

Planning Committee

Minutes of the meeting held on Tuesday 10 January 2023 at the Town Hall, Royal Leamington Spa at 6.00pm.

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

Also Present: Principal Committee Services Officer – Rob Edwards; Legal Advisor – Sue Mullins; Principal Planning Officer – Dan Charles; Principal Planning Officer – Helena Obremski (remote); and WCC Highways – Dave Pilcher (remote).

120. **Apologies and Substitutes**

- a) Apologies for absence were received from Councillors Ashford and Noone; and
- b) There were no substitutes.

121. **Declarations of Interest**

There were no declarations of interest made.

122. **Site Visits**

Councillor R Dickson made an independent site visit to W/22/1038 - Land at Rosswood Farm, Coventry Road, Baginton.

123. **W/22/1546 – 16 Cross Street, Royal Leamington Spa**

The Committee considered an application from GSK Developments for the demolition of the existing building and the erection an apartment building comprising eight units.

The application had been referred to the Planning Committee because of the number of objections and an objection from the Town Council having been received.

The officer was of the opinion that the previous application for eight flats (W/22/0125) was refused only on the grounds that it did not provide satisfactory living conditions for the future occupants of the properties. There had been much negotiation between the applicant and Environmental Health Officer to ensure that the development would now ensure a satisfactory living environment for future residents. The development was considered to preserve the setting of the Conservation Area, would have an acceptable impact on residential amenity, ecology and would provide suitable parking arrangements. On this basis, it was considered that the previous reason for refusal had been overcome, and therefore the application was recommended for approval.

PLANNING COMMITTEE MINUTES (Continued)

The following people addressed the Committee:

- Councillor McAllister, Royal Leamington Spa Town Council, speaking in objection;
- Miss Kelly, speaking in objection;
- Miss Owen, speaking in objection; and
- Mr Kedgley, the applicant, speaking in support.

(At 6.30pm, the Chairman adjourned the meeting until the next day due to one of the participants being unwell).

Resumption of the adjourned Planning Committee meeting held on Wednesday 11 January 2023 at the Town Hall, Royal Leamington Spa at 6.00pm.

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

Also Present: Civic & Committee Services Manager – Patricia Tuckwell; Legal Advisor – Ross Chambers; Business Manager – Rob Young, Principal Planning Officer – Helena Obremski (remote), and Dave Pilcher (Highways Department Warwickshire County Council).

124. Apologies and Substitutes

- a) Apologies for absence were received from Councillors Ashford and Noone; and
- b) There were no substitutes.

125. Declarations of Interest

There were no declarations of interest made.

126. W/22/1546 – 16 Cross Street, Royal Leamington Spa

The Chairman advised those present that the consideration of this item had started the day before. On 10 January 2023, the planning officer's presentation had been given and the public speakers addressed the Committee, and for that reason, they would not be heard again.

An addendum circulated prior to the meeting advised of three additional objections received in response to the consultation, including one from Councillor Cullinan. Additional comments were also received from the Environmental Health Officer in response to Councillor Cullinan's submission.

The addendum also provided a list of the questions raised by Members of the Committee ahead of the meeting, alongside their answers.

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

The Committee therefore

PLANNING COMMITTEE MINUTES (Continued)

Resolved that W/22/1546 be **granted** subject to:

- (a) an amendment to Condition 9 to ensure 11 cycle parking bays are provided;
- (b) if considered necessary by the Environmental Health Officer (EHO), an additional condition will be added limiting the external noise output from the mechanical ventilation system. The EHO will report back to the Chair of Planning Committee and Head of Place, Arts and Economy on the necessity of such a condition, as well as on the efficiency capacity of the mechanical ventilation system. Following the report from Environmental Health, authority be delegated to the Head of Development Services to add the necessary conditions to ensure compliance with Policy BE3; and
- (c) the following conditions:

| No. | Condition |
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| (1) | the development hereby permitted shall begin no later than three years from the date of this permission. |
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Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);

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| (2) | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 3215-s3-500 (section) submitted on 14th October 2022, 3215-s3-200-h (elevations) and 3215-s3-100-k (floor plans) submitted on 12th December 2022 and 3215-s3-300-k (site plan) submitted on 13th December 2022 and specification contained therein. |
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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;

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| (3) | notwithstanding details contained within the approved documents, prior to commencement of development, a Sustainability Statement including an energy hierarchy scheme and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The |
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PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

document shall include;

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

No dwelling shall be first 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 (2019);

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

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.

