

# Planning Committee

Minutes of the meeting held on Wednesday 12 December 2018 at the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillor Day (Chairman); Councillors Ashford, Boad, Barrott, Heath, Mrs Hill, Morris, Mrs Stevens and Weed.

**Also Present:** Committee Services Officer – Mrs Tuckwell; Civic & Committee Services Manager – Mrs Barnes (observing), Legal Advisor – Mrs Sharma; Head of Development Services – Mr Barber; Senior Planning Officer – Mr Young; Mr Jenkins – Environmental Health Officer; and Ms Archer – Principal Highway Control Engineer, Warwickshire County Council

## 133. Apologies and Substitutes

(a) Apologies were received from Councillors Mrs Bunker and Cooke.

## 134. Declarations of Interest

Minute Number 140 – W/18/1760 – 19 Pickard Street, Warwick

Councillor Morris declared an interest because the application site was in his Ward.

Minute Number 141 – W/18/1021 – 52 High Street, Kenilworth

Councillor Mrs Hill declared an interest because the application site was in her Ward.

## 135. Site Visits

To assist with decision making, Councillors Barrott, Boad, Day, Heath, Mrs Hill, Mrs Stevens and Weed had visited the following application site on Saturday 8 December 2018:

W/18/0522 – Gateway South, Land to the South and West of Coventry Airport and Middlemarch Industrial Estate.

## 136. **W/18/0522 – Gateway South, Land to the South and West of Coventry Airport and Middlemarch Industrial Estate, Coventry**

The Committee considered an outline application, including details of access, from Coventry & Warwickshire Development Partnership LLP for the comprehensive redevelopment of land South of Coventry Airport, comprising demolition of existing structures and the erection of new buildings to accommodate general industrial uses (Use Class B2) and storage and distribution (Use Class B8), ground modelling works including the construction of landscaped bunds, construction of new roads, footpaths and cycle routes, associated parking, servicing, infrastructure and landscaping and the creation of open space in a Community Park. Provision of replacement sports ground including the creation of new sports pitches,

## **PLANNING COMMITTEE MINUTES (Continued)**

erection of training lights, a club house (including bar, changing facilities, showers and communal area) and ancillary buildings.

The application was presented to Committee because of the number of objections received including objections from Baginton, Bubbenhall, Stoneleigh and Ashow Parish Councils. Additionally, the recommendation was to grant planning permission, subject to the completion of a legal agreement.

The officer was of the opinion that the proposals were in accordance with the allocation of the site as a sub-regional employment site in the Local Plan (Policy DS16). This Local Plan allocation was made to meet a sub-regional need for a major employment site. This was a key element of the Development Strategy of the Local Plan. The proposals also accorded with the various plans and strategies of the Coventry and Warwickshire Local Enterprise Partnership, including the Strategic Economic Plan. In this context, it was considered that the proposals would generate significant economic benefits. The report highlighted that this should be afforded significant weight in the planning balance.

The proposals accorded with Green Belt policy; very special circumstances existed to outweigh any limited Green Belt harm arising from the construction of the bunds. A condition was recommended to secure suitable provisions for the relocation of Trinity Guild Rugby Football Club and clauses in the Section 106 agreement would secure suitable mitigation of ecological impacts. The proposals were considered to be acceptable in terms of car parking and highway safety, landscape impact and flood risk / drainage. The proposals would not cause unacceptable harm to the living conditions of nearby dwellings and had been judged to be acceptable in terms of noise, light pollution and air quality impacts. Conditions could adequately control issues relating to contamination and there would be no harm to heritage assets. Finally, the proposals would have an acceptable relationship with Coventry Airport.

Overall, it was considered that the proposals accorded with the policies of the Development Plan (including the Local Plan and the Neighbourhood Plan) and the NPPF. Therefore, it was recommended that planning permission be granted.

An addendum circulated at the meeting advised that Trinity Guild Rugby Football Club and Highways England had withdrawn their objections, subject to additional conditions being secured. The addendum also advised of a number of amendments to the existing conditions, additional conditions and a further obligation being proposed under the Section 106 agreement. In addition, 27 further objections had been received, as well as concerns raised by the Woodland Trust.

The following people addressed the Committee:

- Councillor J Lucas, representing Bubbenhall Parish Council, objecting;
- Councillor W Bush, Baginton Parish Council, objecting;
- Professor J Shattock, objecting;
- Mr Holmes, supporting; and
- Councillor Mrs Redford, Ward Councillor, objecting.

## **PLANNING COMMITTEE MINUTES (Continued)**

Members received clarification on a number of technical matters including the materials that the bunds would be constructed from, the issue of contaminated land and the retention of a number of trees.

In addition, details relating to the inclusion of specific items in the S106 agreement were discussed and covered sustainable transport measures and the future maintenance of the Country Park.

During the robust debate, the Committee raised questions about the contaminated land, protection of mature trees, access issues, economic viability etc.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Ashford and seconded by Councillor Boad that the application should be granted, subject to the conditions in the report and addendum, with an amendment to Condition 9 to increase the time frame that any removed, dying, seriously damaged, defective or diseased landscaping had to be replaced in and the completion of a satisfactory Section 106 Agreement, and subject to the referral to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2009.

The Committee therefore

**Resolved** that W/18/0522 be **granted** in accordance with the recommendations in the report, subject to the completion of a satisfactory Section 106 agreement and subject to referral to the Secretary of State under the Town and Country Planning (Consultation)(England) Direction 2009 and to the following conditions:

- (1) details of the following reserved matters for each phase of the development shall be submitted to and approved in writing by the local planning authority before any part of that phase of the development (other than demolition or ground works) is commenced:
  - the layout of the phase and its relationship with existing adjoining development;
  - the scale of the buildings;
  - the appearance of the buildings; and
  - the landscaping of the site.

**Reason:** to comply with Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015;

- (2) application for approval of the matters referred to in Condition 1 above must be made within five years of the date of this permission.

## PLANNING COMMITTEE MINUTES (Continued)

**Reason:** to comply with Section 92 of the Town & Country Planning Act 1990 (as amended);

- (3) the development to which this permission relates shall begin within five years of the date of 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 & Country Planning Act 1990 (as amended);

- (4) prior to the commencement of development, details regarding the phasing of the development shall be submitted to and approved in writing by the local planning authority and such details shall include:
- a plan(s) showing the boundaries of each phase, the extent and use of building development in each phase, the phasing of works within the proposed Community Park and arrangements in respect of the phasing of all transportation infrastructure;
  - temporary access arrangements for vehicles and pedestrians in respect of each phase;
  - interim car parking arrangements in respect of each phase;
  - any interim surface, boundary treatment, external lighting or landscaping measures;
  - a report to demonstrate that the phasing proposals do not affect the conclusions of the noise and air quality assessments included in the Environmental Statement (including supplementary noise and air quality assessments and details of further mitigation measures, if necessary); and
  - a temporary drainage strategy in respect of each phase.

Once approved the development of each phase shall be carried out in full accordance with such approved details or any subsequent amendments so approved.

**Reason:** to ensure that in the event of the development being carried out on a phased

## PLANNING COMMITTEE MINUTES (Continued)

basis, satisfactory access and interim environmental treatment is incorporated within each phase, in the interests of public safety and visual amenity in accordance with Policies BE1, TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (5) in respect of the Reserved Matters to be submitted in accordance with Condition 1, the building ridge heights and footprints and the overall Gross Internal Area of all building floorspace shall be within the minimum and maximum limits set down in approved Parameters Plan drawing no. 3924-3/023 Rev P12.

**Reason:** to define the permission in the interests of urban design and highway safety and capacity in accordance with Policies BE1 & TR2 of the Warwick District Local Plan 2011-2029;

- (6) any Reserved Matters application shall, where relevant to that phase of development:

- demonstrate that the proposals accord with the approved Parameters Plan drawing no. 3924-3/023 Rev P12 and the principles set down in the Design & Access Statement forming part of the approved application documentation;
- define principles regarding building design, materials, elevational detailing and public realm hard/soft landscaping;
- identify those trees to be retained or removed as part of the development and the number and location of new trees to be provided as compensation;
- identify locations for public art features;
- show the location of each pond;
- include landscape design principles for the logistics park aimed at ensuring that soft landscaping within this area is satisfactorily integrated with the Community Park and neighbouring land;
- contain principles in respect of disabled access throughout the development and to/from buildings; and
- detail principles on how crime prevention matters will be addressed in respect of the development.

**Reason:** in the interests of urban design in accordance with Policies BE1 & HS7 of the

## PLANNING COMMITTEE MINUTES (Continued)

Warwick District Local Plan 2011-2029;

- (7) the reserved matters to be submitted in accordance with Condition 1 for each phase shall include details of all earthworks, mounding and the finished floor levels of all buildings and structures, together with details of existing and proposed site levels in that phase and the relationship with adjacent land and buildings and such details shall accord with approved Parameters Plan drawing no. 3924-3/023 Rev P12 forming part of the approved application documentation.

**Reason:** in the interests of urban design, to ensure that the mounds are in keeping with surrounding landscape and to ensure that the proposals do not harm the living conditions of nearby dwellings, in accordance with Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029;

- (8) the reserved matters to be submitted in accordance with Condition 1 for each phase shall include sample details of facing, roofing and hard surfacing materials for that phase. Thereafter the development shall be constructed in full accordance with such approved details or any amendment of these subsequently approved in writing by the local planning authority.

**Reason:** in the interests of urban design in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (9) any soft landscaping referred to in Condition 1 in respect of each phase shall be completed in all respects within six months of the substantial completion of development in that phase. Any such landscaping removed, dying or becoming seriously damaged, defective or diseased within ten years from the substantial completion of development in that phase shall be replaced within the next planting season with landscaping of a similar size and species to that which they replace. Any replacement hedging, trees or shrubs 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

## PLANNING COMMITTEE MINUTES (Continued)

appearance of the development in the interests of visual amenity in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (10) no demolition or construction works shall commence in any phase (including any ground remodelling works), until a Tree Protection Plan, Arboricultural Method Statement and Arboricultural Implications Assessment in respect of those trees earmarked for retention under Condition 6 above have been submitted to and approved in writing by the local planning authority. Thereafter, all demolition and construction works (including any ground remodelling works) in that phase shall be undertaken in strict accordance with the approved Tree Protection Plan, Arboricultural Method Statement and Arboricultural Implications Assessment.

**Reason:** to safeguard those trees to be retained in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029;

- (11) the existing trees, shrubs and hedges indicated under Condition 6 to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any trees, shrubs or hedges removed without such consent or dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s), hedge(s) or shrub(s) of such size and species as have been approved in writing 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 Policy NE4 of the Warwick District Local Plan 2011-2029;

## PLANNING COMMITTEE MINUTES (Continued)

- (12) none of the buildings hereby permitted shall be occupied until the construction of the proposed bunds has been completed in strict accordance with the approved plans.

**Reason:** to ensure that the bunds provide screening for the development at the earliest opportunity, in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (13) prior to commencement of site works including demolition, a detailed soil management plan, conforming to the *Defra Code of Practice for the Sustainable Use of Soils on Construction Sites (2009)*, shall be submitted for approval by the local planning authority. The plan will detail proposals for soil stripping, movement, storage, and spreading and will also identify soil remediation works where required. All earthworks shall be carried out in strict accordance with the approved details.

**Reason:** to ensure the sustainable management of the site's soil resource and to ensure that earthworks will provide the best opportunities for successful establishment and sustenance of landscape infrastructure and ecological services throughout the scheme, in accordance with Policies BE1 & NE4 of the Warwick District Local Plan 2011-2029;

- (14) no development shall commence until:

- (i) a scheme to consider options for the retention of the oak tree marked as T38 on the tree survey has been submitted to and approved in writing by the local planning authority;
- (ii) if the scheme approved under (i) demonstrates to the satisfaction of the local planning authority that it is not feasible or practical to retain the tree, details of compensatory measures shall be submitted to an approved in writing by the local planning authority.

If retention of the tree is approved under (i), the tree shall be retained in accordance with the approved scheme. If removal of the tree is approved under (i), the compensatory measures approved under (ii) shall be implemented in strict accordance with the approved details.



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**Reason:** to ensure that all options to retain this tree which is of significant amenity and ecological value to the area are assessed, in accordance with Policies NE2, NE3 & NE4 of the Warwick District Local Plan 2011-2029;

- (15) no development shall commence other than site preparation and earthworks until full details of the site access provisions have been submitted to and approved in writing by the local planning authority. Thereafter the approved highway access works will be implemented in strict accordance with the approved plans and permanently retained thereafter.

**Reason:** in the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (16) no construction shall commence in each phase until a Construction Management Plan for that phase has been submitted to and approved in writing by the local planning authority. This shall include a Construction Phasing Plan, HGV routing Plan, details of provision for HGV access and manoeuvring on site and details of employee car parking provision. The development shall be carried out in strict accordance with the Construction Management Plan approved under this condition.

**Reason:** in the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (17) access to and departure from the development site by construction delivery vehicles shall not be permitted between 0730 hours and 0900 hours or between 1630 hours and 1800 hours.

**Reason:** in the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (18) no development shall commence other than site preparation and earthworks until details (including a Road Safety Audit) of pedestrian/cycle crossing facilities at the Rowley Road signalised roundabout have been submitted to and approved in writing by the local planning authority. Thereafter these crossing facilities shall be implemented in

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accordance with the approved plans and permanently retained thereafter.

