

Planning Committee Tuesday 17 August 2021

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa on Tuesday 17 August 2021, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

Councillor Boad (Chairman)
Councillor Morris (Vice Chairman)

Councillor M Ashford
Councillor R Dickson
Councillor T Heath
Councillor O Jacques
Councillor J Kennedy

Councillor V Leigh-Hunt
Councillor C Quinney
Councillor N Tangri
Councillor J Tracey

Emergency Procedure

At the commencement of the meeting, the emergency procedure for the Town Hall will be announced.

Agenda Part A – General

1. Apologies & Substitutes

- (a) to receive apologies for absence from any Councillor who is unable to attend; and
- (b) to receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting.

2. Declarations of Interest

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be disclosed during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

3. **Site Visits**

The Chairman to report the location of the planning application sites visited and the names of the Committee Members who attended.

4. **Minutes**

To confirm the minutes of the meetings held on

- a. 24 June 2021 **(Pages 1 to 56)**
- b. 20 July 2021 **(Pages 1 to 41)**
- c. 21 July 2021 **(Pages 1 to 11)**

Part B – Planning Applications

To consider the following reports from the Head of Development Services:

- 5. **W/21/0179 – Former Mothercare, Royal Leamington Spa Shopping Park, Tachbrook Park Drive, Warwick** **(Pages 1 to 19)**
Major Application
- 6. **W/21/0485 – Victoria Park, Archery Road, Royal Leamington Spa** **(Pages 1 to 19)**
- 7. **W/21/1078 – 30 Palmer Road, Whitnash** **(Pages 1 to 6)**

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with the Council's Public Speaking Procedure, members of the public can address the Planning Committee meeting remotely by joining the remote meeting through their personal device on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please register online at [Speaking at Planning Committee](#) any time after the publication of this agenda, but **before 10.00am** on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.
- (e) occasionally, items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's website, and where possible, the applicant and all registered speakers (where applicable) will be notified.

General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ

Telephone: 01926 456114

E-Mail: committee@warwickdc.gov.uk

For enquiries about specific reports, please contact the officers named in the reports.

You can e-mail the members of the Committee at

planningcommittee@warwickdc.gov.uk

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456114

Planning Committee

Minutes of the meeting held on Thursday 24 June 2021 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Boad (Chairman); Councillors Ashford, Cullinan, R. Dickson, Falp, Jacques, Kennedy, Leigh-Hunt and Morris.

Also Present: Democratic Services Manager & Deputy Monitoring Officer – Graham Leach; Legal Advisor – Samantha Amphlett; Manager - Development Services – Gary Fisher; and Senior Planning Officer – Rob Young.

37. Apologies and Substitutes

- (a) Apologies were received from Councillors Murphy and Tangri.
- (b) Councillor Falp substituted for Councillor Heath.

38. Declarations of Interest

Minute Number 41 – W/20/2134 – United Reformed Church, Spencer Street, no.5 and Old Dole Officer, Spencer Yard, Royal Leamington Spa

Councillor Falp declared she was a Member of Warwick District Council's Cabinet and therefore the applicant. She left the room whilst this item was discussed.

Minute Number 42 – W/20/2135 LB – United Reformed Church, Spencer Street, Royal Leamington Spa

Councillor Falp declared she was a Member of Warwick District Council's Cabinet and therefore the applicant. She left the room whilst this item was discussed.

Minute Number 44 – Urgent Item – W/20/0617 – Land South of Chesterton Gardens, Royal Leamington Spa

Councillor Falp informed the Committee that she was both the Ward Councillor for this application site and also a County Councillor for that site. As County Councillor and as they were a recipient of S106 money Councillor Falp explained she would have a Disclosable Pecuniary Interest and left the room whilst the application was discussed.

39. Site Visits

To assist with decision making, Councillors Cullinan and Jacques both made independent site visits to W/20/2134 & W/20/2135 LB – United Reformed Church, Spencer Street, no.5 and Old Dole Office, Spencer Yard, Royal Leamington Spa.

PLANNING COMMITTEE MINUTES (Continued)

40. W/19/1133 – Land at Ward Hill, Warwick Road, Littleworth, Norton Lindsey, Warwick

The application was withdrawn from the agenda to enable officers to further consider some of the information submitted as part of the application and seek further views from consultees in that respect.

41. W/20/2134 – United Reformed Church, Spencer Street, no.5 and Old Dole Office, Spencer Yard, Royal Leamington Spa

The Committee considered an application from Complex Development Projects for extensions, alterations and change of use to space office (use Class E).

The application was considered by the Committee alongside application W/20/2135 LB.

The application was presented to Committee because Warwick District Council owned the site and because of the number of objections received.

The officer was of the opinion that the proposals would generate significant public benefits, including making a major contribution to the regeneration of the Creative Quarter and securing the long-term use of an important listed building. The proposals were considered to be acceptable in terms of design, the impact on heritage assets, the impact on neighbouring properties, parking / highway safety, ecological impacts, air quality and the other detailed matters assessed in the report. It was recommended that planning permission should be granted.

An addendum circulated at the meeting advised that further to the revised transport note, Safer Communities - Health and Community Protection, was satisfied that the proposed development would not be classified as a major development in accordance with the air quality SPD and a full air quality assessment would not be required. A request was made in relation to electric vehicle charging points.

Changes to large scale details conditions were proposed. The conditions affected were condition 3 of the listed building consent (application W/20/2135 LB) and Condition 7 of application W/20/2134. The revised conditions still required the same details but changed the timescales for their submission.

Councillor Cooke, District Councillor, addressed the Committee in support of the applications W/20/2134 and W/20/2135 LB.

The Committee had concerns that there was an outstanding consultation response from Warwickshire County Council Highways in respect of safety grounds. In their view this was a key piece of information to determining the application.

Members of the Committee also had concerns regarding the travel plan and the thermal efficiency electric vehicle charging point.

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

PLANNING COMMITTEE MINUTES (Continued)

proposed by Councillor Ashford and seconded by Councillor Kennedy that the application should be granted, subject to the Officers and Chairman of the Committee receiving, no objection from WCC highways, within the next two weeks on safety grounds, the conditions set out in the report, as revised in the addendum, the additional condition in the addendum, revision to condition 14 that the green travel plan must include active travel plan to and from the site and cycle parking with a note to the applicant on improving the thermal efficiency of the roof on the URC building and the inclusion of a high speed electric vehicle charging point.

The Committee therefore

Resolved that W/20/2134 be **granted** subject to Planning Officers and Chairman of Planning Committee receiving no objection from WCC Highways, within the next two weeks on safety grounds and subject to the following conditions:

- | No. | Condition |
|------------|---|
| (1) | the development hereby permitted shall begin not later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); |
| (2) | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 2362.04.3-P2, 2362.03.6-P3, 2362.03.3-P4 and 2362.03.5-P5, and specification contained therein, submitted on 22 nd December 2020 and 2362.03.7 P1, 12000 SK02 A, 2362.01.10 P6, 2362.01.12 P4, 2362.01.13 P4, 2362.01.15 P1, 2362.01.16 P1, 2362.01.4 P7, 2362.01.5 P7 , 2362.01.6 P7, 2362.01.7 P6, 2362.02.4 P4, 2362.02.5 P4, 2362.02.6 P4 and 2362.00.04 P2, and specification contained therein, submitted on 27 th May 2021. 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) | 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 |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | 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 project the living conditions of nearby dwellings, in accordance with Policies BE3 and NE5 of the Warwick District Local Plan; |
| (4) | <p>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.</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> |
| (5) | <p>the development hereby permitted shall not commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists-Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. Reason: To ensure that protected species are not harmed by the development, in accordance with Policy NE2 of the Warwick District Local Plan;</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| (6) | no development shall be carried out above slab level unless and until samples of the external facing and landscaping 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 HE1 of the Warwick District Local Plan 2011-2029; |
| (7) | no works to the doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges, rainwater goods, railings, parapets, cladding or the internal staircase shall commence until large scale details of the element in question, at a scale of 1:5 (including details of materials), have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. Reason: To ensure a high standard of design and appearance for this Listed Building and the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029; |
| (8) | all rainwater goods for the development hereby permitted shall be metal. Reason: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029; |
| (9) | the roofing material for the pitched roof parts of the development hereby permitted shall be natural slate. Reason: To ensure a high standard of design and appearance for this Listed Building and Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029; |
| (10) | no part of the development hereby permitted shall be used for any purpose |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | falling within Class E (b) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), unless and until:
a) an odour assessment has been undertaken to assess the impact of odour arising from cooking and any proposed fume extraction system that is required to serve the premises;
b) the results of the odour assessment carried out to comply with criteria (a), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority; and
c) any necessary mitigation measures approved under (b) have been implemented in full accordance with the approved details. The mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority.

Reason: To protect the living conditions of nearby dwellings, in accordance with Policies BE3 and NE5 of the Warwick District Local Plan; |
| (11) | the United Reform Church shall not be used for the purposes hereby permitted unless and until a mechanical ventilation system with heat recovery has been installed in strict accordance with details that shall have been submitted to and approved in writing by the local planning authority. The mechanical ventilation system with heat recovery shall thereafter be operated and maintained in strict accordance with the approved details at all times that the building is used for the purposes hereby permitted.
Reason: To ensure appropriate air quality within the building, in accordance with Policy NE5 of the Warwick District Local Plan; |
| (12) | the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times.
Reason: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029; |
| (13) | 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 fire fighting 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; |
| (14) | the development hereby permitted shall not be occupied or brought into first use unless and until:

(a) a Green Travel Plan (that must include active travel plan to and from the site and cycle parking) has been submitted to and approved in writing by the local planning authority; and
(b) the Green Travel Plan approved under (a) has been implemented in strict accordance with the approved details.

Once implemented the Green Travel Plan shall not be withdrawn or amended.

Reason: In the interest of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029; |
| (15) | prior to the occupation of the development hereby permitted, one 7kW (minimum) electric vehicle |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	recharging point shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point, and; (2). A technical data sheet for the electric vehicle recharging point infrastructure. Thereafter the electric vehicle recharging point shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded); and

(16)	a note to Applicant on improving the thermal efficiency of the roof on the URC building and the inclusion of a highspeed vehicle charging point.
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42. **W/20/2135 LB – United Reformed Church, Spencer Street, Royal Leamington Spa**

The Committee considered an application from Complex Development Projects for internal and external alterations for the creation of new office space. It was considered by the Committee alongside W/20/2134.

The application was presented to Committee because Warwick District Council owned the site and because of the number of public objections received.

The officer was of the opinion that the proposals would preserve the character and appearance of the listed building and the proposed works would facilitate the reuse of a listed building that had been vacant for a number of years.

An addendum circulated at the meeting advised a change to the wording of condition 3.

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

The Committee therefore

Resolved that W/20/2135 LB be **granted** subject to the following conditions:

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| (1) | the works hereby permitted shall begin not later than three years from the date of this consent. Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) 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) 2362.04.3-P2, 2362.03.6-P3, 2362.03.3-P4 and 2362.03.5-P5, and specification contained therein, submitted on 22 nd December 2020 and 2362.03.7 P1, 12000 SK02 A, 2362.01.10 P6, 2362.01.12 P4, 2362.01.13 P4, 2362.01.15 P1, 2362.01.16 P1, 2362.01.4 P7, 2362.01.5 P7 , 2362.01.6 P7, 2362.01.7 P6, 2362.02.4 P4, 2362.02.5 P4, 2362.02.6 P4 and 2362.00.04 P2, and specification contained therein, submitted on 27 th May 2021.
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 works to the doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges, rainwater goods, railings, parapets, cladding or the internal staircase shall commence until large scale details of the element in question, at a scale of 1:5 (including details of materials), have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details.
Reason: To ensure a high standard of design and appearance for this Listed Building and the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029; and |
| (4) | the roofing material for the pitched roof parts of the development hereby permitted shall be natural slate. Reason: To ensure a high standard of design and appearance for this Listed Building and Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029. |

PLANNING COMMITTEE MINUTES (Continued)

43. **W/18/0643 – Land at Kings Hill Lane, Stoneleigh**

The Committee considered an outline application with access from Lioncourt Strategic Land Limited, Lioncourt Homes (Development No. 17) Limited De for a development of up to 2,500 dwellings (C3); 4,000 square metres of mixed use floorspace (A1, A2, A3, A4, A5, B1, C2, D1 and D2), a primary and secondary school, open space and associated infrastructure.

The application was presented to Committee to seek authorisation for a small number of revisions to the requirements of a Section 106 Agreement relating to the development and to the conditions that were previously agreed by the Planning Committee.

The officer was of the opinion that the change to the Section 106 Agreement would improve the facilities provided on the site from those previously agreed and the changes to the conditions were mostly minor alterations to the wording that did not change the requirements of the conditions in most cases. There were exceptions detailed in the officer's report, but these had been resolved by work already carried out. The officer therefore recommended that the proposed changes should be approved.

An addendum circulated at the meeting advised that CPRE had written to all Planning Committee Members questioning the reliability of the population estimates that were used to inform the Local Plan. They considered that the principle of development should be reconsidered by Planning Committee and the Ward members Councillors Redford and Wright supported the comments and view of CPRE.

WCC Highways had not made comment on Condition 48 (Stoneleigh Junction) so officers advised that because work was progressing with the County Council's scheme for this junction, the most appropriate way forward would be for Committee to agree that the condition could be omitted if there was agreement from WCC Highways and Highways England.

There were further minor changes proposed to conditions 11 and 12 to ensure that the site wide code was not required to include too great a level of detail for a site of this size.

Councillor Davies, representing Stoneleigh & Ashow Parish Council which objected to the proposals, addressed the Committee.

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

The Committee therefore

Resolved that in respect of W/18/0643, authority be delegated to the Head of Development Services to agree and finalise the changes to the Section 106 agreement and conditions as set out below:

Section 106 agreement:
Item 4a / Page 10

PLANNING COMMITTEE MINUTES (Continued)

Increase in the size of the changing facilities associated with the sports pitches from 50 sq m as specified in the original Committee report, to 150 sq m. Associated increase in the changing facilities cost cap.

Conditions:

No.	Condition
(1)	<u>Reserved Matters to be Submitted</u>

Details of the;

- a. Appearance of the building(s);
- b. Landscaping of the site;
- c. Layout of the site and its relationship with adjoining development; and
- d. 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)	<u>Approved Plans</u>
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The development hereby permitted shall be carried out in accordance shown on the site location plan and the approved access drawings and specification contained therein;

1. Figure 2.9 – 01 – Stoneleigh Road/Kings Hill Lane Signalised Site Access Junction.
2. Figure 2.11 – 02 – Proposed Bus Gate (No General Site Access).
3. SK048A – 01 (Amended Design) – Proposed Site Access – St. Martin's Rd/Green Lane.

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)	<u>Time Limit for Reserved Matters</u>
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PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | Application for approval of the reserved matters shall be made to the local planning authority not later than fifteen years from the date of this permission. |
| | Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended); |

(4) Time to Commence Development

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);

In the event that CCC Application is not approved

(5) Development Restriction (St. Martins Road/Green Lane) (Compliance)

Notwithstanding details contained within the approved documents, no submission of Reserved Matters within the area denoted under 'PHASE 1A (N)' of drawing number L.0384_39 shall commence until such time that full planning permission has been issued for the access arrangements that would provide a connection from the site to the road network within the Coventry City Council's administrative boundary.

Reason: In the interests of comprehensive development and highway safety in accordance with Policies DS15 and TR1 respectively of the Warwick District Local Plan 2011-2029;

Comprehensive Masterplanning

(6) Site-Wide Framework Plan (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to submission of the first reserved matters application a site-wide framework plan to include;

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<ul style="list-style-type: none">a) An overall plan of development parcels;b) Site-wide phasing plan; andc) Infrastructure delivery strategy (Arup Report reference 247389).
	<p>Shall be submitted to and approved in writing by the Local Planning Authority. The subsequent timing and content of applications shall accord with the Framework Plan unless otherwise agreed in writing by the Local Planning Authority.</p>
	<p>Reason: In the interests of comprehensive development in accordance with Policy DS15 of the Warwick District Local Plan (2011-2029);</p>
(7)	<p><u>Future Order of Applications</u> (Compliance)</p>
	<p>Notwithstanding details contained within the approved documents, the sequence of planning applications following determination of this outline proposal shall be as follows;</p>
	<ul style="list-style-type: none">1) Reserved Matters application for spine road, structural landscaping and drainage.2) Reserved Matters for Phase 1A (North and South) and / or Phases 1B/1C.
	<p>The phases shall be read in accordance with drawing L.0384_43 Rev B.</p>
	<p>Reason: To ensure that the site is developed in a comprehensive manner in accordance with Policy DS15 of the Warwick District Local Plan (2011-2029);</p>
(8)	<p><u>Remove Permitted Changes of Use</u> (Compliance)</p>
	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no permitted changes contained therein shall be enacted within the development hereby permitted.</p>
	<p>For the avoidance of doubt this shall include changes from C3 dwellinghouse to C4 Houses in Multiple Occupation.</p>

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	Reason: To manage the balance of sustainable communities in accordance with Policy SC0 of the Warwick District Local Plan (2011-2029);

Design

- (9) Site Wide Masterplan to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to the submission of reserved matters application for any phase of the development hereby approved, a Site Wide Masterplan to include;

- a) Illustrative details of how the proposed layout of development has been designed with due regard to the surrounding urban and rural context;
- b) Land use plan and character areas (including densities and building heights);
- c) Movement corridors within the site (including principal roads, public transport corridors, footpaths, cycleways and green corridors) and demonstrating how these relate to existing movement networks in the wider area;
- d) Key infrastructure (including SUDs, significant utility provision, schools, district/local centres);
- e) Landscape corridors and open space network;
- f) Structural planting landscape areas;
- g) A phasing plan including triggers for delivery of key elements of supporting infrastructure; and
- h) A statement establishing how the development proposals accord with the principles set out in the Site Wide Design Code.

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

Reason: In the interests of good urban design and a comprehensively

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | planned development in accordance with NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029; |
| (10) | <u>Phase Wide Masterplan to be Submitted (Pre-Commencement of a Phase)</u>

Notwithstanding details contained within the approved documents, prior to the submission of any reserved matters application for each phase of the development hereby approved, a Phase Wide Masterplan to include (where not already provided);

<ul style="list-style-type: none">a) Illustrative details of how the proposed layout of development has been designed with due regard to the surrounding urban and rural context;b) Land form topography as existing and proposed;c) Land use plan and character areas (including densities and building heights);d) Movement corridors within the phase (including principal roads, public transport corridors, footpaths, cycleways and green corridors) and demonstrating how these relate to existing movement networks in the wider area;e) Key infrastructure (including SUDs, significant utility provision, schools, district/local centres);f) Landscape corridors and open space network;g) Public open space;h) Structural planting landscape areas;i) Street lighting arrangements and any other lighting to public space;j) A phasing plan including triggers for delivery of key elements of supporting infrastructure; andk) A statement establishing how the development proposals accord with the principles set out in the Site Wide Design Code. |

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

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | Reason: In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029; |
| (11) | <u>Site Wide Design Code to be Submitted</u> (Pre-Commencement) |
| | Notwithstanding details contained within the approved documents, prior to the submission of reserved matters application for each phase of the development hereby approved, a Site Wide Design Code to include; |
| | a) Hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas); |
| | b) Development blocks including built form and massing and relationship with adjoining development areas/blocks including areas of transition between development parcels (including the relationship between built form and adjoining open space); |
| | c) Sustainable Urban Drainage features; |
| | d) Key spaces, open spaces and green features; |
| | e) Architectural language and detailing; |
| | f) A scheme of strategic landscaping (including site sections, site visuals, site levels, structural landscaping and hedgerow retention) |
| | g) Design principles for street tree planting and other structural planting landscaping areas; |
| | h) Design principles on hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long-term management; |
| | i) Design principles on waste disposal and recycling; |
| | j) The principles shall include a regulating plan on an ordnance survey base at a scale no greater than 1:2500; |
| | k) A mechanism for periodic review and refinement if necessary, of the approved Design Code. |

Shall be submitted to and approved in writing by the Local Planning Authority. The Site Wide Design Code shall be used in the

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | assessment of future applications unless otherwise agreed in writing by the Local Planning Authority. |
| | Reason: In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029; |
| (12) | Phase Wide Design Code to be Submitted (Pre-Commencement of each phase) |
| | Notwithstanding details contained within the approved documents, prior to the submission of reserved matters application for each phase of the development hereby approved, a Phase Wide Design Code to include (where not already provided); |
| | a) Hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas); |
| | b) Development blocks including built form and massing and relationship with adjoining development areas/blocks including areas of transition between development parcels (including the relationship between built form and adjoining open space); |
| | c) Building types; |
| | d) Building heights; |
| | e) The means to accommodate the parking of vehicles and cycles; |
| | f) Sustainable Urban Drainage features; |
| | g) Key spaces, open spaces and green features; |
| | h) Architectural language and detailing; |
| | i) A scheme of strategic landscaping (including site sections, site visuals, site levels, structural landscaping and hedgerow retention) |
| | j) Detailed design principles for street tree planting and other structural planting landscaping areas; |
| | k) Design principles on hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long-term management; |
| | l) Design principles on waste disposal and recycling; |
| | m) Design principles on the colour and texture of external materials and facing |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | finishes for roofing and walls of buildings and structures; |
| n) | Design principles for street lighting and any other lighting to public space (including parking areas); |
| o) | The principles shall include a regulating plan on an ordnance survey base at a scale no greater than 1:1250; |
| p) | A mechanism for periodic review and refinement if necessary, of the approved Design Code. |

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

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

(13) Landscaping Standards (Compliance)

Notwithstanding details contained within the approved documents, the landscaping scheme(s) approved under any subsequent reserved matters application(s) shall be;

- a) Carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation;
- b) 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;
- c) 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 and to

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | protect and enhance the amenities of the area, in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029; |
| (14) | <u>Details of BREEAM Rating (or equivalent) to be Submitted</u>

Notwithstanding details contained within the approved documents, prior to construction on the site for the District Centre, details of a pre-assessment and design stage assessment by an accredited BREEAM assessor demonstrating;

a) How the development will be designed and constructed to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent).
b) That the development achieves as a minimum BREEAM standard 'very good' (or any future national equivalent).

