

Planning Committee: 8 November 2023

Observations received following the publication of the agenda.

Item 4 - W/22/2017 Barns on Pit Hill, Bubbenhall, CV8 3BD

The planning application has been withdrawn by the Applicant.

Item 5 - W/23/0740 4b Fieldgate Lane, Kenilworth, CV8 1BT

Description of development

Permission is sought for the proposed extension of a gravel driveway. Correction to block paving driveway.

Condition Update

Condition 2 has been amended to read;

"The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan, submitted on 30/10/2023, and approved drawings;

DR-22.705-A-200-P3 (submitted on 25/10/2023),
DR-22.705-A-201-P2 (submitted on 21/09/2023),
DR-22.705-A-202-P1 (submitted on 21/09/2023),
DR-22.705-A-203-P2 (submitted on 21/09/2023), and
DR-22.705-A-204-P1 (submitted on 21/09/2023),

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."

Item 6 - W/23/0880 - Land south of Stoneleigh Road, Stoneleigh, Warwickshire

Amended Recommendation

Following the removal of the Lead Local Flood Authority's holding objection, the officer recommendation is amended as follows:

Planning Committee are recommended to GRANT planning permission, subject to the conditions set out within the main committee report and the addendum to that report.

Flood risk and drainage

Following the submission of updated information, the Lead Local Flood Authority (LLFA) has no objection to the application subject to a condition requiring the submission and approval of a detailed surface water drainage scheme. It is therefore considered that drainage matters have been satisfactorily resolved.

The updated drainage proposals include a low bund adjacent to the stockpile mounds in the eastern part of the site to channel run-off water towards the attenuation pond.

The bund would be a maximum height of 0.5m and constructed from site-won material.

The bund would be parallel to the eastern site boundary and located on the edge of the root protection area. The Tree Officer has confirmed that the inclusion of this feature would not have any significant implications for the adjacent trees.

Ecology

WCC Ecology have provided further comments on the application in response to the additional information previously provided by the applicant. No specific concerns have been raised and conditions have been recommended to secure the proposed mitigation and compensation measures for the protected species present on the site and to secure the delivery of a biodiversity net gain.

Condition 6 provides for biodiversity net gain and condition 12 secures the proposed biodiversity mitigation measures. It is however considered necessary to amend the wording of condition 12 to explicitly reference protected species and the proposed compensation measures. Subject to these conditions (as amended), the proposal is considered acceptable in terms of ecological matters.

Archaeology

The applicant has provided an update on progress with the ongoing trial trenching on the site. A Summary Notice document dated 07/11/2023 has been submitted which confirms that as of that date 94 trenches had been excavated out of a total of 98 planned trenches. 93 of the trenches contained no archaeological features / deposits and 1 of the trenches contained the remains of a post-medieval field boundary ditch. The final 4 trenches are to be excavated between 7th-10th November.

The investigation work undertaken helps to confirm that the use of a planning condition is appropriate to address archaeological matters.

The full findings of the archaeological investigation and any necessary mitigation will need to be submitted for approval by the Local Planning Authority as part of condition no. 3.

Amendment to wording of condition 3 (Archaeology)

The trial trenching is being undertaken in accordance with an agreed written scheme of investigation which details an appropriate programme of archaeological evaluative work. An amendment to the wording of condition 3 is therefore recommended to reflect the fact that an appropriate scheme has already been agreed with Officers. This also necessitates a minor change to the wording of condition 2.

Clarification on vehicle trip generation

The report states that "the trip generation for the proposed development is to be 272 two-way HGV trips per day". For clarification, the extension itself would not add any additional HGV movements over and above that allowed for under the HS2 Act and the number of movements is controlled as part of an existing, separate consent under HS2 legislation.

The report mentions a roadhead that was originally planned to be created directly onto the A46 Kenilworth Bypass and which is no longer intended to be formed. It is important to clarify that this is entirely unrelated to the proposed compound extension

and reflects a downward trajectory in HGV movements compared with those envisaged at the time of the 2017 HS2 Act coming into force.

Wording of condition 8 (Landscape scheme for stockpiles)

The applicant has requested a minor amendment to the wording of condition 8 to alter the timing for the submission and approval of the temporary landscape and maintenance scheme for the outer faces of the stockpiles. It has been requested that such details are required before any of the stockpiles are formed on the site instead of before the development is brought into use.

Officers have no concerns with the applicant's proposed amended wording. It would still ensure that relevant details for the stockpiles are agreed at an appropriate time while affording the developer some greater flexibility.

Question from Councillor Richard Dickson

Councillor Dickson: "It's stated in Condition 1 that a plan has to be agreed in five years for restoration of the land to its agricultural state but no time limit for this to be done. Would it be reasonable to add a condition setting a time limit to restore the site to this state?"