**Reason:** in the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (19) no more than 46,450 square metres (GFA) of floorspace shall be brought into use and occupied until the Phase 2 site access highway works for the Whitley South development approved under planning permission no. W16/0239 (as illustrated on Lawrence Walker Ltd Site Access Proposed Improvements Phasing Figure 2 Rev P33) have been constructed in general accordance with the detailed highways drawings in respect of such Phase 2 works forming part of the approved application documentation for W16/0239 and is opened to traffic.

**Reason:** in the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (20) no highway works approved as part of the development shall be undertaken unless and until:
- i) a Stage 1 and 2 Safety Audit (incorporating associated designers responses); and
  - ii) the details of any relaxations or departures from the highway standards utilised by the relevant Highway Authority at that time;

in respect of those highway works, have been submitted to and approved in writing by the local planning authority.

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

- (21) street lighting shall be provided in respect of each phase of the development hereby permitted which involves the construction of highways, footpaths or cycleways in full accordance with details previously submitted to and approved in writing by the local planning authority.

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**Reason:** in the interests of highway, pedestrian and cyclist safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (22) no works shall commence on the construction of the Link Road between Rowley Road and the logistics park unless and until further details of the design of the road, footway(s) and cycleway(s) have been submitted to and approved in writing by the local planning authority. These details shall include large scale plans and sections showing the layout, vertical alignment, and surface water drainage details including the outfalls. The development shall be carried out in strict accordance with the approved details.

No other highway works approved as part of the development shall be undertaken unless and until further details of the design of the internal site road, footways, cycleways and car parks have been submitted to and approved in writing by the local planning authority. These details shall include large scale plans and sections showing the layout, vertical alignment, and surface water drainage details including the outfalls. The development shall be carried out in strict accordance with the approved details.

**Reason:** in the interests of highway, pedestrian and cyclist safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (23) no development shall be occupied unless and until a Link Road has been constructed between Rowley Road and the site generally in accordance with drawing no. 17-0836/100A. The Link Road shall be 7.3m wide unless otherwise required at bends and shall provide for 120m forward visibility in accordance with TD9/93 - "Highway Link Design". It shall include either twin 3m Cycleways or a single 4m Cycleway on the eastern side, to be agreed with the Highway Authority. Signage shall be provided at connections with Bubbenhall Road and Coventry Road stating that roads to the south are "Unsuitable for HGV's". Bus Stops shall be provided on the Link Road in each direction of travel to allow suitable access to the site, Coventry Road and Whitley South (details and location to be agreed with the

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Highway Authority). The Link Road shall be constructed in accordance with details that shall have been submitted to and approved in writing by the local planning authority.

**Reason:** in the interests of highway, pedestrian and cyclist safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (24) no gates or barriers shall be erected at the accesses to the site or airport land unless otherwise approved in writing by the local planning authority.

**Reason:** in the interests of highway, pedestrian and cyclist safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (25) no building within the development hereby permitted shall be occupied unless and until the following transportation infrastructure has been provided in respect of that building in accordance with Reserved Matters details submitted to and approved in writing by the local planning authority:

- i) Motor vehicle, pedestrian and cyclist access to that building from the boundary of the application site;
- ii) All the car parking approved for that building which shall include disabled car parking comprising at least 2% of the total number of car parking spaces provided for that building plus 6 further spaces;
- i) Covered cycle and motorcycle parking; and
- ii) Servicing arrangements in respect of that building.

Thereafter such transportation infrastructure shall remain in place and available for such use at all times.

**Reason:** in the interests of highway, pedestrian and cyclist safety and to promote sustainable transport choices in accordance Policies TR1 & TR3 of the Warwick District Local Plan 2011-2029;

- (26) the number of car parking spaces to be

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provided within the application site in respect of the development hereby permitted shall not exceed 3,500, of which a maximum of 500 shall be allocated for visitors and no more than 3,000 for the employees of the development.

**Reason:** in the interests of highway safety and the promotion of sustainable transport choices in accordance with Policies TR1, TR2 & TR3 of the Warwick District Local Plan 2011-2029;

- (27) prior to any part of the development being brought into use and occupied a detailed Car Parking Management Strategy for the control, management and enforcement of on-site (development plot) parking and of off-site (access and distributor road) parking shall be submitted to and approved in writing by the local planning authority. Thereafter car parking associated with the development shall be managed in full accordance with this approved Strategy.

**Reason:** in the interests of highway safety and the promotion of sustainable transport choices in accordance with Policies TR1, TR2 & TR3 of the Warwick District Local Plan 2011-2029;

- (28) the reserved matters to be submitted in accordance with Condition 1 in respect of any single unit exceeding 1000 square metres (GFA) shall be accompanied by details of showering and changing facilities for employees working in or visiting that unit. Thereafter such approved facilities shall be provided in the construction of that unit and at all times following the first occupation of that unit those facilities shall remain in place and be available for use by persons employed in that unit.

**Reason:** to promote sustainable transport choices in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (29) no development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in

## PLANNING COMMITTEE MINUTES (Continued)

accordance with the approved details before the development is completed. The scheme to be submitted shall:

- undertake infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site;
- provide provision of surface water attenuation storage as stated within the FRA and/ or in accordance with 'Science Report SC030219 Rainfall Management for Developments';
- demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753. Where possible conveyance features should be designed to slow flows and provide surface water treatment where possible;
- where flooding occurs onsite to store the 1 in 100-year climate change event details should be provided of the storage capacity required outside of the proposed formal drainage system. Details of the depths and locations of flooding should also be provided to the LLFA where the depths may be unsafe, Hazard mapping may be required to ensure the development remains safe to users of the site;
- demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the one in one year, one in two year, one in 30 year, one in 100 year and one in 100 year plus climate change return periods;
- provide evidence to show that the relevant consents are in place for connection to the existing surface water network from the relevant asset owners; and
- provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.

**Reason:** to prevent the increased risk of

## PLANNING COMMITTEE MINUTES (Continued)

flooding both on and off site, to ensure the features are constructed to the necessary standard and to ensure long term maintenance of the sustainable drainage scheme in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029;

- (30) no development shall commence until details of the future management and maintenance of the surface water drainage systems have been submitted to and approved in writing by the local planning authority. This shall include details of the name of the party responsible, including contact details. The approved management and maintenance plan shall thereafter be implemented in strict accordance with the approved details.

**Reason:** to prevent the increased risk of flooding both on and off site, to ensure the features are constructed to the necessary standard and to ensure long term maintenance of the sustainable drainage scheme in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029;

- (31) the development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) Coventry and Warwickshire Development Partnership Gateway South\_BWB Consulting\_WHI-BWB-EWE-XX-RP-YE-0002\_FRA\_Rev P5\_May 2018 and in particular the following mitigation measures detailed within the FRA:

- limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to a total of 407l/s for the site using multiple outfalls;
- your ref: W/18/0522 Our ref: WCC001081 R1/FRM/SW/002 Your letter received: 22/05/2018;
- finished floor levels are set no lower than 150mm above surrounding ground levels;
- surface water is to be provided via a minimum of two trains of treatment, where necessary, using the proposed above ground drainage features within the drainage design; and
- the mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing

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and phasing arrangements embodied within the scheme.

**Reason:** to ensure runoff from the site is not increased, satisfactory storage is provided and water quality benefits are included in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029;

- (32) no development shall commence until a strategy to manage and maintain any construction materials from entering or silting up the local drainage network has been submitted to and approved in writing by the Local Planning Authority. This shall include details of measures to ensure that no silt or chemicals can leave the phase being constructed as well as measures to ensure that any damage to the local land drainage network is repaired. The approved strategy shall be implemented in strict accordance with the approved details.

**Reason:** to prevent the increased risk of flooding both on and off site, to ensure the features are constructed to the necessary standard and to ensure long term maintenance of the sustainable drainage scheme in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029;

- (33) the reserved matters submitted under Condition 1 above in respect of any phase of the development shall include details for the disposal of foul sewage associated with any development in that phase Thereafter infrastructure for the disposal of foul sewage in respect of that phase of the development shall be provided in accordance with the approved details before the development in that phase is first brought into use.

**Reason:** to ensure that the development is provided with a satisfactory means of foul sewage drainage in accordance with FW2 of the Warwick District Local Plan 2011-2029;

- (34) no development shall commence on the site occupied by Trinity Guild RFC unless and until a scheme for the relocation of Trinity Guild RFC has been submitted to and approved in writing by the local planning authority, in consultation with Sport England. The scheme shall include details of playing pitches, the layout of the



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site, a clubhouse, floodlighting, perimeter fencing and parking facilities together with vehicle and pedestrian access to those facilities which are at least equivalent in terms of quantity and quality to those which the club currently have on their existing site. The scheme shall also include details of timescales for the relocation, including details of any temporary facilities during construction works. The scheme shall be implemented in strict accordance with the approved details and timescales.

**Reason:** to ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures continuity of use and to accord Local Plan Policy HS2;

(35) no development shall commence on the replacement playing field occupied by Trinity Guild RFC unless and until the following has been submitted to and approved in writing by the local planning authority, in consultation with Sport England:

(i) a detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field, to identify constraints which could adversely affect playing field quality; and

(ii) where the results of the assessment carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints.

The scheme under (ii) shall include a written specification of the proposed soil structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation. Any scheme approved under (ii) shall be implemented in strict accordance with the approved details. The land shall be maintained in strict accordance with the approved scheme at all times thereafter.

**Reason:** to ensure that the playing field is prepared to an adequate standard and is fit for purpose, in accordance with Local Plan Policy HS2;

(36) no development shall commence on the replacement playing field unless and until a

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schedule of maintenance for the replacement playing field for a minimum period of two years from first use has been submitted to and approved in writing by the local planning authority in consultation with Sports England. The schedule of maintenance shall be implemented in strict accordance with the approved details.

**Reason:** to ensure that the playing field is established as a functional playing field to an adequate standard and is fit for purpose, in accordance with Local Plan Policy HS2;

- (37) no development shall take place on any phase of the development hereby permitted until arrangements have been made to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The development shall be carried out in accordance with the programme so approved or any amended programme subsequently approved in writing by the local planning authority.

**Reason:** in order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;

- (38) no development shall commence unless and until a scheme for the provision of emergency access from Middlemarch Business Park to Bubbenhall Road and from the proposed logistics park to Siskin Parkway West both during the construction and operational phases of development has been submitted to and approved in writing by the Local Planning Authority. At all times following the commencement of development such emergency access shall be provided in full accordance with the approved scheme.

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

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- (39) noise arising from any plant or equipment within the application site, when measured one metre from the façade of any residential property, shall not exceed the 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 Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029;

- (40) none of the buildings hereby permitted shall be first occupied until:
- i) a report detailing noise mitigation measures for the development (including noise calculations) has been submitted to and approved in writing by the District Planning Authority; and
  - ii) the noise mitigation measures approved under (i) have been implemented in strict accordance with the approved details.

The approved noise mitigation measures shall be maintained in a manner that achieves the noise attenuation specified in the report approved under (i) at all times thereafter.

**Reason:** to protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029;

- (41) the Construction Management Plan to be submitted under Condition 17 above shall also include detail in respect of those matters set out in Sections 4, 5 & 6 of the Construction Sequence and Programme report forming part of the approved application documentation and shall include details of measures to control dust and noise from construction activities.

**Reason:** in the interests of highway safety and to protect the living conditions of nearby properties, in accordance with Policies BE3, TR1, TR2 & NE5 of the Warwick District Local

## PLANNING COMMITTEE MINUTES (Continued)

Plan 2011-2029;

- (42) no development shall take place on any phase of development 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 Policy TR2 of the Warwick District Local Plan 2011-2029;

- (43) no development shall take place on any phase of the development until:
- i) a preliminary risk assessment has been carried out (to include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information) and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced;
  - ii) a site investigation has been undertaken in accordance with details approved by the local planning authority using the information obtained from the preliminary risk assessment;
  - iii) 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 and approved in writing by the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion.

No remediation should be undertaken before the method statement has been so approved. The approved remediation requirements shall thereafter be implemented in full and all development of the site shall accord with the approved method statement.

**Reason:** to protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the

## PLANNING COMMITTEE MINUTES (Continued)

Warwick District Local Plan 2011-2029;

- (44) if, during development, contamination not previously identified is found to be present at the site then no further development shall take place until an addendum to the remediation method statement has been submitted to and approved in writing by the local planning authority. The addendum to the method statement shall detail how this unsuspected contamination will be dealt with. The remediation requirements in the approved addendum to the method statement shall thereafter be implemented.

**Reason:** to protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029;

- (45) no phase of the development shall be first occupied until a verification report demonstrating completion of the works set out in the approved remediation method statement and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a plan (a "long-term monitoring and maintenance plan") for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented in strict accordance with the approved details.

**Reason:** to protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029;

- (46) no recycled aggregate shall be imported to any part of the application site to be used in the construction of the development hereby permitted until:
- i) a scheme of validation sampling has been submitted to and approved in writing by the local planning authority; and

## PLANNING COMMITTEE MINUTES (Continued)

- ii) the recycled aggregate has been sampled in accordance with the scheme approved under i) and the results of the sampling have been submitted to and approved in writing by the local planning authority.