Reason: To 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) no development shall be carried out above slab level unless and until a surface water outfall assessment, following the Drainage Hierarchy (National Planning Practice Guidance, paragraph 80) to determine if there are viable alternatives to existing connections to the combined sewer network has 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 satisfy the requirements of Policy RLS1 of the Royal Leamington Spa Neighbourhood Development Plan 2020 – 2029;

- (6) 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

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

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;

- (7) 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;

- (8) 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;

- (9) the development hereby permitted shall not be occupied unless and until the secure cycle parking and manoeuvring area indicated on the approved drawings has been provided and thereafter those areas shall be kept available for such use at all times.

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

Reason: To promote sustainable transport patterns in accordance with policy TR1 of the Warwick District Local Plan 2011-2029;

- (10) 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. Refuse and recycling storage containers must be stored within the refuse and recycling storage area shown on the approved plans, unless when being presented on street for collection facilities.

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;

- (11) the development hereby permitted shall not be occupied unless and until the approved noise mitigation and thermal comfort measures have been implemented in full accordance with the approved details contained within the following documents: 16 Cross Street, Leamington Noise Assessment by Inacoustic, dated 13th October 2022; letter dated 15th November 2022 from Neil Morgan, Inacoustic titled "RE: 16 Cross Street, Leamington Spa - Planning Stage Noise Impact Assessment. Supplementary Information."; and drawing 3215-900 (sun path analysis). These measures shall be retained in accordance with the approved details in perpetuity.

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

- (12) 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

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

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; and

- (13) prior to the occupation of the development hereby permitted, all side facing windows in the east and west elevations 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 properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.

127. W/22/1666 – Land Adjacent to Kingswood Farm, Old Warwick Road, Lapworth

The Committee considered an application from Mr & Mrs Guest for the erection of detached dwelling and garage, together with associated parking and landscaping (re-submission of W/20/0388).

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

The officer was of the opinion that the minor changes proposed were considered to be in keeping with the character and appearance of the surrounding Conservation Area. The amenity for both existing and proposed occupiers of surrounding neighbouring properties and the new dwelling was acceptable having regard to the standards set out in the SPD. There would be no harm to highway safety, having regard to the safety of both vehicles and pedestrians, and there was no objection from the Highway Authority.

The proposals were in accordance with the policies mentioned in the report, and it was therefore recommended for approval.

PLANNING COMMITTEE MINUTES (Continued)

The following people addressed the Committee:

- Mrs Hobday, speaking in objection;
- Mr Bassi, speaking in objection; and
- Miss Sheridan, statement of support read by the Civic & Committee Services Manager on her behalf.

An addendum circulated prior to the meeting advised of an additional consultation response from WCC Ecology who raised no objection to the proposed scheme, subject to two pre-commencement conditions and notes detailed in the addendum. The addendum also advised of additional comments received from a neighbouring property.

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

The Committee therefore

Resolved that W/22/1666 be **granted** subject to the following conditions:

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| (1) | the development hereby permitted shall begin no later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); |
| (2) | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan 3783-01G and approved drawing(s) 3783-11 T, 3783-21 S, 3783-25 L, 3783-26 M and 3783-30 L submitted on 20th October 2022 and 3783-20 Y submitted on 16th December 2022 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 (including any works of demolition) shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and |

PLANNING COMMITTEE MINUTES (Continued)

| No. | Condition |
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| | materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. 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;

- (4) prior to the commencement of the development hereby approved (including all preparatory work), a detailed Tree Protection Plan and a comprehensive Arboricultural Method Statement, together referred to as the scheme of protection, that will detail how the retained trees are to be protected from harm during the development shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved scheme of protection.