Shall be submitted to and approved in writing by the Local Planning Authority to discharge (a).

The 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 to discharge (b).

Should the BREEAM standard not be used as the performance measure, then the applicant shall appoint a suitably qualified professional for the assessment.

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); |
| (15) | <u>Details of Water Consumption to be Submitted</u>

Notwithstanding details contained within the approved documents, prior to construction of |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	the development within its relevant phase. A scheme showing;
a)	How a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved.
	Shall be 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);
(16)	<u>Details of Energy Hierarchy to be Submitted</u>
	Notwithstanding details contained within the approved documents, prior to commencement of development within its relevant phase. A scheme based on the following energy hierarchy;
	<ol style="list-style-type: none">1) Reducing the need for energy;2) Energy efficiency;3) Maximising the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives; and4) Efficiently using fossil fuels from clean technologies.
	To include;
	<ol style="list-style-type: none">a) Proposed methods of heating/cooling;b) Details of the infrastructure to incorporate the measures;c) Details of management/ownership; andd) Program of delivery.
	Shall be 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

PLANNING COMMITTEE MINUTES (Continued)

No. **Condition**

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.

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

Reason: To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of the National Design Guide (2019);

(17) **Sustainability Statement to be Submitted**

Notwithstanding details contained within the approved documents, prior to construction of each phase of development. A Sustainability Statement to include;

- a) How the development will reduce carbon emissions and utilise renewable energy;
- b) Address overheating issues;
- 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) Address air quality issues; and
- g) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The development phase shall subsequently be implemented in accordance with the approved details and retained thereafter.

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

(18) **Scheme of Open Space to be Submitted**

Notwithstanding details contained within the approved documents, prior to commencement of development under each reserved matters consent, a scheme of open

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	space for that reserved matters consent to include details of; a) How mixed open space facilities will be incorporated into the development b) Informal open space; c) Appropriate children's play facilities; d) Outdoor sport facilities e) Allotment gardens; f) Management arrangements; and g) Program of delivery. 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 retained thereafter. Reason: To ensure appropriate open space and recreational facilities are provided to serve the development in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029;

Historic Environment

(19) Details of Archaeological Evaluation to be Submitted

Notwithstanding details contained within the approved documents, prior to the submission of any Reserved Matters applications for any phase of the development hereby permitted:

- a) a programme of archaeological evaluation shall be undertaken in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the local planning authority. A report detailing the results of this fieldwork is to be submitted to the Local Planning Authority prior to, or concurrently with, the Reserved Matters submission;
- b) An Archaeological Mitigation Strategy document shall be submitted to the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development. Dependent upon the results of the trial trenching, this may include further archaeological fieldwork and/or the

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	preservation in situ of any archaeological deposits of national importance.

Unless otherwise agreed in writing with the Local Planning Authority, no development shall take place in any development phase until the Archaeological Mitigation Strategy document for that development phase has been approved in writing by the Local Planning Authority and any fieldwork detailed in the approved Archaeological Mitigation Strategy document has been completed to the satisfaction of the Local Planning Authority. The post- excavation analysis, publication of results and archive deposition 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 where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;

(20) Details of the SAM Landscape Management to be Submitted

Notwithstanding the details contained within the approved documents, prior to the commencement of any development within land at the 'Deserted Medieval Village located to the east of the site adjacent Kings Hill Lane' SAM, a Landscape Management Plan to include;

- a) Proposed path surfaces and routes;
- b) Details of street furniture;
- c) Information/interpretation panels;
- d) Planting; and
- e) Management of the SAM.

shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape management plan shall be implemented in full thereafter. Any subsequent transfer of ownership/management shall maintain the approved scheme of landscape management unless otherwise agreed in writing by the Local Planning Authority.

PLANNING COMMITTEE MINUTES (Continued)

No. **Condition**
Reason: To manage the future harm and public benefit of the Scheduled Ancient Monument in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029;

Amenity

(21) Details of Noise Mitigation to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to the submission of any Reserved Matters applications for any phase of the development hereby permitted, a noise mitigation scheme to include;

- a) Detailed arrangements to protect residents of the development from noise arising from the activities at Finham Park School and the Alvis Sports and Social Club entering habitable rooms together with the provision of quiet garden areas shielded from noise; and
- b) Program of delivery.

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

Reason: To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

(22) Details of Flood Light Mitigation to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to the submission of each Reserved Matters applications for any phase of the development hereby permitted within a 100m radius of Alvis Sports Club or other sports provision, a lighting assessment for;

- a) Flood lights at Alvis Sports and Social Club;
- b) A scheme of mitigation for the layout and orientation of residential dwellings; and

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | c) Program of delivery |
| | Shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details. |
| | Reason: To ensure appropriate levels of amenity for residents of the development and to protect them from potential adverse effects of luminance levels from outside the development in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |

(23) Low Emission Strategy to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to the submission of any Reserved Matters applications for any phase of the development hereby permitted, a Low Emission Strategy for that phase to include;

- a) Proposed mitigation measures; and
- b) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The Low Emission Strategy shall thereafter be in accordance with the approved details.

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

Natural Environment

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

Notwithstanding details contained within the approved documents, prior to the commencement of development under each Reserved Matters Consent, ground investigations to include;

- a) A site investigation has been designed for that phase using the information

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>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• Refinement of the conceptual model• The development of a method statement detailing the remediation requirements.
	<p>b) The site investigation has been undertaken in accordance with details approved by the 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; and</p>
	<p>d) Program of delivery (if applicable).</p>

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

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

(25) Contamination not Previously Discovered (Compliance)

Notwithstanding details contained within the approved documents, if during development,

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	contamination not previously identified, is found to be present at the site;
	a) No further development shall take place within that area of Reserved Matters Consent (unless otherwise agreed in writing with the planning authority for an addendum to the method statement);
	b) This addendum to the method statement must detail how this contamination shall be dealt with; and
	c) Program of delivery (if applicable).
	Shall be submitted to and approved in writing by the Local Planning Authority. Any remediation shall thereafter be carried out in accordance with the approved details.
	Reason: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;

(26) Verification of Remediation to be Submitted

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

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

Shall be submitted to and approved in writing by the Local Planning Authority. Any mitigating/monitoring works shall be carried out in accordance with the approved details.

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

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | Plan 2011-2029; |
| (27) | <u>Construction Method Statement to be Submitted</u> (pre-construction) |
| | Notwithstanding details contained within the approved documents, prior to commencement of development under any Reserved Matters Consent, a Construction Method Statement to include; |
| | a) Any temporary measures required to manage traffic during construction; |
| | b) Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction; |
| | c) Dust management and suppression measures – level of mitigation determined using IAQM guidance; |
| | d) Wheel washing; |
| | e) 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; |
| | f) Concrete crusher if required or alternative procedure; |
| | g) Delivery times and site working hours; |
| | h) Site lighting; |
| | i) Access and protection arrangements around the site for pedestrians, cyclists and other road users; |
| | j) Restrictions on burning and details of all temporary contractors' buildings; |
| | k) Plant and storage of materials associated with the development process; |
| | l) External safety and information signing notices; |
| | m) Complaints procedures, including complaints response procedures and dedicated points of contact; and |
| | n) Best practicable means shall be employed at all times to control noise and dust on the site including: <ul style="list-style-type: none">o 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.o Delivery vehicles should not be allowed to arrive on site before 8 am or after |

PLANNING COMMITTEE MINUTES (Continued)

No. **Condition**
4.30 pm Mon – Fri, 8 am - 1 pm Sat
and not on Sundays or Bank Holidays.

Shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period.

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, TR3 and NE5 of the Warwick District Local Plan 2011-2029;

(28) Details of Electrical Charge Points to be Submitted

Notwithstanding details contained within the approved documents, prior to commencement to each Reserved Matters for residential development, a scheme of electrical charge points to include;

- a) Specification and location of charge points;
- b) Measures to safeguard the future installation of charge points; and
- c) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved.

Reason: In the interests of decarbonising private transportation in accordance with Policy CC1 of the Warwick District Local Plan 2011-2029 and the Air Quality Supplementary Planning Document 2019;

Landscaping & Open Space

(29) Scheme of Tree & Hedgerow Protection to be Submitted (Pre- Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of development under any Reserved Matters Consent that includes the operation of heavy equipment, machinery or materials being brought onto the site for any phase of development hereby approved, a

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | scheme of tree and hedgerow protection to include details of; |
| | a) The protection of all existing trees and hedges to be retained on site; and |
| | b) The erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. |

Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority.

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 kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

Reason: To protect trees and other features on site during construction in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;

(30) Strategic Landscaping Scheme to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to submission of each Reserved Matters application for each phase of development, a scheme of strategic landscaping to include;

- a) Site sections;
- b) Site visuals;
- c) Site levels;
- d) Structural landscaping; and
- e) Hedgerow retention.

Shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be adhered to through the future submission of Reserved Matters application.

Reason: To manage the landscape character impacts of the proposal in

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	accordance with Policy NE4 of the Warwick District Local Plan 2011-2019;

Ecology

(31) Ecological and Landscaping Scheme to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of development under each reserved matters consent a combined ecological and landscaping scheme to include details of;

- a) Accordance with the principle Biodiversity Impact Assessment;
- b) Landscaping including a river corridor strategy (if applicable);
- c) Any lake/pond creation;
- d) Retention of the Veteran Trees and species rich hedgerows; and
- e) Program of delivery.

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 retained thereafter.

Reason: In accordance with NPPF, ODPM Circular 2005/06 and Policy NE2 of the Warwick District Local Plan 2011-2029;

(32) Landscape and Ecological Management Plan to be Submitted (Pre- Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of development under each reserved matters consent, a Landscape and Ecological Management Plan for that reserved matters consent to include details of;

- a) Accordance with the principle Biodiversity Impact Assessment;
- b) Planting and maintenance of all new planting;
- c) Species used and sourcing of plants;
- d) Invasive plant species eradication and biosecurity for invasive plant species;
- e) Habitat enhancement/creation measures and management, such as native species

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | planting, wildflower grassland creation, woodland and hedgerow creation/enhancement; |
| f) | Provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles, hedgehog shelters and passes); and |
| g) | Program of delivery. |

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 retained thereafter.

Reason: To ensure a net biodiversity gain in accordance with Policy NE3 of the Warwick District Local Plan 2011-2029 and the NPPF;

- (33) Scheme of Protection for the Ancient Woodland/Local Wildlife Site to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of development under any reserved matters consent which has an uninterrupted site boundary that adjoins an Ancient Woodland, a scheme of protection for any ancient woodland or local wildlife site within the vicinity of the development to include details of;

- a) A barrier, such as a wire fence, which should be erected before works start and remain in place for the duration of the construction works. This fenced area should include a buffer zone of at least 50 metres between the development and the boundary of the local wildlife site. 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;
- b) Mitigation measures in the event of damage; and
- c) Program of delivery.

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

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.
	Reason: To ensure the protection of important habitats during development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;
(34)	<u>Bats & Lighting Mitigation Scheme to be Submitted</u> (Pre-Commencement)
	Notwithstanding details contained within the approved documents, prior to commencement of development under any reserved matters consent, a Bats and Lighting Mitigation Scheme to include;
	a) Land parcel mitigation plan; b) Site-wide integration measures; and c) Program of delivery.
	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 retained thereafter.
	The Local Planning Authority expects lighting to be restricted along Finham Brook corridor and all around the development especially to the north west where it will be located at least 50 metres from Wainbody Ancient Woodland, and to be kept to a minimum at night across the whole site and include dark areas where appropriate and around the Ancient Woodland and Finham Brook in order to minimise impact on emerging and foraging bats. This can include measures such as;
	<ul style="list-style-type: none">□ Narrow spectrum lighting should be used to avoid the blue-white wavelengths□ 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.

PLANNING COMMITTEE MINUTES (Continued)

No. **Condition**
Reason: In accordance with the NPPF and Policies BE1 and NE2 of the Warwick District Local Plan 2011-2029;

(35) Bat Survey to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of development under each Reserved Matters consent, a further bat survey to include;

- a) Survey of the medium and low potential trees, to include appropriate activity surveys in accordance with BCT Bat Surveys – Good Practice Guidelines;
- b) A detailed mitigation plan including a schedule of works and timings;
- c) Where applications are within 100m T143 a full detailed survey shall be conducted;
- and
- d) Program of delivery.

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 retained thereafter.

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;

(36) Construction & Ecological Management Plan to be Submitted (Pre- Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of development under each Reserved Matters consent, a Construction and Ecological Management Plan (CEMP) to include;

- a) Details concerning pre-commencement checks for badger, bats, breeding birds, great crested newts, reptiles and otters;
- b) Great crested newt mitigation plan;
- c) A reptile mitigation plan;
- d) Bat mitigation plan including a method statement if required for tree felling;
- e) Otter mitigation;
- f) Badger mitigation plan;

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | <p>g) Appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site; and</p> <p>h) Program of delivery.</p> <p>Shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.</p> <p>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;</p> |
| (37) | <p><u>Scheme of Protection for Finham Brook to be Submitted</u> (Pre- Commencement)</p> |

Notwithstanding details contained within the approved documents, prior to commencement of development under any reserved matters consent, a scheme for the provision and management is required to be agreed to protect a 5-metre-wide buffer zone within the application site's side of the Finham Brook Tributary and an 8-metre-wide buffer zone on the application site's side of the Finham Brook. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The scheme shall include:

- a) Plans showing the extent and layout of the buffer zone;
- b) Details of any proposed planting scheme (for example, native species);
- c) Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan;
- d) Details of any proposed footpaths, fencing, lighting; and
- e) Program of delivery.

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

PLANNING COMMITTEE MINUTES (Continued)

No. Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.

Condition

Reason: Development that encroaches on watercourses has a potentially severe impact on their ecological value, e.g. artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected in accordance with Policies NE1 and NE2 of the Warwick District Local Plan 2011-2029;

(38) Scheme of Great Crested-Newt Mitigation to be Submitted (Pre- Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of development under each reserved matters consent, a scheme of schedule of great crested-newt mitigation measures to include;

- a) A method statement;
 - b) Timing of works;
 - c) Protection measures;
 - d) Enhancement details;
 - e) Monitoring;
 - f) Further survey if deemed necessary);
- and
- g) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

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;

(39) Scheme of Reptile Mitigation to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of development under each reserved matters consent, a scheme of schedule of great crested-newt mitigation measures to include;

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | a) A method statement for translocation; |
| | b) Timing of works; |
| | c) Protection measures; |
| | d) Enhancement details; |
| | e) Monitoring; |
| | f) Further survey if deemed necessary); |
| | and |
| | g) Program of delivery. |

Shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

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;

Highways

- (40) Construction Management Plan to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to the commencement of development under each Reserved Matters applications hereby permitted, a Construction Management Plan to include;

- a) Construction Phasing Plan;
- b) Details and measures to prevent mud, debris and obstacles on the highway network;
- c) HGV Routing Plan, with no construction traffic heading west along Stoneleigh Road past Woodfield Primary school, nor travel north west past Finham Primary School in the interests of highway safety;
- d) Identify the location of the site compound, deliveries and serving area, HGV holding area, and car parking provision for contractors within the development site; and
- e) A Communication Strategy with the Local Community with a point of contact for residents to raise matters with.

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

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | Authority. The development shall thereafter be carried out in accordance with the approved details and retained thereafter.

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; |
| (41) | <u>Highway Restrictions During Construction (Compliance)</u>

Notwithstanding details contained within the approved documents, the following restrictions relating to the road network shall be observed through the construction phase of the development;

a) No HGV movements during the construction phase will take place Monday to Friday during the time periods 07:30 – 09:15 and 16:30 – 18:00, to ensure that HGV movements are limited during the peak travel periods.
b) No construction traffic will wait on the adopted Highway managed or maintained by Warwickshire County Council or Coventry City Council in the interests of highway safety.

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

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; |
| (42) | <u>Details of Protected Walking & Cycling Routes to be Submitted</u>

Notwithstanding details contained within the approved documents, prior to the commencement of development of each Reserved Matters applications hereby permitted, scheme of protected routes to include; |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<ul style="list-style-type: none">a) Identified walking and cycling routes between the northern and southern development parcels during the construction phase,b) Relevant development required to implement protected routes;c) Program of delivery.
	<p>Shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and retained thereafter.</p>
	<p>Reason: in order to provide and maintain access to the new primary school within the development site. In order to prevent additional vehicular traffic and promote sustainable modes of transport in accordance with Policies BE3 and TR1 of the Warwick District Local Plan 2011-2029;</p>
(43)	<p><u>Details of Access to Phase 1A (S) to be Submitted (Stage 1)</u></p>
	<p>Notwithstanding details contained within the approved documents, prior to occupation of dwellings within the area denoted under 'PHASE 1A (S)' (Stoneleigh Road Access) of drawing number L.0384_39 site access details to include;</p>
	<ul style="list-style-type: none">a) Detailed access proposal; andb) Program of delivery.
	<p>Shall be submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be carried out in accordance with the approved details as evidenced by the issuing of a Certificate of Substantial Completion by the relevant Highway Authority.</p>
	<p>Reason: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;</p>
(44)	<p><u>Details of Access to Phase 1A (S) to be Submitted (Stage 2)</u></p>
	<p>Notwithstanding details contained within the approved documents, dwellings within the area denoted under 'PHASE 1A (S)'</p>

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | (Stoneleigh Road Access) of drawing number L.0384_39, no more than 100 dwellings shall be occupied until site access details to include; |
| | a) The second phase (signalisation) site access arrangements from the Stoneleigh Road; and |
| | b) Program of delivery. |

Shall be submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be carried out in accordance with the approved details. No more than 300 dwellings shall be occupied on any part of 'PHASE 1A (S)' until the approved highway access works have been completed as evidenced by the issuing of a Certificate of Substantial Completion by the relevant Highway Authority.

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

- (45) Details of Access to Phase 1A (N) to be Submitted

Notwithstanding details contained within the approved documents, prior to occupation of dwellings within the area denoted under 'PHASE 1A (N)' (St. Martins Road Access) of drawing number L.0384_39 site access details to include;

- a) Detailed access proposal; and
b) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be carried out in accordance with the approved details as evidenced by the issuing of a Certificate of Substantial Completion by the relevant Highway Authority.

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

- (46) Details of Bus Gate/Emergency Access to Phase 1A (N) to be Submitted

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | <p>Notwithstanding details contained within the approved documents, prior to occupation of dwellings within the area denoted under 'PHASE 1A (N)' (St. Martins Road Access) of drawing number L.0384_39 access details to include;</p> <ul style="list-style-type: none">a) Detailed bus gate and emergency access onto Green Lane; andb) Program of delivery. <p>Shall be submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be carried out in accordance with the approved details as evidenced by the issuing of a Certificate of Substantial Completion by the relevant Highway Authority.</p> <p>Reason: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;</p> |

(47) Details of Spine Road to be Submitted

Notwithstanding details contained within the approved documents, no more than 400 of the dwellings hereby permitted shall be occupied across the development site until the detailed design and technical drawings for the Link Road between St Martins Road and Stoneleigh Road (the Spine Road) to be designed to;

- a) Carriageway width of 7.3 metres;
- b) With 2 metre verges;
- c) 3 metre footway / cycleways either side of the carriageway.