**Reason:** to protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029;

- (47) no infiltration of surface water drainage into the ground shall be permitted other than with the express written consent of the local planning authority. This consent will only be granted for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

**Reason:** to protect controlled waters and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029;

- (48) piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**Reason:** to protect controlled waters and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029;

- (49) construction work shall not begin on any phase of the development hereby permitted until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. No part of any phase of the development shall be occupied until the approved scheme has been implemented to the satisfaction of the District Planning Authority for that phase of the development.

**Reason:** in the interests of fire safety in

## PLANNING COMMITTEE MINUTES (Continued)

accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (50) no development shall commence on any phase of the development hereby permitted, other than site preparation and earthworks, until a lighting scheme for that phase of the development, excluding street lighting, has been submitted to and approved in writing by the local planning authority. No lighting shall be installed other than in strict accordance with the approved lighting schemes.

**Reason:** to protect the amenities of the occupiers of nearby properties in the locality and the rural character of the area, in accordance with Policies BE3, NE2 & NE5 of the Warwick District Local Plan 2011-2029;

- (51) no phase of the development hereby permitted shall be commenced unless and until a pre-assessment and design stage assessment by an accredited BREEAM assessor demonstrating how the development of that phase will be designed and constructed to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. The development of each phase shall not be occupied unless and until a completion stage assessment by an accredited BREEAM assessor demonstrating that the development of that phase achieves as a minimum BREEAM standard 'very good' (or any future national equivalent) has been submitted to and approved in writing by the Local Planning Authority;

**Reason:** to deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029;

- (52) the development hereby approved shall not exceed 343,740 sqm (GFA). No more than 104,000 sq m (GFA) of this shall be for purposes falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987;

## **PLANNING COMMITTEE MINUTES (Continued)**

(53) no development shall take place until a scheme of traffic impact mitigation at the A46/A45/A444 Stivichall interchange, which shall comprise at least the following works, has been submitted to and approved in writing by the local planning authority in consultation with the Highway Authority for the A45/A46 trunk roads. The scheme of mitigation shall be informed following an assessment of traffic impacts at this junction and its associated interaction with the A46/A45(T) and the scope of this assessment shall have been agreed in writing with the local planning authority in consultation with the Highway Authority for the A45/A46 trunk roads.

- signalisation of the on slip approach from the A444 to A45;
- signalisation of the off slip west bound from the A45 and removal of segregated left turn lane;
- realignment of traffic lanes on the circulatory carriageway; and
- realignment of kerbs on the approaches/circulatory carriageway.

(54) prior to the commencement of development the following details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority for the A45/A46 trunk roads:

- a) full details of the proposed new A45 Grade Separated Junction as generally illustrated on the General Arrangement Drawing 17-0836-SK01-Rev B;
- b) full details of how the site access provisions generally as illustrated on the General Arrangement Drawing 17-0836-SK01-Rev B will align with the completed Highways England A45 Tollbar End improvement scheme; and
- c) full details, of the proposed alterations to the A46 / A45 / A444 Stivichall Interchange, as defined under Condition 2.

The details to be submitted under this condition shall include:

- how the development scheme interfaces with the A45 / A46 trunk roads;
- highway alignment, including full details as indicated within the design check list



## PLANNING COMMITTEE MINUTES (Continued)

- contained within HD 19/15 of the Design Manual for Roads and Bridges (DMRB);
- confirmation of full compliance with the current Design Manual for Roads and Bridges (DMRB), Interim Advice Notes (IANs), Traffic Sign Manual (TSM), Manual of Contract Documents for Highway Works (MCHW) and associated British Standards and Eurocodes and Department for Transport Policies, Local Transport Notes (LTNs), Traffic Advisory Leaflets (TALs) and Advice Notes and any necessary relaxations / departures from standards approved by the Highways Authority for the Strategic Road Network;

Note that independent Stage One and Two Road Safety Audits shall be carried out in accordance with the current Design Manual for Roads and Bridges (DMRB) and related Interim Advice Notes (IANs) prior to construction. Design stage Non-Motorised User Audit shall also be carried out in accordance with the current Design Manual for Roads and Bridges (DMRB) standard and related Interim Advice Notes (IANs).

Thereafter, the development shall be undertaken in full accordance with these approved details or any amendments subsequently approved in writing by the Local Planning Authority in consultation with the Highway Authority for the A45 / A46 trunk roads. A Stage Three RSA will be required prior to opening;

- (55) no part of the development hereby permitted shall come into use until a scheme of works at the A46 Stoneleigh junction has been implemented and is open to traffic. The scheme shall provide sufficient improvement in operational capacity to adequately mitigate the traffic impacts of the development hereby permitted;
- (56) prior to the commencement of development detailed design of the amendments to the existing cycleway along the western edge of the A45 London Road shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authorities (Coventry City Council and Highways England), in accordance with drawing number 17-0836-103-Rev A;

## PLANNING COMMITTEE MINUTES (Continued)

- (57) prior to the commencement of development, a detailed Highway Improvement Works Phasing Plan generally in accordance with the Construction Phasing Plan 3924-3-027 P03 including highways and earthworks shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority for the A45 / A46 trunk roads. Thereafter the phasing of the A45 / A46 trunk road access and alterations shall be undertaken in full accordance with these approved details or any amendments subsequently approved in writing by the Local Planning Authority in consultation with the Highway Authority for the A45 / A46 trunk roads; and
- (58) prior to the commencement of development details of the drainage strategy, for the development site and highway works affecting the Strategic Road Network, shall ensure there is no connection (direct or indirect) to the trunk road drainage system and shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority for the A45 / A46 trunk roads and subsequently implemented as approved.

137. **W/18/1942 - 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 A4414/Whitley Roundabout**

The Committee considered an application for the variation of Condition 13 of planning permission W/16/0239 from Coventry and Warwickshire Development Partnership, to allow for the occupation of the proposed UK Battery Industrialisation Centre facility either ahead of, or in parallel with, Jaguar Land Rover's occupation.

The application was presented to Committee because an objection had been received from Bubbenhall Parish Council.

The officer was of the opinion that the proposed variation of condition would accord with current planning policies and would not reduce the economic benefits of the proposed development. Therefore, it was recommended that planning permission be granted for the proposed variation.

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

## **PLANNING COMMITTEE MINUTES (Continued)**

The Committee therefore

**Resolved** that W/18/1942 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) details of the following reserved matters for each phase of the development shall be submitted to and approved in writing by the local planning authority before any part of that phase of the development (other than demolition or ground works) is commenced:
  - i) the layout of the phase and its relationship with existing adjoining development;
  - ii) the scale of the buildings;
  - iii) the appearance of the buildings; and
  - iv) the landscaping of the site.

**Reason:**

To comply with Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015;

- (2) application for approval of the matters referred to in Condition 1 above must be made within 5 years of the date of this permission.

**Reason:**

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

- (3) the development to which this permission relates shall begin within 5 years of the date of permission or within 2 years of the final approval of the reserved matters, whichever is the later.

**Reason:**

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

- (4) prior to the commencement of development, details regarding the phasing of the development shall be submitted to and approved in writing by the local planning authority and such details shall include:
  - i) a plan(s) showing the boundaries of each phase, the extent and use of building development in each phase, the phasing of works within the proposed Countryside Park and arrangements in

## **PLANNING COMMITTEE MINUTES (Continued)**

- respect of the phasing of all transportation infrastructure;
- ii) temporary access arrangements for vehicles and pedestrians in respect of each phase;
- iii) car parking arrangements in respect of each phase;
- iv) any interim surface, boundary treatment, external lighting or landscaping measures;
- v) a report to demonstrate that the phasing proposals do not affect the conclusions of the noise and air quality assessments included in the Environmental Statement (including supplementary noise and air quality assessments and details of further mitigation measures, if necessary); and
- vi) a temporary drainage strategy in respect of each phase.

Once approved the development of each phase shall be carried out in full accordance with such approved details or any subsequent amendments so approved.

### **Reason:**

To ensure that in the event of the development being carried out on a phased basis, satisfactory access and interim environmental treatment is incorporated within each phase, in the interests of public safety and visual amenity in accordance with Policies BE1, TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (5) in respect of the Reserved Matters to be submitted in accordance with Condition 1, the building ridge heights and footprints and the overall Gross Internal Area of all building floor space shall be within the minimum and maximum limits set down in approved Parameters Plan drawing no. P16-0062-3E.

### **Reason:**

To define the permission in the interests of urban design and highway safety and capacity in accordance with Policies BE1 & TR2 of the Warwick District Local Plan 2011-2029;

- (6) any Reserved Matters application shall, where relevant to that phase of development:
  - Demonstrate that the proposals accord

## PLANNING COMMITTEE MINUTES (Continued)

with the approved Parameters Plan drawing no. P16-0062-3E and the principles set down in the Design & Access Statement Addendum forming part of the approved application documentation;

- Define principles regarding building design, materials, elevational detailing and public realm hard/soft landscaping;
- Identify those trees to be retained or removed as part of the development and the number and location of new trees to be provided as compensation;
- Identify locations for public art features;
- Show the location of each pond;
- Include design principles in respect of layout, scale, appearance and landscaping aimed at minimising its visual impact on the Lunt Roman Fort;
- Contain details on how permeability will be achieved in respect of the network of estate roads within the technology campus;
- Detail principles on how legibility will be achieved within the technology campus including design principles in respect of the new A45 bridge and land to the immediate south of it comprising the gateway into the development.
- Include landscape design principles for the technology campus aimed at ensuring that soft landscaping within this area is satisfactorily integrated with the Countryside Park and neighbouring land.
- Contain principles in respect of disabled access throughout the development and to/from buildings.
- Detail principles on how crime prevention matters will be addressed in respect of the development.

Any subsequent Reserved Matters applications shall accord with the approved Master Plan and Design Code.

### **Reason:**

In the interests of urban design in accordance with Policies BE1 & HS7 of the Warwick District Local Plan 2011-2029;

- (7) the reserved matters to be submitted in accordance with Condition 1 for each phase shall include details of all earthworks,

## PLANNING COMMITTEE MINUTES (Continued)

mounding and the finished floor levels of all buildings and structures, together with details of existing and proposed site levels in that phase and the relationship with adjacent land and buildings and such details shall accord with approved Parameters Plan drawing no. P16-0062-3E forming part of the approved application documentation.

**Reason:**

In the interests of urban design, to ensure that the mounds are in keeping with surrounding landscape and to ensure that the proposals do not harm the living conditions of nearby dwellings, in accordance with Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029;

- (8) the reserved matters to be submitted in accordance with Condition 1 for each phase shall include sample details of facing, roofing and hard surfacing materials for that phase, such details to include information on the recycled/reclaimed content of such materials. Thereafter the development shall be constructed in full accordance with such approved details or any amendment of these subsequently approved in writing by the local planning authority.

**Reason:**

In the interests of urban design in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (9) the gross floor space of any unit the primary use of which falls within Class B1(a) of the Town & Country Planning (Use Classes) Order 1987 as amended erected under this permission shall not exceed 4999 square metres.

**Reason:**

To ensure that the development does not prejudice the provision of large scale office accommodation in town centres in accordance with EC1 of the Warwick District Local Plan 2011-2029;

- (10) no building approved under this permission used primarily for purposes falling within Class A1 of the Town & Country Planning (Use Classes) Order 1987 as amended (or in any Order revoking and re-enacting that Order)

## **PLANNING COMMITTEE MINUTES (Continued)**

shall exceed 250 square metres gross internal floor area.

### **Reason:**

To safeguard the shopping strategies of the local planning authorities and to accord with Government Guidance in the NPPF which seeks to direct large scale retailing to Town Centre locations;

- (11) no car showroom floor space or floor space falling within Classes A1, A3, A4, A5 or C1 of the Town & Country Planning (Use Classes) Order 1987 as amended shall be occupied unless and until at least 8,500 square metres (GFA) of floor space falling within Use Class B1 of the said Order has been occupied within the technology campus.

### **Reason:**

To ensure that the car showroom and other floor space falling within Use Classes A1, A3, A4, A5 and C1 is only provided when it is needed to serve the employment uses which primarily comprise the development approved under this permission in accordance with Policy TC2 of the Warwick District Local Plan 2011-2029;

- (12) no more than 10% of the total B1 floor space shall be occupied for purposes falling within Class B1a of the Town & Country Planning (Use Classes) Order 1987 as amended.

### **Reason:**

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety and to ensure that the development is primarily a technology campus in accordance with the identified need;

- (13) with the exception of any floor space to be occupied by UKBIC, the first 8,500 square metres (GFA) of floor space within the development shall be occupied by Jaguar Land Rover. With the exception of any building to be occupied by UKBIC, no other buildings shall be occupied within the development until Jaguar Land Rover have fully occupied 8,500 square metres of B1 floor space within the technology campus.

