

Planning Committee

Minutes of the remote meeting held on Wednesday 4 November 2020 at 6.00pm, which was broadcast live via the Council's YouTube Channel.

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

Also Present: Committee Services Officer – Mr Edwards; Civic and Committee Services Manager – Patricia Tuckwell (observing only); Legal Advisor – Max Howarth; Development Services Manager – Mr Fisher; Principal Planning Officer – Lucy Hammond; and Planning Officer – Andrew Tew.

- At the Chairman's request, the Development Services Manager explained that Item 6 – W/20/0999 – Land on the South Side of Hob Lane, Hob Lane, Kenilworth had been removed from the agenda because the application was withdrawn by the applicant.

75. **Apologies and Substitutes**

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

76. **Declarations of Interest**

There were no declarations of interest.

77. **Site Visits**

There were no site visits made.

78. **Minutes**

The minutes of the meetings held on 6 October and 7 October were taken as read and signed by the Chairman as a correct record.

79. **W/20/0878 – Lower Heathcote, Local Centre, Vickers Way, Harbury Lane, Warwick**

The Committee considered an application from LSP Developments Limited & Gallagher Estates Limited for the construction of a mixed-use local centre, including retail, office, nursery and care uses, supported by public space, landscaping and parking; the construction of two new vehicular and pedestrian accesses from Vickers Way; and earthworks ground raising and other ancillary works.

The application was presented to Committee because of the number of objections received, including one from Bishops Tachbrook Parish Council.

In the officer's opinion, the principle of the development was considered acceptable, having regard to the provisions of policies DS11, TC2, H1, H5, HS1, EC1. Moreover, the site proposed the delivery of a local centre and

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other facilities that would benefit the local community, which was something that was identified as forming part of the housing allocation HO2 'Land south of Harbury Lane'. The officer considered that the delivery of this proposal was therefore in accordance with this policy requirement and would deliver the local centre and other infrastructure requirements, including community uses the policy identified at the time.

The design and layout of the development enabled social interaction and engagement between all uses, in particular the care home, office and retail uses, promoting active frontages and a community cohesion that residents of the care home would not otherwise benefit from if the care home was proposed in a more isolated location. The design and materials proposed for each of the buildings was considered appropriate in the context of the site and wider surroundings, and reflected the character of the existing residential development around it.

The new development would not impact adversely on the existing dwellings, and any potential impacts by reason of noise or odours could be adequately mitigated by condition. Future occupiers of the buildings were suitably provided for, with good standards of amenity through adequate outdoor spaces. With regard to any potential impacts arising from noise, there were suitably worded conditions recommended by the Environmental Health Officer to safeguard against adverse impacts in the future which either restricted opening hours, deliveries or noise levels and/or required further information in the form of a Management Plan that could be monitored over an ongoing period of time.

There would be no detriment to highway safety as a result of the proposals, and the development proposed a level of parking which was in accordance with the Council's adopted standards. Cycle parking was proposed across the development and electric vehicle charging points were shown within the office development, but details could be secured by condition for the other elements of the development.

There were no objections to the development from the County Council Ecologist, subject to a number of conditions requiring further details. Similarly, in terms of landscaping, there was no objection to the loss of the identified six trees near to the eastern boundary to facilitate the development, since these would be replaced with new trees along the eastern boundary of the site, enhancing the green corridor that ran north to south from Harbury Lane to Vickers Way.

The development proposed some open space provision within and around the site, and the Open Space Officer raised no objection, confirming the site was already well served by public open space and in this case in particular, this and the surrounding development had the benefit of the Tachbrook Country Park, which was a total of 56 hectares, within a short walking distance.

The proposed measures to deal with surface water and foul water drainage were considered acceptable and there were no objections from the relevant statutory consultees in this regard.

Overall, the proposal represented a wholly sustainable form of development that would benefit the wider community, and which responded to an

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infrastructure need that was identified in Policy DS11 for this housing allocation, of which the application site formed a part. For all these reasons, it was recommended that the Planning Committee should grant planning permission, subject to the conditions listed in the report.