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

Reason: In order to provide and maintain access to the new primary school within the development site. In order to prevent additional vehicular traffic and promote sustainable modes of transport in accordance with Policies BE3 and TR1 of the Warwick District Local Plan 2011-2029;

(48) Development Restriction for Spine Road Completion (Compliance)

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>Notwithstanding details contained within the approved documents, no more than 700 of the dwellings hereby permitted shall be occupied across the development site until the Spine Road detailed within the condition titled 'Details of Spine Road to be Submitted' has been implemented in accordance with the approved details as evidenced by the issuing of a Certificate of Substantial Completion by the relevant Highway Authority.</p> <p>Reason: In order to prevent additional vehicular traffic and promote sustainable modes of transport in accordance with Policies BE3 and TR1 of the Warwick District Local Plan 2011-2029;</p>
(49)	<p><u>Development Restriction for Any Dwelling Occupation (Compliance)</u></p> <p>Notwithstanding details contained within the approved documents, no dwelling shall be occupied until such time that a scheme of improvement comprising of either;</p> <ul style="list-style-type: none">a) Signalisation of the A46/Stoneleigh Junction; orb) A46 Stoneleigh Junction Scheme; orc) An equivalent scheme of highway improvement. <p>Has become operational unless otherwise agreed in writing by the Local Planning Authority. In the event that a scheme of highway mitigation is implemented at the A46 Stoneleigh junction, this condition will not be considered relevant.</p> <p>Reason: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;</p>
(50)	<p><u>Development Restriction for Operation of Stoneleigh Junction (Compliance)</u></p> <p>Notwithstanding details contained within the approved documents, no more than 700 dwellings shall be occupied until such time that;</p> <ul style="list-style-type: none">a) Warwickshire County Council's A46 Stoneleigh Junction Scheme; or

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | <p>b) An equivalent scheme of highway improvement.</p> <p>Has become operational unless otherwise agreed in writing by the Local Planning Authority. In the event that an agreed scheme of highway mitigation is implemented at the A46 Stoneleigh junction, this condition will not be considered relevant.</p> <p>Reason: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;</p> |
| (51) | <p><u>Mitigation at the B4115/Birmingham Road/Stoneleigh Road to be Submitted</u></p> <p>Notwithstanding details contained within the approved documents, prior to occupation of dwellings within the area denoted under 'PHASE 1A (S)' (Stoneleigh Road Access) of drawing number L.0384_39 details of the mitigation to include;</p> <p>a) A scheme at the B4115 / Birmingham Road / Stoneleigh Road offset crossroads junction;</p> <p>b) Program of delivery.</p> <p>Shall be submitted to and approved in writing by the Local Planning Authority. The mitigation scheme shall thereafter be carried out in accordance with the approved details as evidenced by the issuing of a Certificate of Substantial Completion by the relevant Highway Authority.</p> <p>Reason: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;</p> |
| (52) | <p><u>Mitigation at the B4113 St Martins Road / B4115 Priority Junction to be Submitted</u></p> <p>Notwithstanding details contained within the approved documents, prior to occupation of dwellings within the area denoted under 'PHASE 1A (N)' (St. Martins Road Access) of drawing number L.0384_39 details of the mitigation to include;</p> <p>a) A scheme at the B4113 St Martins Road / B4115 priority junction;</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | <p>b) Program of delivery.</p> <p>Shall be submitted to and approved in writing by the Local Planning Authority. The mitigation scheme shall thereafter be carried out in accordance with the approved details as evidenced by the issuing of a Certificate of Substantial Completion by the relevant Highway Authority.</p> <p>Reason: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;</p> |
| (53) | <p><u>Details of Bus Infrastructure to be Submitted (Pre-Commencement)</u></p> <p>Notwithstanding details contained within the approved documents, prior to commencement of development under each reserved matters consent, a scheme of bus infrastructure to include;</p> <ul style="list-style-type: none">a) Detailed plans for the location of bus infrastructure;b) The design of any bus shelters;c) Program of delivery. <p>Shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and retained thereafter.</p> <p>Reason: In order to prevent additional vehicular traffic and promote sustainable modes of transport in accordance with Policies BE3 and TR1 of the Warwick District Local Plan 2011-2029;</p> |
| (54) | <p><u>Interim Transport Assessment to be Submitted</u></p> <p>Notwithstanding details contained within the approved documents, in the event that an interim scheme of signalisation at the A46 Stoneleigh Junction has been implemented, prior to the occupation of the 701st dwelling, an interim transport assessment to include;</p> <ul style="list-style-type: none">a) Investigation of highway capacity for the remaining 1800 dwellings;b) Details of highway mitigation if required; and |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | <p>c) Program of delivery.</p> <p>Shall be submitted to and approved in writing by the Local Planning Authority. The mitigation scheme (if applicable) shall thereafter be carried out in accordance with the approved details as evidenced by the issuing of a Certificate of Substantial Completion by the relevant Highway Authority.</p> <p>The requirement of this condition shall only be applicable if the interim scheme at the A46 Stoneleigh Junction is implemented.</p> <p>Reason: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;</p> |
| (55) | <p><u>Safeguarded Transport Route Details to be Submitted</u></p> <p>Notwithstanding details contained within the approved documents, prior to occupation of the 701st dwelling a safeguarded route for a dedicated transport method to include;</p> <ul style="list-style-type: none">a) Alignment of the route;b) Utility presence within the proposed route;c) Details of landscaping and drainage;d) Details of management/ownership; ande) Program of delivery. <p>Shall be submitted to and approved in writing by the Local Planning Authority. The approved route shall be retained free of development to an agreed timescale with the highway authority to allow for the integration of a future mode of transport.</p> <p>Reason: In order to prevent additional vehicular traffic and promote sustainable modes of transport in accordance with Policies BE3 and TR1 of the Warwick District Local Plan 2011-2029;</p> |
| (56) | <p><u>Interim Development Restriction for Phase 1A (N) (Compliance)</u></p> <p>Notwithstanding details contained within the approved documents, dwellings within the area denoted under 'PHASE 1A (N)' (St. Martins Road Access) of drawing number</p> |

PLANNING COMMITTEE MINUTES (Continued)

No. L.0384_39, no more than 200 dwellings within PHASE 1A (N) shall be occupied until a secondary emergency access / bus gate onto Green Lane has become operational unless otherwise agreed in writing by the Local Planning Authority.

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

(57) Development Restriction for Phase 1A (N)
(Compliance)

Notwithstanding details contained within the approved documents, dwellings within the area denoted under 'PHASE 1A (N)' (St. Martins Road Access) of drawing number L.0384_39 shall be limited to no more than 300 dwellings shall be occupied in total until such time that the spine road linking the access at Stoneleigh Road to the vehicular access at Green Lane is operational unless otherwise agreed in writing by the Local Planning Authority.

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

(58) Development Restriction for Phase 1A (S)
(Compliance)

Notwithstanding details contained within the approved documents, dwellings within the area denoted under 'PHASE 1A (S)' (Stoneleigh Road Access) of drawing number L.0384_39 shall be limited to no more than 400 dwellings shall be occupied in total until such time that the spine road linking the access at Stoneleigh Road to the vehicular access at Green Lane is operational unless otherwise agreed in writing by the Local Planning Authority.

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

(59) A Scheme of Highway Improvements to be Submitted

Notwithstanding details contained within the approved documents, no more than 400

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | dwellings shall be occupied within the area denoted under 'PHASE 1A (N)' (St. Martins Road Access) of drawing number L.0384_39 until a programme of highway improvements to include; |
| | a) a programme defining trigger points for the implementation and completion of highway schemes at A46 Stoneleigh Junction and A45/A46 Stivichall Interchange; |
| | b) Assessment of the improvement scheme Stivichall Interchange associated with the Whitley South development (Drawing Reference: 15-0752 0100-101 Rev E); |
| | c) Scheme of highway improvements including further schemes identified for the Stivichall Interchange; and |
| | d) Program of delivery. |

Shall be submitted to and approved in writing by the Local Planning Authority. The program shall be implemented in accordance with the approved details.

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

(60) Residential Travel Plan to be Submitted

Notwithstanding details contained within the approved documents, prior to the 1st occupation of any dwelling within each Reserved Matters application that includes residential development, a detailed Travel Plan to include;

- a) Measures to reduce single occupancy car trips to/from the site;
- b) Encourage modal shift; and
- c) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved details.

Reason: In order to prevent additional vehicular traffic and promote sustainable modes of transport in accordance with Policies BE3 and TR1 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| (61) | 4. <u>Non-residential Travel Plan to be Submitted</u> |

Notwithstanding details contained within the approved documents, prior to occupation of the District Centre, any Employment Uses or Educational Facilities under any reserved matters consent, a detailed Travel Plan to include;

- a) Measures to reduce single occupancy car trips to/from the site;
- b) Encourage modal shift; and
- c) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented

Reason: In order to prevent additional vehicular traffic and promote sustainable modes of transport in accordance with Policies BE3 and TR1 of the Warwick District Local Plan 2011-2029;

Railway

- | | |
|------|--|
| (62) | <u>Risk Assessment & Method Statement to be Submitted (Pre-Commencement)</u> |
|------|--|

Notwithstanding details contained within the approved documents, prior to commencement of any phase of development hereby approved that would involve development within 10m of the operational railway. A Risk Assessment and Method Statement to include;

- a) Details of a suitable trespass proof steel palisade fence of a minimum height of 1.8m adjacent to the boundary with the railway/railway land. The fence including foundations must be wholly constructed and maintained within the applicant's land ownership footprint;
- b) Measures to ensure that their proposal, both during construction and as a permanent arrangement, does not affect the safety, operation or integrity of the existing operational railway / Network Rail land;
- c) Drainage management to ensure that drainage does not increase Network Rail's liability, or cause flooding pollution or soil

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	slippage, vegetation or boundary issues on railway land; d) Details of all excavation and earthworks within 10m of the railway boundary to determine if the works impact upon the support zone of Network Rail land and infrastructure as well as determining relative levels in relation to the railway; e) Details of proximity of future development to the railway boundary. Less than 2m from the railway boundary to the edge of structures could result in construction and future maintenance works being undertaken on Network Rail land; f) Proposals for the site should take into account the recommendations of, 'BS 5837:2012 Trees in Relation to Design, Demolition and Construction', which needs to be applied to prevent long term damage to the health of trees on Network Rail land so that they do not become a risk to members of the public in the future.

Shall be submitted to and approved in writing by the Local Planning Authority. The Risk and Method Statement shall be adhered to in accordance with the approved details.

Reason: To protect railway assets in accordance with the National Planning Policy Framework;

Water Management

(63) Surface Water Drainage Scheme to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of each phase of development hereby approved, a Surface Water Drainage Scheme based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development to include;

- a) Site-wide surface water drainage strategy/accordance with approved site-wide strategy;
- b) Provide provision of surface water attenuation storage in accordance with 'Science Report SC030219 Rainfall Management for Developments';

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | c) Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753; |
| | d) 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 and 1 in 100 year plus climate change return periods; |
| | e) Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network; |
| | f) 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; |
| | g) Program of delivery. |

Shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details.

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

(64) Foul Drainage Scheme (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of each phase of development hereby approved, a Foul Drainage scheme to include;

- a) A drainage strategy for the disposal of foul sewage; and
- b) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented in accordance with the approved details prior to the first

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | occupation of the relevant phase of development.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies BE1, FW2 and NE5 of the Warwick District Local Plan 2011-2029; |
| (65) | <u>Details of Sustainable Drainage Design to be Submitted</u> (Pre- Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of each phase of development hereby approved, details of sustainable drainage design in line with the SuDs manual CIRIA C753 and ES Addendum Appendix 1.3 Groundwater monitoring to include;

a) Site-wide sustainable drainage design principles;
b) Measures to ensure the required storage capacity remains available during times of high groundwater;
c) Assess the impact of fluvial flooding on groundwater levels adjacent to the Finham Brook tributary corridor; and
d) Measures to mitigate the risk of groundwater mounding adjacent to Sustainable Drainage Systems.

Shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented in accordance with the approved details prior to the first occupation of the relevant phase of development.

Reason: To prevent groundwater ingress into the development drainage system, and prevent the increased risk of flooding in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029; |
| (66) | <u>Details of Ditch Network Management to be Submitted</u> (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | <p>commencement of each phase of development hereby approved, details of ditch management to include;</p> <p>a) A management and maintenance strategy for construction materials from entering or silting up the ditch network
b) Details to ensure that no silt or chemicals can leave the phase being constructed shall be provided and any detrimental impact to the ditch network shall be repaired; and
c) Program of delivery.</p> <p>Shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented in accordance with the approved details prior to the first occupation of the relevant phase of development.</p> <p>Reason: To ensure the development does not have impacts off site to flood risk and that the ditch network downstream can function as intended in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029;</p> |
| (67) | <p><u>Details of Finished Floor Levels to be Submitted (Pre-Commencement)</u></p> <p>Notwithstanding details contained within the approved documents, prior to commencement of each phase of development hereby approved, details of finished floor levels to include;</p> <p>a) Finished floor levels being set at 600mm above the 1% flood event plus relevant climate change allowance; and
b) Program of delivery.</p> <p>Shall be submitted to and approved in writing by the Local Planning Authority. The floor levels shall be implemented in accordance with the approved details prior to the first occupation of the relevant phase of development.</p> <p>Reason: To reduce the risk of flooding to the proposed development and future users in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029;</p> |

- (68) Treatment of Surface Water during
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PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | <p><u>Construction to be Submitted</u> (Pre-Commencement)</p> <p>Notwithstanding details contained within the approved documents, prior to commencement of each phase of development hereby approved, details of surface water treatment to include;</p> <ul style="list-style-type: none">a) A scheme to treat and remove suspended solids from surface water run-off during construction works;b) Program of delivery. <p>Shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance the with approved details.</p> <p>Reason: To ensure there is no deterioration in water quality from sediment run-off during construction in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029;</p> |
| (69) | <p><u>Surface Water Maintenance Strategy to be Submitted</u></p> <p>Notwithstanding details contained within the approved documents, prior to occupation of each phase of development hereby approved, details of surface water drainage measures will be maintained to include;</p> <ul style="list-style-type: none">a) How surface water systems shall be maintained and managed for the life time of the development;b) The name of the party responsible, including contact name and details; andc) Program of delivery. <p>Shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented in accordance the with approved details.</p> <p>Reason: To ensure the future maintenance of the sustainable drainage structures in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029;</p> |
| (70) | <p><u>Details of Water Supplies and Fire Hydrants to be Submitted</u></p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | <p>Notwithstanding details contained within the approved documents, prior to occupation of each phase of development hereby approved, details of firefighting provisions to include;</p> <ul style="list-style-type: none">a) Details of adequate water supplies;b) Details of fire hydrants; andc) Program of delivery. <p>Shall be submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented in accordance with the approved details.</p> <p>Reason: In the interests of Public Safety from fire, and the protection of Emergency Fire Fighters; and</p> |

(71) Works in Accordance with Flood Risk Assessment (Compliance)

Notwithstanding details contained within the approved documents, the development shall be carried out in accordance with a Flood Risk Assessment (FRA) specifically adhering to;

- a) Limits to the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 411l/s for the entire site. Individual parcel discharge rates should be derived accordingly;
- b) Finished floor levels are set no lower than 150mm above existing ground level; and
- c) Surface water is to be provided via a minimum of two trains of treatment using the proposed above ground drainage features within the drainage design.

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 FW1, FW2 and NE2 of the Warwick District Local Plan 2011-2029.

PLANNING COMMITTEE MINUTES (Continued)

44. **Urgent Item - W/20/0617 – Land South of Chesterton Gardens, Royal Leamington Spa**

The Committee considered an outline application from AC Lloyd (Homes) Limited for a residential development of up to 200 dwellings with associated access, landscaping and public open space (all matters reserved apart from access).

The application was presented to Committee as an urgent item because it was necessary for a decision to be made quickly prior to the next round of Planning Committee meetings in July whilst work on the final sums continued.

This officer's report related to the above planning application which was refused planning permission by Planning Committee on 2 February 2021 with the decision being issued on 12 February 2021.

The application had been recommended to Committee for approval by officers subject to the signing of a Section 106 Agreement to secure a range of obligations from the developer. The obligations that were to be included in the Section 106 agreement were as follows:

- Contribution of £2,000 towards sustainable travel promotion for future occupants.
- Contribution of £4,378 towards local library services.
- Contribution of £2,567,447 towards local education provision (*final sum under discussion*).
- Contribution towards off-site highway improvements (*amount under discussion*).
- Contribution of £200,000 towards off-site cycling network improvements.
- Contribution of £194,396.07 towards delivery of NHS acute and community care infrastructure.
- Contribution towards improvement and/or extension of GP facilities (*amount under discussion*).
- Contribution of £33,645 towards recruitment and equipment, police vehicles and office accommodation by Warwickshire Police.
- Contribution of £157,316 towards expansion and/or improvements of indoor sports facilities.
- Contribution of £75,161 towards provision and/or improvements to artificial and grass pitches.
- Contribution of £67,405 towards Air Quality mitigation measures.
- Contribution of towards upgrade/provision of bus stops (*amount to be confirmed*).
- Provision of 40% Affordable Housing as part of the development.
- Agreement with the LPA on the provision of Open Space, the adoption of Open Space Areas and the payment of management/maintenance fees.
- Noise mitigation measures for dwellings on Brimstone End.
- Agreement with the LPA on the adoption of SUDS and payment of the management/maintenance fees.
- Agreement with the LPA of an Employment and Training Strategy to link local people with employment, training and contract opportunities arising from the development during the construction phase.

PLANNING COMMITTEE MINUTES (Continued)

- Contribution towards the costs of the LPA and the County Council in monitoring the agreement (*amounts to be confirmed*).
- Road Safety Contribution of £50 per dwelling.

The applicants had appealed against the decision of the Local Planning Authority and the appeal would be heard at a public inquiry from 13 July 2021. As part of the inquiry process a signed Section 106 agreement was required in order to secure the contributions in the event that the appeal was allowed. This had to be submitted by 6 July 2021, prior to the next meeting of the Committee.

Officers did not have delegated authority to sign a Section 106 Agreement when there was no Committee Resolution to grant planning permission for the development.

The authorisation of the signing of a Section 106 agreement did not in any way reflect Committee's views on the merits of the proposed development it merely ensured that, in the event the appeal was allowed, appropriate infrastructure contributions were secured to mitigate the impact of the development and minimise any risk of that not being the case.

Authority from the Planning Committee was sought to delegate authority to officers to continue to work with the appellant on finalising and signing the Section 106 Agreement in the terms outlined above in order to ensure that in the event that the appeal was allowed, all required infrastructure and contributions were secured.

Following consideration of the report and presentation, it was proposed by Councillor Morris and seconded by Councillor Kennedy that delegated authority should be given to officers.

The Committee therefore

Resolved that in respect of W/20/0617, authority be delegated to Planning Officers to continue work with the appellant on finalising and signing the Section 106 Agreement in the terms outlined in the report in order to ensure that in the event that the appeal be allowed, all required infrastructure and contributions are secured.

45. **Planning Appeals Report**

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

Resolved that the report be noted.

(The meeting ended at 7.15pm)

CHAIRMAN
17 August 2021

Planning Committee

Minutes of the meeting held on Tuesday 20 July 2021 at the Town Hall, Royal Leamington Spa at 6.00pm.

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

Also Present: Principal Committee Services Officer – Lesley Dury; Legal Advisor – Caroline Gutteridge; Manager, Development Services – Gary Fisher; and Business Manager – Development Management – Sandip Sahota.

(The meeting was adjourned at 6.04pm for 21 minutes because of technical issues with the PA system and the YouTube feed. At 6.25pm, the meeting recommenced from the start of the agenda again but without the YouTube feed because this was still not working.)

The YouTube feed was re-established at 8.15pm following a short adjournment, but without the facility to stream the planning presentations to YouTube, although these could be seen by people at the meeting.)

Councillor Morris explained that in the absence of Councillor Boad, he would chair the meeting as the Committee's elected Vice Chairman.

46. **Apologies and Substitutes**

- (a) there were no apologies for absence made; and
- (b) Councillor Milton substituted for Councillor Boad.

47. **Declarations of Interest**

There were no declarations of interest.

Minute Number 51 – W/20/1887 – 3 Wise Terrace, Royal Leamington Spa and Minute Number 57 – W/20/2144 – 24 Kenilworth Road, Royal Leamington Spa

The Chairman explained that all Councillors had received individual emails in respect of these two applications but none of the Councillors had entered into discussions with the senders on the applications.

Minute Number 5 – W/21/0332 – 7 Cape Road, The Cape, Warwick

Councillor Morris declared a pecuniary interest because he owned the property. He would leave the meeting when this application was considered.

48. **Site Visits**

The following sites were visited by Councillors independently:

PLANNING COMMITTEE MINUTES (Continued)

W/20/1887 – 3 Wise Terrace, Royal Leamington Spa – visited by Councillors Cullinan, Dickson and Jacques.

W/20/0808 – Land North of Rosswood Farm, Coventry Road, Baginton – visited by Councillor Dickson.

W/20/2121 – 47 Kingsway, Royal Leamington Spa – visited by Councillor Cullinan.

W/20/2144 – 24 Kenilworth Road, Royal Leamington Spa – visited by Councillor Jacques.

W/21/0368 – 21 Vine Lane, Warwick – visited by Councillor Jacques.

49. Minutes

The minutes of the meetings held on 19 May 2021, 20 May 2021, 22 June 2021 and 23 June 2021 were taken as read and signed by the Chairman as a correct record.

Councillor Ashford made a statement in respect of the minutes 19 May 2021 in relation to W/21/0590 – Land South of Chesterton Gardens, Royal Leamington Spa. When the motion was put to the vote, he had misunderstood the proposal and as a result, he had voted incorrectly. He wished to set the record straight that he was in favour of the application and not in favour of the proposal to refuse the application.

50. W/21/0368 – 21 Vine Lane, Warwick

This application was withdrawn from the agenda because it would be determined under delegated powers.

51. W/20/1887 – 3 Wise Terrace, Royal Leamington Spa

The Committee considered an application from Cancilla Construction Limited for the demolition of two houses of multiple occupancy and construction of a five-storey purpose-built student accommodation consisting of 17 apartments totalling 54 bed spaces and associated external works.

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

The officer was of the opinion that the proposed development was considered acceptable in principle as it met the exceptions set out within Policy H6 of the Local Plan.

The scheme was considered to have a positive impact on the Canal Conservation Area by providing a high-quality building that reflected the canal's industrial heritage.

Site specific matters could be adequately dealt with by condition and the requirement for a Section 106 Agreement to secure off-site contributions

PLANNING COMMITTEE MINUTES (Continued)

would ensure that local infrastructure was improved to take into account the potential for increased use as a result of the development.

On the basis of the above, it was therefore recommended that the application should be approved.

An addendum circulated at the meeting advised that officers had assessed the application based on it being located within the Canal Conservation Area. Seven additional letters of objection had been received listing various comments against the application. One further letter of support had been received.

A letter was circulated to all Members of the Committee on 15 July, which raised the following points:

- concentration far above policy limits approved in the Local Plan;
- Appeal against W/17/1614 relied on a 'slice and dice' approach and extended the mixed use beyond main thoroughfares, an approach rejected by Councillors;
- Appeal against W/17/1218 had a similar 'slice and dice' approach to H6 and the Inspector based his decision to overturn the refusal on the assertion that HMOs/PBSAs were in some sense non-residential and proceeded to redefine this area already dominated by HMO/PBSAs as 'mixed use';
- a Climate Change Emergency had been declared. One strand of the response was to discourage unnecessary commuting, including by students, and to co-locate people more closely to their places of work or study;
- Policy RLS 13 - Air Quality in the RLSNDP referred to tackling severe air pollution in the streets to the north of Wise Terrace was identified as a key planning priority. 39 extra student commuters (mostly by bus or car) could only worsen the problem;
- Policy RLS 5 – Royal Leamington Spa Housing Mix and Tenure in the RLSNDP stated that Leamington Spa, North and South town, had a total of 56.9% privately rented properties. Of this total, 36.2% were tenants (2011 Census data) living in shared houses, flats etc. The national average was 22.1%. RLS needed to address this and bring balance back to the communities. This application increased the average significantly;
- Unilateral Undertaking to control car parking was very difficult to enforce as demonstrated with Union House;
- the breach of on-site parking standards - Local Plan policies TR1 & TR3 - in this application, right in the heart of a high-stress parking area for residents, had to be therefore regarded as a material consideration, with little or no weight given to any unilateral undertaking offer of mitigation;
- Plan Policy PC0 stated the Council would promote sustainable economic development to support a vibrant and thriving economy, to enable major sites in the District that played a key role in the economy. Another purpose-built student block contradicted this principle, housing a transient population and remaining empty for a third of each year. It would add limited local business or community value and further 'hollow out' community and business activity in the Old Town area;

PLANNING COMMITTEE MINUTES (Continued)

- the Concentration Calculation figures tabled omitted the two new PBSAs being completed alongside this site. If their additional 227 bedspaces were added, the current concentration was nearer 60% than the 37% used by officers; and
- increased PBSA's did not reduce HMOs. The idea that a new PBSA would drain students from problematic HMOs and return them to family use had been completely discredited here and in other University towns and cities. Further concentration typically led to even more concentration if allowed.

