

Planning Committee

Minutes of the remote meeting held on Wednesday 17 June 2020 at 6.00pm, which was broadcast live via the Council's YouTube Channel.

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

Also Present: Civic & Committee Services Manager – Mrs Tuckwell; Democratic Services Manager & Deputy Monitoring Officer – Mr Leach; Committee Services Officer – Mr Edwards; Legal Advisor – Mr Howarth; Head of Development Services – Mr Barber; Principal Planning Officer – Mr Charles; Principal Planning Officer – Ms Obremski; Site Delivery Officer – Mr Cornfoot; Warwickshire County Council Highways Officer – Mr Pilcher; Warwickshire County Council Infrastructure Officer – Ms Neale

12. **Apologies and Substitutes**

- (a) There were no apologies made; and
- (b) There were no substitutes.

13. **Declarations of Interest**

There were no declarations of interest.

14. **W/18/1635 – Land East of Kenilworth, Glasshouse Lane/Crewe Lane, Kenilworth**

The Committee considered an application from Catesby Estates Plc for the demolition of existing farmhouse and agricultural buildings and outline planning application for residential development of up to 620 dwellings (Use Class C3), land for a primary school, (Use Class D1) including means of access into site (not internal roads), parking and associated works, with all other matters (relating to appearance, landscaping, scale and layout) reserved.

The application was presented to Committee because of the number of objections and an objection from the Town Council having been received.

The officer emphasised that the application site was allocated within the Local Plan for residential development as part of allocation H40 which identified approximately 640 dwellings for this area of the site, and formed part of the wider East of Kenilworth Strategic Urban Expansion that sought to provide an estimated 1400 dwellings together with a range of associated community facilities.

The officer was of the opinion that, although the development was only in outline form at this stage, the indicative site plan demonstrated that the site was capable of accommodating a very high quality scheme of up to 620 dwellings, which was acceptable in overall terms, including in respect of the integration of built development within the surrounding landscape and the site provided additional benefits in securing an appropriate highway linkage to the adjacent site to provide a comprehensive development across the

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overall allocation. The indicative Masterplan demonstrated that the scheme retained existing green features and delivered a high quality environment with accessible sustainable transport links to the surrounding areas together with areas of open space that were in excess of the requirements set out within the Open Space SPD.

Technical matters relating to highway safety and the mitigation of increased demand on the highway network were satisfactorily addressed and these works were to be secured through contributions within the Section 106 Agreement. The specific matters could be controlled by planning condition.

For the above reasons, officers recommended that outline planning should be granted, subject to the conditions list and the signing of a Section 106 Agreement.

An addendum circulated at the meeting advised that an additional 10 letters of objection were received. These letters raised concerns about the location of a roundabout that would be severely detrimental to the residents of Stansfield Grove and was also located too close to a sharp bend. It was also explained that as a result of this, an alternative location for the roundabout should be sought, and that new walls at the entrance to Stansfield Grove would mitigate some of this harm. The letters also stated that the proposals would be harmful to highway safety, and that the revisions to Spine Road since they were first introduced were harmful to residents. The letters also stated that all highway works should be subject to detailed modelling, that there would be a loss of outlook from properties across currently open land, and there would be increased traffic, disruption, pollution and noise as a result of the development. Further concerns raised in the letters explained that there would be a loss of privacy and quality of life as a result of the development, and that there was a lack of information relating to dwellings for older people. The letters also stated that tree and hedgerow planting needed to be a priority at the early stage of development, and that any loss of trees should be mitigated for. There was also a concern raised that the development would result in the loss of Green Belt.

The addendum also advised of an update to the condition 35 of the report, which needed to include the word "acceptable" as highlighted below:

*"Should the primary school hereby approved exceed 1,000 square metres in floor area (gross external area) the relevant reserved matters application(s) for that phase of development shall be submitted with evidence to demonstrate that the school has been designed to achieve as a minimum BREEAM standard 'Very good' (or any future national equivalent). If it is not considered to be financially viable to meet this standard evidence should be submitted with the relevant reserved matters application demonstrating this along with the submission of an **acceptable** alternative sustainability strategy".*

In addition, the addendum also informed Members of an update to the Section 106 agreement. In terms of forward funding, in addition to the planning obligations stated in the Committee Report, officers would make a further request to the applicant for a further developer contribution. In order for Kenilworth School to satisfactorily cash flow their proposed relocation to Southcrest Farm, Warwick District Council agreed in principle

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to forward fund the anticipated s106 contributions for secondary education, post-16 education and sports provision that were identified by the Council with input from Warwickshire County Council to be directed towards Kenilworth School. This would be on the basis that the Council would seek to recoup its funding from the relevant s106 receipts when they were paid. Department for Education guidance allowed Local Authorities that ensured that infrastructure was in place to meet the demands of new developments through forward funding schools to request contributions to cover interest, fees and expenses associated with the forward funding, in addition to the standard education contribution to cover the cost of providing new school places required due to housing growth. The Council would therefore request an additional contribution from the applicant to cover these matters. Whilst a formal request had not yet been made to the applicant, this matter had been discussed with the applicant and officers sought delegated authority from Committee to negotiate this matter with the applicant and agree the details of the contribution with the applicant.