## **PLANNING COMMITTEE MINUTES (Continued)**

### **Reason:**

Since the particular requirements of Jaguar Land Rover formed part of the very special circumstances for permitting this inappropriate development within the Green Belt, in accordance with the NPPF;

- (14) any soft landscaping referred to in Condition 1 in respect of each phase shall be completed in all respects within 6 months of the substantial completion of development in that phase. Any such landscaping removed, dying or becoming seriously damaged, defective or diseased within 5 years from the substantial completion of development in that phase shall be replaced within the next planting season with landscaping of a similar size and species to that which they replace. Any replacement hedging, trees or shrubs 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 visual amenity in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (15) no demolition or construction works shall commence in any phase (including any ground remodelling works), until a Tree Protection Plan, Arboricultural Method Statement and Arboricultural Implications Assessment in respect of those trees earmarked for retention under Condition 6 above have been submitted to and approved in writing by the local planning authority. Thereafter, all demolition and construction works (including any ground remodelling works) in that phase shall be undertaken in strict accordance with the approved Tree Protection Plan, Arboricultural Method Statement and Arboricultural Implications Assessment.

### **Reason:**

To safeguard those trees to be retained in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029;

- (16) the existing trees, shrubs and hedges indicated under Condition 6 to be retained shall not be



## **PLANNING COMMITTEE MINUTES (Continued)**

cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any trees, shrubs or hedges removed without such consent or dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s), hedge(s) or shrub(s) of such size and species as have been approved in writing 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 Policy NE4 of the Warwick District Local Plan 2011-2029;

- (17) the construction of buildings and mounds within the technology campus shall be phased in strict accordance with the construction phasing plan (drawing no. 3924-1/004 P4).

### **Reason:**

To ensure that the mounds provide screening for the development at the earliest opportunity, in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (18) prior to commencement of site works including demolition, a detailed soil management plan, conforming to the *Defra Code of Practice for the Sustainable Use of Soils on Construction Sites (2009)*, will be submitted for approval by the local planning authority. The plan will detail proposals for soil stripping, movement, storage, and spreading and will also identify soil remediation works where required. All earthworks shall be carried out in strict accordance with the approved details.

### **Reason:**

To ensure the sustainable management of the site's soil resource and to ensure that

## **PLANNING COMMITTEE MINUTES (Continued)**

earthworks will provide the best opportunities for successful establishment and sustenance of landscape infrastructure and ecological services throughout the scheme, in accordance with Policies BE1 & NE4 of the Warwick District Local Plan 2011-2029;

(19) the development hereby permitted shall not exceed 70,683 square metres (GFA). Such development shall not exceed the following thresholds in respect of the specified uses as defined in the Town & Country Planning (Use Classes) Order 1987 as amended:

- 56,766 square metres (GFA) of B1 floor space;
- 4,645 square metres (GFA) of car showroom floor space;
- 11,617 square metres (GFA) of hotel floor space; and
- 2,300 square metres (GFA) of A1, A3, A4 and A5 floor space.

### **Reason:**

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety;

(20) no development shall take place other than site preparation and earthworks until a scheme of traffic impact mitigation at the A46/A45/A444 Stivichall interchange, which shall comprise at least the following works, has been submitted to and approved in writing by the local planning authority:

- Signalisation of the on slip approach from the A444 to A45;
- Signalisation of the off slip west bound from the A45 and removal of segregated left turn lane;
- Realignment of traffic lanes on the circulatory carriageway;
- Realignment of kerbs on the approaches/circulatory carriageway.

The mitigation scheme shall be informed by an assessment of the traffic impacts at this junction and its associated interaction with the A46/A45(T) with the scope of this assessment to have been first agreed in writing by the local

## PLANNING COMMITTEE MINUTES (Continued)

planning authority. The mitigation scheme approved under this condition shall be implemented in strict accordance with the approved details.

### **Reason:**

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety;

(21) no development shall take place other than site preparation and earthworks until the following details have first been submitted to and approved in writing by the local planning authority:

- Full details of how the site access provisions generally as illustrated on the General Arrangement Drawing 15-0752-100 Rev 1 will align with Highways England's A45 Tollbar End Improvement scheme;
- Full details of the proposed alterations to the A46 / Stoneleigh Road / Dalehouse Lane junction generally as illustrated on drawing number 15-0752-110;
- Full details, of the proposed new A45 Grade Separated Junction as generally illustrated on General Arrangement Drawing Number 15-0752-100 Rev 1; and
- Full details, of the proposed alterations to the A46 / A45 / A444 Stivichall Interchange.

The details to be submitted under this condition shall include:

- How the development scheme interfaces with the A45 / A46 trunk roads highway alignment, including full details as indicated within the design check list contained within HD19/15 of the Design Manual for Roads and Bridges (DMRB).
- Confirmation of full compliance with the current Design Manual for Roads and Bridges (DMRB), Interim Advice Notes (IANs), Traffic Sign Manual (TSM), Manual of Contract Documents for Highway Works (MCHW) and associated British Standards and Eurocodes and

## PLANNING COMMITTEE MINUTES (Continued)

Department for Transport Policies, Local Transport Notes (LTNs), Traffic Advisory Leaflets (TALs) and Advice Notes and any necessary relaxations / departures from standards approved by the Highways Authority for the Strategic Road Network.

- Independent Stages One and Two Road Safety Audits carried out in accordance with the current Design Manual for Roads and Bridges (DMRB) and related Interim Advice Notes (IANs) prior to construction. A Stage three RSA will be required prior to opening.
- Design stage Non-Motorised User Audit carried out in accordance with the current Design Manual for Roads and Bridges (DMRB) standard and related Interim Advice Notes (IANs).

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety.

Prior to the commencement of development, detailed design of the amendments to the existing cycleway along the northern edge of the A45 Stonebridge Highway shall be submitted to and approved in writing by the local planning authority. The design shall include details of the downgrading of the cycleway to a footway at the access to Stonebridge Meadows Local Nature Reserve (the SINC) and an appropriate signage strategy. The development shall be carried out in strict accordance with the details approved under this condition.

### **Reason:**

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety;

- (22) prior to the commencement of development, other than site preparation and earthworks, detailed design of the amendments to the existing cycleway along the northern edge of the A45 Stonebridge Highway shall be

## **PLANNING COMMITTEE MINUTES (Continued)**

submitted to and approved in writing by the local planning authority. The design shall include details of the downgrading of the cycleway to a footway at the access to Stonebridge Meadows Local Nature Reserve (the SINC) and an appropriate signage strategy. The development shall be carried out in strict accordance with the details approved under this condition.

### **Reason:**

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety;

- (23) prior to the commencement of drainage works, details of the drainage strategy for the development site and highway works affecting the Strategic Road Network shall be submitted to and approved by the local planning authority. The drainage strategy shall ensure there is no connection (direct or indirect) to the trunk road drainage system. The drainage strategy shall thereafter be implemented in strict accordance with the approved details.

### **Reason:**

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety;

- (24) no development shall commence other than site preparation and earthworks until full details of the site access provisions, in general accordance with drawing nos. THDA SK12 Rev C, THDA 15-0752 101 Rev 1 & THDA 15-0752 102 Rev 1, have been submitted to and approved in writing by the local planning authority. Thereafter the approved highway access works will be implemented in strict accordance with the approved plans and permanently retained thereafter.

### **Reason:**

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

## **PLANNING COMMITTEE MINUTES (Continued)**

- (25) no development shall commence, other than site preparation and earthworks, until a scheme of mitigation for the A46/Stoneleigh Road/Dalehouse Lane Interchange, in general accordance with drawing no. THDA 15-0752 110, has been submitted to and approved in writing by the local planning authority. Thereafter the mitigation scheme shall be implemented in strict accordance with the approved details and permanently retained thereafter.

**Reason:**

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (26) no construction shall commence in each phase until a Construction Management Plan for that phase has been submitted to and approved in writing by the local planning authority. This shall include a Construction Phasing Plan, HGV routing Plan, details of provision for HGV access and manoeuvring on site and details of employee car parking provision. The development shall be carried out in strict accordance with the Construction Management Plan approved under this condition.

**Reason:**

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (27) access to and departure from the development site by construction delivery vehicles shall not be permitted between 0730 hours and 0900 hours or between 1630 hours and 1800 hours.

**Reason:**

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (28) no development shall commence other than site preparation and earthworks until details of the proposed accesses onto Rowley Road have been submitted to and approved in writing by the local planning authority. Thereafter the approved highway access works will be implemented in accordance with the approved plans and permanently retained thereafter.

## **PLANNING COMMITTEE MINUTES (Continued)**

### **Reason:**

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (29) no construction shall commence on site until a detailed Highway Improvement Works Phasing Plan and Construction Sequence Programme/Timetable, linked to the extent of built floor space, and generally in accordance with Lawrence Walker Ltd Site Access Proposed Improvements Phasing Figure 2 Rev P27 and PHP Architects Construction Phasing Plan Including Highways and Earthworks 3924-1 004 rev P3 has been submitted to and approved in writing by the local planning authority. Thereafter the phasing of development shall be undertaken in full accordance with these approved details.

### **Reason:**

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (30) no more than 46,450 square metres (GFA) of development falling within Use Class B1 of the Town & Country Planning (Use Classes) Order 1987 as amended shall be brought into use and occupied until the Phase 2 site access highway works as illustrated on Lawrence Walker Ltd Site Access Proposed Improvements Phasing Figure 2 Rev P27 have been constructed in general accordance with the detailed highways drawings in respect of such phase 2 works forming part of the approved application documentation and is opened to traffic.

### **Reason:**

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (31) the construction of any highway structure as identified on TH:DA Drawing No. 15-0752 140 (Structures Location Plan) shall be undertaken only in full accordance with details, which shall include an approval in principle report, which have previously been submitted to and approved in writing by the local planning authority.

### **Reason:**

## **PLANNING COMMITTEE MINUTES (Continued)**

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (32) no highway works approved as part of the development shall be undertaken unless and until:
- i) a Stage 1 and 2 Safety Audit (incorporating associated designers responses); and
  - ii) the details of any relaxations or departures from the highway standards utilised by the relevant Highway Authority at that time;

in respect of those highway works, have been submitted to and approved in writing by the local planning authority.

**Reason:**

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

- (33) street lighting shall be provided in respect of each phase of the development hereby permitted which involves the construction of highways, footpaths or cycle ways in full accordance with details previously submitted to and approved in writing by the local planning authority.

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

- (34) at all times following the completion and opening to traffic of the phase 3 highway works in respect of the new A45 junction between the Festival and Toll Bar Islands, as illustrated on Lawrence Walker Ltd Drawing no. Figure 2 Rev P27 (Site Access Proposed Improvements Phasing) signage, traffic signal or other traffic management arrangements shall be in place on Rowley Road in accordance with details previously submitted to and approved in writing by the local planning authority to discourage vehicles exiting the development from utilising the roundabout element of the completed Highways Agency Tollbar End Improvement Scheme in order to access the strategic highway network.



## **PLANNING COMMITTEE MINUTES (Continued)**

**Reason:** In the interests of promoting the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (35) no building within the development hereby permitted shall be occupied unless and until the following transportation infrastructure has been provided in respect of that building in accordance with Reserved Matters details submitted to and approved in writing by the local planning authority:
- i) Motor vehicle, pedestrian and cyclist access to that building from the boundary of the application site;
  - ii) All the car parking approved for that building which shall include disabled car parking comprising at least 2% of the total number of car parking spaces provided for that building plus 6 further spaces;
  - iii) Covered cycle and motorcycle parking; and
  - iv) Servicing arrangements in respect of that building.

Thereafter such transportation infrastructure shall remain in place and available for such use at all times.

**Reason:**  
In the interests of highway, pedestrian and cyclist safety and to promote sustainable transport choices in accordance Policies TR1 & TR3 of the Warwick District Local Plan 2011-2029;

- (36) the number of car parking spaces to be provided within the application site in respect of the development hereby permitted shall not exceed 2,500, of which a maximum of 500 shall be allocated for visitors and no more than 2,000 for the employees of the development. Provided the above limits are not exceeded, car parking shall be provided in accordance with the standards for low accessibility zones set out in the Council Vehicle Parking Standards Supplementary Planning Document.

**Reason:**  
In the interests of highway safety and the promotion of sustainable transport choices in accordance with Policies TR1, TR2 & TR3 of the

## PLANNING COMMITTEE MINUTES (Continued)

Warwick District Local Plan 2011-2029;

- (37) prior to any part of the development being brought into use and occupied a detailed Car Parking Management Strategy for the control, management and enforcement of on-site (development plot) parking and of off-site (access and distributor road) parking shall be submitted to and approved in writing by the local planning authority. Thereafter car parking associated with the development shall be managed in full accordance with this approved Strategy.

**Reason:**

In the interests of highway safety and the promotion of sustainable transport choices in accordance with Policies TR1, TR2 & TR3 of the Warwick District Local Plan 2011-2029;

- (38) the reserved matters to be submitted in accordance with Condition 1 in respect of any single unit exceeding 1000 square metres (GFA) shall be accompanied by details of showering and changing facilities for employees working in or visiting that unit. Thereafter such approved facilities shall be provided in the construction of that unit and at all times following the first occupation of that unit those facilities shall remain in place and be available for use by persons employed in that unit.

**Reason:**

To promote sustainable transport choices in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (39) no development other than site preparation and earthworks shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 plus 20% critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall

## **PLANNING COMMITTEE MINUTES (Continued)**

also include:

- i) Full drainage calculations for a range of events (Microdrainage winds or similar)
- ii) Construction details for the ponds/swales
- iii) Details of how the scheme will be maintained and managed after completion.