An addendum circulated prior to the meeting advised of an update to the recommendation, to read:

'That Members are recommended to grant planning permission subject to the conditions in the report and updates below. Members are also requested to delegate authority to the Head of Development Services in consultation with the Chair of Planning Committee to amend the wording of conditions 4 and 28 subject to confirmation of no objections being received from the County Highway Authority and Environmental Health'.

The addendum also advised Members of updates to the following conditions:

- An update to condition 2 (enabling works as identified on approved drawing): Drawing no. 8437-216 'Local Centre Plot Identification Plan' received 26 October 2020. This indicated the plot numbers as referred to in condition 2 for the purposes of identifying the agreed enabling works which could be undertaken in advance of some pre-commencement conditions being submitted for approval.
- An update to condition 4 (Construction Management Plan – CMP): Following receipt of a CMP in relation specifically to the enabling works that had been agreed, the CMP was currently being considered by the County Highway Authority and the Environmental Health Officer. Subject to no objections being received, condition 4 would be split into two separate conditions: one which still required a full CMP to be submitted for approval in respect of the rest of the development and one as a compliance condition that reflected the content of the CMP already submitted and approved in relation to the enabling works.
- An update to condition 7 (Construction & Environmental Management Plan - CEMP): Following receipt of mini CEMP in relation specifically to enabling works that had the potential to impact ecology (site clearance including vegetation, hedge/tree removal, earthworks and ground raising), the County Ecologist was consulted on the CEMP and was satisfied with the content such that this condition could now be re-worded to become a compliance condition. Condition 7 would therefore be split into two separate conditions: one requiring the full CEMP for the remaining development (pre-commencement condition) and one as a compliance condition that reflected the content of the mini CEMP already submitted and approved in relation to the enabling works.
- An amendment to condition 28 (hours of HGV movements during construction): *Original wording:* "No HGV movements during the construction phase will take place on Mondays to Fridays during the hours of 07:00 – 09:30 and 15:00 – 17:00, to ensure that HGV traffic is limited to protect local school children in the proximity of the development site. *Proposed amendment:* "HGV movements during the construction phase will only be allowed to take place on Mondays to Fridays between 07:30 – 08:30 and from 09:00 through

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to 15:00 to ensure that HGV traffic is limited to protect local school children in the proximity of the development site.” The acceptability of this amendment was subject to the agreement of the County Highway Authority.

In answer to a question, Members were advised that a note could be issued to the applicant expressing the Committee’s desire for the applicant to seek BREEAM ‘Excellent’ status. In addition, a supplementary condition could be imposed requiring the applicant to submit details of cycling linkages into the site.

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

The Committee therefore

Resolved that W/20/0878 be **granted**, subject to the conditions listed below and an additional condition requiring the applicant to submit details of cycling linkages into the site, and a note expressing the Committee’s desire for the applicant to seek BREEAM ‘Excellent’ status.

Members also **resolved** that

- (a) delegated authority be given to the Head of Development Services, in consultation with the Chair of Planning Committee to amend the wording of conditions 4 and 28, subject to confirmation of no objections being received from the County Highway Authority and Environmental Health;
- (b) condition 2 below be amended: Drawing no. 8437-216 ‘Local Centre Plot Identification Plan’ received 26th October 2020. This indicates the plot numbers as referred to in condition 2 for the purposes of identifying the agreed enabling works which can be undertaken in advance of some pre-commencement conditions being submitted for approval;
- (c) following receipt of a CMP in relation specifically to the enabling works that have been agreed, the CMP is currently being considered by the County Highway Authority and the Environmental Health Officer. Subject to no objections being received, condition 4 be split into 2 separate conditions: one which still requires a full CMP to be submitted for approval in respect of the rest of the development and one as a compliance condition that reflects the

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content of the CMP already submitted and approved in relation to the enabling works;

- (d) following receipt of mini CEMP in relation specifically to enabling works that have the potential to impact ecology (site clearance including vegetation, hedge/tree removal, earthworks and ground raising), the County Ecologist has been consulted on the CEMP and is satisfied with the content such that this condition can now be re-worded to become a compliance condition. Condition 7, as set out below, be therefore split into 2 separate conditions; one requiring the full CEMP for the remaining development (pre-commencement condition) and one as a compliance condition that reflects the content of the mini CEMP already submitted and approved in relation to the enabling works; and
- (e) condition 28 be amended to read: HGV movements during the construction phase will only be allowed to take place on Mondays to Fridays between 07:30 – 08:30 and from 09:00 through to 15:00 to ensure that HGV traffic is limited to protect local school children in the proximity of the development site. The acceptability of this amendment is subject to the agreement of the County Highway Authority.