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;

- (5) no development above slab level shall take place unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full

PLANNING COMMITTEE MINUTES (Continued)

| No. | Condition |
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| | details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. |

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;

- (6) the 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).

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

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;

- (7) no part of the development hereby permitted, including site clearance works, shall commence until a Construction Environmental Management Plan 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, trees and hedgerows and the adjacent canal that are to be employed whilst works are taking place on site. The agreed Construction Environmental Management 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 2011-2029;

- (8) 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;

- (9) 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

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

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;

- (10) 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. Refuse and recycling storage containers must be stored within the refuse and recycling storage area shown on the approved plans, unless when being presented on street for collection facilities.

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;

- (11) 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

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | 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; |
| (12) | 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 amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029; |
| (13) | the pedestrian access for the development hereby permitted as shown on proposed site plan 3783-20 Y shall be retained as a pedestrian access only in perpetuity and shall not, at any time, be used by vehicular traffic. Reason: In the interest of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; |
| (14) | no development shall commence until an ecological mitigation and enhancement scheme for the development has been submitted and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details of the following: reasonable avoidance measures during works with regard to nesting birds, amphibians and badgers, timing of works and full details of proposed biodiversity enhancement features as identified within the submitted EcIA carried out by FPCR dated December 2022. This must include long term management for all habitat enhancement measures, and location, installation timescale, and type for other features proposed to increase biodiversity, such as the proposed bird boxes. The works and ecological enhancement shall thereafter be carried out in accordance with the approved details and maintained in perpetuity. Reason: In accordance with NPPF, ODPM Circular 06/2005; |

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

- (15) 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 long term 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 or hedgehog features). Such approved measures shall thereafter be implemented in full.

Reason: To ensure a net biodiversity gain in accordance with NPPF; and

Notes from WCC Ecology

Lighting can significantly affect the behaviour of some animals such as bats and other nocturnal mammals, moths and birds, even to the extent of jeopardising their survival or reducing their breeding success. We recommend that where lighting is to be installed or updated, lights should be low pressure sodium with a full cut-off lantern in order to minimise the spread of the light. We also recommend that the lights are put on a timer so that they can be switched off as soon as possible in the evening. We recommend that floodlighting is avoided wherever possible, particularly in rural areas. Lighting should be directed away from vegetated areas, lighting should be shielded to avoid spillage onto vegetated areas and connections to areas important for foraging should contain unlit stretches.

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the 1981 Wildlife and Countryside Act and the Habitat Regulations 1994 (as amended 2007), making them a European Protected Species. It is a criminal offence to recklessly disturb or

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

destroy a known or suspected bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a license may be necessary to carry out any works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0845 601 4523. If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 01453 764450 for advice on the best way to proceed.

Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. The main nesting season, lasts approximately from March to September, so work should ideally take place outside these dates if at all possible. NB. Birds can nest at any time, and the site should ideally be checked for their presence immediately before work starts, especially if during the breeding season.

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

The Committee considered an application from Mr A Audhali for a hybrid planning application for the erection of two replacement poultry houses for poultry rearing (pullets) and the repositioning of existing access, and an outline planning application for the erection of a farm manager's dwelling.

The application had been referred to the Planning Committee because of the number of objections received, including one from Norton Lindsey Parish Council.

The officer was of the opinion that the proposed development was considered to be acceptable in principle insofar as the poultry buildings were acceptable in overall terms and the provision of a new worker's dwelling had been justified under Policy H12 of the Local Plan.

The provision of agricultural buildings was considered appropriate development within the Green Belt. Whilst a new dwelling in this location was considered inappropriate development within the Green Belt, very special circumstances were considered to have been demonstrated in that there was a functional need for a worker's dwelling to be provided on the site.