### **Reason:**

To prevent the increased risk of flooding both on and off site, to ensure the features are constructed to the necessary standard and to ensure long term maintenance of the sustainable drainage scheme in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029;

- (40) the development hereby permitted (other than site preparation and earthworks) shall not be commenced until such time as a scheme to provide details of the proposed bridges and bridge extensions has been submitted to, and approved in writing by, the local planning authority. The scheme shall include construction details, details of bridge openings and details of any floodplain compensatory works. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements in the scheme, or any alternative arrangements as may subsequently be agreed, in writing, by the local planning authority.

### **Reason:**

To ensure the bridges and bridge extensions are constructed to a satisfactory standard and will not increase flood risk elsewhere in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029;

- (41) the development hereby permitted shall be carried out in strict accordance with the approved Flood Risk Assessment (dated 15/01/16, ref: WHI-BWB-EWE-XX-RP-EN-0001\_FRA Rev C, prepared by BWB Consulting) and the following mitigation measures detailed within the Flood Risk Assessment:

- Finished floor levels to be set no lower than 600mm above the 1 in 100 year +20% flood level and at least 150mm

## **PLANNING COMMITTEE MINUTES (Continued)**

above average surrounding ground level as recommended in Table 5.1.

- Provision of floodplain compensation for the new River Sowe bridge on a 'level for level' and 'volume for volume' basis as shown in Appendix F to provide a minimum volume of compensation of 7,199m<sup>3</sup>.
- Provision of floodplain compensation for the proposed A46 slip road crossing on a 'level for level' and 'volume for volume' basis as shown in Appendix F to provide a minimum volume of compensation of 2,263m<sup>3</sup>.

### **Reason:**

To ensure runoff from the site is not increased, satisfactory storage is provided and water quality benefits are included in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029;

- (42) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that Order with or without modification, no structure shall be erected within Flood Zone 3 or the bridge and embankment floodplain compensation areas as delineated on drawing ref: WHI-BWB-EWE-XX-SK-EN-0010, S2, rev P1 (Masterplan showing Flood Zones).

### **Reason:**

To ensure the bridges and bridge extensions will not increase flood risk elsewhere in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029;

- (43) the reserved matters submitted under Condition 1 above in respect of any phase of the development shall include details for the disposal of foul sewage associated with any development in that phase. Thereafter infrastructure for the disposal of foul sewage in respect of that phase of the development shall be provided in accordance with the approved details before the development in that phase is first brought into use.

### **Reason:**

To ensure that the development is provided with a satisfactory means of foul sewage drainage in accordance with FW2 of the

## **PLANNING COMMITTEE MINUTES (Continued)**

Warwick District Local Plan 2011-2029;

- (44) no development shall take place until a scheme for the provision and management of compensatory habitat creation, to compensate for the impact of the proposed development on the River Sowe, has been submitted to and agreed in writing by the local planning authority. This should include an investigation into the feasibility of river bank and floodplain restoration. Thereafter the development shall be implemented in accordance with the approved scheme.

**Reason:**

To ensure that harm resulting from the development can be adequately mitigated in accordance with Paragraph 118 of the NPPF;

- (45) for the duration of highway construction works on Rowley Road and thereafter at all times following the completion of those highway works access for the Midland Air Museum to and from Rowley Road shall be maintained in accordance with details submitted to and approved in writing by the local planning authority.

**Reason:**

To safeguard this cultural facility;

- (46) the development hereby permitted shall not be commenced on the site occupied by Trinity Guild RFC unless and until:
- i) the Trinity Guild RFC have moved to a new site and playing pitch, clubhouse and car parking facilities together with vehicle and pedestrian access to those facilities have been provided for the club on that site which are at least equivalent in terms of quantity and quality to those which the club currently have on their existing site in accordance with details submitted to and approved in writing by the local planning authority in consultation with Sport England and;
  - ii) those playing pitch, clubhouse and car parking facilities together with vehicle and pedestrian access to those facilities on that new site are available for use by the club.

## PLANNING COMMITTEE MINUTES (Continued)

### **Reason:**

To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures continuity of use and to accord with the NPPF;

- (47) no development shall take place on any phase of the development hereby permitted until arrangements have been made to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The development shall be carried out in accordance with the programme so approved or any amended programme subsequently approved in writing by the local planning authority.

**Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;

- (48) no part of the development hereby permitted shall be occupied until:
- i) details of measures to prevent illegal road racing or other anti-social or dangerous use of the roads within the development have been submitted to and approved in writing by the local planning authority; and
  - ii) the measures approved under i) have been implemented in strict accordance with the approved details in relation to that part.

### **Reason:**

To minimise the potential for crime and anti-social behaviour and improve community safety, in accordance with Policy HS7 of the Warwick District Local Plan 2011-2029;

- (49) no part of the development hereby permitted shall be occupied until ANPR cameras have been provided in accordance with a scheme submitted to and approved in writing by the local planning authority. The ANPR equipment shall comply with the ACPO ANPR standards

## **PLANNING COMMITTEE MINUTES (Continued)**

and with the information security requirements of Warwickshire Police. Warwickshire Police shall be provided with access to the live feeds from the ANPR cameras at all times thereafter.

### **Reason:**

To minimise the potential for crime and anti-social behaviour and improve community safety, in accordance with Policy HS7 of the Warwick District Local Plan 2011-2029;

- (50) fume extraction and odour control equipment (including external ducting flues) associated with any catering operation shall be properly installed in its entirety in accordance with details first submitted to and approved in writing by the local planning authority and such installation shall have been inspected by the local planning authority before that catering operation commences. Any external ducting shall be colour coated in accordance with the approved details within one month of its installation and any replacement or modification shall be colour coated to match within one month of its installation. The equipment shall be permanently operated and maintained in accordance with the manufacturer's specifications.

### **Reason:**

In the interests of amenity in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029;

- (51) noise arising from any plant or equipment within the application site, when measured one metre from the façade of any residential property, shall not exceed the 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 Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029;

## **PLANNING COMMITTEE MINUTES (Continued)**

- (52) none of the buildings hereby permitted shall be first occupied until:
- i) a report detailing noise mitigation measures for the development (including noise calculations) has been submitted to and approved in writing by the District Planning Authority; and
  - ii) the noise mitigation measures approved under (i) have been implemented in strict accordance with the approved details.

The approved noise mitigation measures shall be maintained in a manner that achieves the noise attenuation specified in the report approved under (i) at all times thereafter.

**Reason:**

To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029;

- (53) the Construction Management Plan to be submitted under Condition 26 above shall also include detail in respect of those matters set out in Sections 4, 5 & 6 of the Construction Sequence and Programme report forming part of the approved application documentation and shall include details of measures to control dust and noise from construction activities.

**Reason:**

In the interests of highway safety and to protect the living conditions of nearby properties, in accordance with Policies BE3, TR1, TR2 & NE5 of the Warwick District Local Plan 2011-2029;

- (54) no development shall take place on any phase of development 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 Policy TR2 of the Warwick District Local Plan 2011-2029;



## **PLANNING COMMITTEE MINUTES (Continued)**

- (55) no development shall take place on any phase of the development until:
- i) a preliminary risk assessment has been carried out (to include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information) and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced;
  - ii) a site investigation has been undertaken in accordance with details approved by the local planning authority using the information obtained from the preliminary risk assessment;
  - iii) 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 and approved in writing by the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion.

No remediation should be undertaken before the method statement has been so approved. The approved remediation requirements shall thereafter be implemented in full and all development of the site shall accord with the approved method statement.

### **Reason:**

To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029;

- (56) if, during development, contamination not previously identified is found to be present at the site then no further development shall take place until an addendum to the remediation method statement has been submitted to and approved in writing by the local planning authority. The addendum to the method statement shall detail how this unsuspected contamination will be dealt with. The remediation requirements in the approved addendum to the method statement shall

## **PLANNING COMMITTEE MINUTES (Continued)**

thereafter be implemented.

### **Reason:**

To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029;

- (57) no phase of the development shall be first occupied until a verification report demonstrating completion of the works set out in the approved remediation method statement and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a plan (a "long-term monitoring and maintenance plan") for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented in strict accordance with the approved details.

### **Reason:**

To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029;

- (58) no recycled aggregate shall be imported to any part of the application site to be used in the construction of the development hereby permitted until:
- i) a scheme of validation sampling has been submitted to and approved in writing by the local planning authority; and
  - ii) the recycled aggregate has been sampled in accordance with the scheme approved under i) and the results of the sampling have been submitted to and approved in writing by the local planning authority.

### **Reason:**

To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick

## PLANNING COMMITTEE MINUTES (Continued)

District Local Plan 2011-2029;

- (59) no infiltration of surface water drainage into the ground shall be permitted other than with the express written consent of the local planning authority. This consent will only be granted for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

**Reason:**

To protect controlled waters and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029;

- (60) construction work shall not begin on any phase of the development hereby permitted until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. No part of any phase of the development shall be occupied until the approved scheme has been implemented to the satisfaction of the District Planning Authority for that phase of the development.

**Reason:**

In the interests of fire safety in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (61) no development shall commence on any phase of the development hereby permitted, other than site preparation and earthworks, until a lighting scheme for that phase of the development, excluding street lighting, has been submitted to and approved in writing by the local planning authority. No lighting shall be installed other than in strict accordance with the approved lighting schemes.

**Reason:**

To protect the amenities of the occupiers of nearby properties in the locality and the rural character of the area, in accordance with Policies BE3, NE2 & NE5 of the Warwick District Local Plan 2011-2029; and

- (62) no work shall commence on any of the buildings permitted under this outline planning

## **PLANNING COMMITTEE MINUTES (Continued)**

permission and any subsequent reserved matters approval unless and until a scheme showing how either a) at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b) a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials, has been submitted to and approved in writing by the local planning authority. No building shall be first occupied until all the works within this scheme in respect of that building have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.

### **Reason:**

To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy CC3 of the Warwick District Local Plan 2011-2029.

138. **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 A4414/Whitley Roundabout**

The Committee considered an application from Coventry and Warwickshire Development Partnership for the variation of conditions 21 and 25 of planning permission W/16/0239 (outline application for the comprehensive development comprising demolition of existing structures and the erection of new buildings to accommodate offices, research and development facilities and light industrial uses (B1), hotel accommodation (C1), car showroom accommodation, small scale retail and catering establishments (A1, A3, A4 and/or A5), new countryside park, ground modelling work, remodelling of junctions on the existing highway network, associated parking, servicing and landscaping) to allow changes to the specific wording of both conditions to reflect the nature of recent highway works to the Interchange being undertaken.

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

The officer was of the opinion that since this was an application to vary conditions imposed on an earlier permission, it was not necessary to reconsider the principle of development again. Instead, only the specific impacts resulting from the proposed variations needed to be considered,

## PLANNING COMMITTEE MINUTES (Continued)

which, in this instance, related to highway safety and the impacts on the surrounding road infrastructure.

Since the proposed variations to the conditions were as a direct result of circumstances surrounding the Interchange changing since the original outline permission was granted, and Warwickshire County Council were now progressing their own scheme of improvement works, the proposals were considered to be acceptable subject to the completion of an updated legal agreement, agreed by all relevant parties, which sought to secure the payment of monies necessary to enable the delivery of their scheme.

For these reasons, and subject to the revised conditions and completed legal agreement, it was therefore recommended that planning permission should be approved.

An addendum circulated at the meeting advised of an additional consultation response from Baginton Parish Council and an additional condition from Highways England, requiring details of an improvement scheme at the A46 Stoneleigh junction and a programme defining trigger points for its full implementation.

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

The Committee therefore

**Resolved** that W/18/2099 be **granted** in accordance with the recommendations in the report and with an additional condition in the addendum, subject to a Section 106 Agreement to secure payments up to a total agreed maximum sum to the County Council (£5,022,000) to enable the delivery of their own scheme of works to the A46/Stoneleigh Road/Dalehouse Lane Interchange.

Should a satisfactory Section 106 Agreement not have been completed by 4 February 2019, delegated authority is given to the Head of Development Services to refuse planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

Conditions:

- (1) details of the following reserved matters for each phase of the development shall be submitted to and approved in writing by the local planning authority before any part of that phase of the development (other than demolition or ground works) is commenced:-
  - i) the layout of the phase and its relationship with existing adjoining

## PLANNING COMMITTEE MINUTES (Continued)

- development;
- ii) the scale of the buildings;
- iii) the appearance of the buildings; and
- iv) the landscaping of the site.

**Reason:**

To comply with Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015;

- (2) application for approval of the matters referred to in Condition 1 above must be made within 5 years of the date of this permission.

**Reason:**

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

- (3) the development to which this permission relates shall begin within 5 years of the date of permission or within 2 years of the final approval of the reserved matters, whichever is the later.