No.

Condition

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby permitted, except that associated with the enabling works set out within condition 2, shall commence until all respective pre-commencement conditions (conditions 4, 5, 6 and 7) have been discharged by the Local Planning Authority.

The enabling works shall include; site clearance to Plots 1A, 1B and 3 which, for the avoidance of doubt, are illustrated on Drg. No. 8437-200 Rev.A., including vegetation/hedge and tree removal as required; earthworks and ground raising; formation of accesses within the spine road (Vickers Way); construction of foul water

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No.	Condition
	drainage spur to the nursery within the spine road (Vickers Way); laying of services and diversions within the spine road (Vickers Way); and, access works from Cox Gardens into Plot 1B.
	Reason: To ensure that development associated with an agreed list of enabling infrastructure and site preparation works can proceed in a timely fashion;
(3)	<p>the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and the following approved drawings:</p> <p>PL_02 Rev.A, PL_03, PL_04 Rev.C, PL_05, 701 Rev.P2, 700 Rev.P3 and BM11980-002 Rev.B and specification contained therein, submitted on 15 June 2020;</p> <p>approved drawing BM11980-004A and specification contained therein, submitted on 21 September 2020;</p> <p>approved drawings 2755-HIA-02-XX-DR-A-0100 Rev.P2, 2755-HIA-02-XX-DR-A-0104 Rev.P2, 2755-HIA-02-XX-DR-A-0101 Rev.P2, 2755-HIA-02-XX-DR-A-0103 Rev.P3, 2755-HIA-02-XX-DR-A-0102 Rev.P2, 20175 500 Rev.P4 and 20175 FRADS P3 and specification contained therein, submitted on 25 September 2020;</p> <p>approved drawing BM11980-001 Rev.F and specification contained therein, submitted on 30 September 2020;</p> <p>approved drawing 2755-HIA-03-XX-DR-A-0221 Rev.P2 and specification contained therein, submitted on 7 October 2020;</p> <p>approved drawings 8437-200 Rev.A, 710 Rev.P3 and 711 Rev.P3 and specification contained therein, submitted on 12 October 2020;</p> <p>approved drawings 2755-HIA-00-00-DR-A-01001 P4, 2755-HIA-01-XX-DR-A-0301 Rev.P1, 2755-HIA-01-XX-DR-A-0302 Rev.P1, 2755-HIA-ZZ-XX-DR-A-0200 Rev.P1, 2755-HIA-ZZ-XX-DR-A-0201 Rev.P1, 2755-HIA-ZZ-XX-DR-A-0202 Rev.P1, 2755-HIA-02-XX-DR-</p>

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| | A-0211 Rev.P1 and 2755-HIA-02-XX-DR-A-0212 Rev.P1 and specification contained therein, submitted on 23 October 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; |
| (4) | <p>no plot of the development hereby permitted shall commence unless and until a Construction Management Plan (CMP) for that plot 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; details of all temporary contractors buildings; 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 (Construction Management Plan or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. Reason: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;</p> |
| (5) | <p>no plot of the development hereby permitted (other than the agreed enabling infrastructure and site preparation works, set out in condition 2) shall take place until a hard and soft landscaping scheme for that plot has been submitted to and approved in</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | writing by the Local Planning Authority. Details of hard landscaping works shall include boundary treatment, including full details of any proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. 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) | no plot of the development hereby permitted (other than the agreed enabling infrastructure and site preparation works, set out in condition 2) shall take place until a detailed Landscape and Ecological Management Plan for that plot has been submitted to and approved in writing by the Local Planning Authority. The LEMP needs to be compliant with the British Standard on Biodiversity BS 42020:2013 published in August 2013. 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 water bodies, native species planting, wildflower grasslands; woodland creation/enhancement, provision of habitat for protected species. Such approved |