The addendum advised an additional condition for a Sustainability Statement and an additional Section 106 Contribution towards Public Open Space - an offsite contribution of approximately £117,288 towards the maintenance and improvement of the Pump Room Gardens and Jephson Gardens with the final figure to be confirmed in liaison with the Chairman of the Planning Committee.

The following people addressed the Committee:

- Councillor Jennifer McAllister, representing Royal Leamington Spa Town Council which objected to the application;
- Caroline Terry and Gillian Holden, objectors;
- Daniel Robinson-Wells, representing the applicant; and
- Councillor Colin Quinney, District Councillor, objecting to the application.

Members felt that it would be reasonable to impose an additional condition to provide cycle storage for every student because the proposal was car free. The current proposals stated storage for 27 bicycles, which was half the number of students. The Council's Legal Advisor was unsure that this could be imposed because of the lack of space and compliance with the current SPD, however the Manager, Development Services was more comfortable with the condition because the application was car free.

The applicant's representative was unable to confirm that storage for 54 bicycles could be provided. The Committee agreed to ensure that the applicant would meet a minimum standard of 27, and that the Council's desire for the applicant to try to achieve one per student (54) would be evident.

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

The Committee therefore

Resolved that W/20/1887 be **granted** subject to a Section 106 Agreement to secure the necessary financial contributions/obligations as set out in the report and addendum.

The Head of Development Services in liaison with the Chair of Planning Committee is given delegated authority to finalise the terms of the Section 106

PLANNING COMMITTEE MINUTES (Continued)

agreement including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test together with alterations to the final list of conditions.

Should a satisfactory Section 106 Agreement not have been completed within four months from the 20 July 2021 and there is no ongoing progress towards the satisfactory completion of the Section 106 Agreement, 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.

- | No. | Condition |
|------------|--|
| (1) | <p>the development hereby permitted shall begin not later than three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);</p> |
| (2) | <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> <ul style="list-style-type: none">• 3878-102 Rev C: Proposed Ground Floor Plan• 3878-103 Rev A: Proposed First, Second and Third Floor Plan• 3878-104: Proposed Fourth Floor Plan• 3878-105 Rev A: Proposed Elevations <p>and specification contained therein, submitted on 16 November 2020.</p> <p>Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;</p> |
| (3) | <p>1. no development shall take place until:</p> <p>a) a desk-top study has been carried out that shall include the identification of those uses and other relevant information, and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced;</p> |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>b) if identified as being necessary having completed the desk-top survey study, 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 local 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;• refinement of the conceptual model; and• the development of a method statement detailing the remediation requirements;
	<p>c) the site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken; and</p>
	<p>d) a method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the local planning authority prior to the remediation being carried out on the site;</p>
2.	<p>all development of the 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 site then no further development shall take place (unless otherwise agreed in writing with the local</p>

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | 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 |
| 4. | upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate 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;

- (4) no part of the development hereby permitted shall commence on site until an environmental noise assessment has been carried out by a competent person and a report of that assessment together with recommendations for any necessary mitigation measures to comply with BS 8233:2014 "Sound Insulation and "World Health Organisation Guidelines For Community noise" shall be submitted to and approved in writing by the local planning authority. Thereafter the approved details shall be carried out strictly in accordance with all the recommendations contained within the approved noise report, prior to the first occupation of the development hereby permitted. Thereafter the mitigation measures shall be maintained in accordance with the approved details.

Reason: To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

- (5) 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 COMMITTEE MINUTES (Continued)

No.	Condition
	<p>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.</p>

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 shall take place until a Method Statement detailing the design and means of construction of the foundations of the building hereby permitted, together with any other proposed earthmoving and excavation works required in connection with its construction, has first been submitted to and agreed in writing by the Local Planning Authority.

The Method Statement shall identify and incorporate any measures required to avoid the risk of adversely affecting the structural integrity of the adjacent Grand Union Canal and towpath (such as vibration monitoring during piling operations). The development shall thereafter only be carried out in accordance with the agreed Method Statement.

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

Reason: In the interests of avoiding the risk of creating land instability arising from any adverse impacts from foundation construction, earthmoving, excavations or other construction operations which could adversely affect the structural integrity of the adjacent Grand Union Canal and towpath in accordance with the advice and guidance on land stability contained in paragraphs 170 and 178 of the National Planning Policy Framework and in the National Planning Practice Guidance, and to comply with Policy NE7 (a) of the adopted Warwick District Local Plan 2011-2029;

(7) no part of the development hereby permitted (including any works of demolition/remediation) shall commence on site until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out in accordance with the approved details. The Plan shall include / provide for:

- a timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as when badgers, reptiles and amphibians are active and during bird nesting seasons); and
- persons responsible for:
 - i. compliance with legal consents relating to nature conservation;
 - ii. compliance with planning conditions relating to nature conservation;
 - iii. installation of physical protection measures during construction;
 - iv. regular inspection and maintenance of the physical protection measures and monitoring of working practices during construction; and
 - v. provision of training and information about the importance of Environment Protection measures to all construction personnel on site.

Reason: To ensure that protected species are not harmed by the development;

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| (8) | no works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of native planting and installation of bat/bird boxes. The agreed scheme to be fully implemented before/during development of the site as appropriate. |

Reason: In accordance with NPPF, ODPM Circular 2005/06;

- | | |
|-----|---|
| (9) | no development (including demolition) shall commence until a further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists- Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the local planning authority. The approved mitigation plan shall thereafter be implemented in full. |
|-----|---|

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;

- | | |
|------|--|
| (10) | no development shall take place until a detailed lighting scheme 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 the boundary edges, in particular along the canal, 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: <ul style="list-style-type: none">• lighting should be directed away from vegetated/watercourse areas• lighting should be shielded to avoid spillage onto vegetated/watercourse areas• the brightness of lights should be as low as legally possible |
|------|--|

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | <ul style="list-style-type: none">• lighting should be timed to provide some dark periods• connections to areas important for foraging should contain unlit stretches |

The agreed scheme to be fully implemented before/during development of the site as appropriate.

Reason: To ensure that any lighting is designed and 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;

- (11) it should be ensured that there is no contamination of the watercourse either during or after development. A schedule of suitable measures to minimise detrimental run-off and ensure no net biodiversity loss in accordance with NPPF, ODPM Circular 2005/06 and to comply with guidance within the Water Framework Directive to be submitted prior to any ground clearance (including demolition). The Environment Agency can provide further details if required.

Reason: To ensure the protection of important habitats during development having regard to Policy NE3 of the Local Plan;

- (12) the development hereby permitted shall take place strictly in accordance with the detailed surface water drainage scheme for the site as detailed within document entitled "C7709-SMMP-01 DRAINAGE / EXTERNAL WORKS / SUDS MAINTENANCE & MANAGEMENT PLANS" and C7709 SURFACE WATER RUN OFF CALCULATIONS together with details shown on plan references and C7709-100-P1 (Drainage Strategy) and C7709-101-P0 (Flood Routing Plan), based on sustainable drainage principles, the approved FRA unless an alternative scheme is submitted to and approved in writing by the local planning authority in consultation with Warwickshire County Council Flood Risk Management. The scheme shall be implemented in accordance with the approved details before the development is completed.

Reason: To ensure that adequate drainage facilities are available for the satisfactory and

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029; |
| (13) | <p>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.</p> <p>Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;</p> |
| (14) | <p>the development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details.</p> <p>Reason: In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029;</p> |
| (15) | <p>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.</p> <p>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> |
| (16) | <p>no development shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details.

Reason: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029; |
| (17) | prior to first occupation of the development hereby permitted, details of the proposed heating plant and their emissions shall be submitted for the approval of the Local Planning Authority. For the installation of individual gas fired boilers, these shall be low NOx models where emissions do not exceed 40mg NOx/kWh.

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) | 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 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; |
| (19) | no part of the development hereby permitted shall be occupied until a detailed waste management strategy/ plan to demonstrate that the waste from the site can be satisfactorily disposed of has been submitted to and approved in writing. Thereafter, the |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | development shall only operate strictly in accordance with the approved plan.

Reason: To ensure an acceptable waste disposal strategy is in place for future occupants of the development having regard to Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (20) | <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">• how the development will reduce carbon emissions and utilise renewable energy;• 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;• how proposals will de-carbonise major development;• details of the building envelope (including U/R values and air tightness);• how the proposed materials respond in terms of embodied carbon;• consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised; and• 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, <p>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.</p> |

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

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

- (21) sufficient safe and secure cycle storage will be provided for a minimum of 27 bicycles. A request is made to increase bicycle storage, if at all feasible, so that there is enough bicycle storage for the provision of one per student.

52. **Public and Press**

Resolved that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Minute	Paragraph Number	Reason
53	5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

53. **Minutes**

The confidential minutes of the meeting held on 19 May 2021 were taken as read and signed by the Chairman as a correct record.

(The meeting was adjourned at 7.56pm for a comfort break and reconvened at 8.15pm in public session.)

54. **W/20/0808 – Land North of Rosswood Farm, Coventry Road, Baginton**

The Committee considered an application from Bowsall Developments Limited and Platform Housing Group for the proposed development of 56 affordable dwelling house, consisting of mixed tenure of Social Rent and Shared Ownership on land adjacent to Coventry Road, Baginton.

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

The officer was of the opinion that the proposal represented the provision of 56 affordable units on an allocated housing site within a growth village. Whilst the development would not fully satisfy the housing mix requirements set out within the Council's supplementary guidance, the over

PLANNING COMMITTEE MINUTES (Continued)

delivery of affordable units was seen as a considerable benefit of the proposal which outweighed this matter, along with the high quality nature of the development, in a sustainable location. Subject to the conditions listed and signing of a satisfactory legal agreement, it was recommended that the proposal should be approved.

Members were mindful that there was no mention of the maintenance of SUDs to be included in the S106 agreement so this would form an additional condition with authority delegated to Planning Officers in liaison with the Chairman of Planning Committee to agree the obligations. Condition 16 was to be amended to include reference to cycleways and a note to the applicant that requested that compliance with Condition 13 took account of the emerging Sustainability Plan.

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

The Committee therefore

Resolved that W/20/0808 be **granted** subject a unilateral undertaking to secure the agreed financial contribution in relation to biodiversity offsetting, improved bus facilities and road safety initiatives.

Authority is delegated to the Head of Development Services in liaison with the Chair of Planning Committee to finalise the terms of the unilateral undertaking including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test.

Authority is delegated to the Head of Development Services in liaison with the Chair of Planning Committee to include obligations relating to SUDs in the Section 106 agreement.

Should a satisfactory unilateral undertaking not have been completed by 17th August 2021, 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:

- | No. | Condition |
|------------|--|
| (1) | the development hereby permitted shall begin not later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); |
| (2) | the development hereby permitted shall be carried out strictly in accordance with the |
- Item 4b / Page 16

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | details shown on the site location plan and approved drawings:

PS-011-2B3P-Bungalow-58m2-RevE, PS-013-2B4P-Semi-70m2-RevC, PS-014-2B4P-Semi-Detached-Front-Gable-70m2-RevC, PS-015-2B4P-Semi-Detached-Aspect-70m2-RevC, PS-017-2B4P--Terrace-Triple-Aspect-70m2-RevC, PS-018-3B5P-Semi-Detached-Front-Gable-81m2-RevC, PS-019-3B5P-Semi-Detached-Aspect-81m2-RevC, PS-020-3B5P-Semi-Detached-86m2-RevC, PS-021-3B5P-Semi-Detached-Front-Gable-86m2-RevC, PS-022-3B5P-Semi-Detached-Aspect-86m2-RevC, PS-023-Semi-Detached-105m2-RevD, PS-024-3B5P-Semi-Corner-90m2-RevA, PS-025-Bungalow-58m2-Bay-Window-RevA, SJA435.05.E (boundary treatments), SJA435.04.F (soft landscape proposals) submitted on 2nd November 2020, and

1128-A-DR-004-Site-Plan-RevT submitted on 9th November 2020,

and specification contained therein. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; |
| (3) | 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 |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | 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; |
| (4) | the main access to the site for vehicles shall not be used unless a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway 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; |
| (5) | 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. In discharging this condition, the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition, appropriate working practices and safeguards for habitats such as hedgerows and trees (including the veteran oak tree) and protection of adjacent woodland to be employed whilst works are taking place on site. The compound area should be allocated and illustrated in a site layout 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; |
| (6) | the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | 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 management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full. Reason: To ensure a net biodiversity gain in accordance with NPPF; |
| (7) | <p>no development shall take place until a detailed lighting scheme 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 next to the broadleaved woodland, around the boundary edges/hedgerows, around the veteran oak tree, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:</p> <ul style="list-style-type: none">• Lighting should be directed away from 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 (NPPF), ODPM Circular 06/2005;</p> |
| (8) | <p>no development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved FRA, and an assessment of the hydrological and</p> |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>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.• Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 4.4l/s for 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 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. Provide evidence to show an agreement from Severn Trent Water to connect to the existing network.

Reason To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity in accordance with policies FW1 and NE2 of Warwick District Local Plan 2011 – 2029;

- (9) no development shall take place until: -
1. An appropriate ground gas risk assessment has been undertaken in accordance with details approved by the local planning authority.
 2. If identified as necessary, a method statement detailing the remediation requirements using the information

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | obtained from the aforementioned ground gas risk assessment, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This shall be approved in writing by the local planning authority prior to the remediation being carried out on the site. |
| 3. | All development of the site shall accord with the approved method statement. |
| 4. | Upon completion of any remediation requirements detailed in the aforementioned method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding ground gases have been carried out in accordance with the approved method statement. Where necessary, post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Any 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 development shall take place unless and until:
- a) a supplementary noise assessment has been undertaken to assess the impacts of noise arising from road traffic and Coventry airport on future occupiers of the development;
 - b) the results of the noise assessment carried out to comply with criteria (a), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority.

Any necessary mitigation measures approved under (b) shall be implemented in full accordance with the approved details and

PLANNING COMMITTEE MINUTES (Continued)

No. shall not be removed or altered in any way without the prior written approval of the local planning authority. **Reason:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

(11) prior to the commencement of the development hereby approved (including all demolition and all preparatory work), an arboricultural method statement (AMS) and a tree protection plan (TPP) in accordance with BS 5837:2012, shall be submitted to and approved in writing by the Local Planning Authority for the protection of the retained trees.

Specific issues to be considered in the AMS and TPP shall include, without being limited to:

- i. The location and installation of services/utilities/drainage.
- ii. Methods of demolition within the root protection area (RPA as defined in BS 5837:2012) of the retained trees (if appropriate).
- iii. Details of construction within the RPA or that may impact on the retained trees.
- iv. Recommendations for the specification for the construction of any roads, parking areas and driveways that encroach over RPA's of off-site trees and the retained trees within the site, including the extent of those areas to be constructed using a no-dig specification.
- v. A recommendation for protective measures to safeguard the off-site trees and the retained trees within the site during both demolition and construction phases, those control measures to be shown on a plan with offsets from fixed points to confirm the alignment of any protective fencing and the extent of any ground protection.
- vi. A recommendation for ground protection measures where scaffolding will be erected within the RPA or which will affect retained trees' canopies.
- vii. A recommendation for ground protection measures where cranes will

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	be installed within the RPA or which will affect retained trees' canopies (if appropriate).
viii.	A specification and schedule of tree pruning work to allow the crane to operate effectively (if appropriate).
ix.	Recommendations for site access, internal roads, temporary parking, on-site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste, as well as the delivery or mixing of concrete, complete with suitable control measures to protect the off-site trees and the retained trees within the site from harm from those facilities or activities.
x.	Details of 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.
xi.	Methods to improve the rooting environment for retained and proposed trees and landscaping.

The development thereafter shall be implemented in strict accordance with the approved details.

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;

(12) no development shall take place 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.

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

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | undertaken in accordance with those documents.

Reason: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029; |
| (13) | prior to commencement of the development hereby permitted details of measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods shall be submitted to and approved in writing by the Local Planning Authority. No dwellings shall be first occupied until the works within the approved scheme have been completed for each dwelling in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. Reason: To ensure planning for climate change adaptation and to satisfy the requirement of Policy CC1 of the Warwick District Local Plan 2011-2029; |
| (14) | the development hereby permitted shall not commence 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 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. Any hard landscaping shown on the approved plans, including boundary treatment, paving and footpaths, shall be completed in all respects within the 6 months of the first use 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; |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| (15) | <p>the development hereby permitted shall not be occupied unless and until the refuse and recycling storage areas for the development have been constructed or laid out in strict accordance with the approved plans, and made available for use by the occupants of the development. Thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development.
Reason: To ensure the satisfactory provision of refuse and recycling storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;</p> |
| (16) | <p>no dwelling shall be occupied until the estate roads [including footways and cycleways] 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 highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;</p> |
| (17) | <p>the construction of the estate roads serving the development [including footways, cycleways, verges and footpaths] shall not be other than in accordance with the standard specification of the Highway 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> |
| (18) | <p>the access to plots 1-6 for vehicles shall not be used unless a public highway verge crossings has been laid out and constructed in accordance with the standard specification of the Highway Authority. Reason: To ensure that a verge crossing is available for use when plots 1 - 6 are used, enabling safe and convenient access to and egress from the site in the interests of the safety of road users and pedestrians in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;</p> |
| (19) | <p>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</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | 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; |
| (20) | 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; |
| (21) | 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 in accordance with Policy FW1 and FW2 of Warwick District Local Plan 2011 – 2029; |
| (22) | the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. no dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | 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; |
| (23) | 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; |
| (24) | prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document; |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| (25) | <p>prior to the occupation of the development hereby permitted, a scheme detailing the affordable housing provisions shall have been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:</p> <ul style="list-style-type: none">(a) the tenure split;(b) the arrangements for the management of the affordable housing;(c) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing, or other alternative arrangements; and(d) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced. <p>Reason: To meet the requirements of Policy H2 of the Warwick District Local Plan 2011 – 2029;</p> |
| (26) | <p>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 of any dwelling to the satisfaction of the Local Planning Authority.</p> <p>Reason: In the interests of Public Safety from fire and the protection of Emergency Fire Fighters;</p> |
| (27) | <p>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 and no hardstanding shall be installed on any land between the front or side elevation of any dwelling and any road or footpath.</p> <p>Reason: Due to the open plan layout of the proposed development and its rural setting it is considered important to ensure that control</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | is maintained over boundary treatments and hardstanding fronting the public highway; |
| (28) | any soft landscaping shown on the approved plans, including any tree(s) and shrub(s), shall be planted within the first planting season following 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; |
| (29) | the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring 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; |
| (30) | prior to the occupation of the development hereby permitted, the first floor side facing window(s) in property types A, C, D, E, K shown on approved plan 1128-A-DR-004-Site-Plan-RevT shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. Reason: To protect the privacy of users and occupiers of nearby |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (31) | prior to the first occupation of each of the dwellings hereby permitted, the first occupiers of the dwelling shall be provided with a sustainable welcome pack to help promote sustainable travel in the local area in accordance with details that shall have been first agreed in writing by the local planning authority. Reason: In the interests of promoting sustainable travel, in accordance with the requirements of Policy TR3 of the Warwick District Local Plan 2011 – 2029; and |
| (32) | the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted . Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted . All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces). 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. |

Note to Applicant:

It is requested that Condition 13 takes account of the emerging Sustainability Plan.

55. **W/20/1847 – Rosedale, Main Street, Eathorpe**

The Committee considered an application from Kenilworth Property Developments Limited for the erection of one dwelling and associated vehicular access.

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to Committee because of the number of objections received including one from Eathorpe, Hunningham, Offchurch & Wappenbury Joint Parish Council

The officer was of the opinion that this was a revised proposal following on from a previous application for a dwelling which was granted and therefore the principle of housing development on this site had already been determined to be acceptable by virtue of a previous approval. It was recommended that the application should be approved taking into account the changes between the new proposal and the application already approved. This also considered the concerns made by the Conservation Officer, but on balance it was felt the other material considerations outweighed these.

An addendum circulated at the meeting advised that Warwickshire County Council Landscape had objected to the development due to loss of garden area and vegetation with a larger footprint of building and larger area of parking to the front. Condition 2 (approved plans) had been updated to reflect the current drawing numbers and a condition had been added to ensure that the landscaping scheme to deliver biodiversity enhancements was implemented in full. A further condition had been added to ensure the mitigation measures for protected species during construction were implemented in full.

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

The Committee therefore

Resolved that W/20/1847 be **granted** subject to the following conditions:

- | No. | Condition |
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| (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) 2008/P/01A, 2008/P/02A, 2008/P/03, 2008/P/04A, 2008/P/05A, and specification contained therein, submitted on 16th June 2021. 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) | the development shall be carried out in strict accordance with the approved SuDS Drainage Strategy Report produced by Civil |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | Engineering Solutions dated December 2020 and approved drawing CES633/01/01 Rev A, submitted on 01st April 2021. 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; |
| (4) | the development shall only be carried out in accordance with the sample materials submitted on 04th February 2021. 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; |
| (5) | the development hereby permitted shall not be occupied unless and until it has been installed with a minimum 16amp electric vehicle recharging point which is ready for use and confirmation has been submitted to and approved in writing by the Local Planning Authority. As a minimum a drawing/ photograph showing the location of the charging point(s), a technical data sheet for the charging point infrastructure, and confirmation of the charging speed in kWh should be submitted to the LPA. Thereafter the points shall be retained in accordance with the approved details and shall not be removed or altered in any way. 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; |
| (6) | the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring 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 that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029; |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| (7) | the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. Reason: To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029; |
| (8) | an additional condition to ensure the mitigation measures for protected species during construction are implemented in full; and |
| (9) | an additional condition to ensure that the landscaping scheme to deliver biodiversity enhancements is implemented in full. |

56. **W/20/2121 – 47 Kingsway, Royal Leamington Spa**

The Committee considered an application from Mrs Punj for a change of use from a dwelling (use class C3) to a four bed HMO (use class C4).