With regards to custom/self-build housing, the precise number of self-build plots to be required through this development was still under consideration and would be addressed through the finalising of the s106 agreement. Officers would work with the applicants to share methodologies and agree a formula for the final figure.

The formula would be calculated upon submission of each reserved matters/full planning application for housing in sites H06 and H40 and the evidence used by the Local Planning Authority would be the most recent Custom & Self-Build Annual Progress Report at that point in time, which provided an analysis of the self-build register. As this scheme was at outline stage, the s106 included a clause relating to the provision of self-build properties using an agreed formula to secure the appropriate number of custom/self-build dwellings on the development site.

Members were asked to delegate authority to officers to finalise this number.

Due to technical difficulties experienced by some of the public speakers, the Chairman agreed to a slight amendment to the running order, to ensure all speakers could address the Committee. The following people addressed the Committee:

- Councillor K Dickson, Town Councillor, objecting;
- Mr Brown, objecting;
- Statement on behalf of Mr Martin, objecting, read out by Mr Leach;
- Mr Barrett, supporting;
- Councillor A Bianco, Parish Councillor, objecting;
- Councillor J Dearing, District Councillor, objecting; and
- Mr I Moss, objecting.

Councillors R Dickson and Kennedy, who were also Kenilworth Town Councillors, confirmed that they were not part of the Town Council's Planning Committee, and were not predetermined.

(At 7.49pm, the meeting was adjourned for a 15 minutes' comfort break.)

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A motion for deferral, proposed by Councillor Kennedy and seconded by Councillor Tangri was then withdrawn by the proposer and seconder. Following further debate on this matter Councillor Tangri withdrew his support for the motion. No other Councillor seconded this motion.

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

The Committee therefore

Resolved that W/18/1635 be granted, subject to the conditions below, a Section 106 agreement to secure the necessary financial contributions/ obligations and the approval in writing by the Head of Development Services, in consultation with Chairman of the Committee, of a scheme of mitigation for the proposed roundabout at the junction of Stansfield Grove and Glasshouse Lane, to the reasonable satisfaction of the Environmental Health Officer, that would ensure the application complies with Local Plan Policy BE3, amenity of neighbours, in respect of headlight glare, noise and loss of privacy by no later than 30 September 2020. If the scheme of mitigation for the proposed roundabout cannot be agreed by this time it shall be brought back to Committee on 8 October 2020.

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

Should a satisfactory Section 106 Agreement not have been completed by 17 August 2020, 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. The application was granted the following conditions:

(1) **Reserved Matters**

Details of the appearance, landscaping, layout and scale of the development (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in strict accordance with these reserved matters as approved. **Reason:** To comply with Article 4(1)
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of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended);

(2) **Submission of Reserved Matters Timescale**

Application for approval of the reserved matters shall be made to the local planning authority no later than three years from the date of this permission. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);

(3) **Commencement of Development**

The development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);

(4) **In Accordance with Plans**

The development hereby permitted shall be carried out strictly in accordance with the site location plan and the development area as detailed on the Parameters Plan reference CATU3007/10/06 Revision 06 received by the Local Planning Authority on 12 March 2019. **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) **Construction Environmental Management Plan (CEMP)**

The development hereby permitted shall not commence on any phase of development until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the District Planning Authority for that phase of development. The CEMP shall be compliant with the British Standard on Biodiversity BS 42020:2013 published in August 2013. In discharging this condition, the Local Planning Authority expects 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

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works are taking place on site should be included. The CEMP shall include a timetable for the implementation of measures stated. 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 Policies NE2 and NE3 of the Warwick District Local Plan;

(6) Landscape and Ecological Management Plan (LEMP)

No phase of development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan (LEMP) for that phase of development has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan shall also include details of tree and hedgerow retention; habitat enhancement/creation measures and management, such as ponds, wildflower grasslands; and the provision of habitat for protected species. The LEMP shall also include details on soil management to make best use of the high quality soils on site - detailed guidance to inform this matter is available in Defra 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites'. Such approved measures shall thereafter be implemented in full. **Reason:** To protect, enhance and/or restore habitat biodiversity in accordance with Policy NE3 of the Warwick District Local Plan 2011-2029.