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- | No. | Condition |
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| | measures shall thereafter be implemented in full. Reason: To ensure a net biodiversity gain in accordance with Policy NE3 of the Warwick District Local Plan 2011-2029 and the NPPF; |
| (7) | <p>no development in pursuance of the agreed enabling infrastructure and site preparation works listed below shall take place until a Construction and Environmental Management Plan/Report specifically in relation to those enabling works has been submitted to and approved in writing by the Local Planning Authority:</p> <ul style="list-style-type: none">• Site clearance to Plots 1 and 3, including vegetation/hedge and tree removal as required.• Earthworks and ground raising. <p>Thereafter, no additional development hereby permitted shall take place until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The CEMP needs to be compliant with the British Standard on Biodiversity BS 42020:2013 published in August 2013. In discharging this condition, the LPA expect to see details concerning pre-commencement checks and monitoring for protected and notable species, and habitats as deemed appropriate. In addition, appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. Reason: To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policy NE2 of the Warwick District Local Plan 2011-2029;</p> |
| (8) | <p>no works above slab level in pursuance of the Nursery phase of the development hereby permitted shall be carried out unless and until details of the acoustic fencing to be erected at the Nursery along the western boundary adjoining Cox Gardens have been submitted to and approved in writing by the Local Planning Authority. The fencing shall</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | thereafter be installed in strict accordance with the approved details prior to the first occupation and maintained as such in perpetuity unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure that adjoining residents do not experience unacceptable levels of noise, in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029; |
| (9) | no plot of the development hereby permitted shall be carried out above slab level unless and until samples of the external facing materials to be used for that plot 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; |
| (10) | no external plant or equipment shall be installed or operated within the development hereby permitted, unless and until details of such plant or equipment have been first 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 an acceptable appearance for such works in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029; |
| (11) | prior to the installation of any substation within the development hereby permitted, details of the siting, external appearance and any means of enclosure 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 an acceptable appearance for such works in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029; |
| (12) | prior to the installation of any covered or other enclosed bin storage area within the offices of the development hereby permitted, details of the external appearance and any means of enclosure shall be submitted to and |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | 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 an acceptable appearance for such works in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029; |
| (13) | no lighting or illumination of any part of any building or any plot of the development hereby permitted shall be installed or operated unless and until details of such measures 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 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 plot of the development hereby permitted shall be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, for that plot 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; |
| (15) | no plot of the development hereby permitted shall be occupied or subsequently used until a detailed maintenance plan for that plot has been submitted to and approved in writing by the Local Planning Authority giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including a contact name and details shall be provided to the Local Planning Authority within the maintenance plan.
Reason: To ensure the future maintenance of the sustainable drainage structures in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029; |

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No.	Condition
(16)	no plot of the development hereby permitted shall be occupied unless and until the car parking and manoeuvring areas for that plot, 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;
(17)	no plot of the development hereby permitted shall be occupied unless and until the approved cycle parking facilities for that plot have been provided and made available for use in accordance with the details on the approved plans and 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;
(18)	no plot of the development hereby permitted shall be occupied until a scheme for that plot 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;
(19)	prior to the occupation of the offices hereby permitted, six 32amp (minimum) electric vehicle recharging points 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 points have been installed, the following verification details shall be submitted to and approved in writing by the

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No.	Condition
	<p>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;</p>
(20)	<p>no plot of the development hereby permitted shall be occupied unless and until the external refuse storage areas for that plot have been constructed or laid out, and made available for use by the users of that plot and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. Reason: To ensure the satisfactory provision of refuse 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>
(21)	<p>No restaurant/café/takeaway hereby permitted shall be occupied unless:</p> <ul style="list-style-type: none"><li data-bbox="735 1435 1417 1610">(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;<li data-bbox="735 1646 1417 1861">(b) the results of the odour assessments 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<li data-bbox="735 1897 1417 2036">(c) any necessary mitigation measures approved under (b) have been implemented in full accordance with the approved details.