In terms of the access, officers in consultation with Warwickshire County Highways considered the impact on the Highway Network and were not satisfied that safe access could be provided to the site in terms of vehicles serving the site being able to enter and exit in a forward gear. The proposal

PLANNING COMMITTEE MINUTES (Continued)

was considered to be detrimental to highway safety and the proposal was therefore recommended for refusal on this basis.

The following people addressed the Committee:

- Councillor Stobart, Norton Lindsey Parish Council, statement of objection read out by the Civic & Committee Services Manager on his behalf; and
- Councillor Matecki, District Councillor, speaking in objection.

An addendum circulated prior to the meeting advised that an updated Transport addendum had been received on 9 January 2023 from the applicant seeking to address the outstanding matters relating to Highways.

Whilst the Highways Authority had not had the opportunity to fully review the information provided, they had indicated that their earlier objection contained the following: *In order therefore to fully assess the proposal, the Highway Authority will require confirmation from the feed suppliers of their vehicle and also details of the bird collection company in order to establish exactly which vehicles will need to access the site. Once this has been conformed, further swept path analysis of these vehicles will need to be provided.*

Although the addendum contained a table of vehicles, this still had no confirmation from the companies involved, so Highways could not be sure that those were the actual vehicles and not a supposition on the part of the applicant. The Swept path provided was still only for the one vehicle and not for all vehicles as requested.

From this preliminary review, it appeared that insufficient information had been provided to allow the objection from Highways to be lifted.

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

Resolved that W/19/1133 be **refused** because Policy TR1 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will only be permitted that provides safe, suitable, and attractive access routes. Some of the ways through which the policy expects this to be achieved is for development proposals to demonstrate that they are not detrimental to highway safety.

In the opinion of the Local Planning Authority the development proposed fails to demonstrate that vehicles serving the site cannot adequately enter, manoeuvre and exit the site in a forward gear. Due to the nature of the vehicles to be servicing the site, the proposal is considered to inadequately demonstrate that safe and appropriate access can be provided.

PLANNING COMMITTEE MINUTES (Continued)

In the absence of information satisfactorily demonstrating safe and appropriate access can be facilitated the development is considered to be contrary to the aforementioned policy.

129. W/22/1038– Land at Rosswood Farm, Coventry Road, Baginton

The Committee considered an outline planning application from Seven Capital plc, with all matters reserved save for access, for the demolition of the existing bungalow and agricultural units, and the erection of up to 63 residential dwellings (Use Class C3), with public open space, parking, and associated works.

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

The officer emphasised that the application was submitted in outline, with all matters reserved apart from access. WCC Highways confirmed that the proposed access to the site and associated transport movements had an acceptable impact on highway safety. Notwithstanding this, the applicant had provided an updated indicative layout which demonstrated that the development would have an acceptable impact in terms of landscape character, design and amenity. Furthermore, the indicative layout demonstrated that adequate parking could be provided which met the Council's standards. All other matters could be suitably controlled by condition or would be determined at the reserved matters stage. It was noted that there would be an over provision in the number of units in comparison to the guide set out within the Local Plan. However, as the proposal had demonstrated that the site could accommodate the number of dwellings without a detrimental impact on the wider area, these additional units were considered as a material benefit. The application was therefore recommended for approval.

The following people addressed the Committee:

- Councillor Keightley, Baginton Parish Council speaking in objection; and
- Mr Gill, the applicant, speaking in support.

An addendum circulated prior to the meeting advised of a minor error on page 2 of the officer's report - the gigafactory application approved on the site to the east (Coventry Airport) was W/**21**/1370, not W/20/1370.