(7) Protected Species Contingency and Local Wildlife Site Protection

No phase of the development hereby permitted shall commence until a Protected Species Contingency Plan and a scheme for the protection of the Local Wildlife Sites at Glasshouse Spinney and The River Avon for that phase has been submitted to and approved in writing by the Local Planning Authority. The protected species contingency plan shall include the following measures:

- (a) Further bat roosting surveys in accordance with BCT Bat Surveys – Good Practice

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Guidelines, have been carried out and if appropriate a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the Local Planning Authority. Any approved mitigation plan shall thereafter be implemented in full;

- (b) A pre-commencement badger survey carried out by a suitably qualified badger consultant and has been submitted to and approved in writing by the Local Planning Authority. Any approved mitigation plan shall thereafter be implemented in full; and
- (c) Details on safeguarding great crested newts during construction and post development to include details of a development licence and appropriate mitigation strategy.

The Local Wildlife Protection scheme shall include:

- i. Adequate measures to protect existing trees, scrub and ground flora of the adjacent Local Wildlife Sites during development; and
- ii. Details of an appropriate barrier(s), (such as a wire fence) to be erected before works start. This area should include a sufficient buffer zone between the development / associated works and the boundary of the Local Wildlife Site.

Thereafter, the approved mitigation plan and approved protection scheme shall be implemented in full prior to any construction works on site and shall remain for the duration of the development. **Reason:** To ensure that protected species and important habitats are not harmed by the development in accordance with Policy NE3 of the Warwick District Local Plan 2011-2029;

(8) **Protection of Scheduled Monument**

No phase of the development hereby permitted shall commence until a scheme for the immediate and ongoing protection and management of the Scheduled Monument has been submitted to and approved in writing by the Local Planning Authority. Details of the immediate protection scheme shall include a demonstration that adequate measures have been taken to protect the integrity of the Scheduled Monument including all retained trees, scrub and ground flora within or adjacent

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to the area. A barrier, such as a wire fence, should be erected before works start. This fenced area should include a sufficient buffer zone between the development / associated works and the boundary of the Scheduled Monument. No access or storage of materials shall be carried out within this buffer zone.

Thereafter, the ongoing protection strategy shall incorporate appropriate ongoing management and protection details to protect the integrity of the asset to include:

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

The approved management plan shall be implemented in full thereafter. Any subsequent transfer of ownership/management shall maintain the approved scheme of landscape management unless otherwise agreed in writing by the Local Planning Authority. **Reason:** To ensure the protection of the Heritage Asset during and post development in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029;

(9) Ground Investigations and Mitigation to be Submitted (Pre – Commencement)

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

- (a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:
 - 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;

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- An appropriate gas risk assessment to be undertaken;
 - Refinement of the conceptual model; and
 - The development of a method statement detailing the remediation requirements.
- (b) The site investigation has been undertaken in accordance with details approved by the planning authority and a risk assessment has been undertaken;
- (c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the planning authority. The method statement shall include details of how the remediation works will be validated upon completion; and
- (d) Program of delivery (if applicable)

Shall be submitted to and approved in writing by the Local Planning Authority. Any remediation shall thereafter be carried out in accordance with the approved details. **Reason:** To safeguard health, safety and the environment in accordance with Policies BE3 NE5 of the Warwick District Local Plan 2011-2029;

(10) **Contamination not Previously Discovered**

Notwithstanding details contained within the approved documents, if during development, contamination not previously identified, is found to be present at the site;

- (a) No further development shall take place within that area of Reserved Matters Consent (unless otherwise agreed in writing with the Planning Authority for an addendum to the method statement);
- (b) This addendum to the method statement must detail how this contamination shall be dealt with; and
- (c) Program of delivery (if applicable)

Shall be submitted to and approved in writing by the Local Planning Authority. Any remediation shall thereafter be carried out in accordance with the approved details. **Reason:** To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the

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Warwick District Local Plan 2011-2029;

(11) Verification of Remediation to be Submitted

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

- (a) Upon completion of the remediation 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; and
- (b) A post remediation sampling and monitoring which shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report

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

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

(12) Construction Method Statement

No phase of development (including any works of demolition) hereby permitted shall commence until a construction method statement for that phase has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highways Authority and Highways England. Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority in consultation with Highways England. This should also include consideration of the impact of HS2.