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- | No. | Condition |
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| | 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 amenities of surrounding properties, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (22) | the use of the nursery hereby approved by this permission shall not commence 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 Local Planning Authority. Once approved, 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. Following its approval, the noise management plan shall be reviewed in conjunction with the Local Planning Authority every 12 months for a total period of two years following first commencement of the use. This review shall be agreed in writing by the local planning authority. Reason: To ensure that adjoining residents do not experience unacceptable levels of noise, in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029; |
| (23) | prior to the first occupation of the care home of the development hereby permitted, the noise mitigation and ventilation scheme included within the 'Noise & Vibration Assessment Report' prepared by Wardell Armstrong, dated June 2020, ref. BM11980, Report No. 006, V0.1 shall be implemented and the development shall thereafter maintain these mitigation measures in accordance with these approved details in perpetuity. Reason: To protect the amenities of occupants of the care home and ensure an appropriate standard of living environment in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (24) | each plot of the development hereby permitted shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) & Drainage Strategy and in |

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No.

Condition

particular the following mitigation measures detailed within the approved documents:

- Limit the discharge rate from the Nursery Site generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 5 l/s.
- Provide provision of surface water attenuation storage as stated within the Drainage Strategy and/or in accordance with 'Science Report SC030219 Rainfall Management for Developments'.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with in accordance with the timing and phasing arrangements embodied within the scheme.

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

- (25) the arboricultural control measures that are described and illustrated in the 'Arboricultural Impact Assessment' dated June 2020 and undertaken by Wardell Armstrong, and the tree protection measures illustrated on the Tree Protection Plan BM11980-002 Rev.B submitted on 16 September 2020 should be fully implemented in a timely fashion and properly maintained throughout the duration of the plot works. No development or other operations (including site clearance or other preparatory works) shall commence unless and until the appropriate tree protection measures have been put into place and thereafter shall remain in place for the full duration of any such construction work.

The integrity of the arboricultural control measures should be monitored by a competent arboriculturalist throughout the development to ensure their compliance with the arboricultural assessment, and the reports submitted to the local planning authority for verification. **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;

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- | No. | Condition |
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| (26) | each plot of the development hereby permitted shall not be occupied until the access to that plot has been laid out and constructed in general accordance with drawing no.2755-HIA-02-XX-DR-A-0100 Rev.P2. Reason: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; |
| (27) | the construction of the vehicular accesses serving the development including footways, cycleways and verges shall not be other than in accordance with the standard specification of the Highway Authority. Reason: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; |
| (28) | no HGV movements during the construction phase will take place on Mondays to Fridays during the hours of 07:00 – 09:30 and 15:00 – 17:00, to ensure that HGV traffic is limited to protect local school children in the proximity of the development site. Reason: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; |
| (29) | no deliveries, waste collections or other noisy external activities likely to cause nuisance to nearby residents shall take place before 08:00 hours or after 18:00 hours on Monday to Saturday or before 09:00 hours or after 16:00 hours on Sundays. Reason: To ensure that adjoining residents do not experience unacceptable levels of noise, in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029; |
| (30) | within the retail centre of the development hereby permitted (use classes E and Sui Generis 'Hot Food Takeaway') no customers shall be permitted to be on the premises other than between 07:00 and 23:00 hours on any day. Reason: To ensure that adjoining residents do not experience unacceptable levels of noise in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029; |
| (31) | noise arising from any plant or equipment (measured as LAeq,5 minutes), when |

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| | measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.
Reason: To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; and |
| (32) | 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; |
| (33) | an additional condition requiring the applicant to submit details of cycling linkages into the site; and |
| (34) | a note expressing the Committees desire for the applicant to seek BREEAM 'Excellent' status. |

80. W/20/1220 – 33 Fairlawn Close, Royal Leamington Spa

The Committee considered an application from Louniam Investments for a change of use from a dwelling house (Use Class C3) to a six-bed house in multiple occupation (Use Class C4).

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

The officer was of the opinion that the proposed change of use was acceptable in principle and would not result in material harm to residential

PLANNING COMMITTEE MINUTES (Continued)

amenity, or the character of the area. There would be no increased demand on parking as a result of the change of use, and the proposal would provide adequate living conditions for future occupiers. The proposed change of use was therefore recommended for approval.

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

The Committee therefore

Resolved that W/20/1220 be **granted**, subject to the following conditions:

- | No. | Condition |
|------------|---|
| (1) | the development hereby permitted shall begin no later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); 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) 20124-001 and specification contained therein, submitted on 5 August 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. |

81. 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 7.22 pm)

CHAIRMAN
1 December 2020