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

The officer was of the opinion that the proposed change of use was considered to be acceptable in principle and did not have a harmful impact on neighbouring residential amenity, or the character of the area. It was therefore recommended that the change of use should be approved.

An addendum circulated at the meeting advised that a further objection had been received stating that a bus stop within 190 metres was unsuitable for students and the service only operated one bus a day. It also confirmed that there were only four HMOs within 100 metres of the application site, and this meant that the current HMO concentration was 5.6%, which would rise to 7% should the application be granted. The threshold was 10% as set out in Policy H6.

Information had subsequently been received from the applicant's agent giving reassurance that there were a number of bus stops within the required distance of the application site.

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the report, presentation, and information contained in the addendum and subsequent information supplied by the applicant's agent, it was proposed by Councillor Ashford and seconded by Councillor Heath that the application should be granted.

The Committee therefore

Resolved that W/20/2121 be **granted** subject to the following conditions:

- | No. | Condition |
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| (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) "proposed floor plan REV A" and specification contained therein, submitted on 21/12/2020 Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and |
| (3) | the development hereby permitted shall not be occupied unless and until cycle parking facilities have been provided and made available for use in accordance with details that shall have been submitted to and approved in writing by the local planning authority. Thereafter those facilities shall remain available for use at all times.
Reason: In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029. |

57. **W/20/2144 – 24 Kenilworth Road, Royal Leamington Spa**

The Committee considered an application from Cloister Living LLP for the proposed demolition of the rear two storey and single storey wings together with a detached two storey cottage and the erection of replacement three storey and two storey extensions together with a detached building at the rear of site to provide an increased number of studio flats and bedsit accommodation (increased from 30no. to 33no.) plus all associated works.

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to Committee because of the number of letters of support received when it was recommended that the application should be refused.

The officer was of the opinion that the proposal to create new dwellings in this location was acceptable in accordance with Policy H1 of the Local Plan and RLS1 of the Royal Leamington Spa Neighbourhood Development Plan. However, notwithstanding the principle of development being acceptable, this was subject only to the other material planning considerations also being considered acceptable. In this case in particular, the subject building, though unlisted, was located within the Royal Leamington Spa Conservation Area to whose character and appearance it undoubtedly made a positive contribution, to the extent that it could be considered a non-designated heritage asset.

The building made its positive contribution to the character and appearance of the conservation area through the regularity in form and pattern of two storey rear service wings on this section of Kenilworth Road, which was a quintessential characteristic of this particular character area of the conservation area. Moreover, while the building itself was unlisted, the two-storey service wing contributed towards the setting of adjacent listed buildings by retaining the regular rhythm of prominent villas with their original two storey rear extensions. Though demolition was sought of the historic service wing and not the building in its entirety, this would still cause less than substantial harm to the significance of the conservation area. No public benefits had been identified to outweigh this harm and accordingly the development would be contrary to Policies HE1 and HE2 as well as the relevant provisions of the NPPF and Policy RLS3 of the Neighbourhood Development Plan.

The proposed extensions to the main building, by reason of their scale, mass and bulk were considered to be disproportionate in scale and imbalanced having regard to their plan depth when compared to the original villa, resulting in harm to the character of the site and surrounding area. The development was therefore considered contrary to Policy BE1 and the Residential Design Guide. It should be noted however that officers raised no objection in design terms to the proposed replacement building at the rear of the site.

The proposal would fail to provide a satisfactory living environment by reason of overlooking, loss of outlook and a sense of overbearance through substandard distance separation being achieved internally within the development, particularly having regard to the relationship between the east facing end elevation of the proposed extension and the west facing elevation of the proposed replacement detached building at the end of the plot (presently known as 'Cariad Cottage'). The development was therefore considered contrary to Policy BE3 and the Residential Design Guide.

Insufficient information had been provided (that could be corroborated by EHO) to satisfactorily demonstrate that future occupiers would have a suitable living environment in terms of daylight and sunlight to the basement level of accommodation. The development was therefore considered contrary to Policy BE3 and the Residential Design Guide.

PLANNING COMMITTEE MINUTES (Continued)

The proposal also conflicted with Local Plan Policy H2 due to the lack of provision for affordable housing.

Matters related to highway safety, parking, drainage, bin storage and ecology were all considered acceptable and in the event planning permission was forthcoming conditions and advisory notes in these respects could be attached to any decision notice. It was recommended that the applications should be refused.

An addendum circulated at the meeting advised that the applicant had supplied Counsel's opinion in response to the officer's report to Committee and a Committee Briefing Note which had been circulated to Members.

Refusal reason 5 was deleted in light of Counsel's opinion which argued that the development should not be liable for affordable housing because it provided specialist accommodation for students, and that a restriction limiting occupation of the developments would be acceptable to the applicant.

Subsequent to the writing of the officer's report, the application site had been recommended for addition to the Council's Local List of Heritage Assets; this recommendation had now been accepted and 24 Kenilworth Road had been added to the List on 12 July. In light of this, the addendum gave details of another reason for refusing the application.

Refusal reason 4 had also been deleted because Environmental Health officers had met with the applicant's consultants and had been provided with a demonstration of how the daylighting calculations had been undertaken. Environmental Health had subsequently removed its objection, subject to conditions requiring a Construction Management Plan and limits on plant noise.

The Principal Committee Services Officer read out a statement from the applicant's agent, Mr Andrew Black, who was unable to attend the meeting.

Councillor Jacques withdrew his proposal to grant permission because he was not able to articulate policy reasons for opposing the officers' recommendation to refuse the application.

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

The Committee therefore

Resolved that W/20/2144 be **refused** for the following reasons:

- | No. | Refusal Reasons |
|------------|---|
| (1) | Policy HE2 of the Warwick District Local Plan 2011-2029 states that there is a presumption in favour of the retention of unlisted buildings that make a positive contribution to the character and appearance of a conservation |

PLANNING COMMITTEE MINUTES (Continued)

No.

Refusal Reasons

area and that consent for total demolition of unlisted buildings will only be granted where the detailed design of the replacement can demonstrate that it will preserve or enhance the character or appearance of the conservation area.

Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In addition, Neighbourhood Plan Policy RLS3 requires development proposals that are within a Conservation Area to assess and address their impact on their heritage significance, demonstrating attention in particular, to the proposed building type and style in relation to the character area in which it is located and its distinguishing features; building height and scale sympathetic to the local setting and how the development interfaces with and respects the significance of listed buildings and non-designated heritage assets.

In the opinion of the Local Planning Authority the building makes a positive contribution to the character and appearance of the conservation area by reason of the regularity in form and pattern of two storey rear service wings on this section of Kenilworth Road, which is a quintessential characteristic of this particular character area of the conservation area. Moreover, while the building itself is unlisted, the two-storey service wing contributes towards the setting of adjacent listed buildings by retaining the regular rhythm of prominent villas with their original two storey rear extensions. Though demolition is sought of the historic service wing and not the building in its entirety, this would still cause less than substantial harm to the significance of the conservation area.

Furthermore, the proposed replacement extension, by reason of its scale, mass and bulk, is considered to be disproportionate in scale and imbalanced having regard to its plan depth when compared to the original villa, resulting in further harm to the

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Refusal Reasons |
|------------|--|
| | <p>character and appearance of the conservation area.</p> <p>No public benefits have been identified to outweigh the harm that has been identified.</p> <p>The proposals would thereby be contrary to the aforementioned policies;</p> |
| (2) | <p>Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Furthermore the Residential Design Guide SPD provides a detailed framework which should be followed in order to achieve good design.</p> <p>The NPPF places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design.</p> <p>In the opinion of the Local Planning Authority the proposed extensions to the main building, by reason of their scale, mass and bulk are considered to be disproportionate in scale and imbalanced having regard to their plan depth when compared to the original villa, resulting in harm to the character of the site and surrounding area.</p> <p>The development is thereby considered to be contrary to the aforementioned policies;</p> |
| (3) | <p>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.</p> <p>In the opinion of the Local Planning Authority the proposal would fail to provide a satisfactory living environment by reason of overlooking, loss of outlook and a sense of overbearance through substandard distance separation being achieved internally within the development, particularly having regard</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Refusal Reasons |
|------------|--|
| | <p>to the relationship between the east facing end elevation of the proposed extension and the west facing elevation of the proposed replacement detached building at the end of the plot (presently known as 'Cariad Cottage').</p> <p>The proposal is thereby considered to be contrary to the aforementioned policies; and</p> |
| (4) | <p>Policy HE3 of the Warwick District Local Plan 2011-2029 states that development that would lead to the demolition or loss of significance of a locally listed historic asset will be assessed in relation to the scale of harm or loss and the significance of the asset. Change to locally listed historic assets should be carried out using traditional detailing and using traditional materials.</p> <p>Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.</p> <p>In the opinion of the Local Planning Authority, the proposals would result in the partial demolition and consequently loss of significance of a locally listed historic asset which makes a positive contribution to the character and appearance of the conservation area. The proposals for its redevelopment would neither be carried out using traditional detailing nor would they use traditional materials.</p> <p>The proposals would thereby be contrary to the aforementioned policies.</p> |

58. **Appointment of Chairman for consideration of W/21/0332 – 7 Cape Road, The Cape, Warwick**

Councillor Morris had declared a pecuniary interest in respect of W/21/0332 – 7 Cape Road, The Cape, Warwick. Prior to leaving the meeting, he called on Committee Members to appoint a Chairman for the next item on the agenda.

PLANNING COMMITTEE MINUTES (Continued)

It was proposed by Councillor Murphy and seconded by Councillor Kennedy that Councillor Heath be appointed Chairman for consideration of application W/21/0332.

Resolved that Councillor Heath be elected Chairman of Warwick District Council's Planning Committee for consideration of application W/21/0332.

(Councillor Heath was invited to take the Chairman's seat and Councillor Morris left the meeting.)

59. **W/21/0332 – 7 Cape Road, The Cape, Warwick**

The Committee considered an application from Ms Jackson for the erection of an outbuilding for use as a fitness studio/home office.

The application was presented to Committee because the applicant was a close relative of a District Councillor.

The officer was of the opinion that the development proposals were considered to be in keeping with the character and appearance of the property and the surrounding Conservation Area. In addition, the proposals were not considered to present a harmful impact upon the amenity of the neighbouring properties in relation to outlook and amenity.

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

The Committee therefore

Resolved that W/21/0332 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|--|
| (1) | the development hereby permitted shall begin not later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); and |
| (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) 'GARDEN ROOM ELEVATIONS AND FLOOR PLAN', 'BLOCK PLAN' and specification contained therein, submitted on 22nd February 2021. 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. |

(The meeting ended at 9.48pm)

PLANNING COMMITTEE MINUTES (Continued)

CHAIRMAN
17 August 2021

Planning Committee

Minutes of the meeting held on Wednesday 21 July 2021 at the Town Hall, Royal Leamington Spa at 6.00pm.

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

Also Present: Legal Advisor – Samantha Amphlett; Manager, Development Services – Gary Fisher; Democratic Services Manager & Deputy Monitoring Officer – Graham Leach, Business Manager – Development Management – Sandip Sahota and Planning Officer – Andrew Tew.

Councillor Morris explained that in the absence of Councillor Boad, he would chair the meeting as the Committee's elected Vice Chairman.

60. **Apologies and Substitutes**

- (a) Apologies for absence were received from Councillor Ashford; and
- (b) Councillor Syson substituted for Councillor Boad.

61. **Declarations of Interest**

Councillor Syson informed the Committee that she was the Chair of both the Warwick District Conservation Advisory Forum and Leamington Society, but they had not formally commented on any of the applications to be considered by the Committee.

62. **Site Visits**

Councillor Dickson informed the Committee that he had independently visited the site for applications W/20/2089 – Land East of Warwick Road Kenilworth and W/21/0255 – 24 Rounds Hill, Kenilworth.

63. **W/20/2020 – Land at Thickthorn, Kenilworth**

The application was withdrawn from the agenda to enable an opportunity for the applicant to engage further with key stakeholders.

64. **W/21/0149 – Hope Barn, Dalehouse Lane, Kenilworth**

The Committee considered an application from Mr Tibbatts, for a Single Storey Extension which was a resubmission of previously withdrawn application W/19/0476.

This application was presented to Committee because five or more public representations of support had been lodged and the application had been called in to Committee by Councillor Hales.

The officer was of the opinion that the proposal was not considered to meet the requirements of Local Plan Policies BE1, BE4 and H14, nor follow the Guidance for Barn Conversions SPG and was therefore recommended for refusal.

PLANNING COMMITTEE MINUTES (Continued)

Dr Clare Holt addressed the Committee in support of the application.

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

The Committee therefore

Resolved that application W/21/0149 be **refused** because:

Policy BE4 of the Warwick District Local Plan 2011-2029 sets out a number of criteria for the conversion of existing rural buildings within the District and the policy specifically refers to the need for the proposed use to be accommodated without extensive rebuilding or alteration to the external appearance of the building, and for the appearance and setting of the building following conversion to protect and where possible, enhance the character and appearance of the countryside. The explanation to the policy states that where proposals include extending rural buildings as part of their conversion, these will not be approved unless it can be demonstrated that the extension is essential for the retention of the building.

The District Council has also approved Supplementary Planning Guidance on barn conversions, and permitted development rights for subsequent extensions are removed in order to ensure that the character and appearance of the converted buildings and their setting within the wider countryside are respected and protected.

In addition, Para. 4.96 of Policy H14 states that, in the case of barn conversions in the open countryside, the Council is extremely unlikely to grant approval for any extensions. Such conversions are only usually permitted where they can be undertaken with minimum disruption to the integrity of the original building. Any extension, however sensitively implemented, would harm this integrity.

The application site comprises a converted former agricultural building that has largely retained its original agricultural character. In the opinion of the Local Planning Authority, the proposed extension disrupts the simple form of the converted barn by reason of its scale and design and this detracts from the original rural character and appearance of the building, thereby prejudicing the objectives of the aforementioned policies. If permitted, this type of extension could act as a precedent for extensions to other converted barns which would be difficult to

PLANNING COMMITTEE MINUTES (Continued)

resist, thereby cumulatively eroding the rural character of the countryside.

65. **W/20/1783 – Hatton Country World, Dark Lane, Hatton**

The Committee considered an application from Mr Arkwright for Application for change of use of land to camping and caravanning site.

This application was presented to Committee because there had been objections from both Hatton and Norton Lindsey Parish Councils and further objections from members of the public.

The officer was of the opinion that the principle of development was considered acceptable in accordance with Policies CT5 and DW18 of the Warwick District Local Plan 2011-2029. Officers were satisfied there would be no harm to neighbouring amenity nor would there be any harmful impacts on future users of the site as a result of noise. There would be no detriment to highway safety; the access was considered safe and suitable in the proposed location and the appropriate amount of parking is proposed. For the above reasons, it was recommended that planning permission be approved, subject to the conditions listed below.

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

The Committee therefore

Resolved that W/20/1783 be **granted**, subject to the following conditions

- (1) the use hereby permitted shall be discontinued by 31 December 2022 and its associated ancillary works and structures removed from the application site and the land upon which the use occurred shall be restored to the state it was in immediately prior to the granting of this planning permission. **Reason:** In order that the local planning authority have the opportunity of reviewing the impact of this development on the amenities of occupants of other properties in the vicinity in the light of experience of its operation in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
- (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) 1622-0002-02 and specification contained therein, submitted on 22/03/2021. **Reason:** For the avoidance of doubt and to secure a

PLANNING COMMITTEE MINUTES (Continued)

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

- (3) the site shall be operated in strict accordance with the approved Noise Management Plan ref. JAJ02453-REPT-01-R2 (Rev 02, 19/03/2021) at all times. The Noise Management Plan shall be reviewed every 12 months and submitted to and approved in writing by the local planning authority. The site shall then operate in strict accordance with the latest approved Noise Management Plan at all times.

Reason: To ensure that nearby residents do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

- (4) 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 fire fighting 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; and

- (5) a note to the applicant promoting the route of access to the site via primary roads off the A41.

66. W/20/2089 – Land on East side of Warwick Road, Kenilworth

The Committee considered an application from Bovis Homes Ltd for the provision of four additional dwellings on existing development site through the substitution of three five-bed dwellings with seven three-bed dwellings within the existing site layout as previously approved under reserved matters approval for application W/19/0784.

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

The development formed part of an earlier permission for allocated site H41 for the construction of 125 dwellings together with the necessary infrastructure and associated works, including the provision of open spaces

PLANNING COMMITTEE MINUTES (Continued)

and sustainable drainage system (SuDs). The scheme was therefore considered to be acceptable in principle in accordance with Local Plan Policy DS11. The proposal would result in an overall increase of units by four giving a total of 129 units.

Officers were satisfied that the proposals would continue to provide high levels of amenity for neighbouring dwellings whilst also providing positive and suitable living conditions for future occupants in a well-designed and landscaped setting.

Officers were satisfied that the site layout demonstrated that the land was capable of being developed for this number of dwellings without causing material harm to the general character of the surrounding area.

Appropriate contributions to offset the potential impact on infrastructure could be secured through an appropriate Section 106 agreement and detailed matters could be secured by condition.

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 be granted.

An addendum to the agenda had been published which sought agreement from the Committee that authority be delegated to the Head of Development Services in consultation with the Chair of Planning Committee to finalise the terms of the Section 106 agreement including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test together with necessary alterations to the final list of conditions and should a satisfactory Section 106 Agreement have not been completed within three months of the date of Committee or in the opinion of officers, insufficient progress had been made within this period to warrant the agreement of additional time to complete the Agreement, Planning Committee were recommended to delegate authority to the Head of Development Services to refuse planning permission on the grounds that the proposal made inadequate provision in respect of the issues the subject of that agreement.

Following consideration of the report, presentation, and information contained in the addendum, it was proposed by Councillor Murphy and seconded by Councillor Heath that the application should be granted subject to the revisions within the addendum, the completion of the S106 agreement within three months and if this was not completed then the application could be refused by officers.

The Committee therefore

Resolved that application W/20/2089 be **granted** subject to a Section 106 Agreement to secure the necessary financial contributions/obligations as set out in the report, and the following conditions;

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To

PLANNING COMMITTEE MINUTES (Continued)

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 VIS-1000-002, VIS-1000-003, KENI-BOV-06I1-XX-DR-A-1002, KENI-BOV-09F0-XX-DR-A-1003, KENI-BOV-08I0-XX-DR-A-1006, KENI-BOV-07F1-XX-DR-A-1009 and GARAGES – PLANNING DRAWING and specification contained therein, submitted on 16 December 2020 and approved drawing VIS-1000-001 and specification contained therein, submitted on 23 June 2021.

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 specified within the application documents. **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) the development hereby permitted shall not be occupied unless and until a soft landscaping scheme to reflect any revisions to the layout has been submitted to and approved in writing by the Local Planning Authority. All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To

PLANNING COMMITTEE MINUTES (Continued)

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;

- (5) the development hereby permitted, including site clearance work, shall not commence until an addendum to the Construction and Environmental Management Plan, to reflect any revisions to the layout, has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition, the LPA expect to see details concerning pre-commencement checks for protected species and appropriate 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 the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029;

- (6) the development hereby permitted shall not commence until an addendum to the Landscape and Ecological Management Plan, to reflect any revisions to the layout, has been submitted to and approved in writing by the Local 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 management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net biodiversity gain in accordance with NPPF and Policy NE3 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

(7) no hard surfaces of the development hereby permitted shall be installed unless and until details of surface water treatment proposals to include:

- Confirmation of the changes in impermeable area(s) as a result of the substitution of plot types; and
- An assessment of any impact on the wider surface water drainage design have been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Reason: To prevent the increased risk of flooding due to changes to the impermeable catchment to the wider system having regard to Policy FW1 of the Warwick District Local Plan 2011-2029;

(8) authority be delegated to the Head of Development Services in consultation with the Chair of Planning Committee to finalise the terms of the Section 106 agreement including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test together with necessary alterations to the final list of conditions; and

(9) should a satisfactory Section 106 Agreement not be completed within 3 months of the date of Committee or in the opinion of Officers, insufficient progress has been made within this period to warrant the agreement of additional time to complete the Agreement, authority be delegated to the Head of Development Services to **refuse** planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

67. **W/20/2119 – 30 Church Street, Barford, Warwick**

The Committee considered an application from Ms Hendry for the erection of a side and rear single-storey extension.

The application had been requested to be presented to Committee by Councillor Rhead.

Officers considered the proposals as amended had an acceptable impact on the character and quality of the conservation area through the proposed layout, building materials and scale of the development. The proposals

PLANNING COMMITTEE MINUTES (Continued)

would have an acceptable impact on the living conditions of neighbouring dwellings. The proposals were therefore in accordance with Local Plan Policies BE3, BE1 and HE1 and the Council's Residential Design Guide. It was therefore recommended that planning permission be granted.

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

The Committee therefore

Resolved that application W/20/2119 be **granted** subject to the following 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 drawings 02B , and specification contained therein, submitted on 14/05/2021. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and
- (3) 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.

68. W/21/0084 – 17 Birches Lane, Kenilworth

The Committee considered an application from Mr Gowing for the erection of an oak framed/glazed enclosed front porch and application of render to front elevation of property.

The application was presented to the Committee because the applicant was a close relation to an employee of Warwick District Council.

PLANNING COMMITTEE MINUTES (Continued)

Officers were of the opinion that the proposal was considered to comply with the relevant policies listed and was recommended for approval, subject to the conditions in the report.

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

The Committee therefore

Resolved that W/21/0084 be **granted** subject to the following 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); and
- (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) Proposed Front Elevation, Proposed Side Elevation and Proposed Floor Plan and specification contained therein, submitted on 18th January 2021. **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.

69. W/21/0255 – 24 Rounds Hill, Kenilworth

The Committee considered a retrospective application from Mr Boon for variation of condition 2 (approved plans) of application W/19/0239, to allow for the application of render to the approved erection of a first floor front extension and single storey rear extension.

This application was presented to Committee due to the number of objections received.

The original planning permission was granted under application reference W/19/0239. The policies and material considerations that were relevant to that decision were set out in the associated officer report.

The variation of condition 2 to allow revisions to the applied facing material to the front elevation of the property had been brought forward retrospectively following the application of white render.

Officers were of the opinion that the rendered frontage would not result in visual harm to the wider street scene, therefore it was recommended to grant the retrospective scheme.

