycles and/or pedestrians.
The approved crime prevention measures shall be installed in full prior to first use of the hereby approved development and shall be retained in perpetuity.</p> <p>Reason: To minimise the potential for crime and anti-social behaviour in accordance with Policy HS7 of the Warwick District Local Plan 2011-2029;</p> |
| (23) | <p>no development shall commence or be used for the approved purpose within the area identified as 'AC Lloyd Reprofilng Area' (hereafter 'reprofiled area') as shown on drawing 807055-WOOD-XX-XX-DR-L-00046 submitted to the Local Planning Authority on 7th October 2022, unless and until the following components of a scheme to deal with the risks associated with contamination of the site have each been submitted to and approved, in writing, by the Local Planning Authority:</p> <p>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:</p> <ul style="list-style-type: none">§ A risk assessment to be undertaken relating to human health§ A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected§ An appropriate gas risk assessment to be undertaken |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>§ Refinement of the conceptual model</p> <p>§ The development of a method statement detailing the remediation requirements</p> <p>(b) The site investigation has been undertaken in accordance with details approved by the planning authority and a risk assessment has been undertaken.</p> <p>(c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the planning authority. The method statement shall include details of how the remediation works will be validated upon completion.</p> <p>This should be approved in writing by the planning authority prior to the remediation being carried out on the site.</p> <p>2. All development of the site shall accord with the approved method statement.</p> <p>3. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless 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.</p> <p>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; and</p>
(24)	prior to first use of the site, details showing the relationship between the Country Park and the 'periscope access road' serving the education land and the relationship between the Country Park

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

and pedestrian access to the west of the school site shall be submitted to and approved in writing by the Local Planning Authority. Details should include large scale plans and sections showing the layout and vertical alignment and a programme of works. The development shall be carried out only in accordance with the approved details.

81. **W/22/0450 – Former Mothercare Unit, Leamington Shopping Park, Tachbrook Park Drive, Warwick**

The Committee considered an application from Aldi Stores Ltd for a variation of condition 5 (BREEAM assessment) of planning permission W/21/0179 to replace the requirement for BREEAM Very Good certification with the BREEAM GAP assessment and Stage 4 synopsis documents.

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

The officer was of the opinion that the proposal would still meet with the requirements and overall aims of Local Plan policy CC3 and therefore Officers considered that the alternative sustainability approach met the requirements of the aforementioned policy. Further information would still be required in order to demonstrate that the proposed carbon reduction measures had been installed, after completion of the building. The application was therefore recommended for approval.

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

The Committee therefore

Resolved that W/22/0450 be **granted** subject to the following conditions:

No.

Condition

(1)

the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings:

H20A40-P010 (floor plan), H20A40-P011 (roof plan), H20A40-P021 (elevations), H20A40-P030 (sections), H20A40-P040 (visuals), MEL-467-001-P3 (soft landscaping scheme), submitted on 29th January 2021, and

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | H20A40-P003 (site plan), submitted on 25th March 2021, 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; |
| (2) | <p>the development hereby permitted shall not commence unless and until tree protection measures have been submitted to and approved in writing by the LPA and the approved measures have been put into place. The approved measures must remain in place for the duration of demolition and construction works. The proposals must refer to all the trees within the site as well as those highway trees on the approach that may be affected by the proposed demolition and re-development, and must include:</p> <ul style="list-style-type: none">a) an arboricultural method statement and tree protection plan in accordance with British Standard BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations, Clause 7 in particularb) an arboricultural site monitoring protocol that will confirm to the local planning authority by independent examination that the agreed tree protection measures are in place for the duration of the development <p>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;</p> |
| (3) | <p>the development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; site working hours and delivery times; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | <p>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, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. Reason: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;</p> |
| (4) | <p>prior to commencement of development, a Sustainability Statement including a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include:</p> <ul style="list-style-type: none">a) How the development will reduce carbon emissions and utilise renewable energy.b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures.c) How proposals will de-carbonise major development.d) Details of the building envelope (including U/R values and air tightness).e) How the proposed materials respond in terms of embodied carbon. |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | f) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised. |
| | g) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs, and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading, |

The development shall not be occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

Reason: To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2021);

- (5) within six months of the first occupation of the development, a report shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the energy efficiency measures detailed within the Stage 4 Carbon Assessment Synopsis and BREEAM GAP assessment have been implemented in full. These measures shall be retained as per the approved details or replaced with a betterment in energy efficiency terms.