The submitted statement shall provide:

- A Construction Traffic Management Plan (CTMP);
- Construction Phasing and Routing Plans;
- Permitted construction traffic arrival and departure times;

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- An HGV routing plan;
- Any temporary measures required to manage traffic during construction;
- Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction;
- Dust management and suppression measures – level of mitigation determined using IAQM guidance;
- Wheel washing;
- Noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites – Part 1 and 2;
- Concrete crusher if required or alternative procedure;
- Delivery times and site working hours;
- Site lighting;
- Access and protection arrangements around the site for pedestrians, cyclists and other road users;
- Restrictions on burning and details of all temporary contractor's buildings;
- Plant and storage of materials associated with the development process;
- External safety and information signing notices;
- Complaints procedures, including complaints response procedures and dedicated points of contact;
- Best practicable means shall be employed at all times to control noise and dust on the site including:
- Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays;
- Delivery vehicles should not be allowed to arrive on site between 7:30am and 9:15am and 4.30pm and 6:00pm Mon – Fri;
- How the construction will be managed to minimise the cumulative impacts on the highway network as a result of the construction of the site and HS2;
- A strategy to manage and maintain any construction materials from entering or silting up the local ditch network; and
- Details to prevent silt or chemicals leaving the phase being constructed

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Management Plan shall be implemented prior to the commencement of development in each phase and maintained for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority. **Reason:** In the interests of highway safety and the free flow of traffic, minimising pollution and to protect the amenities of the occupiers of nearby properties, and the visual amenity of the locality in accordance with Policies BE3, TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029 and to ensure that the A46 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 and in the interests of road safety;

(13) Low Emission Strategy

No phase of the development shall commence unless and until a Low Emission Strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policies NE5 and TR1 of the Warwick District Local Plan 2011-2029 and the aims and objectives of national guidance within the NPPF 2019;

(14) Site Wide Drainage Strategy

No development shall take place until a comprehensive site-wide surface water drainage strategy, based on sustainable drainage principles, the approved FRA, Land East of Kenilworth (Crewe Garden Farm and Woodside) RSK_890192-R1(3)- FRA August 2018 and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753;

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- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 50% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of a total of 83.2 l/s for the site;
- Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments';
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods;
- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event; and
- Provide evidence of liaison with Highways England, regarding the discharge upstream and clearance of their asset, to ensure it is in a suitable condition to convey flow from the development

Thereafter, each Reserved Matters phase submitted shall include a compliance statement together with appropriate detailed methodology to demonstrate that the drainage for that phase is in accordance with the overarching drainage strategy for the site. **Reason:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies FW1, FW2 and NE4 of the Warwick District Local Plan 2011-2029;

(15) **Details of Surface Water and Foul Drainage**

Prior to the commencement of each phase of development, details of surface water and foul drainage works for that phase shall be submitted to and approved in writing by the Local Planning Authority. Where applicable each phase of development shall have appropriate consideration of other phases of development.

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

Reason: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029;

(16) Tree Protection

No phase of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on that phase has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2012 Trees in Relation to Design, Demolition and Construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** To protect trees and other features on site during construction in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029.

(17) Details of External Lighting

Prior to the commencement of the development, full details of all permanent lighting on the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with Highways England and Warwickshire County Ecology. This should follow the Institute of Lighting Professionals' Guidance Note 01/20: Guidance notes for the reduction of obtrusive light. The lighting shall be installed according to an approved plan which will need to be submitted by the applicant. The lighting should be maintained in perpetuity. In discharging this condition, the Local Planning Authority expects due consideration to be given to biodiversity and the impact on the A46 Corridor adjacent to the site.

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Such works, and use of that lighting and/or illumination, shall be carried out and operated only in strict 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 and that appropriate measures are taken in relation to protected species and the strategic transport network in accordance with Policies TR1, BE3, NE2, NE4 and NE5 of the Warwick District Local Plan 2011-2029 and to ensure that the A46 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 and in the interests of road safety

(18) Sustainability Statement

Notwithstanding details contained within the approved documents, prior to commencement of development within its relevant phase, a Sustainability Statement including an energy hierarchy scheme for that phase 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; 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

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No dwellings or the primary school 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. No further development phases shall be inhibited from shared heating/cooling systems unless otherwise agreed in writing by the Local Planning Authority. **Reason:** To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District (2011-2029) and National Design Guidance (2019).