The addendum also advised that following amendments to the drainage basin as detailed in the report, the LLFA were consulted and submitted updated comments of an objection, due to insufficient information to demonstrate that there was a viable surface water outfall. The applicant had confirmed that in the first instance, surface water would be discharged to a watercourse (which was the preference of Severn Trent Water) – this was shown on the proposed drainage strategy, and the LLFA accepted this solution in principle. However, the developer required third party agreement to link to the watercourse as it was located within the site to the north, which they did not have at present. An alternative option would be to discharge the surface water to an existing combined sewer network

PLANNING COMMITTEE MINUTES (Continued)

owned by Severn Trent Water to the west of the site. However, Severn Trent Water would only consider this once all other options (i.e. linking to an existing watercourse) had been explored and discounted. Therefore, at that time, there was no confirmed viable surface water outfall solution, and the LLFA maintained their objection.

However, the LLFA had confirmed that infiltration on site could still resolve the surface water drainage concerns, and there were also the aforementioned solutions which were also likely to resolve matters. The LLFA stated that they recognised that there were several options for the developer to explore in regards to an outfall, and that it was just a matter of exploring them to ensure the proposals utilised a viable outfall and provided sufficient information in support of this. On this basis, the application was still recommended for approval, subject to the conditions listed in the report, a Section 106 Agreement to secure the necessary financial contributions/obligations, and subject to the developer being able to demonstrate an acceptable surface water drainage scheme. If a suitable outfall could not be agreed, then authority would be delegated to officers to refuse planning permission on the basis of a conflict with Local Plan Policy FW2 (sustainable drainage) and paragraph 167 of the NPPF. The other recommendations contained within the report regarding officer recommendations remained the same.

(At 19:38, the meeting was adjourned for 13 minutes for a comfort break.)

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

Resolved that W/22/1038 be **granted** subject to

- a) a Section 106 Agreement to secure the necessary financial contributions/obligations in relation to health services, sports facilities, education services, libraries, sustainable travel packs, provision of public open space, public rights of way, road safety initiatives, biodiversity offsetting, private amenity space offsetting and affordable housing. Authority be delegated to the Head of Place, Arts and Economy to finalise the terms of the Section 106 agreement including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test. Should a satisfactory Section 106 Agreement not have been completed by 7 February 2023, 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;
 - b) the developer being able to demonstrate an acceptable surface water drainage scheme. If a
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PLANNING COMMITTEE MINUTES (Continued)

suitable outfall cannot be agreed, then authority be delegated to the Head of Place, Arts and Economy refuse planning permission on the basis of a conflict with Local Plan Policy FW2 (sustainable drainage) and paragraph 167 of the NPPF;

- c) authority be delegated to the Head of Place, Arts and Economy to agree such conditions as deemed necessary to provide an acceptable surface water drainage scheme for the site;
- d) an additional condition requiring the applicant to demonstrate safe cycle access to the site and connectivity to the closest cycle routes, and a plan showing cycling routes through the site, which will inform any reserved matters application when it is brought forwards;
- e) an amendment to condition 9 to require that the development is in accordance with any relevant adopted sustainability supplementary guidance;
- f) a note referring the applicant to the Council's emerging Net Zero Carbon DPD in discharging the requirements of condition 9 as a relevant consideration; and
- g) the following conditions:

| No. | Condition |
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| (1) | details of the following reserved matters for the development shall be submitted to and approved in writing by the local planning authority before any part of that phase of the development is commenced: the layout of the phase and its relationship with existing adjoining development; the scale of the buildings; the appearance of the buildings; and the landscaping of the site. |
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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);

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| (2) | application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. |
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PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);

- (3) the development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);

- (4) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan PL001 and specification contained therein, submitted on 20th June 2022.

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

- (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 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 construction phasing plan; and a HGV routing plan. 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'.

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | <p>The development hereby permitted shall only proceed in strict accordance with the approved CMP.</p> <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;</p> |
| (6) | <p>prior to the commencement of the development hereby approved (including all preparatory work), an Arboricultural Method Statement, including a tree protection plan, for the protection from harm during the development of all the trees identified for retention shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved Arboricultural Method Statement.</p> <p>Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;</p> |
| (7) | <p>the development hereby permitted, including site clearance work, shall not commence until a Construction 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 badger, bats, breeding birds and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction Environmental Management Plan shall thereafter be implemented in full.</p> <p>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;</p> |
| (8) | <p>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</p> |

No.