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;

- (6) no development, other than works of demolition, 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

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>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:</p> <ul style="list-style-type: none">• Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.• 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.• If discharging to a drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any discharge to their system should be presented for consideration.• 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 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;

- (7) no development shall be carried out above slab level unless and until a hard landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | 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. 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; |
| (8) | prior to the occupation of the development hereby permitted, the air quality mitigation measures outlined within the BWB technical note (Ref. ALS-BWB-VUT-ZZ-RP-G-0001_TN, Rev 2, dated 8th June 2021) shall be implemented in full. 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; |
| (9) | within twelve months of the first occupation of the development hereby permitted, the applicant shall submit a Travel Plan to promote sustainable transport choices to the site for approval by the local planning authority in writing. The measures (and any variations) approved shall continue to be implemented 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 the Air Quality and Planning Supplementary Planning Document; |
| (10) | no deliveries, waste collections or other noisy external activities likely to cause nuisance to nearby residents shall take place before 0700 hours or after 2100 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays.
Reason: To protect the amenities of occupants of nearby properties in |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (11) | noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). 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; |
| (12) | the use of the lighting for the approved development shall be carried out and operated only in full accordance with the external lighting report and specification document prepared by Building Management Technology (Ref. B3621 (79_E1461), Issue A, dated 11th January 2021) and lux plot drawing (Drawing No. 79_E1461-BMT-XX-XX-DR-E-0105-A3-P01). Reason: To ensure that any lighting is operated so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (13) | no occupation and subsequent use 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 lifetime 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; |
| (14) | 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 |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | 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; |
| (15) | no development 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. The development shall be carried out in strict accordance with these approved details. 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; |
| (16) | 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 submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority. Reason: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029; |
| (17) | the development hereby permitted shall not be occupied 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 |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | Authority. The approved scheme shall be implemented in full prior to occupation of any dwelling to the satisfaction of the Local Planning Authority.
Reason: In the interests of Public Safety from fire and the protection of Emergency Fire Fighters; |
| (18) | the development hereby permitted shall be carried out in strict accordance with the approved soft landscaping scheme. 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; |
| (19) | the development hereby permitted shall be carried out to wholly accord with the detailed mitigation and enhancement measures as set out in the document 'Ecological Mitigation Strategy' (Revision B) prepared by Middlemarch Environmental Ltd. Reason: To ensure that protected species are not harmed by the development in accordance with the requirements of policy NE2 of Warwick District Local Plan 2011 - 2029. In order to discharge the condition above, a brief report from an ecologist following the bat and bird box installation must be submitted to and approved by the Local Planning Authority (with advice from WCC Ecological Services); and |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
(20)	the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas, and cycle parking areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. Reason: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.

82. **W/22/0703 – Former Mothercare, Leamington Shopping Park, Tachbrook Park Drive, Warwick**

The Committee considered an application from Aldi Stores Ltd for a variation of condition two (plan numbers) of application W/21/0179 to allow for amendments to the approved site plan, principally the inclusion of Armco barrier alongside the highway, addition of a substation and amendment to location of cycle storage.

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

The officer was of the opinion that the proposed amendments were modest changes to the wider scheme which had an acceptable impact and were policy compliant. The application was therefore recommended for approval.

Members were advised that the addition of the substation would not require the removal of a tree. There was a tree at the site of the proposed substation in the original plans, but this was only a hypothetical possibility.

The Chairman suggested that a note be added encouraging the planting of trees to replace the one 'lost' due to the substation.