PLANNING COMMITTEE MINUTES (Continued)

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

Resolved that W/21/0255 be **granted** subject to the condition that the development hereby permitted shall remain strictly in accordance with the details shown on the approved drawing 'IDA-003 P2' submitted on the 9th February 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.

70. Planning Appeals Report

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

Resolved that the report be noted.

(The meeting ended at 7.50pm)

CHAIRMAN
17 August 2021

Planning Committee: 17 August 2021

Item Number: 5

Application No: [W 21 / 0179](#)

Town/Parish Council: Leamington Spa
Case Officer: Helena Obremski

Registration Date: 15/02/21
Expiry Date: 17/05/21

01926 456531 Helena.Obremski@warwickdc.gov.uk

Former Mothercare Unit, Leamington Shopping Park, Tachbrook Park Drive, Warwick, CV34 6RH

Demolition of existing building and erection of a food retail store (Class E(a)) with associated car parking, servicing and landscaping, off Tachbrook Park Drive.
FOR Aldi Stores Limited

This application is being presented to Committee due to the number of objections received.

Recommendation

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed in the report and subject to a satisfactory legal agreement being agreed to secure a financial contribution for cycle infrastructure improvements and securing the use of the neighbouring 'Aldi' site to a non-food retail unit.

Planning Committee are also recommended to delegate authority to the Head of Development Services in consultation with the Chair of Planning Committee to finalise the terms of the legal 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 14 September 2021, Planning Committee are recommended to delegate authority 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.

Relevant Planning History

There is no planning history for this site which is relevant to the assessment of this application.

The Site and its Location

The application relates to a redundant retail unit (now use Class E), which was formerly occupied by Mothercare, at an out of town shopping centre within Leamington Spa. The red line site plan also incorporates a modest area of parking currently used by the existing Aldi foodstore to the east of the application site. The car parking area serving the application property is shared with another large retail

unit, positioned to the north west of the application site, which is also owned by the applicant.

Whitnash and Heathcote are located further to the north, south and east of the application and the site is bound to the west by the extensive Leamington Shopping Park.

Details of the Development

The application seeks planning permission for the proposed demolition of the existing building and the erection of a food retail store (Class E(a)) with associated car parking, servicing and landscaping. The foodstore is to be occupied by Aldi Stores Ltd and the planning statement informs that the existing Aldi store neighbouring the application site would cease operation on the commencement of use of the proposed development.

The application proposes the erection of a Class A1 foodstore (1,315 sq. m net retail sales area) with associated car parking and access. The scheme provides 170 car parking spaces which will be shared with the neighbouring retail unit. 6 charging electric vehicle points are also provided and cycle parking spaces will also be provided near the proposed store entrance. Hard and soft landscaping is also proposed within the scheme, with planting provided as an edge to the car parking areas and around the site boundary that will be retained from the existing.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- NE5 - Protection of Natural Resources
- TCP1 - Protecting and Enhancing the Town Centres
- TC2 - Directing Retail Development
- FW2 - Sustainable Urban Drainage
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- CC3 - Buildings Standards Requirements

Guidance Documents

- Parking Standards (Supplementary Planning Document- June 2018)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection, subject to no objection from WCC Highways on traffic management and provision of required information to the LLFA. Comments regarding traffic flow information and access.

Councillor Chilvers: Neutral: I am very disappointed that Aldi are trying to extricate themselves from the requests for cycling infrastructure. They caused traffic chaos on their current site and so making it safer to travel walking and cycling around the new site is crucial to reduce vehicle journeys and preventing the same problems occurring on Tachbrook Park Drive. Completing connectivity in the area is important for pedestrian / cycling confidence and safety. All of the 3 identified cycle route improvements are necessary for pedestrian and cyclist safety.

However, to complete route 3 link the crossing opposite the current Aldi should be upgraded to a toucan and the few yards of missing path to Queensway added. The map Aldi provide does not show this gap. This should be included in the request and I ask the planning committee to attach a condition to this end.

There is also a small (a few yards) missing gap on the cycle network at the South west corner of the site, where cyclists are meant to dismount and remount. Again this gap is not shown on the Aldi map. This could easily and cheaply be addressed by reducing the hedge and widening the path by a yard or so onto Aldi land. I ask that the planning committee to attach a condition to this end.

The current site and the weekend traffic chaos caused by Aldi shows Committee should not allow this application to proceed without **all** of these links being funded by Aldi.

Warwick Town Council: No objection, reiterates comments from Leamington Town Council regarding increased traffic flow in highly congested area.

WCC Highways: No objection, subject to conditions and contribution of £64,000 towards improvements to the cycle network.

Environmental Protection: No objection, subject to conditions.

Tree Officer: No objection, subject to condition which requires works to be carried out in accordance with details submitted.

WCC Public Rights of Way: No objection, there are no recorded public rights of way crossing or immediately abutting the site.

WCC Landscape: No objection.

WCC Ecology: No objection, subject to condition.

WCC LLFA: No objection, subject to conditions.

WCC Fire and Rescue: No objection, subject to condition.

WCC Infrastructure: No objection, subject to monitoring contribution towards S106 agreement, if required.

Public Responses:

4 Support: Fully supportive as long as traffic management is properly thought through & controlled in the surrounding area; query what will happen with existing Aldi store; improved access and parking; more retail space; this is a better site than the existing store; it would be good to have a bigger store with more parking; lack of space at current site.

7 Objections: a full plan of the former Aldi site should be provided so that it does not become derelict; proper cycle paths are required; lack of financial contribution towards cycle lanes; car centric design adding to traffic, emissions, noise and road safety concerns; there is already an existing Aldi within close proximity, so the development is not needed; without cycle lanes and active travel the development will worsen air quality and congestion

1 Neutral: supports reuse of former Mothercare, but has queries regarding: capability of highways network to cope with additional traffic; ensuring safe and easy walking and cycling access, that is clearly separated, directly to and from Queensway should be a priority; and, reuse of the vacated Lidl premises should be considered as part of this application.

Assessment

The main issues relevant to consideration of the application are as follows:

- Principle of the development
- Design
- Impact on Neighbouring Residential Amenity
- Highway Safety and Traffic Generation
- Parking
- Ecological Impact
- Air Quality
- Other Matters

Principle of the Development

Local Plan policy TC2 states that within the town centres, new retail development should be located as a first preference in the retail areas defined on the Policies Map. Where suitable sites are not available in the retail areas, sites on the edge of the retail areas will be considered and, if no suitable sites are available in any of the preferred locations, out-of-centre sites will be considered.

The site is 'out of centre' and therefore in order to comply with the requirements of Local Plan Policy TC2 (Directing Retail Development), the application has to be accompanied by a satisfactory Sequential Assessment and a Retail Impact Assessment. These are necessary in order to satisfy the Council that the proposal has assessed / appropriately discounted any sequentially preferential alternatives and that the proposal will not have any significant adverse impact on planned investment / town and local centre vitality and viability. However, it should be noted that the proposal represents the replacement of an existing retail unit with another, which should form part of the assessment process. However, it is also noted that the existing unit is currently restricted in terms of the goods which it could sell, which does not include food retail, thus it is necessary to assess the impact on the town centre.

Regarding the submitted Sequential Analysis, it is considered that a suitable analysis of the availability of alternative options has been undertaken and that it demonstrates that there are no other sequentially preferable sites that are either suitable or available. Importantly, this includes Chandos Street, Leamington Spa.

Regarding the Impact Assessment, Officers note that vacancy rates of retail outlets in Leamington Spa remain below the national average. It is also important to note that the impact of the modest increase in floorspace at the intended location is very unlikely to register a significant impact on retailing in Leamington Spa. It is also relevant to view the effect in terms of the retailer's profile; it is a 'deep-discount' type operation with a limited range of goods compared to other food supermarkets. Of particular relevance is the fact it does not provide many in house services such as tobacconist, newsagent, bakery or café that would be in direct competition with other retailers represented in the town centre.

Officers are therefore satisfied that the assumptions made in the retail report submitted are robust and that this proposal does not constitute a threat to the vitality and viability of the town centre. It is also noted that supporters of the proposal consider that the proposed site is better than the existing site, and there is a lack of space at current site.

Design

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The existing building serving the site has little architectural merit, being of a warehouse scale, with limited architectural features. The frontage is also tired and in need of updating. It is nevertheless of simple form, and does sit comfortably within the context of the wider shopping park, and mixed use development surrounding the site owing to its low overall perceived height and appearance within the street scene. The nearby development is of a similar scale to the existing building, and varied in design, although it is noted that the building opposite to the application site which shares the car park with the application property is similarly designed.

The proposed building would have a contemporary design, with a partially flat roof, and also elements of the roof which have passive design solutions, aimed at designing a highly energy efficient building. The building would be clad entirely in timber, partially with a natural finish and partially black stained. There is a reasonably large glazed area to the front elevation.

Compared to the existing Aldi building neighbouring the site, and others found elsewhere, this provides a different design to that which is usually experienced. However, the design provides a unique and interesting visual appearance which adds value to the street scene in an otherwise somewhat monotonous area.

The use of high quality materials elevates the building, and the unusual roof design adds to the quality of the design. The modest height of the building in this context and topography of the site means that the development nestles into the site, and would not be out of keeping in the varied context of the street scene - only the side profile of the unusual timber clad roof design would be visible from the main part of the street scene, reducing the overall impact. This adds more visual interest in comparison to the blank brick elevation of the existing building.

The development would have a larger footprint than the existing building, but in comparison to the similar and larger scale development within the nearby area, and low lying level of the site, this impact would be limited and is not considered to be harmful to the street scene.

The existing soft landscaping surrounding the existing site will be largely retained and the Tree Officer has confirmed that the proposal is acceptable, subject to a condition to ensure that the tree protection measures proposed as part of the application are installed and maintained during the construction works. 12 trees would be removed, however, these are considered to either add limited value to the street scene, or are of a quality which would not warrant retention. WCC Landscape have no objection to the proposal.

The development is therefore considered to be in accordance with Local Plan policy BE1.

Impact on Neighbouring Residential Amenity

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development.

There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

In terms of the building itself, there are no nearby neighbours which are likely to be impacted in reference to loss of outlook, privacy or light.

Environmental Protection were consulted and have requested that a condition is added to ensure that noise emanating from plant and equipment at the site does not detrimentally impact on neighbouring residential amenity, and a condition for a construction management plan to ensure that construction and demolition works do not detrimentally impact on neighbours. They also request a condition limiting the hours of deliveries and a condition to secure the submitted lighting scheme in order to protect neighbouring amenity. These conditions are considered to be reasonable and necessary to ensure that neighbouring residential amenity is protected.

The proposal is therefore considered to be in accordance with Local Plan policy BE3, subject to the inclusion of the aforementioned conditions.

Highway Safety and Traffic Generation

Local Plan policy TR2 states that all large-scale developments that result in the generation of significant traffic movements should be supported by a Transport Assessment, and where necessary a Travel Plan, to demonstrate the practical and effective measures to be taken to avoid the adverse impacts of traffic.

Royal Leamington Spa Town Council have no objection to the proposal, subject to no objection from WCC Highways on traffic management and provision of required information to the LLFA. They make comments regarding traffic flow information and access. Warwick Town Council reiterate these comments.

Supporters of the proposal state that they are fully supportive as long as traffic management is properly thought through and controlled in the surrounding area. They consider that the development would result in improved access and parking. There have been 7 objections, stating that improvements to the cycle network are required. A comment on the application queries the capability of highways network to cope with additional traffic, and states that safe and easy walking and cycling access, that is clearly separated, directly to and from Queensway should be a priority.

Following a detailed review of all of the Transport Assessment and Paramics Modelling, WCC Highways raise no objection to the scheme. They note that trips associated with the non-food retail site (Mothercare) have been reassigned to the former Aldi site on Queensway. Overall, they conclude that the impacts of this development proposal are not significant. There are a number of junctions where a level of impact is experienced which has flagged on some journey time routes within the output analysis spreadsheets. Most of these locations fall within an area which is subject to Local Plan mitigation proposals, other areas are outside what

is considered to be the Area of Influence. Aldi development proposals are expected to see an uplift of around 3% in turnover at this location.

The applicant has provided the requested modelling information from WCC Highways. In reality, the trip generation linked to the site is highly unlikely to have a linear relationship to the gross floor area increase, which is recognised through dealing with a number of similar supermarket expansion applications.

As such, some of those impacts identified are unlikely to be realised. WCC Highways consider the overall impact on the highway network to be low, i.e. an uplift of around 3%, but this is only on the basis that the vehicular trips have been reassigned from the existing Aldi store. For this reason, it is necessary to restrict the use of the existing Aldi store through a unilateral undertaking in order that the existing site cannot be used for food retail purposes - this is how the impacts on the highways networks have been assessed, and if not secured, the development could lead to a harmful impact on the highway network. The legal agreement is currently been drawn up and the applicants have confirmed that they are happy to enter into this agreement.

It should be noted that the implementation of the nearby highway network capacity enhancement scheme ('WCC-3') by the County Council, which signalises the Foundry and Shires roundabouts, provides sufficient capacity to accommodate the traffic generation from the proposal. The store is proposed to open in 2022 (the exact date is yet to be confirmed), however, the WCC-3 scheme is unable to commence prior to the end of the Commonwealth Games in August 2022. The scheme will likely take 8 months to complete, so, barring delays the two signalised roundabouts should be operational towards the end April of 2023.

It is therefore apparent that there will be a period of time following the opening of the new store and the completion of the Highway scheme. The Highway Authority is unable to bring the works forward due to the current requirements of the network as described. The Modelling scenarios are based on 'end of plan', and consider a trajectory of housing provision on that date. Given the lower levels of housing delivery experienced to date, coupled with the lower levels of traffic on the network being experienced due to the Covid pandemic, it is not considered that this will be an issue, as in reality, the capacity on the network is higher than the theoretical capacity assumed in the model as a worst case scenario. In conclusion, the Highway Authority will not be seeking any contributions to *capacity enhancing* schemes through Section 106 agreement.

The Highways Authority did however request a contribution of £110,000 towards the improvement to three sections of the cycle network on the basis that improved sustainable access is required in respect of this proposal. They consider that this development represents the sole trip generator that triggers the need for contributions, therefore the total cost of the uncommitted sustainable infrastructure was apportioned to the site. The applicant however queried the contribution request, suggesting that suitable alternative cycle routes exist to serve the development. Dialogue between the highway authority and applicant has resulted in a revised contribution request from WCC Highways. The Highways Authority noted that cycle routes 1 & 2 are needed to fill in the necessary gaps

and ensure effective cycle infrastructure serves the new store; however, in conclusion WCC Highways agreed that route 3 was not directly necessary for the purposes of the development. They have amended their request for a financial contribution to provide improvements to two, rather than three sections of the cycle network, resulting in a contribution request of £64,000, which the applicant has confirmed that they are prepared to pay, and will be secured through the legal agreement.

Councillor Chilvers has stated that all of the 3 identified cycle route improvements are necessary for pedestrian and cyclist safety. He also suggests that the current Aldi highway crossing should be upgraded to a toucan and the few yards of missing path to Queensway added. He requests that planning committee to attach a condition to this end. Councillor Chilvers also adds that there is also a small (a few yards) missing gap on the cycle network at the south west corner of the site, where cyclists are meant to dismount and remount. He suggests that this could easily and cheaply be addressed by reducing the hedge and widening the path by a yard or so onto Aldi land. He asks that the planning committee attach a condition to this end. Members of the public have objected to the development on the basis that improved cycle and pedestrian infrastructure should be provided.

For any planning obligation, or condition to be added to an application, it must be reasonable, related directly to the development and necessary for the purposes of the development. Whilst the Councillor considers that the suggested pedestrian network improvements are required, no direct evidence has been provided to support how this is directly related to, or necessary for the purposes of the development. Moreover, the Highways Authority have not identified these matters as requiring upgrading. It is therefore not considered that the requests from Councillor Chilvers meet the 6 tests for conditions.

For the reasons set out above it is considered that the development would have an acceptable impact on the highways network, subject to a unilateral undertaking in order that the existing Aldi site cannot be used for food retail purposes, and a condition for a construction management plan which has been added. The proposal is therefore considered to be in accordance with Local Plan policies TR1 and TR2.

Parking

Local Plan policy TR3 requires that new development provides adequate parking, which would not be to the detriment of highway safety.

The parking area at the front of the site is shared with the adjacent neighbour, Curry's PC World. The proposed Aldi has a floor area of 1,920sq.m. and the existing Curry's PC World a floor area of 1,374sq.m., giving 3,294sq.m in total. This would require the provision of 238 car parking spaces in accordance with the Vehicle Parking Standards. 170 spaces are provided on site, which is an under provision of 68 spaces.

The current Aldi would benefit from a slight reconfiguration of parking spaces, providing 60 spaces in total. The reconfiguration is as a result of the reallocation of some spaces to the proposed Aldi. The current Aldi which has a floor area of

1575sq.m., when operating as a non-food retail unit would require 1 space per 14sq.m., resulting in the requirement of 112 spaces. There would therefore be an under provision of 51 spaces.

A parking accumulation assessment was therefore undertaken by the applicant, which shows that the car park serving the proposed Aldi and PC World would provide adequate parking, with reserve capacity, and the existing Aldi store would also have spare parking capacity. These results are based only on the assumption that the existing Aldi is restricted so that it is a non-food retail store, which will be secured through the legal agreement as stated above. It should be noted that the accumulation assessment is based on WCC Highways survey data, which was obtained from WCC Highways by the applicant in preparing the Transport Assessment. The data is based on surveys of the existing deep discount stores within and around the District, so is considered to provide reliable, up to date information in this regard.

The Highways Authority have reviewed the proposed parking for the site and the parking accumulation assessment. They note that essential to the performance of the network in this location is the provision of suitable parking capacity. There is a current issue at the existing Queensway site at peak time, with traffic often queuing on Queensway. Given the close proximity to the A452 and the potential to cause severe disruption, it is essential that a cumulative assessment of parking capacity requirements is provided. This analysis is covered Section 3.5 of the Transport Assessment, which demonstrates the cumulative car parking requirement for Aldi + PC World. This analysis considers the requirement for parking with a 3% uplift in trade. WCC preferred approach is to consider the car parking requirement based on the percentage increase in gross floor area. However, it can be seen that the circa 170 spaces provided will provide more than ample parking provision based upon the assumed trip generation, which the Highways Authority agree with.

On the basis that the applicant has demonstrated that the development would provide suitable levels of parking, the development is considered to be in accordance with Local Plan policy TR3.

Ecological Impact

WCC Ecology assessed the application and requested that an additional bat survey was carried out, which was provided during the course of the application. This found no presence of bats within the building, addressing this matter. WCC Ecology requested that an Ecological Impact Assessment was prepared for the application, however, following discussions with the Ecologists on the proportionality of these requirements and low likelihood of protected species being found on the site based on the information provided, it was agreed that the Preliminary Ecological Appraisal provided by the applicant was sufficient on this occasion. WCC Ecology concluded with a requirement for the works to be carried out in accordance with the details submitted, which has been secured by condition.

Therefore, the development is considered to be in accordance with Local Plan policy NE2.

Air Quality

The applicant has submitted a technical note document prepared by BWB Consulting that has appraised the proposed development in accordance with Warwick District Council's Air Quality and Planning Supplementary Planning Document (AQ SPD) (January 2019). The AQ SPD establishes the principle of Warwick District as an emission reduction area and requires developers to use reasonable endeavours to minimise emissions and, where necessary, offset the impact of development on the environment. The guidance sets out a range of locally specific measures to be used to minimise and/or offset the emissions from new development. The applicant's technical note identifies the proposed development as a major scheme in accordance with the AQ SPD therefore Type 1, 2, and 3 mitigation measures (including calculation of damage costs) are necessary.

For Type 1 mitigation, a proportion of electric vehicle charging points are recommended. The proposed development will utilise the existing retail unit car park therefore no new parking spaces are being created (except for additional parking utilised from the current Aldi site). Whilst no new car parking provision is being created, the technical note has identified that the proposed development would result in a net increase of vehicle movements in the local area. On this basis, Environmental Protection we would recommend that a proportion of electric vehicle charging facilities are still provided. To satisfy Type 2 mitigation measures, the applicant has provided a framework Travel Plan that will seek to encourage staff to utilise sustainable forms of transport. The framework Travel Plan commits to undertaking a staff travel survey following six months occupation of the development, allowing a substantive travel plan to be prepared. The submission and implementation of a final travel plan could be secured by a suitably worded planning condition.

For the purposes of Type 3 mitigation measures the technical note has provided a calculation of damage costs. It is not possible for developers to double-count the cost of mitigation measures that would otherwise be required as part of the development in the absence of the AQ SPD e.g. construction dust abatement costs, BREEAM / sustainability requirements, travel plan monitoring, cycling provision, etc. Similarly it is not possible to utilise the damage costs to fund Type 1 and Type 2 mitigation measures unless it is for a betterment of these measures e.g. increasing the number of electric vehicle charging points or providing higher specification/faster charging facilities. As Type 1 mitigation requires the provision of fast electric vehicle charging points (32amp) for commercial/retail developments, the applicant's proposal for six rapid charging points can be considered as a betterment of the minimum requirements under the AQ SPD and therefore an appropriate use of the calculated damage costs. On this basis, Environmental Health recommend that the provision of air quality mitigation measures are secured by suitably worded planning conditions.

Subject to suitable mitigation for the impact of the development on air quality, the development is in accordance with Local Plan policy NE5.

Other Matters

Contaminated Land

The proposed development will be located adjacent to land used as a former engineering works. The adjacent land was remediated for a commercial use as part of the previous Queensway redevelopment, however, there is a potential that contamination could have historically migrated onto the proposed development site. There is also the possibility of residual contamination from the existing retail development being present. On this basis, Environmental Protection recommended that a desk study report was prepared to determine whether the site would be suitable for a continued commercial use, or whether further investigation is necessary to determine this, which could be secured by condition.

Further to this, additional information on this matter was provided by the applicant, which has been assessed by the Environmental Health Officer. They have confirmed that they are now satisfied that the developer can maintain a watching brief during the works, in the event that previously unidentified contamination is encountered. A condition has been added which secures this method of monitoring.