Condition

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 and hedgehog houses). Such approved measures shall thereafter be implemented in full.

Reason: To ensure a net biodiversity gain in accordance with NPPF;

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

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

No dwelling/ building shall be first occupied until the works within the approved scheme relating to that dwelling/building 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 (2019);

- (10) 1. With the exception of demolition, no development shall take place until: -
- a) A supplementary site investigation has been undertaken in accordance with the recommendations of the approved geo-environmental assessment report. The investigation must be comprehensive enough to enable:
 - A risk assessment to be undertaken relating to human health.
 - A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected.
 - An appropriate gas risk assessment to be undertaken.
 - Refinement of the conceptual model.
 - The development of a method statement detailing the remediation requirements.
 - b) 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.

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

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

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

3. 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;

- (11) the development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the

| No. | Condition |
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| | 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;

- (12) prior to the occupation of the dwellings hereby permitted, one 3.7kW (minimum) electric vehicle recharging point per dwelling with a dedicated parking space and one per 10 unallocated residential spaces shall be installed. Prior to installation, the following details shall be submitted to and approved in writing by the Local Planning Authority (LPA):
- (1). Plan(s)/ drawing(s) showing the location of the electric vehicle recharging points; and
 - (2). A technical data sheet for the electric vehicle recharging point infrastructure confirming the charging speed in kWh.
- Thereafter the electric vehicle recharging points shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded).

Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document;

- (13) 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.

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | Reason: In the interests of Public Safety from fire and the protection of Emergency Fire Fighters; |
| (14) | <p>prior to occupation of any part of the approved development, a verification report demonstrating completion of the works set out in an approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.</p> <p>Reason: To ensure the protection of Controlled Waters (notably the underlying Secondary A and Principal aquifers) and to confirm any remedial works where required are completed to a satisfactory standard;</p> |
| (15) | <p>as part of a future reserved matters application pertaining to scale and/or layout, a supplementary noise assessment and scheme of mitigation including detailed arrangements to protect residents of the development from excessive road traffic and excessive aircraft noise entering habitable rooms, and shielding garden areas from excessive road traffic noise, shall be submitted to and approved in writing by the local planning authority. Once approved the scheme shall be implemented in accordance with the approved details and shall be retained thereafter.</p> <p>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;</p> |
| (16) | <p>the development shall not be occupied until the vehicular access into the application site have been provided, as shown indicatively on Drawing Number PL003 Rev J and constructed to the standard specification of the Local Highway Authority.</p> <p>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> |

PLANNING COMMITTEE MINUTES (Continued)

| No. | Condition |
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| (17) | the mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the "Warwick District Council Provision of a Mix of Housing" SPG. |
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Reason: To ensure that the housing meets the needs of the District as required by Local Plan Policy DS7 and the NPPF;

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| (18) | the construction of the estate roads serving the development including footways, verges and footpaths shall not be other than in accordance with the standard specification of the Highway Authority. |
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Reason: To ensure that a footways, verges and footpaths are constructed to a satisfactory standard when the development is completed thereby 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;

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| (19) | no dwelling shall be occupied until the estate roads (including footways) serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority. |
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Reason: To ensure that a estate roads are constructed to a satisfactory standard when the development is completed thereby 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;

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| (20) | 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 |
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PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

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;

- (21) no lighting or illumination of any part of any building 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. In discharging this condition the District Planning Authority expects lighting to be restricted around the boundary edges/hedgerows 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.

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 and Policy NE2 of the Warwick District Local Plan 2011-2029; and

- (22) 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

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

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.

130. Appeals Report

The appeals report had not been published and therefore was not considered at the meeting.

(The meeting ended at 8.31pm)

CHAIRMAN
25 April 2023