**Reason:**

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

- (4) prior to the commencement of development, details regarding the phasing of the development shall be submitted to and approved in writing by the local planning authority and such details shall include:
- a plan(s) showing the boundaries of each phase, the extent and use of building development in each phase, the phasing of works within the proposed Countryside Park and arrangements in respect of the phasing of all transportation infrastructure;
  - temporary access arrangements for vehicles and pedestrians in respect of each phase;
  - car parking arrangements in respect of each phase;
  - any interim surface, boundary treatment, external lighting or landscaping measures;
  - a report to demonstrate that the phasing proposals do not affect the conclusions of the noise and air quality assessments included in the Environmental Statement (including supplementary noise and air

## **PLANNING COMMITTEE MINUTES (Continued)**

- quality assessments and details of further mitigation measures, if necessary); and
- a temporary drainage strategy in respect of each phase.

Once approved the development of each phase shall be carried out in full accordance with such approved details or any subsequent amendments so approved.

### **Reason:**

To ensure that in the event of the development being carried out on a phased basis, satisfactory access and interim environmental treatment is incorporated within each phase, in the interests of public safety and visual amenity in accordance with Policies BE1, TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (5) in respect of the Reserved Matters to be submitted in accordance with Condition 1, the building ridge heights and footprints and the overall Gross Internal Area of all building floor space shall be within the minimum and maximum limits set down in approved Parameters Plan drawing no. P16-0062-3E.

### **Reason:**

To define the permission in the interests of urban design and highway safety and capacity in accordance with Policies BE1 & TR2 of the Warwick District Local Plan 2011-2029;

- (6) any Reserved Matters application shall, where relevant to that phase of development:
- Demonstrate that the proposals accord with the approved Parameters Plan drawing no. P16-0062-3E and the principles set down in the Design & Access Statement Addendum forming part of the approved application documentation;
  - iii) Define principles regarding building design, materials, elevational detailing and public realm hard/soft landscaping;
  - iv) Identify those trees to be retained or removed as part of the development and the number and location of new trees to be provided as compensation;
  - v) Identify locations for public art features;
  - vi) Show the location of each pond;

## PLANNING COMMITTEE MINUTES (Continued)

- vii) Include design principles in respect of layout, scale, appearance and landscaping aimed at minimising its visual impact on the Lunt Roman Fort;
- viii) Contain details on how permeability will be achieved in respect of the network of estate roads within the technology campus;
- ix) Detail principles on how legibility will be achieved within the technology campus including design principles in respect of the new A45 bridge and land to the immediate south of it comprising the gateway into the development.
- x) Include landscape design principles for the technology campus aimed at ensuring that soft landscaping within this area is satisfactorily integrated with the Countryside Park and neighbouring land.
- xi) Contain principles in respect of disabled access throughout the development and to/from buildings.
- xii) Detail principles on how crime prevention matters will be addressed in respect of the development.

Any subsequent Reserved Matters applications shall accord with the approved Master Plan and Design Code.

### **Reason:**

In the interests of urban design in accordance with Policies BE1 & HS7 of the Warwick District Local Plan 2011-2029;

- (7) the reserved matters to be submitted in accordance with Condition 1 for each phase shall include details of all earthworks, mounding and the finished floor levels of all buildings and structures, together with details of existing and proposed site levels in that phase and the relationship with adjacent land and buildings and such details shall accord with approved Parameters Plan drawing no. P16-0062-3E forming part of the approved application documentation.

### **Reason:**

In the interests of urban design, to ensure that the mounds are in keeping with surrounding landscape and to ensure that the proposals do not harm the living conditions of nearby dwellings, in accordance with Policies BE1 &



## PLANNING COMMITTEE MINUTES (Continued)

BE3 of the Warwick District Local Plan 2011-2029;

- (8) the reserved matters to be submitted in accordance with Condition 1 for each phase shall include sample details of facing, roofing and hard surfacing materials for that phase, such details to include information on the recycled/reclaimed content of such materials. Thereafter the development shall be constructed in full accordance with such approved details or any amendment of these subsequently approved in writing by the local planning authority.

**Reason:**

In the interests of urban design in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (9) the gross floor space of any unit the primary use of which falls within Class B1(a) of the Town & Country Planning (Use Classes) Order 1987 as amended erected under this permission shall not exceed 4999 square metres.

**Reason:**

To ensure that the development does not prejudice the provision of large scale office accommodation in town centres in accordance with EC1 of the Warwick District Local Plan 2011-2029;

- (10) no building approved under this permission used primarily for purposes falling within Class A1 of the Town & Country Planning (Use Classes) Order 1987 as amended (or in any Order revoking and re-enacting that Order) shall exceed 250 square metres gross internal floor area.

**Reason:**

To safeguard the shopping strategies of the local planning authorities and to accord with Government Guidance in the NPPF which seeks to direct large scale retailing to Town Centre locations;

- (11) no car showroom floor space or floor space falling within Classes A1, A3, A4, A5 or C1 of the Town & Country Planning (Use Classes) Order 1987 as amended shall be occupied unless and until at least 8,500 square metres

## **PLANNING COMMITTEE MINUTES (Continued)**

(GFA) of floor space falling within Use Class B1 of the said Order has been occupied within the technology campus.

### **Reason:**

To ensure that the car showroom and other floor space falling within Use Classes A1, A3, A4, A5 and C1 is only provided when it is needed to serve the employment uses which primarily comprise the development approved under this permission in accordance with Policy TC2 of the Warwick District Local Plan 2011-2029;

- (12) no more than 10% of the total B1 floor space shall be occupied for purposes falling within Class B1a of the Town & Country Planning (Use Classes) Order 1987 as amended.

### **Reason:**

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety and to ensure that the development is primarily a technology campus in accordance with the identified need;

- (13) the first 8,500 square metres (GFA) of floor space within the development shall be occupied by Jaguar Land Rover. No other buildings shall be occupied within the development until Jaguar Land Rover has fully occupied 8,500 square metres of B1 floor space within the technology campus.

### **Reason:**

Since the particular requirements of Jaguar Land Rover form part of the very special circumstances for permitting this inappropriate development within the Green Belt, in accordance with the NPPF;

- (14) any soft landscaping referred to in Condition 1 in respect of each phase shall be completed in all respects within 6 months of the substantial completion of development in that phase. Any such landscaping removed, dying or becoming seriously damaged, defective or diseased within 5 years from the substantial completion of development in that phase shall be replaced within the next planting season with landscaping of a similar size and species to

## **PLANNING COMMITTEE MINUTES (Continued)**

that which they replace. Any replacement hedging, trees or shrubs 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 visual amenity in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (15) no demolition or construction works shall commence in any phase (including any ground remodelling works), until a Tree Protection Plan, Arboricultural Method Statement and Arboricultural Implications Assessment in respect of those trees earmarked for retention under Condition 6 above have been submitted to and approved in writing by the local planning authority. Thereafter, all demolition and construction works (including any ground remodelling works) in that phase shall be undertaken in strict accordance with the approved Tree Protection Plan, Arboricultural Method Statement and Arboricultural Implications Assessment.

### **Reason:**

To safeguard those trees to be retained in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029;

- (16) the existing trees, shrubs and hedges indicated under Condition 6 to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any trees, shrubs or hedges removed without such consent or dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s), hedge(s) or shrub(s) of such size and species as have been approved in writing 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).

## PLANNING COMMITTEE MINUTES (Continued)

### **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 Policy NE4 of the Warwick District Local Plan 2011-2029;

- (17) the construction of buildings and mounds within the technology campus shall be phased in strict accordance with the construction phasing plan (drawing no. 3924-1/004 P4).

### **Reason:**

To ensure that the mounds provide screening for the development at the earliest opportunity, in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (18) prior to commencement of site works including demolition, a detailed soil management plan, conforming to the *Defra Code of Practice for the Sustainable Use of Soils on Construction Sites (2009)*, will be submitted for approval by the local planning authority. The plan will detail proposals for soil stripping, movement, storage, and spreading and will also identify soil remediation works where required. All earthworks shall be carried out in strict accordance with the approved details.

### **Reason:**

To ensure the sustainable management of the site's soil resource and to ensure that earthworks will provide the best opportunities for successful establishment and sustenance of landscape infrastructure and ecological services throughout the scheme, in accordance with Policies BE1 & NE4 of the Warwick District Local Plan 2011-2029;

- (19) the development hereby permitted shall not exceed 70,683 square metres (GFA). Such development shall not exceed the following thresholds in respect of the specified uses as defined in the Town & Country Planning (Use Classes) Order 1987 as amended:

- 56,766 square metres (GFA) of B1 floor space;
- 4,645 square metres (GFA) of car showroom floor space;
- 11,617 square metres (GFA) of hotel

## PLANNING COMMITTEE MINUTES (Continued)

- floor space; and
- 2,300 square metres (GFA) of A1, A3, A4 and A5 floor space.

### **Reason:**

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety;

- (20) no development shall take place other than site preparation and earthworks until a scheme of traffic impact mitigation at the A46/A45/A444 Stivichall interchange, which shall comprise at least the following works, has been submitted to and approved in writing by the local planning authority:

- Signalisation of the on slip approach from the A444 to A45;
- Signalisation of the off slip west bound from the A45 and removal of segregated left turn lane;
- Realignment of traffic lanes on the circulatory carriageway;
- Realignment of kerbs on the approaches/circulatory carriageway.

The mitigation scheme shall be informed by an assessment of the traffic impacts at this junction and its associated interaction with the A46/A45(T) with the scope of this assessment to have been first agreed in writing by the local planning authority. The mitigation scheme approved under this condition shall be implemented in strict accordance with the approved details.

### **Reason:**

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety;

- (21) no development shall take place other than site preparation and earthworks until the following details have first been submitted to and approved in writing by the local planning authority:

## **PLANNING COMMITTEE MINUTES (Continued)**

- i) Full details of how the site access provisions generally as illustrated on the General Arrangement Drawing 15-0752-100 and as amended by Toll Bar Junction Drawing 15-0752-107 Rev 1 will align with Highways England's A45 Tollbar End Improvement scheme;
- ii) Full details, of the proposed new A45 Grade Separated Junction as generally illustrated on General Arrangement Drawing Number 15-0752-100 Rev 1; and
- iii) Full details, of the proposed alterations to the A46 / A45 / A444 Stivichall Interchange.

The details to be submitted under this condition shall include:

- How the development scheme interfaces with the A45 / A46 trunk roads highway alignment, including full details as indicated within the design check list contained within HD19/15 of the Design Manual for Roads and Bridges (DMRB).
- Confirmation of full compliance with the current Design Manual for Roads and Bridges (DMRB), Interim Advice Notes (IANs), Traffic Sign Manual (TSM), Manual of Contract Documents for Highway Works (MCHW) and associated British Standards and Eurocodes and Department for Transport Policies, Local Transport Notes (LTNs), Traffic Advisory Leaflets (TALs) and Advice Notes and any necessary relaxations / departures from standards approved by the Highways Authority for the Strategic Road Network.
- Independent Stages One and Two Road Safety Audits carried out in accordance with the current Design Manual for Roads and Bridges (DMRB) and related Interim Advice Notes (IANs) prior to construction. A Stage three RSA will be required prior to opening.
- Design stage Non-Motorised User Audit carried out in accordance with the current Design Manual for Roads and Bridges (DMRB) standard and related Interim Advice Notes (IANs).

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national

## **PLANNING COMMITTEE MINUTES (Continued)**

system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety.

Prior to the commencement of development, detailed design of the amendments to the existing cycleway along the northern edge of the A45 Stonebridge Highway shall be submitted to and approved in writing by the local planning authority. The design shall include details of the downgrading of the cycleway to a footway at the access to Stonebridge Meadows Local Nature Reserve (the SINC) and an appropriate signage strategy. The development shall be carried out in strict accordance with the details approved under this condition.

### **Reason:**

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety;

- (22) prior to the commencement of development, other than site preparation and earthworks, detailed design of the amendments to the existing cycleway along the northern edge of the A45 Stonebridge Highway shall be submitted to and approved in writing by the local planning authority. The design shall include details of the downgrading of the cycleway to a footway at the access to Stonebridge Meadows Local Nature Reserve (the SINC) and an appropriate signage strategy. The development shall be carried out in strict accordance with the details approved under this condition.

### **Reason:**

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety;

- (23) prior to the commencement of drainage works, details of the drainage strategy for the development site and highway works affecting the Strategic Road Network shall be submitted

## **PLANNING COMMITTEE MINUTES (Continued)**

to and approved by the local planning authority. The drainage strategy shall ensure there is no connection (direct or indirect) to the trunk road drainage system. The drainage strategy shall thereafter be implemented in strict accordance with the approved details.

### **Reason:**

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety;

- (24) no development shall commence other than site preparation and earthworks until full details of the site access provisions, in general accordance with drawing nos. THDA SK12 Rev C, THDA 15-0752 101 Rev 1 & THDA 15-0752 102 Rev 1, have been submitted to and approved in writing by the local planning authority. Thereafter the approved highway access works will be implemented in strict accordance with the approved plans and permanently retained thereafter.

### **Reason:**

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (25) No construction shall commence in each phase until a Construction Management Plan for that phase has been submitted to and approved in writing by the local planning authority. This shall include a Construction Phasing Plan, HGV routing Plan, details of provision for HGV access and manoeuvring on site and details of employee car parking provision. The development shall be carried out in strict accordance with the Construction Management Plan approved under this condition.

### **Reason:**

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (26) access to and departure from the development site by construction delivery vehicles shall not be permitted between 0730 hours and 0900 hours or between 1630 hours and 1800 hours.