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

The Committee therefore

Resolved that W/22/0703 be **granted** subject to:

- a) an advisory note to be written by officers, encouraging the planting of trees; and
- b) the following conditions:

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| (1) | <p>the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings:</p> <p>H20A40-P010 (floor plan), H20A40-P011 (roof plan), H20A40-P021 (elevations), H20A40-P030 (sections), H20A40-P040 (visuals), MEL-467-001-P3 (soft landscaping scheme), submitted on 29th January 2021, and</p> <p>H20A40-P003 Rev H (site plan), submitted on 20th September 2022, and specification contained therein.</p> <p>Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;</p> |
| (2) | <p>the development hereby permitted shall not commence unless and until tree protection measures have been submitted to and approved in writing by the LPA and the approved measures have been put into place. The approved measures must remain in place for the duration of demolition and construction works. The proposals must refer to all the trees within the site as well as those highway trees on the approach that may be affected by the proposed demolition and re-development, and must include:</p> <ul style="list-style-type: none">a) an arboricultural method statement and tree protection plan in accordance with British Standard BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations, Clause 7 in particularb) an arboricultural site monitoring protocol that will confirm to the local planning authority by independent examination that the agreed tree protection measures are in place for the duration of the development <p>Reason: In order to protect and preserve existing trees within the site which are of amenity value in</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029; |
| (3) | <p>the development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; site working hours and delivery times; 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, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. Reason: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;</p> |
| (4) | <p>prior to commencement of development, a Sustainability Statement including a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include:</p> |

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

- a) How the development will reduce carbon emissions and utilise renewable energy.
- b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures.
- c) How proposals will de-carbonise major development.
- d) Details of the building envelope (including U/R values and air tightness).
- e) How the proposed materials respond in terms of embodied carbon.
- f) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised.
- g) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

The development shall not be occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

Reason: To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2021);

- (5) within six months of the first occupation of the development, a report shall be

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | submitted to and approved in writing by the Local Planning Authority demonstrating that the energy efficiency measures detailed within the Stage 4 Carbon Assessment Synopsis and BREEAM GAP assessment have been implemented in full. These measures shall be retained as per the approved details or replaced with a betterment in energy efficiency terms. 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; |
| (6) | <p>no development, other than works of demolition, 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:</p> <ul style="list-style-type: none">• Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.• 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.• If discharging to a drainage system maintained/operated by |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | <p>other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any discharge to their system should be presented for consideration.</p> <ul style="list-style-type: none">• 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. <p>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;</p> |
| (7) | <p>no development shall be carried out above slab level unless and until a hard landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted. Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;</p> |
| (8) | <p>prior to the occupation of the development hereby permitted, the air quality mitigation measures outlined within the BWB technical note (Ref. ALS-BWB-VUT-ZZ-RP-G-0001_TN, Rev</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | 2, dated 8th June 2021) shall be implemented in full. 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; |
| (9) | within twelve months of the first occupation of the development hereby permitted, the applicant shall submit a Travel Plan to promote sustainable transport choices to the site for approval by the local planning authority in writing. The measures (and any variations) approved shall continue to be implemented 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 the Air Quality and Planning Supplementary Planning Document; |
| (10) | no deliveries, waste collections or other noisy external activities likely to cause nuisance to nearby residents shall take place before 0700 hours or after 2100 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays. Reason: To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (11) | noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | 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; |
| (12) | the use of the lighting for the approved development shall be carried out and operated only in full accordance with the external lighting report and specification document prepared by Building Management Technology (Ref. B3621 (79_E1461), Issue A, dated 11th January 2021) and lux plot drawing (Drawing No. 79_E1461-BMT-XX-XX-DR-E-0105-A3-P01). Reason: To ensure that any lighting is operated so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (13) | no occupation and subsequent use 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 lifetime 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; |
| (14) | 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 |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------|---|
| | BE1 of the Warwick District Local Plan 2011-2029; |
| (15) | no development 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. The development shall be carried out in strict accordance with these approved details. 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; |
| (16) | 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 submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority. Reason: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029; |
| (17) | the development hereby permitted shall not be occupied 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 approved scheme shall be implemented in full prior to occupation |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | of any dwelling to the satisfaction of the Local Planning Authority.
Reason: In the interests of Public Safety from fire and the protection of Emergency Fire Fighters; |
| (18) | the development hereby permitted shall be carried out in strict accordance with the approved soft landscaping scheme. 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; |
| (19) | the development hereby permitted shall be carried out to wholly accord with the detailed mitigation and enhancement measures as set out in the document 'Ecological Mitigation Strategy' (Revision B) prepared by Middlemarch Environmental Ltd. Reason: To ensure that protected species are not harmed by the development in accordance with the requirements of policy NE2 of Warwick District Local Plan 2011 - 2029. In order to discharge the condition above, a brief report from an ecologist following the bat and bird box installation must be submitted to and approved by the Local Planning Authority (with advice from WCC Ecological Services); |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| (20) | the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas, and cycle parking areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. Reason: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029; and |
| (21) | within one calendar month of the granting of this permission, the Vehicle Restraint System indicated on submitted plan H20A40-P003 Rev H shall be installed in accordance with details to be submitted to and agreed by the Local Planning Authority in conjunction with Highway Authority's Structural Engineer. Reason: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029. |