Drainage and Water Efficiency

The Local Lead Flood Authority (LLFA) have no objection to the proposal, subject to conditions requiring that a detailed surface water drainage scheme and detailed maintenance plans are provided. These are considered reasonable and necessary for the purposes of the development, and have been added. The proposal is therefore considered to be in accordance with Local Plan policy FW2.

Waste

The applicant would be responsible for their own waste collection arrangements, which are likely to be similar to those at the existing site. Officers have no reason to believe that adequate waste storage and disposal cannot be accommodated by the applicant.

BREEAM Requirements

As the proposal results in the construction of over 1,000sqm of non-residential floorspace, a pre-assessment stage assessment by an accredited BREEAM assessor demonstrating how the development will be designed and constructed to achieve a minimum BREEAM standard 'very good' is required. This was provided by the applicant which confirms that the development could meet 'very good' BREEAM standard required. A condition will be imposed to cover the requirement for additional information relating to the design stage and to ensure that the development is carried out in accordance with the details submitted.

Miscellaneous

WCC Fire and Rescue have no objection to the proposal, subject to a condition requiring a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site. This will be added.

There are various comments requesting that a full plan of the former Aldi site should be provided so that it does not become derelict, or that confirmation of what will happen with the existing Aldi site is provided. To an extent, the required unilateral undertaking which secures the use of the neighbouring site to a non-food retail unit will direct future development of this site. However, the owners of the existing site cannot be compelled to provide plans to show what will happen with the existing Aldi site, if the current application is acceptable in planning terms, which as identified above, it is.

Conclusion

Subject to a satisfactory legal agreement which the applicant has confirmed that they are prepared to enter into, the development is considered to provide an enhancement to the street scene, and would deliver suitable parking arrangements. The development would have an acceptable impact on the highways network and ecology, and would not cause harm to neighbouring amenity. The proposal should therefore recommended for approval.

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 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

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.

3 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:

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 particular

b] 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

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

4 The development hereby permitted shall 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.

5 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:

- 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.

6 The development hereby permitted shall not commence 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.

7 The development hereby permitted shall not be commenced unless and until a Design Stage Assessment by an accredited BREEAM assessor demonstrating how the development will be designed and constructed to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. A Completion Stage Assessment by an accredited BREEAM assessor demonstrating that the development achieves as a minimum BREEAM standard 'very good' (or any future national equivalent) shall be submitted to the Local Planning Authority

within 3 months of first occupation. **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.

- 8 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:
- a) How the development will reduce carbon emissions and utilise renewable energy.
 - a) 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.
 - a) How proposals will de-carbonise major development.
 - a) Details of the building envelope (including U/R values and air tightness).
 - a) How the proposed materials respond in terms of embodied carbon.
 - a) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised.
 - a) 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).

- 9 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.

- 10 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.
- 11 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.
- 12 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.
- 13 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.
- 14 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.
- 15 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.

16 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.

17 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.

18 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 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.

19 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.

- 20 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).
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Planning Committee: 17 August 2021

Item Number: 6

Application No: [W 21 / 0485](#)

Town/Parish Council: Leamington Spa
Case Officer: Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 15/04/21

Expiry Date: 15/07/21

Royal Leamington Spa Victoria Park, Archery Road, Royal Leamington Spa, CV31 3PH

Temporary use of an area of Leamington Spa Victoria Park for the purposes of hosting the Lawn Bowls event for the Birmingham 2022 Commonwealth Games; erection of temporary structures including 4 no. spectator stands; operational/media compounds; media/broadcast centre; spectator arrival points; video screens and security fencing to the site boundary. FOR Birmingham Organising Committee for the 2022 Commonwealth Games Ltd

This application is being presented to Committee due to the number of objections received.

RECOMMENDATION

It is recommended that Planning Committee GRANT planning permission, subject to the conditions listed in the report.

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the temporary use of an area of Leamington Spa Victoria Park for the purposes of hosting the Lawn Bowls event for the Birmingham 2022 Commonwealth Games to include:

- Temporary stands for spectators alongside lawns A, B, C and D.
- Spectator arrival points.
- Operations compound, including workforce check-in/breakout and contractors/site management area.
- Media/broadcast centre.
- Video screen.
- Spectator toilets.
- Security fencing surrounding site perimeter.

The event would be set up, hosted and removed between early June 2022 and by the end of August 2022. The event itself is to last nine days, however, the site will be used for the installation, hosting, and decommissioning of the event over a period of three months. To confirm, the majority of Victoria Park and all of its play areas will remain open throughout the installation/decommissioning process, and the Lawn Bowls competition at the venue. However, access through the Avenue Road and Archery Road park *gates* will not be available from early July to mid-August. The tennis courts, bowls greens and a modest section of Victoria Park would have no public access during this time, along with the car parks accessed from Princes Drive and Archery Road which serve Victoria Park.

It should also be noted that in order to meet the timeframes in order to deliver the Commonwealth Games, the planning application is required to be submitted now, and cannot wait until closer to the event.

SITE & LOCATION

The application site relates to approximately half of Victoria Park, a Grade II Registered Historic Park situated within the Royal Leamington Spa Conservation Area. The site also includes the bowls greens which sit adjacent to Archery Road and the River Leam, tennis courts and car parking area to the south west of the park. The application site is within Flood Zone 2.

PLANNING HISTORY

There are various previous applications on this site, however, none are considered directly relevant to the assessment of this application.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities
- HS2 - Protecting Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- HE4 - Archaeology
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE5 - Protection of Natural Resources
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS3 - Conservation Area
- RLS8 - Protecting Local Green Space
- RLS11 - Leisure, Sport and Recreation Facilities
- RLS15 - Canal and Riverside Development

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection:

- Supports request from Tree Officer for AMS and more detailed drawings to protect trees.
- Supports recommended conditions from Environmental Health Officer.
- Concern regarding loss of parking for residents along Archery Road, could temporary permits be offered for nearby areas during the works.
- Further communication with local residents and park users required.
- Seeks assurances that detailed schedule of all works, with timetable are provided.

Councillor Clarke: Objection, although welcomes the Games because of the positive publicity for Leamington, and the many visitors for potential trade they will bring, I am very concerned that this application may limit access to the park for all users and seriously disrupt parking for residents for a period of up to three months. This, combined with the noise, extra traffic and therefore air pollution, will have a deleterious effect on the lives of residents for what could be as long as three months. I therefore urge the Council to ensure that any contracts made with B2022 minimise the time during which disruption is likely. The application as it stands is unspecified and insufficiently detailed and is therefore unacceptable

Councillor Nicholls: Objection, welcomes games, however raises concerns regarding the impact on neighbouring amenity and access to the park. The application should be resubmitted when timings for key activities are known and can be minimised. If the application is not withdrawn or amended, conditions of use should be applied stating that entrances to Victoria Park should not be closed more than 2 weeks in advance and 1 week after the games.

Green Spaces: Supports application, given the public benefits the scheme will bring. Removal of trees should be avoided, noise and lighting need careful consideration.

Environmental Protection: No objection, subject to conditions.

Tree Officer: No objection, subject to condition.

WDC CCTV: Request not to block any of the existing CCTV cameras.

WCC Public Rights of Way: No objection.

Conservation Officer: No objection, subject to condition.

WCC Archeology: No objection.

WCC LLFA: No objection, subject to condition.

The Gardens Trust: No objection.

WCC Ecology: No objection, subject to conditions.

Historic England: No objection.

Environment Agency: No objection, subject to the applicant undertaking a flood evacuation plan and receiving flood warning to ensure immediate action can be taken in the event of a flood.

Warwickshire Gardens Trust: No objection, the application submissions are difficult to interpret and seem almost designed to be obscure. That said, we take account of the fact that these works are intended to be temporary and consider that provided that the comments of the tree officer are observed, and that there is a full restoration of the park with the removal of all new structures and surfaces.

Public Responses:

65 Objections:

Pedestrian access to Victoria Park:

- public access to Victoria Park must be maintained from the eastern side (Adelaide Road) end at all times - to have limited access for three months is poor planning;
- clarification sought on how pedestrians will cross Adelaide Road and concern that pedestrians forced to take more complicated route to access the park;
- access needs to be maintained for exercise;
- no justification for length of time that access would be restricted;
- detrimental impact on mental health as a result of not being able to use the park;
- entrances to the park should only be shut no more than two weeks before the event and one week after it;
- concern that families will not be able to access new park facilities once installed in summer 2022.

Parking / Vehicular Access / Traffic:

- query regarding restrictions on access for deliveries / tradespeople / skips;
- query over which exit from Archery Road is referred to in the documentation;
- impact on residential parking;
- additional traffic has been underestimated;
- parking for Archery Road should remain available for residents up to two weeks before and no longer than one week after;
- parking should be free or low fixed rate during games and to encourage more visitors;
- more parking should be provided and Avenue Road should be one way to control traffic;
- emergency access and delivery vehicles restricted.

Impact on Neighbouring Amenity:

- disruption to neighbouring properties via noise, traffic and access;
- mitigation measures should be discussed with residents.

Lack of Detailed Information:

- lack of information provided with the application - request for vibration impact assessment, construction and vibration assessment, the criteria for applying city centre levels of acceptable noise levels;
- lack of information on parking dispersal and where this will be accommodated;
- lack of information on how development will reduce impact on neighbours to minimum;
- lack of information regarding working hours;
- lack of information regarding road closures;
- lack of information on security;
- timing for key activities need to be identified.

Other:

- lack of consultation with affected neighbours;
- breaks link of green spaces through the town;
- query will the Cricketers Pub be able to trade as normal;
- WDC should be listed as an applicant as it relates to use of its own facilities;
- the changes outside of the actual period of the bowls competition represents unreasonable interference with the property rights of the local residents and the enjoyment of the park;
- any approval must include comprehensive and specific binding guarantees to local residents to replace amenities or compensate them for losses, and to the population of the WDC area to ensure that no other green open spaces shall be lost in the short or long term for any reason;
- concern regarding impact on trees;
- temporary structures will cause damaged to the park and wildlife;
- no benefit to wider community, no legacy benefits.

Friends of Victoria Park (community organisation): concern regarding restricted access to the park and high priority should be given to allow safe and convenient access to the park for as much of the summer as possible. A revised application should be submitted when Birmingham 2022 can detail evaluated timings for individual construction and closure activities. This will allow WDC to finalise plans for mitigation for local residents and users of the park.

6 Neutral: No objection to principle of the event, but query on where residents will park during the event. Access required for those with reduced mobility, deliveries, visitors. Access to the park for families with young children is essential over the summer. Queries where park and stride facilities will be located. Concern regarding traffic congestion. Impact on air quality and local visual amenity. Queries that those with town centre car parking passes will be able to use these during the games.

2 Support: No comments.

Chairman of Royal Leamington Chamber of Trade: We fully support the application and potential it will bring to Leamington Spa. Comment that they would want to see a better connection route from Princes drive through the park into town. This either needs to be done via a walk way or via new signage pointing people along the river walk. We want as many fans to end up in the town centre as possible.

ASSESSMENT

It is considered that the following matters are relevant to consideration of the application:

- Principle of the Development
- Design and layout / Impact on Heritage Assets
- Impact of the proposal on the living conditions of neighbouring occupiers
- Parking and highway safety
- Air Quality
- Flood Risk
- Trees
- Ecological Impact
- Other Matters

Principle of development

Local Plan policy HS2 states that development on, or change of use of open spaces and sport and recreation facilities will not be permitted unless certain criteria are met. Royal Leamington Spa Neighbourhood Development Plan (RLSNDP) policy RLS11 echoes these requirements. Although the proposal represents development on public open space and sports facilities (namely the tennis courts and bowls greens), this is only for a very short temporary period of three months, and would be for the purposes of enhancing access to the Lawn Bowls event, for the Birmingham 2022 Commonwealth Games for spectators both locally, but also by broadcasting the event nationally. It is therefore considered that the proposal would not result in the permanent loss of an area of public open space or sports and recreation facility and that the aims of policy HS2 are met.

RLSNDP policy RLS8 designates Victoria Park as a local green space and development will not be supported in this location other than in very special circumstances. The hosting of the Commonwealth Games represents a likely unique, very special opportunity which would bring significant public benefits to the District. Again, as the use of the park is only for a temporary period, it is not considered that the proposal would prejudice the aims of policy RLS8. The hosting of the Commonwealth Games is considered to represent very special circumstances in this regard for permitting the development.

Therefore, the principle of the proposed temporary use of the site is considered to be acceptable.

Design and layout / Impact on Heritage Assets

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the

significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

RLSNPD policy RLS3 states that proposals which directly affect a Conservation Area must assess and address their impact on their heritage significance. Proposals must demonstrate that the proposed building type, style, materials and colours in relation to the character area in which it is located and its distinguishing features; the relationship of the layout with the existing road pattern, plot size, and balance between buildings and garden sizes; building height, scale and rooflines sympathetic to the local setting; how the development interfaces with and respects non-designated heritage assets; retention or enhancement of gardens, trees and where possible planting of new trees; retention, restoration and reinstatement of period details; retention and creation of off street parking; and, use of hard and soft landscaping and suitable boundary treatments.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area.

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Local Plan Policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The Conservation Officer has been consulted on the proposal and has no objection to the development. He states that due to its temporary nature and the public benefits associated with the proposal, they have no concerns regarding the application. They note that it would have been useful to see contextualised visuals across the park and materials proposed, but however go on to say that an appropriately worded condition can be attached to ensure that the site is made good afterwards.

Historic England, The Gardens Trust and WCC Archeaology were also consulted on the proposal raise no concerns regarding the development.

Officers consider that there would some harm caused as a result of the proposed development to heritage assets, notably owing to the scale and design of the proposed development, which would be incongruous and out of keeping on this setting, however this is considered to be less than substantial. This harm would

be outweighed by the significant public benefits associated with the proposal and the fact that it is a temporary impact. The capacity of visitors at Victoria Park will be approximately 2,500 for the Lawn Bowls event, with many spectators anticipated to extend their stay in Leamington Spa and the surrounding area following the Games. This will increase spending within the nearby area, providing economic benefits within the District. The development would also provide significant social benefits by allowing greater access to the bowls events. As stated within the applicant's Planning Statement, the proposed development is considered to promote and build upon the profile of Leamington Spa as a centre of tourism, leisure and culture, whilst making use of a nationally renowned Lawn Bowls venue at a highly sustainable location. Officers agree with this statement and the associated benefits.

It will be necessary to secure the design details of the proposed development by condition, which will need to be pre-commencement to ensure that heritage assets are adequately protected. A condition will need to be added to ensure that the site is returned to its former condition and how this will be actioned.

Although there would be some temporary conflict with Local Plan policies BE1, and RLSNDP policy RLS3, as the development would be for a short period, and the longer term impact will be negligible, with the public benefits clearly outweighing any short term harm, Officers consider the development policy compliant in this regard. The public benefits outweigh the short term harm to heritage assets, making the proposal compliant with Local Plan policy HE1.

Impact of the proposal on the living conditions of neighbouring occupiers

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. Development should not cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. Local Councillors and members of the public have raised concerns regarding the impact of the development on neighbouring amenity. Concern focuses on disruption to neighbouring properties via noise, traffic and access. Objectors consider that mitigation measures should be discussed with residents.

It is unlikely that the proposed physical structures required for the development would have a detrimental impact on light, outlook or privacy for neighbouring properties. The structures include operations compounds, seating areas, media/broadcast centre, video screen and toilets etc, with the heights of the structures being between 4 - 7.35 metres. Notwithstanding this, as they are for a short, temporary period, it is not considered that the *structures* would have a material impact on the living conditions of the nearby occupiers.

Environmental Health Officers have been consulted on the proposal and note that the applicant has submitted a noise impact assessment report which has considered the potential noise impacts of the event on the surrounding locale. As the proposed site layout and arrangements are subject to change, specific noise impacts on nearby residents have not been fully quantified. Whilst the development/event is temporary, existing nearby residents may still be impacted by noise from mechanical plant serving the event as well as public address and

sound systems. The noise impacts from spectators and sporting noise are harder to quantify, therefore this should be minimised through appropriate management measures. Existing noise levels have been measured at various residential locations around the event site and the report proposes noise level limits for fixed mechanical plant. The proposed noise limits, however, are +5dB above the existing background sound level. As this would be approaching an adverse noise impact, Environmental Health Officers therefore recommend that the plant noise emission limit is set at their standard plant noise criteria which specifies no increase above the existing background sound level. This can be secured by condition.

Furthermore, as the final site layout and arrangements have not been finalised, they recommend that any outstanding noise issues be addressed through a noise management plan required by a planning condition to minimise adverse impacts on residential amenity. Finally, as the noise report has identified that certain stages of the construction phase could give rise to significant noise impacts at local residential properties, Environmental Health Officers recommend that the construction and decommissioning of the event site be carried out in accordance with a construction management plan. This can be secured by condition.

As regards to proposed lighting of the event, to ensure that any temporary lighting required to illuminate the event site does not have an adverse impact on local residential amenity, Environmental Health recommend that the details and an assessment of any floodlighting to be provided is submitted to and approved by the local planning authority prior to its first operation. This can be secured by condition. The Town Council supports the recommended conditions from the Environmental Health Officer.

Subject to the above conditions which have been added, the proposal is considered to comply with Local Plan policy BE3.

Parking and highway safety

Local Plan Policy TR1 states that development will only be permitted that provides safe, suitable and attractive access routes. Policy TR2 states that all large-scale developments that result in the generation of significant traffic movements should be supported by a Transport Assessment, and where necessary a Travel Plan, to demonstrate the practical and effective measures to be taken to avoid the adverse impacts of traffic. Policy TR3 states that development will only be permitted which makes provision for adequate parking in accordance with the adopted Vehicle Parking Standards SPD.

The Town Council and Local Councillors have raised concerns regarding loss of parking for residents along Archery Road, and request whether temporary permits could be offered for nearby areas during the works. Members of the public have raised the following concerns regarding parking, access arrangements and highway safety:

- query regarding restrictions on access for deliveries / tradespeople / skips;
- query over which exit from Archery Road is referred to in the documentation;
- impact on residential parking;
- additional traffic has been underestimated;

- parking for Archery Road should remain available for residents up to two weeks before and no longer than one week after;
- parking should be free, or low fixed rate during games and to encourage more visitors;
- more parking should be provided and Avenue Road should be one way to control traffic;
- emergency access and delivery vehicles restricted.

The proposal will result in the temporary loss of the parking areas serving Victoria Park (accessed from Princes Drive and Archery Road) during the entirety of the event. These are public car parks and the proposal is also likely to generate significant traffic numbers, although it is recognised that this will be for a temporary period. On street resident parking along Archery Road would also be restricted from use during the temporary period associated with the works.

There is no proposed parking for visitors for the temporary use of the site. The car park within Victoria Park which is accessed from Archery Road will be allocated for Emergency Services Parking, Commonwealth Games Association Parking, Critical Operation Parking and Priority T1 Parking. It is also proposed that car parking will be provided at the Adelaide Bridge Car Park for use by Media and Operational staff. Further parking is proposed at the Station Approach Car Park for Games Family vehicles. It is proposed that Blue Badge holders will be provided with parking at Adelaide Bridge Car Park, which would be booked in advance.

Resident parking along Archery Road will be restricted, however parking along Victoria Street and Victoria Road will be maintained. There will be a vehicle permit checkpoint to ensure residents can access the available residents parking areas. The Council's Cultural Services department are working closely with the applicant in order to provide convenient displacement parking for the residents of Archery Road, Victoria Street and Victoria Road. A number of options are being discussed and this information can be conditioned for provision once determined, as a pre-commencement condition.

This is a highly sustainable location, nearby to various methods of public transport and with a number of other public car parks within walking distance of the site to accommodate visitors. It should also be noted that the highest demands on parking are likely to be for a temporary 9 day period when the event is being hosted. A Transport Statement was submitted in support of the application, which takes into account the impact of the installation, sport competition period and decommissioning stages of the development. The Statement confirms that the proposed development will have an acceptable impact on the transport network subject to implementation of appropriate mitigation measures, including:

- an appropriate cycle parking location will be sought close to the venue which will link to local cycle routes;
- an appropriate spectator walking route from Leamington Spa Station which will be established and promoted;
- information regarding bus services, including routing and timetables, will be provided to spectators upon purchase of a ticket and on the Commonwealth Games 2022 website to encourage bus usage; and
- information about rail services, destinations and timetables will be provided to spectators upon purchase of a ticket and on the Commonwealth Games 2022 website to encourage travel by train;

- Local car parks will remain accessible and will not be advertised for use by Games Ticket holders.

WCC Highways requested additional information from the applicant, to confirm the likely visitor numbers, and associated vehicular movements, to assess the impact of the development on the highway network, which was provided. Junction capacity modelling has not been undertaken by the applicant, as the construction and event will take place in the school summer holidays and the reduction in background traffic would offset any Games traffic. WCC Highways have informally confirmed that they have no objection to the proposal, on the basis of the additional information submitted, and subject to conditions for the provision of a parking strategy, traffic management and a swept path analysis. Councillors will be provided with the wording for these conditions prior to the committee meeting.

Subject to the aforementioned requirements, the proposal is therefore considered to be in accordance with Local Plan policies TR2 and TR3.

Air Quality

The applicant has submitted an air quality screening assessment report which has considered the possible air quality impacts of the proposed event, including both the construction and operational phases of the development. As spectator parking is not proposed as part of the development, the air quality impacts arising from additional vehicle movements generated by spectators have not been assessed. The air quality impacts arising from construction, decommissioning, and operational vehicles have been considered and identified as not significant. The report has concluded that short term construction impacts on nearby residential receptors can be managed through the implementation of an appropriate mitigation scheme.

Whilst no spectator parking will be provided at the event site, the proposed development is located near to the Leamington Spa air quality management area (AQMA) therefore Environmental Health wish to ensure that additional traffic movements generated by the event are minimised. The applicant has submitted a Transport Statement to consider the potential highway impacts of the event. The transport statement has proposed that a Local Area Traffic Management Plan (LATMP) will be developed to encourage spectators and event workforce to utilise low emission and more sustainable modes of transport for the duration of the event. Environmental Health recommend that the proposal for a LATMP is secured by a suitably worded planning condition and is implemented throughout the duration of the event (including installation and decommissioning) to minimise any adverse impacts on local air quality.