Officer response: The first part of condition 1 limits the planning permission to a period of 7 years and requires that the land is restored to its pre-development condition before the permission expires. This provides the time limit for the land to be restored in accordance with details that have previously been approved by the Local Planning Authority.

Additional condition

Surface water drainage

15. Notwithstanding the submitted information, no development shall take place until a surface water drainage scheme for the site, that is based on the drainage principles detailed within the application submission, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is brought into use. The scheme to be submitted shall:

1. Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the agreed QBar Greenfield runoff rate of 108.7 l/s for the site.
2. Provide revised drawings / plans illustrating the proposed attenuation basin. It's recognised in an extreme event, the wider earthworks will be utilised to retain water and this should be demonstrated / illustrated through drawings including cross sections, of proposed features These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
3. Provide revised detailed, network level calculations demonstrating the performance of the holistic system.
4. Provide plans such as external levels plans, supporting the exceedance and overland flow routeing provided to date including the proposed bund.

5. Provide information regarding maintenance including:

a. The name of the party responsible, including contact name, address, email address and phone number

b. Relevant plans (such as showing the locations of features), and how these should be accessed and how surface water each relevant feature shall be maintained

Reason: To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity and to accord with Local Plan Policy FW2 and guidance in the NPPF.

Amended conditions

Condition 2 (Approved Plans)

2. The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings listed below and specification contained therein, subject to any variations required in connection with Condition 3(b).

- HS2 A46 MAIN COMPOUND EXTENSION PROPOSED LAYOUT
- HS2 A46 MAIN COMPOUND EXTENSION SECTIONS
- HS2 A46 MAIN COMPOUND EXTENSION PROPOSED TEMPORARY BUILDINGS

Condition 3 (Archaeology)

3. No development shall take place until:

a) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production as detailed within the Location Specific Written Scheme of Investigation for A46 Link Road and Compound Extension Trial Trenching (Document Number: MC08-BBV_AEC-EV-PLN-N001-000001) and Project Plan A46 Link Road and Compound Extension Trail Trenching (Document Number: 1MC08-BBV-EV-PLN-NS01_NL03-000005) has been undertaken, and a report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to and approved in writing by the Local Planning Authority;

b) a mitigation strategy, informed by the results of the archaeological evaluation, has been submitted to and approved in writing by the Local Planning Authority, to include any archaeological mitigation measures, including any necessary adjustment to the layout and details of the scheme.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition, shall be undertaken in accordance with the approved archaeological mitigation strategy. The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

Condition 8 (Landscape scheme for stockpiles)

8. Before the formation of any of the stockpiles as shown on the approved layout plan, a temporary landscape scheme and maintenance thereof for the outer faces of the

proposed stockpiles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the proposed landscape and visual mitigation measures, including the use of seeded wildflower grassland on the outer faces of the proposed stockpiles, as well as ground preparation prior to seeding and the proposed use of the arisings generated by the established swards. The landscape and visual amenity mitigation measures shall be implemented in accordance with the approved scheme and as detailed on drawing numbers TT25 and TT26.

Condition 12 (Biodiversity mitigation)

12. The development shall be carried out strictly in accordance with the proposed mitigation and compensation measures for protected and notable species as detailed within the Biodiversity Statement (Ref TT14, June 2023) and the Environmental Statement. All species specific mitigation and compensation features shall be provided and retained in accordance with the approved details.

Item 7 – W/23/0988 – The Old Nursery, 6 Mill Road, Leamington Spa

This application has been withdrawn from the agenda pending the submission of further information in relation to ecology.

Item 8 – Probity in Planning

Remove:

"The Planning Committee will take the following steps before making a decision which differs from the officer recommendation:

- if a Councillor is concerned about an officer recommendation, they should, where possible, discuss their areas of difference and the reasons for that with officers in advance of the Committee meeting;*
- the proposer and seconder will identify relevant policies and/or other material considerations and give detailed reasons as to how and why they are applicable to the decision. In doing so, Members need to consider carefully any evidence for or against their reasons; and*
- could consider adjourning for a few minutes to enable the proposer and seconder to take advice from relevant officers."*

And including:

"Officers will provide advice to any member of the Committee on an application before it, either in advance of or during the meeting. In advance of the meeting Councillors are advise to do this by emailing the case officer and copying in planningcommittee@warwickdc.gov.uk The responses to these enquiries will be included within the addendum to the agenda published before the meeting. A Councillor may also seek advice from officers via telephone if they so wish.

For any decision the proposer and seconder will identify relevant policies and/or other material considerations and give detailed reasons as to how and why they are applicable to the decision. In doing so, Members need to consider carefully any evidence for or against their reasons.

The Committee can consider adjourning for a few minutes to enable the proposer and seconder to take advice from relevant officers on framing the proposal they wish to put to the Committee."