## **PLANNING COMMITTEE MINUTES (Continued)**

### **Reason:**

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (27) no development shall commence other than site preparation and earthworks until details of the proposed accesses onto Rowley Road have been submitted to and approved in writing by the local planning authority. Thereafter the approved highway access works will be implemented in accordance with the approved plans and permanently retained thereafter.

### **Reason:**

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (28) no construction shall commence on site until a detailed Highway Improvement Works Phasing Plan and Construction Sequence Programme/Timetable, linked to the extent of built floor space, and generally in accordance with Lawrence Walker Ltd Site Access Proposed Improvements Phasing Figure 2 Rev P27 and PHP Architects Construction Phasing Plan Including Highways and Earthworks 3924-1 004 rev P3 has been submitted to and approved in writing by the local planning authority. Thereafter the phasing of development shall be undertaken in full accordance with these approved details.

### **Reason:**

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (29) no more than 46,450 square metres (GFA) of development falling within Use Class B1 of the Town & Country Planning (Use Classes) Order 1987 as amended shall be brought into use and occupied until the Phase 2 site access highway works as illustrated on Lawrence Walker Ltd Site Access Proposed Improvements Phasing Figure 2 Rev P27 have been constructed in general accordance with the detailed highways drawings in respect of such phase 2 works forming part of the approved application documentation and is opened to traffic.

## PLANNING COMMITTEE MINUTES (Continued)

### **Reason:**

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (30) the construction of any highway structure as identified on TH:DA Drawing No. 15-0752 140 (Structures Location Plan) shall be undertaken only in full accordance with details, which shall include an approval in principle report, which have previously been submitted to and approved in writing by the local planning authority.

### **Reason:**

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (31) to highway works approved as part of the development shall be undertaken unless and until:
- i) a Stage 1 and 2 Safety Audit (incorporating associated designers responses); and
  - ii) the details of any relaxations or departures from the highway standards utilised by the relevant Highway Authority at that time;

in respect of those highway works, have been submitted to and approved in writing by the local planning authority.

### **Reason:**

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

- (32) street lighting shall be provided in respect of each phase of the development hereby permitted which involves the construction of highways, footpaths or cycle ways in full accordance with details previously submitted to and approved in writing by the local planning authority.

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

- (33) at all times following the completion and

## PLANNING COMMITTEE MINUTES (Continued)

opening to traffic of the phase 3 highway works in respect of the new A45 junction between the Festival and Toll Bar Islands, as illustrated on Lawrence Walker Ltd Drawing no. Figure 2 Rev P27 (Site Access Proposed Improvements Phasing) signage, traffic signal or other traffic management arrangements shall be in place on Rowley Road in accordance with details previously submitted to and approved in writing by the local planning authority to discourage vehicles exiting the development from utilising the roundabout element of the completed Highways Agency Tollbar End Improvement Scheme in order to access the strategic highway network.

**Reason:** In the interests of promoting the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

(34) no building within the development hereby permitted shall be occupied unless and until the following transportation infrastructure has been provided in respect of that building in accordance with Reserved Matters details submitted to and approved in writing by the local planning authority:

- i) Motor vehicle, pedestrian and cyclist access to that building from the boundary of the application site;
- ii) All the car parking approved for that building which shall include disabled car parking comprising at least 2% of the total number of car parking spaces provided for that building plus 6 further spaces;
- iii) Covered cycle and motorcycle parking; and
- iv) Servicing arrangements in respect of that building.

Thereafter such transportation infrastructure shall remain in place and available for such use at all times.

**Reason:**

In the interests of highway, pedestrian and cyclist safety and to promote sustainable transport choices in accordance Policies TR1 & TR3 of the Warwick District Local Plan 2011-2029;

(35) the number of car parking spaces to be

## PLANNING COMMITTEE MINUTES (Continued)

provided within the application site in respect of the development hereby permitted shall not exceed 2,500, of which a maximum of 500 shall be allocated for visitors and no more than 2,000 for the employees of the development. Provided the above limits are not exceeded, car parking shall be provided in accordance with the standards for low accessibility zones set out in the Council Vehicle Parking Standards Supplementary Planning Document.

**Reason:**

In the interests of highway safety and the promotion of sustainable transport choices in accordance with Policies TR1, TR2 & TR3 of the Warwick District Local Plan 2011-2029;

- (36) prior to any part of the development being brought into use and occupied a detailed Car Parking Management Strategy for the control, management and enforcement of on-site (development plot) parking and of off-site (access and distributor road) parking shall be submitted to and approved in writing by the local planning authority. Thereafter car parking associated with the development shall be managed in full accordance with this approved Strategy.

**Reason:**

In the interests of highway safety and the promotion of sustainable transport choices in accordance with Policies TR1, TR2 & TR3 of the Warwick District Local Plan 2011-2029;

- (37) the reserved matters to be submitted in accordance with Condition 1 in respect of any single unit exceeding 1000 square metres (GFA) shall be accompanied by details of showering and changing facilities for employees working in or visiting that unit. Thereafter such approved facilities shall be provided in the construction of that unit and at all times following the first occupation of that unit those facilities shall remain in place and be available for use by persons employed in that unit.

**Reason:**

To promote sustainable transport choices in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (38) no development other than site preparation

## **PLANNING COMMITTEE MINUTES (Continued)**

and earthworks shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 plus 20% critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- i) Full drainage calculations for a range of events (Microdrainage windes or similar)
- ii) Construction details for the ponds/swales
- iii) Details of how the scheme will be maintained and managed after completion.

### **Reason:**

To prevent the increased risk of flooding both on and off site, to ensure the features are constructed to the necessary standard and to ensure long term maintenance of the sustainable drainage scheme in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029;

- (39) the development hereby permitted (other than site preparation and earthworks) shall not be commenced until such time as a scheme to provide details of the proposed bridges and bridge extensions has been submitted to, and approved in writing by, the local planning authority. The scheme shall include construction details, details of bridge openings and details of any floodplain compensatory works. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements in the scheme, or any alternative arrangements as may subsequently be agreed, in writing, by the local planning authority.

### **Reason:**

To ensure the bridges and bridge extensions are constructed to a satisfactory standard and will not increase flood risk elsewhere in

## **PLANNING COMMITTEE MINUTES (Continued)**

accordance with Policy FW1 of the Warwick District Local Plan 2011-2029;

(40) the development hereby permitted shall be carried out in strict accordance with the approved Flood Risk Assessment (dated 15/01/16, ref: WHI-BWB-EWE-XX-RP-EN-0001\_FRA Rev C, prepared by BWB Consulting) and the following mitigation measures detailed within the Flood Risk Assessment:

- Finished floor levels to be set no lower than 600mm above the 1 in 100 year +20% flood level and at least 150mm above average surrounding ground level as recommended in Table 5.1.
- Provision of floodplain compensation for the new River Sowe bridge on a 'level for level' and 'volume for volume' basis as shown in Appendix F to provide a minimum volume of compensation of 7,199m<sup>3</sup>.
- Provision of floodplain compensation for the proposed A46 slip road crossing on a 'level for level' and 'volume for volume' basis as shown in Appendix F to provide a minimum volume of compensation of 2,263m<sup>3</sup>.

### **Reason:**

To ensure runoff from the site is not increased, satisfactory storage is provided and water quality benefits are included in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029;

(41) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that Order with or without modification, no structure shall be erected within Flood Zone 3 or the bridge and embankment floodplain compensation areas as delineated on drawing ref: WHI-BWB-EWE-XX-SK-EN-0010, S2, rev P1 (Masterplan showing Flood Zones).

### **Reason:**

To ensure the bridges and bridge extensions will not increase flood risk elsewhere in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029;

## PLANNING COMMITTEE MINUTES (Continued)

- (42) the reserved matters submitted under Condition 1 above in respect of any phase of the development shall include details for the disposal of foul sewage associated with any development in that phase Thereafter infrastructure for the disposal of foul sewage in respect of that phase of the development shall be provided in accordance with the approved details before the development in that phase is first brought into use.

**Reason:**

To ensure that the development is provided with a satisfactory means of foul sewage drainage in accordance with FW2 of the Warwick District Local Plan 2011-2029;

- (43) no development shall take place until a scheme for the provision and management of compensatory habitat creation, to compensate for the impact of the proposed development on the River Sowe, has been submitted to and agreed in writing by the local planning authority. This should include an investigation into the feasibility of river bank and floodplain restoration. Thereafter the development shall be implemented in accordance with the approved scheme.

**Reason:**

To ensure that harm resulting from the development can be adequately mitigated in accordance with Paragraph 118 of the NPPF;

- (44) for the duration of highway construction works on Rowley Road and thereafter at all times following the completion of those highway works access for the Midland Air Museum to and from Rowley Road shall be maintained in accordance with details submitted to and approved in writing by the local planning authority.

**Reason:**

To safeguard this cultural facility;

- (45) the development hereby permitted shall not be commenced on the site occupied by Trinity Guild RFC unless and until:

- i) the Trinity Guild RFC have moved to a new site and playing pitch, clubhouse and car parking facilities together with vehicle and pedestrian access to those

## **PLANNING COMMITTEE MINUTES (Continued)**

facilities have been provided for the club on that site which are at least equivalent in terms of quantity and quality to those which the club currently have on their existing site in accordance with details submitted to and approved in writing by the local planning authority in consultation with Sport England and;

- ii) those playing pitch, clubhouse and car parking facilities together with vehicle and pedestrian access to those facilities on that new site are available for use by the club.

### **Reason:**

To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures continuity of use and to accord with the NPPF;

- (46) no development shall take place on any phase of the development hereby permitted until arrangements have been made to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The development shall be carried out in accordance with the programme so approved or any amended programme subsequently approved in writing by the local planning authority.

**Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;

- (47) no part of the development hereby permitted shall be occupied until:
- i) details of measures to prevent illegal road racing or other anti-social or dangerous use of the roads within the development have been submitted to and approved in writing by the local planning authority; and
  - ii) the measures approved under i) have been implemented in strict accordance with the approved details in relation to



## PLANNING COMMITTEE MINUTES (Continued)

that part.

**Reason:**

To minimise the potential for crime and anti-social behaviour and improve community safety, in accordance with Policy HS7 of the Warwick District Local Plan 2011-2029;

- (48) no part of the development hereby permitted shall be occupied until ANPR cameras have been provided in accordance with a scheme submitted to and approved in writing by the local planning authority. The ANPR equipment shall comply with the ACPO ANPR standards and with the information security requirements of Warwickshire Police. Warwickshire Police shall be provided with access to the live feeds from the ANPR cameras at all times thereafter.

**Reason:**

To minimise the potential for crime and anti-social behaviour and improve community safety, in accordance with Policy HS7 of the Warwick District Local Plan 2011-2029;

- (49) fume extraction and odour control equipment (including external ducting flues) associated with any catering operation shall be properly installed in its entirety in accordance with details first submitted to and approved in writing by the local planning authority and such installation shall have been inspected by the local planning authority before that catering operation commences. Any external ducting shall be colour coated in accordance with the approved details within one month of its installation and any replacement or modification shall be colour coated to match within one month of its installation. The equipment shall be permanently operated and maintained in accordance with the manufacturer's specifications.

**Reason:**

In the interests of amenity in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029;

- (50) noise arising from any plant or equipment within the application site, when measured one metre from the façade of any residential property, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in

## **PLANNING COMMITTEE MINUTES (Continued)**

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 Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029;

- (51) none of the buildings hereby permitted shall be first occupied until:
- i) a report detailing noise mitigation measures for the development (including noise calculations) has been submitted to and approved in writing by the District Planning Authority; and
  - ii) the noise mitigation measures approved under (i) have been implemented in strict accordance with the approved details.

The approved noise mitigation measures shall be maintained in a manner that achieves the noise attenuation specified in the report approved under (i) at all times thereafter.

### **Reason:**

To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029;

- (52) the Construction Management Plan to be submitted under Condition 26 above shall also include detail in respect of those matters set out in Sections 4, 5 & 6 of the Construction Sequence and Programme report forming part of the approved application documentation and shall include details of measures to control dust and noise from construction activities.

### **Reason:**

In the interests of highway safety and to protect the living conditions of nearby properties, in accordance with Policies BE3, TR1, TR2 & NE5 of the Warwick District Local Plan 2011-2029;

## **PLANNING COMMITTEE MINUTES (Continued)**

- (53) no development shall take place on any phase of development 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 Policy TR2 of the Warwick District Local Plan 2011-2029;

- (54) no development shall take place on any phase of the development until:
- i) a preliminary risk assessment has been carried out (to include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information) and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced;
  - ii) a site investigation has been undertaken in accordance with details approved by the local planning authority using the information obtained from the preliminary risk assessment;
  - iii) 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 and approved in writing by the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion.

No remediation should be undertaken before the method statement has been so approved. The approved remediation requirements shall thereafter be implemented in full and all development of the site shall accord with the approved method statement.

**Reason:**

To protect controlled waters and the health and safety of future occupiers, and to satisfy

## PLANNING COMMITTEE MINUTES (Continued)

the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029;

- (55) if, during development, contamination not previously identified is found to be present at the site then no further development shall take place until an addendum to the remediation method statement has been submitted to and approved in writing by the local planning authority. The addendum to the method statement shall detail how this unsuspected contamination will be dealt with. The remediation requirements in the approved addendum to the method statement shall thereafter be implemented.