This is considered to be reasonable and necessary for the purpose of mitigating the impact of the development on air quality, so has been added. The development is therefore considered to be in accordance with Local Plan policy NE5.

Flood Risk

The southern section of the site is located within Flood Zone 1 (low risk) while the northern section lies within Flood Zones 2 (medium risk) and Flood Zone 3 (high risk), due to the proximity of the River Leam. A Flood Risk Assessment was

provided in support of the application which considers the level of flood risk from all sources to not adversely impact upon the sites developability or the deliverability of the proposals subject to implementation of the following mitigation measures:

- Temporary cabins or similar facilities containing sensitive equipment having floor levels at least 0.3m above external ground levels; and
- All electrical and data distribution connections located at a high level.

The Environment Agency were consulted and state that as the proposed buildings and structures lie within Flood Zone 2 and Flood Zone 1, they consider the application is low risk and have no objections to the proposal. They refer to their standing advice which states that finished floor levels should be at least 0.3m above external ground levels, which as stated above, is the applicant's intention. This will be secured by condition. The Environment Agency also recommend that the applicant undertakes a flood evacuation plan and receive flood warning to ensure immediate action can be taken in the event of a flood. This will be secured by condition.

It is proposed that surface water runoff for both buildings and external hardstanding areas proposed as part of the temporary development be managed through means of allowing runoff to drain onto the existing hardstanding areas and into the existing drainage infrastructure on the site or infiltrate into the ground at source, where applicable.

Initially WCC LLFA objected to the proposal on the basis of a lack of information. The applicant confirmed that they intend to use porous materials for the proposed hard surfacing, but that they are currently not in a position to guarantee that the materials will not be impermeable. Following a discussion with the LLFA, they have confirmed that the details on this matter can be secured by a condition which either requires that hard surfaces are made of porous materials, or that additional information to show that additional surface water run off will be adequately dealt with.

On this basis, the development is considered to be in accordance with Local Plan policies FW1 and FW2.

Trees

The Town Council Supports the request from the Tree Officer for an AMS and more detailed drawings to protect trees. Members of the public have raised concerns regarding the impact of the development on trees.

The temporary overlay has been located to ensure that no trees require removal, while a Tree Protection Plan (TPP) has been prepared to demonstrate how retained trees will be protected from damage during all stages of development. While the exact location is not yet shown on the TPP, heras fencing is likely to be installed during the installation stage to establish a Construction Exclusion Zone (CEZ) and protect both the crowns and Root Protection Areas (RPAs) of all trees. The exact location of the heras fencing will be agreed with the Tree Officer, along with any other required mitigation measures and will be secured by condition. This will ensure that no trees of amenity value are impacted as a result of the development.

The Tree Officer has no objection to the proposal, subject to a condition to secure the aforementioned details, which has been added.

Ecological Impact

Members of the public have raised concerns regarding temporary structures causing damage to the park and wildlife.

WCC Ecology were consulted on the proposal and have no objection to the development, subject to conditions which secure the provision of a Construction and Environmental Management Plan and Landscape and Ecological Management Plan prior to commencement, which have been added. They note that their main concerns with this proposal are the potential impact on bats, predominantly through the impact on trees for lighting and other works, and the direct / indirect impact on existing habitats, such as the mature trees. Although WCC Ecology note that some further work needs to be carried out regarding the assessment of the impact on habitats and protected species, they consider that this can be satisfactorily controlled by the aforementioned conditions.

The development is therefore considered to be in accordance with Local Plan policy NE2 and NE3.

Other Matters

Access to Victoria Park

Members of the public have raised the following concerns regarding access to the park:

- public access to Victoria Park must be maintained from the eastern side (Adelaide Road) end at all times - to have limited access for three months is poor planning;
- clarification sought on how pedestrians will cross Adelaide Road and concern that pedestrians forced to take more complication route to access the park;
- access needs to be maintained for exercise;
- no justification for length of time that access would be restricted;
- detrimental impact on mental health as a result of not being able to use the park;
- entrances to the park should only be shut no more than two weeks before the event and one week after it;
- concern that families will not be able to access new park facilities once installed in summer 2022.

Local Councillors have also raised concerns regarding the limited access to the park during the games.

To confirm, the main grassed area of the park and all play areas will be unrestricted in terms of access during the games. For security reasons, access through the Avenue Road and Archery Road park gates will not be available from early July to mid-August, this cannot be avoided. Whilst it is noted that this may result in some residents or visitors having to take a longer route to access the facilities of the park, this is a temporary measure, and importantly the majority of the park will still be available for use during this time. Moreover, given the

significant local benefits already identified which the development will bring, any short term impacts in this regard are significantly outweighed.

Lack of Detailed Information

Members of the public and Local Councillors consider that insufficient information has been provided in order to fully assess the impacts of the development. Many request that the application is resubmitted once more definitive details are known by the organising committee, particularly relating to:

- lack of information provided with the application - request for vibration impact assessment, construction and vibration assessment, the criteria for applying city centre levels of acceptable noise levels;
- lack of information on parking dispersal and where this will be accommodated;
- lack of information on how development will reduce impact on neighbours to minimum;
- lack of information regarding working hours;
- lack of information regarding road closures;
- lack of information on security;
- timing for key activities need to be identified.

Owing to the lead time in order to prepare for this event, the planning application for the use of the site has to be submitted now. As identified above, the principle is acceptable, and all statutory consultees have confirmed that the games can be acceptably accommodated, subject to conditions for additional information. Whilst it would be ideal to have such information up front, planning decisions should not be refused where required information can be secured by condition.

Neighbourhood Plan

RLSNDP policy RLS15 states that along the riverside of the River Leam, River Avon or along the canalside of the Grand Union Canal, to be supported each development proposal should demonstrate that it has appropriately addressed the following which are considered to be relevant to the proposal:

- a) protects or enhances watercourses and their associated green infrastructure and habitats;
- b) respects the heritage and setting of the canal, Canal Conservation Area or riverside area;
- c) flood risk is assessed and, along the riverside, the natural storage of floodwater on floodplains is protected or restored;
- d) creates accessible linear routes along the river and canalside or retains the potential to create such routes in the future;
- e) protects and creates new access points for all users for walking and cycling;
- f) maintains and opens new views and vistas over and along the river and canal;
- g) includes environmental improvements (open spaces, stopping points, low-level lighting, signage etc.) along the river and canal towpaths;
- h) creates new links to the wider Green Infrastructure Network and enhances biodiversity;
- i) provides facilities to support the growth and development of recreation and tourism.

Although the proposed development would potentially conflict with some of the above points, notably point b and d, as the impact of the development is temporary, and can be mitigated by returning the site to how it is currently, whilst delivering economic and social benefits through the event itself, it is not considered that the overarching aims of policy RLS15 are compromised.

CCTV

The Council's CCTV department have requested that the development does not block any views from existing cameras. An informative note will be added to this effect.

Miscellaneous

The following comments have also been submitted by objectors to the development:

- lack of consultation which affected neighbours;
- breaks link of green spaces through the town;
- query will the Cricketers Pub be able to trade as normal;
- WDC should be listed as an applicant as it relates to use of its own facilities;
- the changes outside of the actual period of the bowls competition represents unreasonable interference with the property rights of the local residents and the enjoyment of the park;
- any approval must include comprehensive and specific binding guarantees to local residents to replace amenities or compensate them for losses, and to the population of the WDC area to ensure that no other green open spaces shall be lost in the short or long term for any reason;
- no benefit to wider community, no legacy benefits.

Officers have implemented the statutory consultation process regarding this planning application. The development is not considered to break up the green spaces in the town centre, as the park would remain accessible during the games, and the development is for a temporary period of three weeks. Officers have no reason to believe that the Cricketers Public House would not be able to trade as normal during the games. For the aforementioned reasons, the development is considered to have an acceptable impact on neighbouring residential amenity, subject to conditions. Any short term loss of access to facilities within Victoria Park are outweighed by the material benefits of the scheme. The proposal is considered to bring multiple benefits to the wider community, as outlined above. It should be noted that a condition to ensure that the access restrictions are kept to the minimum possible has been added.

Conclusion

The temporary use of part of Victoria Park to host the Lawn Bowls event for the Birmingham 2022 Commonwealth Games is considered to represent a unique opportunity to deliver significant economic and social benefits for the local community and District. Subject to the conditions listed within the report, the proposal is considered to have an acceptable impact on neighbouring amenity, heritage assets, parking, trees and ecology. The proposal is therefore recommended for approval.

CONDITIONS

- 1 Permission is granted for the temporary use and ancillary structures/infrastructure as detailed within the approved documents between 1st June 2022 and 31st August 2022. After this time, the use hereby permitted shall be discontinued and its associated ancillary works and structures removed from the application site and the land upon which the use occurred shall be restored in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to the discontinuance of the use and which shall then be implemented in accordance with the approved restoration scheme. **Reason:** The approved use of the site and associated works would have a harmful impact on heritage assets and visual amenity if retained longer than the approved temporary period.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings VIC LBO 930, VIC LBO 931, VIC LBO 932, VIC LBO 933, VIC LBO 934, and VIC LBO 935, and specification contained therein, submitted on 15th March 2021. **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 works of construction or decommissioning shall be undertaken unless and until a construction management plan has been submitted to and approved in writing by the District Planning Authority. The construction management plan shall include details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, noise and vibration, demolition or clearance works, details of wheel washing, site working hours and delivery times, restrictions on burning and details of all temporary contractors buildings, plant and storage of materials associated with the development process. All works of demolition or construction shall be carried out in strict accordance with the approved construction management plan. **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.
- 4 The development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition, the LPA expect to see details concerning pre-commencement checks for protected and notable species, such as reptiles, bats, nesting birds and hedgehogs and appropriate 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.

- 5 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan 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 management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net biodiversity gain in accordance with NPPF.
- 6 Prior to the commencement of the development hereby approved (including all demolition and all preparatory work), the specification and alignment of all the ground protection measures required to prevent any damage to the assets within the Park shall be submitted to and agreed by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details. **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.
- 7 No development shall commence unless and until detailed drawings of all of the temporary infrastructure required, including, but not limited to: temporary seating, tents, cabins, video screen, staging, power, fencing, flooring, lighting and signage, and their locations have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 8 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.
- 9 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.

- 10 The use of the site permitted by this permission shall not be undertaken until a Noise Management Plan relating to the activities to be carried out pursuant to this planning permission has been submitted to and approved in writing by the District Planning Authority. Upon receipt of the written approval, the agreed Noise Management Plan shall be implemented and thereafter all activities taking place pursuant to this planning permission shall be carried out in accordance with its provisions. **Reason:** To ensure that the level of noise as a result of the approved use 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.
- 11 No lighting or illumination of any part of any buildings or the site shall be installed or operated unless and until details of such measures (including details of hours of operation) shall have been submitted to and approved in writing by the Local Planning Authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **Reason:** To ensure that any lighting is designed and 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.
- 12 Public access to Victoria Park shall be maintained at all times, with the exception of public access to the area contained within the 'security boundary' as shown on approved drawing VIC LBO 930 submitted on 15th March 2021. Restricted public access within the 'security boundary' area shall be kept to the minimum length possible to facilitate the Commonwealth Games. **Reason:** To ensure the disruption and limited access to areas of public open space are kept to a minimum.
- 13 Ground floor levels of any buildings should be a minimum of 300 millimetres (mm) above the general ground level of the site. **Reason:** In the interests of reducing occupant's risk from flooding, in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029.
- 14 A flood evacuation plan must be provided to users of the site and the site should be registered with the Environment Agency to receive flood warnings to ensure immediate action can be taken in the event of a flood, here <https://www.gov.uk/sign-up-for-flood-warnings>. **Reason:** In the interests of reducing occupant's risk from flooding, in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029.

15 All hardstanding to be installed at the site shall be made of porous materials, **or** prior to the installation of any hardstanding which is to be impermeable, a surface water drainage strategy containing the following information shall be provided and agreed in writing by the Local Planning Authority:

- 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 up to and including the 1 in 100 year return period plus an appropriate allowance for climate change considering lifespan of the development.
- Evidence that the proposed discharge, generated by all rainfall events up to and including the 1 in 100-year return period plus climate change, has been limited /to QBAR / as far as reasonably practicable – providing a minimum of 50% betterment on the existing run off rates where appropriate.
- Where discharging to the existing on site 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 increased discharge to their system should be presented for consideration.
- Demonstrate the proposed allowance for exceedance flow and associated overland flow routing
- Construction surface water management plan

The development shall be carried out in strict accordance with the approved details.

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

Planning Committee: 20 July 2021

Item Number: 7

Application No: [W 21 / 1078](#)

Town/Parish Council: Whitnash

Registration Date: 01/06/21

Case Officer: Jonathan Gentry

Expiry Date: 27/07/21

01926 456541 jonathan.gentry@warwickdc.gov.uk

30 Palmer Road, Whitnash, Leamington Spa, CV31 2HR

Partially retrospective application for the erection of first floor side extension, single storey rear extension and porch FOR Mr Burford

This application has been requested to be presented to Committee by Councillor Falp. It has also been deferred due to the number of support comments received.

RECOMMENDATION

Members are recommended to refuse permission for the reason set out at the bottom of this report.

DETAILS OF THE DEVELOPMENT

Partially retrospective planning permission is sought for the proposed erection of a first-floor side and single storey rear extension, alongside a front porch.

This application forms a re-submission of W/20/2173 and has been assessed in accordance with that scheme.

THE SITE AND ITS LOCATION

The application site relates to a two-storey semi-detached dwelling sited on a corner plot to the south and east of Palmer Road. The property adjoins No.32 to the west, which has also been extended to its side over two storeys. No.28 Palmer Road is the closest adjacent neighbour to the south.

PLANNING HISTORY

W/06/0647 - Erection of two storey extension to side and rear conservatory - Granted 21/06/2006

W/06/1920 - Erection of single storey side extension - Granted 25/01/2007

W/20/2173 - Partially retrospective application for the erection of first floor side extension, single storey rear extension, and porch - Refused

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- TR3 - Parking
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Parking Standards (Supplementary Planning Document- June 2018)
- Whitnash Neighbourhood Plan (2011-2029)
- W4 - Building Design Principles

SUMMARY OF REPRESENTATIONS

Whitnash Town Council - Members Raise no objection.

WCC Ecological Services - Recommend advisory note in relation to bats is attached to any grant of consent.

Public Response -

Eight neighbour support comments received, noting the following reasons:

- The extension fits with rest of road.
- The extension would not detract from other properties in the area.

ASSESSMENT

Site history

The application site has been extended to its side at single storey level.

Permission was granted in 2006 for the erection of a two-storey side extension to the original property. Subsequently, consent was granted for the construction of a single storey side extension in the same location. A supporting planning statement has also been submitted to accompany the application, outlining a view that the 2006 two storey consent remains extant. While the applicant has stated that works on the two-storey extension were commenced following grant of consent, it is clear from imagery of the existing property that the single storey extension was the scheme ultimately constructed and implemented on the site. Building control records indicate submission for construction of a 'single storey side extension' on the 15th November 2006.

With mind to the built works that were completed, the Local Planning Authority views that historic consent W/06/0647 is not extant as it was not implemented at the site. Beyond this, it is viewed that as a result of the single storey extension that was in situ, it would not be possible to lawfully implement this scheme in any case.

Works have since been commenced at the site to form a first-floor side extension, building up from the existing single storey garage structure, which this scheme seeks to regularise.

Design and impact on the street scene

Local Plan Policy BE1 states that development will be permitted where it harmonises with and improves the character of the surrounding area. This is reflected within policy W4 of the Whitnash Neighbourhood Plan. The adopted Residential Design Guide (RDG) SPD also sets out design principles which development proposals will be expected to comply with. In addition, paragraph 130 of the National Planning Policy Framework (NPPF) outlines that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

The porch element of the scheme is considered acceptable in terms of scale and design. In addition, the materials proposed to the extensions and porch match those on the existing property and are therefore considered acceptable. The single storey rear extension element of the scheme would be largely obscured from the street scene and is similarly considered acceptable in design terms.

When approved in 2006 under W/06/0647, the two-storey side extension was illustrated at approximately 5 metres in width. This matches the width of the subsequently approved and implemented single storey side extension. The original property features a width of approximately 5.6 metres.

The first-floor extension proposed under this application features a matching width of approximately 5 metres, reflecting construction works underway at the property. Adopted in 2017, the WDC RDG outlines a number of design considerations that should be incorporated into residential extensions to ensure an appropriate standard of design and subservience in accordance with Local Plan Policy BE1.

One such design consideration relates to the width of side extensions. The RDG states that 'Side extensions should be no more than 2/3 of the width of the original property'. While the document does not specifically define at what level this limit is to be applied, guidance is interpreted in relation to the specifics of each individual case. In this case, given the location of the property on within a prominent corner plot location that is highly visible within the street scene, particularly from the south, and the need to ensure an appropriate subservience, it is considered necessary in this instance to require adherence with this guideline. The proposed scheme, reflecting works underway at the site, notably exceeds this guidance.

In consideration of the LPA's position that W/06/0647 is not extant, and a material change in circumstances through the adoption of additional design guidance following this grant of consent, the historic permission for two storey side extension is not viewed hold significant weight in justifying a departure from the aforementioned guidance.

The RGD also states that proposals impacting corner plots should respect the existing character of the street scape and should not substantially reduce

openness of the plot. It is noted that the existing single storey side extension and thus proposed first floor addition marginally breach the building line when taken from adjacent properties by approximately 1 metre. Officers feel that as a result of the non-adherence with the 2/3rds width guide, the proposed first floor addition would result in harm to the openness of the corner plot.

While the submitted supporting statement highlights an existing extension to No.32 as reason to permit this exceedance, this consideration is not considered to carry significant weight in design terms to mitigate the identified objection, given that the first floor of this neighbouring extension does not exceed 2/3rds original width. In addition, it is noted that the extension to No.32 was completed well prior to the adoption of current design guidance, and does not face onto a corner plot.

While the extension is suitably set down from the ridge of the original dwelling, the small setback from the front elevation illustrated on the submitted plans does not meet the 450mm figure outlined within the Residential Design Guide. With mind to the above noted considerations, it is viewed the completed extension would appear overly dominant within the street scene, creating an incongruous form of design that would not harmonise with, or enhance, the existing settlement in terms of physical form in line with the requirements of policy BE1. In addition, the scheme is viewed not to respect surrounding buildings in terms of scale, height, form and massing, for the above noted reason.

Finally, acceptance of this partially constructed scheme that demonstrably departs from the aforementioned guidance is considered to set a particularly harmful precedent for comparable developments that do not adhere to adopted design guidance in terms of width and thus subservience.

In view of these factors the proposed extension is not considered to meet the design guidance stipulated within the Residential Design Guide SPD and thus does not meet the requirements of Local Plan Policy BE1 or paragraph 130 of the NPPF.

The impact on the living conditions of nearby dwellings

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide SPD provides a design framework for Policy BE3 and states that extensions should not breach a 45-degree line taken from the nearest habitable room of a neighbouring property. This serves to protect the extent to which neighbours can enjoy their own dwellings without undue disturbance or intrusion from nearby uses.

By nature of its position projecting west, the extension does not breach the 45-degree guideline from windows serving habitable rooms on the front or rear elevations of either adjacent property, and as a result is not considered to result in the generation of material harm to amenity by way of loss of light or outlook to these neighbouring sites. Similarly, the proposal is not considered overly dominant or overbearing in amenity terms. The lack of an immediate neighbour to the west dictates no other properties will be materially impacted in this regard.

In addition, it is viewed that the scheme would not result in any material harm to amenity through overlooking or loss of privacy to neighbouring sites.

It is considered that the development would comply with Warwick District Local Plan Policy BE3.

Parking

The development proposes the creation of one additional bedroom within the extension area, increasing the total for the household to four.

The Warwick District Parking Standards SPD outlines that any property with four or more beds should include provision for three spaces, an increase of one over what is currently required at the property. In addition, while not typically considered to constitute parking provision, the garage space which forms a part of the existing single storey extension would be lost through internal reconfiguration. While Officers assess that the remaining driveway could comfortably accommodate at least two vehicles and potentially three, some on-street parking requirement may be generated by the proposal. I am satisfied following a site visit that the adjacent Palmer Road retains an appropriate capacity for on-street parking and it is therefore considered that the proposed arrangement is acceptable.

The proposal is therefore considered to be in accordance with Local Plan policy TR3.

Ecology

The Ecologist at Warwickshire County Council has recommended that photos are submitted to determine the necessity of a pre-determinative bat survey. Upon visiting the site, the existing building roof was determined to be in good condition with no notable access points for bats noted. In addition, it is noted that the application site is located within an urban area, surrounded by other dwellings. Given these considerations, and with mind to the fact that notable revisions to the roof of the property could be completed without requirement of planning consent under Permitted Development, I do not view that requiring submission of a bat survey would be reasonable in this instance. Officers therefore conclude that an advisory note in relation to the applicant's responsibility with regard to protection of the noted species is proportionate and appropriate in this instance, were consent to be granted. Similarly, recommended advisory notes in relation to nesting birds and hedgehogs would be attached to any grant of consent.

The proposal is therefore considered to be in accordance with Local Plan policy NE2.

SUMMARY/CONCLUSION

It is considered that the proposed first floor side extension forms an incongruous structure within the street scene that does not harmonise with the built form of its surroundings, and harmfully reduces the open nature of the corner plot location. It is therefore recommended that planning consent is refused in this instance.

REFUSAL REASONS

- 1 Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. The Whitnash Neighbourhood Plan includes similar provisions. Paragraph 130 of the NPPF also states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. The Council has also adopted The Residential Design Guide as a Supplementary Planning Document.

In the opinion of the Local Planning Authority the proposed first floor side extension constitutes an incongruous feature in the street scene. As a result of both its scale, bulk, mass and siting within a prominent corner plot, the proposal would not be a subservient addition and would harmfully reduce the openness of this corner plot and compromise the building line along Palmer Road, thereby constituting bad design and harming the character and appearance of the streetscene. The proposal would fail to reinforce the established character of the area, or respect surrounding buildings in terms of scale, height, form, and massing.

The development is thereby considered to be contrary to the aforementioned policies.