(19) Design Code

Notwithstanding details contained within the approved documents, prior to the submission of any Reserved Matters application a Site Wide Design Code shall be submitted to and approved in writing by the Local Planning Authority to include:

- (a) A statement setting out how the design code adheres to the Development Principles in the Land East of Kenilworth Development Brief and where there is any deviation robust justification for this;
- (b) Hierarchy of streets/routes (including the extent of adoptable highways and associated areas);
- (c) Development blocks including built form and massing and relationship with adjoining development areas/blocks within and immediately beyond the site including areas of transition between development parcels (including the relationship between built form and adjoining open space);
- (d) Building types;
- (e) Building heights;
- (f) The means to accommodate the parking of vehicles and cycles;
- (g) Sustainable Drainage features (SuDS);
- (h) Key spaces, open spaces and green features that reflect the open space typologies in the Council's adopted Open Space Supplementary Planning Document;
- (i) The incorporation of a scheme for the provision of public art within the open spaces of the development;
- (j) Architectural language and detailing;
- (k) A scheme of strategic landscaping (including site sections, site visuals, site

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- levels, structural landscaping and hedgerow retention);
- (l) Design principles for street tree planting and other structural planting landscaping areas;
 - (m) Key principles on hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long-term management;
 - (n) Design principles on waste disposal and recycling;
 - (o) Design principles on colour and texture of external materials and facing finishes for roofing and walls of buildings and structures;
 - (p) Design principles for street lighting and any other lighting to public space (including parking areas); and
 - (q) The principles shall include a masterplan drawing.

No phase of development shall be carried out above slab level unless and until a schedule of the external facing materials to be used in that phase 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 ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- (20) No phase of development shall be carried out above slab level unless and until a schedule of the external facing materials to be used in that phase 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 ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality with Policy BE1 of the Warwick District Local Plan 2011-2029.

(21) **Site Levels/Finished Floor Levels**

No development other than site clearance and preparation works shall take place on any phase of the development until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on that phase and the relationship with adjacent phases

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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 or any subsequently approved amendments. **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.

(22) Provision of Access

The access to the development hereby permitted from Glasshouse Lane shall be carried out in accordance with plan reference 17377-12-03 Rev B received on 3 October 2019 including footway and cycle works unless otherwise agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority. The approved access to Glasshouse Lane shall be carried out in general accordance with the approved details prior to the first occupation of any dwellings constructed on the site. The Crewe Lane access as detailed on plan reference 17377-07-03 Rev A received on 24 August 2018 shall be carried out in accordance with the approved details no later than completion of the spine road unless otherwise agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority. **Reason:** In the interest of highway safety and to ensure appropriate access is available for the future occupiers of the dwellings and the primary school and that crossing points are provided for all highway users including pedestrians and cyclists in a timely manner having regard to Policies TR1 and BE3 of the Warwick District Local Plan 2011-2029.

(23) Thickthorn Roundabout Scheme

Prior to first occupation of the development, full details of the proposed mitigation at Thickthorn Roundabout as generally illustrated on the A46 / A452 Thickthorn Junction Proposed Signal Scheme General Arrangement (drawing no.: 17377-13-01 Rev G) (or as amended by Road Safety Audit or Detailed Design) shall be submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. The scheme shall comply with the design requirements and procedures of the Design Manual for Roads and Bridges

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(DMRB) as required by Highways England, including those relating to Road Safety Audit (RSA) and Walking, Cycling and Horse-riding Assessment and Review (WCHAR). These works shall be completed through a Section 278 Agreement with the Local Highways Authority or an alternative method that has been submitted to and agreed in writing by the Local Planning Authority. **Reason:** To ensure that the A46 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 and in the interests of road safety.

(24) Delivery of Thickthorn Roundabout Scheme

No more than 150 dwellings shall be occupied prior to the completion and opening to traffic of the Thickthorn Roundabout Mitigation Scheme to be first approved through the discharge of condition 23, unless an alternative method for the delivery of condition 23 has been submitted to and agreed in writing by the Local Planning Authority in liaison with the Local Highways Authority. **Reason:** To ensure that the A46 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 and in the interests of road safety.

(25) Infrastructure Phasing Plan

Prior to the commencement of development, a strategy for the phasing of the development hereby approved shall be submitted to, and approved in writing by, the local planning authority. The phasing strategy shall define:

- (a) the development to be delivered within each phase of the development
- (b) indicative timescales; and
- (c) details of the coordination of housing and infrastructure delivery, including triggers for delivery of infrastructure and the arrangements to prevent interruption of delivery across phase and phase boundaries to include the provision of the spine road, accesses, public open space including SUDS, allotment provision, and acoustic screening of the development.

Thereafter, the development shall be carried out in strict accordance with the phases established

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in the phasing strategy as approved by the Local Planning Authority unless otherwise agreed in writing. **Reason:** To ensure that the site is developed in a comprehensive manner in accordance with Policy DS15 of the Warwick District Local Plan 2011-2029.

(26) Noise Mitigation Measures (Residential)

Prior to the submission of any reserved matters relating to the layout of the dwellings hereby permitted, a detailed scheme for the proposed means of noise attenuation from the A46 Trunk Road, such as an acoustic barrier and/or bund shall be submitted to and approved in writing by the Local Planning Authority in consultation with Highways England.