83. **W/22/1345 – Althorpe Enterprise Hub, Althorpe Street, Royal Leamington Spa**

The Committee considered an application from Warwick District Council for the replacement of existing aluminium windows with white (later revised to grey) UPVC double glazed units, and installation of integral solar panels to the front and rear roof slopes.

The application was referred to Planning Committee because the applicant was Warwick District Council.

The officer was of the opinion that the proposed works to the building were limited to the replacement of existing window units and installation of solar PV panels to its eastern and western roof aspects.

The replacement of existing aluminium windows with grey coloured UPVC units was considered acceptable in design terms. The scheme did not comprise the introduction of any additional openings, nor any change to the window layout. The existing site was of no notable architectural or historic value and the proposed alterations to fenestration would somewhat modernise and refresh its appearance.

PLANNING COMMITTEE MINUTES (Continued)

The proposed installation of photovoltaics to the roof of the site would result in a somewhat greater visual implication on its setting. However, given that this was characterised by commercial and industrial units no appreciable harm to the setting was viewed to result from this element of the works. In addition, the proposed use of Marley solar tiles as opposed to traditional panels further reduced the visual prominence of the development by setting the photovoltaics into the roof aspects as opposed to mounting on top of them.

While within proximity of the Canal Conservation Area, the proposed development was not considered to result in any harm to the setting of this heritage designation. Overall, it was considered that the works would form appropriate design features that would not adversely affect the character and appearance of the area.

The proposed works would not result in any material implication to current and future occupiers of the site in amenity terms.

As a result of these considerations, overall, the development was considered to comply with Policy BE3 in terms of impact on amenity to neighbouring uses and the amenity of the future occupiers.

An addendum circulated prior to the meeting advised that the proposed colour of replacement UPVC window units had been revised from white to grey. This revision was considered acceptable in design terms and the description of development was updated accordingly.

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

The Committee therefore

Resolved that W/22/1345 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 approved site location plan and solar tile manufacturer specification 'Marley SolarTile' submitted on the 13th September 2022, drawings 'XX-ZZ-02-AR-012004', 'XX-ZZ-02-AR-012005' submitted on the 20th September 2022, and specification contained therein. Reason: For the avoidance of doubt and to secure a satisfactory form of development |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; |
| (3) | the development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the building in order to fit the proposed solar panels. All roofing material is to be removed carefully by hand. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent survey work, recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. 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 NE2 of the Warwick District Local Plan 2011-2029; and |
| (4) | no part of the development hereby permitted shall be commenced until a scheme for the provision of 2 bat boxes to be erected on buildings within the site, has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity. Reason: To ensure net gains in biodiversity, in accordance with the requirements of the NPPF. |

(The meeting ended at 8.42pm)

CHAIRMAN
13 December 2022