Thereafter, prior to the submission of any reserved matters relating to layout, a scheme of mitigation including detailed arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise from both the existing road network and new roads within the site shall be submitted to and approved in writing by the Local Planning Authority.

The scheme should ensure that proposed measures whilst acoustically effective are designed to minimise visual impacts and impacts upon ecology, woodland, archaeology and the Scheduled Monument. It shall include full details of the design, siting and appearance of acoustic bunds and/or fencing that may be required and shall include a detailed assessment of the visual impact both within the development and from the A46 and impact of the measures upon woodland, ecology, archaeology and the Scheduled Monument. The scheme of mitigation shall also include measures to minimise these impacts and a programme for the delivery of such mitigation.

Thereafter a Noise Mitigation Compliance Statement shall be submitted as part of the reserved matters submission for each phase of residential development to demonstrate how the mitigation measure have been incorporated into the layout and design of the dwellings.

All dwellings shall be constructed in accordance with the approved details. The scheme for mitigating traffic noise from the A46 shall be

PLANNING COMMITTEE MINUTES (Continued)

implemented in accordance with the approved details prior to the first occupation of any dwelling and shall be retained thereafter in perpetuity and any approved mitigation measures shall be implemented in accordance with the approved programme. **Reason:** To protect residents of the development from the adverse effects of traffic noise from within and outside the development in accordance with Policies BE3 and NE5 of the Warwick District Council Local Plan 2011;

(27) Noise Mitigation Measures (School)

The Reserved Matters submitted pursuant to Condition 1 in relation to the primary school shall include a scheme of mitigation including detailed arrangements to protect users of the school from excessive traffic noise affecting classrooms and how external areas are shielded from road noise from both the existing road network and new roads within the site.

The scheme should ensure that proposed measures whilst acoustically effective are designed to minimise visual impacts. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the school and shall be retained thereafter in perpetuity and any approved mitigation measures shall be implemented in accordance with the approved programme. **Reason:** To protect users of the school from the adverse effects of traffic noise from within and outside the development in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;

(28) Delivery of Spine Road

Prior to the occupation of 200 dwellings, a spine road linking Glasshouse Lane and Crewe Lane including a formal crossing facility at the Glasshouse Lane junction and works shown on drawings 17377-12-03 Rev B and 17377-07-03 Rev A and incorporating the provision of an appropriate bus turning facility, shall be constructed and available for use in accordance with details to be first submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. Notwithstanding the details within the Design Code, the details shall include the carriageway specification, provision for pedestrians and cyclists and soft landscaping

PLANNING COMMITTEE MINUTES (Continued)

including tree planting to verges. **Reason:** To ensure adequate access is provided in a timely manner in the interests of the safety of road users and cyclists/pedestrians in accordance with Policy TR1 the Warwick District Local Plan 2011-2029;

(29) Provision of Bus Stops

Prior to the opening of the spine road linking Glasshouse Lane and Crewe Lane, as required by condition 28, the developer is required to provide a minimum of 1 eastbound and 1 westbound bus stop at a position to be agreed with the Local Highway Authority. **Reason:** To ensure adequate access is provided in a timely manner in the interests of the safety of road users and cyclists/pedestrians in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

(30) Provision of Hydrants

No phase of development hereby permitted shall be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire-fighting purposes for that phase of the site has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details. **Reason:** In the interest of fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Council Local Plan 2011-2029;

(31) Landscape Replacement Planting

Any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition 1 shall be completed in all respects, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first occupation of dwellings within that phase and within the first planting season following the first occupation of the new school, and the tree(s) and shrub(s) shall be planted within six months of that first occupation. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the Local Planning Authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to

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those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;

(32) **Retention of Existing Trees/Hedges**

The existing tree(s), hedges and shrub(s) indicated to be retained on the submitted plans contained within the Arboricultural Impact Assessment (Update) reference edp3089_r003f February 2019 received by the Local Planning Authority on 12 March 2019, shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the Local Planning Authority. Any tree(s), hedge(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, 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 with tree(s), hedge(s) and shrub(s) of such size and species details of which must be submitted to and approved by the Local Planning Authority. All tree(s), hedge(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 trees and shrubs 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 NE4 of the Warwick District Local Plan 2011-2029;

(33) **Housing Mix**

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 Strategic Housing Market Assessment at the point of submission of the reserved matters unless an alternative strategy is agreed in writing by the Local Planning Authority. **Reason:** To ensure that the housing

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meets the needs of the District as required by Local Plan Policy H4 of the Warwick District Council Local Plan 2011-2029 and the NPPF;

(34) **Surface Water Systems Maintenance Plan**

No occupation and subsequent use of each phase of development shall take place until a detailed maintenance plan is submitted to and approved in writing by the Local Planning Authority giving details on how surface water systems for that phase shall be maintained and managed for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the Local Planning Authority within the maintenance plan. The approved detailed maintenance plan shall thereafter be implemented in full prior to first occupation of the development. **Reason:** To ensure the future maintenance of the sustainable drainage structures in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029;

(35) **BREEAM Assessment for School**

Should the primary school hereby approved exceeds 1,000 square metres in floor area (gross external area) the relevant reserved matters application(s) for that phase of development shall be submitted with evidence to demonstrate that the school has been designed to achieve as a minimum BREEAM standard 'Very good' (or any future national equivalent). If it is not considered to be financially viable to meet this standard evidence should be submitted with the relevant reserved matters application demonstrating this along with the submission of an acceptable alternative sustainability strategy. **Reason:** In the interests of good building design and sustainability standards in accordance with Policy CC3 of the Warwick District Local Plan 2011-2029;

(36) **Water Efficiency**

Notwithstanding details contained within the approved documents, prior to construction of each phase of residential development a scheme for that phase demonstrating how water efficiency measures have been incorporated into the development and shall demonstrate how, consideration has been given to the incorporation of grey water and rainwater recycling measures, shall be submitted to and

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approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved measures 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 the any relevant manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policies FW3 and CC1 of the Warwick District Local Plan 2011-2029;

(37) Pedestrian and Cycle Links

The reserved matters for each phase of development to be submitted pursuant to condition 1 shall include full details of how the development will ensure pedestrian and cycle connectivity both within the site and to adjoining land parcels and land uses. This should include appropriate connectivity between residential development and the primary school on site and how the site will provide connectivity with the remainder of the Land East of Kenilworth area. **Reason:** In the interests of encouraging sustainable modes of travel in accordance with Policies HS1, HS6, BE1 and TR1 of the Warwick District Local Plan 2011-2029;

(38) Removal of Permitted Development Rights C3 to C4

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no permitted changes contained therein shall be enacted within the development hereby permitted. For the avoidance of doubt this shall include changes from C3 dwelling house to C4 Houses in Multiple Occupation. **Reason:** To manage the balance of sustainable communities in accordance with Policy SC0 of the Warwick District Local Plan 2011-2029; and

(39) Provision of Allotments

Prior to the occupation of 50% of the dwellings, the allotments and associated infrastructure shall be laid out in full accordance with an Allotment Delivery and Management Plan that shall first have been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of the location of the

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allotments, laying out of individual plots, infrastructure, boundary fencing, car parking areas and any proposed storage structures. Once laid out the allotments shall be appropriately managed, maintained and kept in a tidy condition for use as allotments for the lifetime of the development as set out within the Management Plan. **Reason:** To ensure adequate infrastructure is provided in a timely manner as part of the comprehensive development of this strategic site in the interests of the sustainable development in accordance with Policy DS15 of the Warwick District Local Plan 2011-2029;

15. W/20/0158 – Land East of Turpin Court, Royal Leamington Spa

The Committee considered an application from Warwick District Council for the erection of six semi-detached dwellings.

The application was presented to Committee because Warwick District Council was the applicant and due to the number of objections which had been received.

The officer recognised that the gardens serving the two proposed bungalows would be overshadowed partly during the summer months, which might cause pressure for the trees to be removed. However, it was noted that this would only be for a short period (three hours of the day at the height of summer), which throughout the rest of the year would be reduced even further. It was also noted that one of the gardens had a very minor under provision of private amenity space by 0.9 sqm. These factors had to be weighed against the balance of providing affordable housing. Furthermore, the development would represent the effective use of brownfield land in a sustainable location, which in all others respects met with the relevant Neighbourhood Plan, Local Plan and national planning policies. The provision of affordable housing offered substantial weight in this case, which was considered to outweigh the relatively modest impact which the existing trees and very small under provision of private amenity space to just one of the dwellings that were likely to have on the living conditions for the future occupiers of the dwellings. The proposal was therefore recommended for approval.

An addendum circulated at the meeting advised that based on further information that was provided in the case officer's report, the Town Council withdrew their objection to the proposed development.

The following people addressed the Committee:

- Councillor J Chilvers, objecting;
- Mr Hunt, objecting;
- Statement on behalf of Mr Martin, objecting, read out by Mr Leach;
- Councillor J Matecki, on behalf of the applicant.

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

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proposed by Councillor Murphy and seconded by Councillor Ashford that the application should be granted.

The Committee therefore

Resolved that W/20/0158 be **granted** subject to the following conditions and the proposed changes to condition 4 detailed in the presentation to Councillors:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing PL-04 Rev C, PL-05 Rev C, PL-06 Rev C, PL-07 Rev B submitted on 1st April 2020 and drawing PC-01 Rev 0 submitted on 20th April 2020 and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to

PLANNING COMMITTEE MINUTES (Continued)

cause damage or injury to the tree(s).

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

- (4) 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 Council Local Plan 2011-2029;
- (5) 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;
- (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 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

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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 or any subsequently approved amendments. **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) the development shall be carried out strictly in accordance with the details contained within the surface water outfall assessment. **Reason:** To ensure that the proposal would provide suitable drainage methods for the site in accordance with Policy FW2 of the Warwick District Local Plan 2011 – 2029;
- (9) the development hereby permitted shall not be occupied unless and until the external refuse storage areas for the development have been constructed or laid out, and made available for use by the occupants of the development 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;
- (10) noise arising from the air source heat pumps installed at the site, when measured one metre from the facade of any noise sensitive premises, shall not exceed the

PLANNING COMMITTEE MINUTES (Continued)

background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

- (11) the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029;
- (12) prior to the occupation of the development hereby permitted, the first floor side facing windows in the east and west elevations of all the dwellings 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;
- (13) 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

PLANNING COMMITTEE MINUTES (Continued)

verification details shall be submitted to and approved in writing by the LPA:

- 1) Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s);
- 2) A technical data sheet for the electric vehicle recharging point infrastructure; and
- 3) Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded).

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

- (14) the landscape and ecological enhancement plan, as outlined in the approved documents, shall be implemented as soon as the approved landscaping is carried out and shall not be withdrawn or altered in any way. At least two bird boxes must be installed together to allow sparrows to nest as a colony. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and to ensure biodiversity enhancements in accordance with Policies BE1, BE3, NE1 and NE4 of the Warwick District Local Plan 2011-2029.

16. **Urgent Item - W/18/2099 - Land to the north and south of the A45 (between Festival and Tollbar junctions) and land at the A45/Festival Roundabout, the A46/Tollbar Roundabout and at the junctions of the A444 with the A4114/Whitley**

The Committee considered an application from Coventry and Warwickshire Development Partnership (CWDP) for the comprehensive development comprising demolition of existing structures and the erection of new buildings to accommodate offices, research & development facilities and light industrial uses (Use Class B1), hotel accommodation (Use Class C1), car showroom accommodation, small scale retail and catering establishments (Use Classes A1, A3, A4 and/or A5), new countryside park, ground modelling work including the construction of landscaped bunds, construction of new roads/footpaths/cycle routes, remodelling of junctions on the existing highway network, associated parking, servicing and landscaping (outline application discharging access with all other matters reserved).

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to Committee because it involved consideration of a possible Section 106 Agreement. The Chairman of the Committee agreed to consider this item following the publication of the agenda.

Planning application W/16/0239 was granted on the 10 July 2017 and subsequently varied on 5 February 2019 under reference number W18/2099 ("the Variation Application").

The report sought minor variations to the content of the Section 106 Agreement dated the 4 February 2019, which was entered into as part of the Variation Application and which provided for the payment of a contribution by CWDP within 28 days of the commencement of construction of a roundabout scheme at Stoneleigh by the County Council ("the Roundabout Scheme"). The agreement also provided that if the commencement of the construction of the Roundabout Scheme had not taken place by the 30 June 2020, that the CWDP would construct and complete a signal scheme at Stoneleigh.

The County Council would not now be in a position to award the main works contract and start construction by 30 June 2020 because of a number of issues within the project development that had caused delay. CWDP had agreed to extend the date from 30 June 2020 and it was anticipated that a new variation agreement would extend the date to 30 September 2020. The recommendation was that the date for commencement of the construction of the Roundabout Scheme should be extended for a period of up to six months from the date of the completion of the Deed of Variation.

The County Council first advised the Council that they would need to amend the Section 106 Agreement to extend the date on 8 June 2020. Subsequent legal advice was that Warwick District Council's Planning Committee should approve any variation and also that the Council as LPA should be a party to any further Deed of Variation. This had had to be brought to Planning Committee as an urgent item as the Section 106 Agreement needed to be varied before 30 June 2020 and this was the last Planning Committee that would take place before that date.

The officer was of the opinion that authority should be delegated to officers to agree the content, based on the figures stated in the report, and proceed to signing of the Section 106 agreement.

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

Resolved that for W/18/2099, authority be delegated to the Head of Development Services to agree the content, based on the figures stated in the report, and proceed to signing of the Section 106 agreement

17. Planning Appeals Report

Members received a report from officers outlining the existing enforcement

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matters and appeals currently taking place.

Resolved that the report be noted.

(The meeting ended at 9.18pm)

CHAIRMAN
14 July 2020