**Reason:**

To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029;

- (56) no phase of the development shall be first occupied until a verification report demonstrating completion of the works set out in the approved remediation method statement and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a plan (a "long-term monitoring and maintenance plan") for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented in strict accordance with the approved details.

**Reason:**

To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029;

- (57) no recycled aggregate shall be imported to any part of the application site to be used in the construction of the development hereby permitted until:

- i) a scheme of validation sampling has

## PLANNING COMMITTEE MINUTES (Continued)

been submitted to and approved in writing by the local planning authority; and

- ii) the recycled aggregate has been sampled in accordance with the scheme approved under i) and the results of the sampling have been submitted to and approved in writing by the local planning authority.

### **Reason:**

To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029;

- (58) no infiltration of surface water drainage into the ground shall be permitted other than with the express written consent of the local planning authority. This consent will only be granted for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

### **Reason:**

To protect controlled waters and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029;

- (59) construction work shall not begin on any phase of the development hereby permitted until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. No part of any phase of the development shall be occupied until the approved scheme has been implemented to the satisfaction of the District Planning Authority for that phase of the development.

### **Reason:**

In the interests of fire safety in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (60) no development shall commence on any phase of the development hereby permitted, other than site preparation and earthworks, until a lighting scheme for that phase of the development, excluding street lighting, has

## **PLANNING COMMITTEE MINUTES (Continued)**

been submitted to and approved in writing by the local planning authority. No lighting shall be installed other than in strict accordance with the approved lighting schemes.

### **Reason:**

To protect the amenities of the occupiers of nearby properties in the locality and the rural character of the area, in accordance with Policies BE3, NE2 & NE5 of the Warwick District Local Plan 2011-2029;

- (61) no work shall commence on any of the buildings permitted under this outline planning permission and any subsequent reserved matters approval unless and until a scheme showing how either a) at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b) a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials, has been submitted to and approved in writing by the local planning authority. No building shall be first occupied until all the works within this scheme in respect of that building have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.

### **Reason:**

To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy CC3 of the Warwick District Local Plan 2011-2029; and

- (62) details of an improvement scheme at the A46 Stoneleigh junction and a programme defining trigger points for its full implementation are to be submitted to the Local Planning Authority.

### **139. W/18/1971 – 2 Greatheed Road, Royal Leamington Spa**

The Committee considered a retrospective application from Mr Lightfoot for a change of use from single dwelling house (Use Class C3) to a four bedroom House in Multiple Occupation (Use Class C4).

## **PLANNING COMMITTEE MINUTES (Continued)**

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

The officer was of the opinion that the proposed development accorded with the provisions of Local Plan Policy H6 relating to the provision of Houses in Multiple Occupation.

There were no site specific criteria that would affect the development. There was no technical objection from the County Highways Officer in terms of parking or highway safety that would outweigh the grant of planning permission and adequate facilities were available within the site for the storage of waste.

An addendum circulated at the meeting advised that an additional comment had been received from Warwick District Councillor Davison in support of the application.

The following people addressed the Committee:

- Mrs A Patrick, objecting;
- Mr P Lightfoot, supporting; and
- Councillor Gifford, Ward Councillor, objecting.

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

The Committee therefore

**Resolved** that W/18/1971 be **granted** in accordance with the recommendations in the report, subject to the following condition:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing titled 'proposed floor plans', and specification contained therein, submitted on 8 October 2018 and 24 October 2018.

**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.

At 8.20pm, the meeting was adjourned for 16 minutes for a comfort break.

### **140. W/18/1760 – 19 Pickard Street, Warwick**

The Committee considered an application from Mr Ruysevelt for a variation of condition 2 (plan numbers) of planning application W/16/1744 to allow for a store room in the loft space and alterations to fenestration.

## PLANNING COMMITTEE MINUTES (Continued)

The application was presented to Committee because a number of objections had been received, including one from Warwick Town Council.

The officer was of the opinion that the proposed variation of condition 2 to allow for alterations to the approved plans numbers was considered to be acceptable and would not cause harm to the street scene, neighbouring residential amenity or highway safety. The recommendation was that the proposed amendments should be granted.

An addendum circulated at the meeting advised of one additional public response objecting to the application and requesting a condition be imposed to restrict the use of the loft space.

The following people addressed the Committee:

- Ms J Arthurton, objecting; and
- Councillor Murphy, Ward Councillor, objecting.

It was clarified by officers that the Committee could not impose a condition relating to the use of the loft space as a storage room only. The Council's solicitor explained that any condition would need to meet a series of tests.

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 Boad that the application should be granted.

The Committee therefore

**Resolved** that W/18/1760 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin no later than three years from 8th December 2016 (the date of the original 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 amended drawings 5155/07 E and 5155/08 E, and specification contained therein, submitted on 5th November 2018. **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 shall take place until a Construction Management Plan has been submitted to and approved in writing by the



## PLANNING COMMITTEE MINUTES (Continued)

Local Planning Authority and Local Highway Authority. The Construction Management Plan must include details to prevent mud and debris being passed onto the highway; wheel washing facilities; vehicle routing plan; and parking and loading/unloading of staff/construction/delivery vehicles. The Development shall be carried out in strict accordance with the approved Construction Management Plan. **Reason:** To ensure that adequate manoeuvring and parking space is available to serve the development in the interests of traffic safety in accordance with Policy TR3 of the Warwick District Local Plan 2011 – 2029;

- (4) 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;
- (5) the proposed site shall be laid out and constructed in general accordance with drawing no. 5155/08 E. **Reason:** To ensure that there are adequate off street parking provision is made for the development hereby permitted, in accordance with Policy TR3 in the Local Plan and the Council's adopted Supplementary Planning Document on Vehicle Parking Standards;
- (6) the access to the site for vehicles shall not be used unless the public highway footway crossing has been widened, laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety and to satisfy Policy TR1 in the Warwick District Local Plan 2011 – 2029;
- (7) the access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for its whole length as measured from the near edge of the public highway carriageway. **Reason:** In the interests of highway safety and to satisfy Policy TR1 in the Warwick

## **PLANNING COMMITTEE MINUTES (Continued)**

District Local Plan 2011 – 2029;

- (8) 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 further development shall take place within the curtilage of the dwelling house hereby permitted which falls within Part 1 Classes A, B, C, D, or E or Part 3, Class L. **Reason:** That due to the restricted nature of the application site and its relationship with adjoining properties and to ensure that adequate parking is maintained at all times it is considered important to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011 – 2029;
- (9) the development shall not be occupied until the bat boxes shown on the approved drawings have been installed in accordance with the details submitted. Thereafter, the boxes shall be maintained in perpetuity. **Reason:** In accordance with NPPF, ODPM Circular 2005/06 and policy NE2 of the Warwick District Local Plan 2011 - 2029.

### **141. W/18/1021 – 52 High Street Kenilworth**

The Committee considered an application from Mr and Mrs Lynes for the proposed erection of a three bedroom, detached, pitched roof dwelling in the existing residential rear garden.

The application was presented to Committee because more than five letters of support had been received and the application was recommended for refusal.

The officer was of the opinion that the proposed dwelling was not considered to be acceptable in principle as the development was not considered to harmonise well with the existing character of the area, which would be contrary to Local Plan policies H1 and BE1 and KNDP policy KP13. The development would also have a harmful impact on the setting of the listed building and Conservation Area, which was contrary to Local Plan policies HE1 and HE2 and KNDP policies KP13 and KP13H. Furthermore, the proposal was considered to have an adverse and unneighbourly impact on the occupiers of neighbouring residential properties, which would be contrary to Local Plan policy BE3 and KNDP policy KP13. The development also failed to provide adequate waste storage options which was contrary to Local Plan policies BE1 and BE3. The recommendation was that the application should be refused.

## **PLANNING COMMITTEE MINUTES (Continued)**

An addendum circulated at the meeting advised of an additional public response objecting to the application, as well as the Tree Officer's response to that objection.

The following people addressed the Committee:

- Mr P Hailey, objecting;
- Mr P Bridges, objecting;
- Mr C Taylor, objecting; and
- Mr A Murphy, supporting.

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

The Committee therefore

**Resolved** that W/18/1021 be **refused** in accordance with the recommendations in the report, for the following reasons:

- (1) Warwick District Local Plan 2011 - 2029 Policy H1 states that housing development on garden land, in urban and rural areas, will not be permitted unless the development reinforces, or harmonises with, the established character of the street and/or locality and respects surrounding buildings in terms of scale, height, form and massing.

It is considered that the proposed development would not reinforce, or harmonise with the established character of the street and locality by virtue of a lack of street frontage and inappropriate scale. The proposal is considered to represent back land development which is out of keeping and harmful to the character of the area.

The proposal is therefore considered to be contrary to the aforementioned policy;

- (2) Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. The policy requires development to harmonise with or enhance the existing settlement in terms of physical form, and to reinforce or enhance the established urban character of streets.

Kenilworth Neighbourhood Development Plan

## **PLANNING COMMITTEE MINUTES (Continued)**

2017 - 2029 policy DP13 states that development proposals should achieve a standard of design that are appropriate to the local area and demonstrates that there is a positive response to the site characteristics and surroundings in terms of the proposed layout, density, building scale, height, proportions, massing, orientation, architectural detail, materials and landscape.

It is considered that the proposed development would not respond positively or harmonise with the established character of the street and locality by virtue of a lack of street frontage and incongruous scale. The excessive scale and footprint of the proposed development is considered to represent overdevelopment of the site. The proposal is considered to represent back land development which is out of keeping and harmful to the character of the area.

The development is thereby considered to be contrary to the aforementioned policy;

- (3) Policy BE3 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

KNDP policy KP13 states that impact on residential amenity of existing and future residents must be assessed and addressed.

The proposed access arrangement would result in undue noise and disturbance to the occupiers of 52 High Street which emanate from the unfettered movements of vehicles using the access. Due to the close proximity of the access running alongside 52 High Street, it is considered that the proposal would be unneighbourly as it would disrupt the enjoyment of the quiet private amenity space associated with 52 High Street where it is not unreasonable to expect such enjoyment.

The proposal is thereby considered to be contrary to the aforementioned policy;

- (4) Policy HE1 of the Warwick District Local Plan 2011-2029 states that consent will not be granted to alter or extend a listed building where those works will adversely affect its

## **PLANNING COMMITTEE MINUTES (Continued)**

special character or historic interest, integrity or setting. Furthermore, policy HE2 of the Warwick District Local Plan 2011-2029 requires that development preserves or enhances the special architectural and historic interest and appearance of the District's Conservation Areas.

KNDP policy KP13 states that heritage assets and their settings in the locality must be respected in accordance with their significance. Policy KP13H defines the design management principles in High Street and recognises the importance of the 17th and 19th century properties as high value.

The proposed development would be seriously detrimental to the setting of both the listed building and the Conservation Area as a whole, by reason that the proposed dwelling fails to harmonise well with and preserve the established character of the Conservation Area. The scale of the proposed development would also be harmful to the established character of the Conservation Area and the development would be positioned on garden land which forms part of the distinctive character and setting of the nearby listed buildings.

The harm identified is considered to be less than substantial; however, there are no public benefits identified which would outweigh this harm.

The development is thereby considered to be contrary to the aforementioned policies; and

- (5) the Council's guidance note on refuse and recycling storage states that in accordance with British Standard 5906:2005 residents should not be required to move any 2-wheeled container more than 15m from the point of storage to the point of collection. The guidance note also confirms that storage areas for residential dwellings should be sited so that the occupiers are not required to carry waste more than 30m from an external door to the point of storage.

The future occupiers of the dwellings would be required to move their waste 55 metres from the front door to the bin storage area at the front of the site. This is considerably more than the recommended distance of 30 metres. 55

## **PLANNING COMMITTEE MINUTES (Continued)**

metres is an unreasonable distance to expect occupants to transport waste to be collected.

The proposal is therefore considered to conflict with Local Plan policy BE1 as it fails to provide sufficient waste management and would also conflict with Local Plan policy BE3 as it fails to provide convenient waste storage options which could affect levels of amenity for the future occupiers.

### **142. W/18/1998 – The Bungalow, Honiley Road, Beausale**

The Committee considered an application from Forte Projects Limited for the variation of condition 2 (approved drawing numbers) of planning permission ref: W/17/1639 - "Demolition of existing bungalow and construction of two no. detached dormer bungalows; formation of one new access to the highway" to allow for an amended house type which included a single storey rear extension to plot 2.

The application was presented to Committee because an objection had been received from Beausale, Haseley, Honiley and Wroxall Joint Parish Council.

The officer was of the opinion that the amended design of Plot 2 which incorporated a single storey extension was considered to constitute appropriate development in the Green Belt which would not result in material harm to the character and appearance of the street scene or the amenity of nearby neighbouring properties. In addition, the same design had recently been approved to the adjacent plot and was therefore considered to be appropriate in terms of design and scale when read in the context with this property.

An addendum circulated at the meeting advised of further consultation responses being received from Beausale, Haseley, Honiley and Wroxall Parish Council. The addendum also provided information regarding an enforcement case relating to the existing dormers, which had been investigated and no enforcement action was to be taken. The case had therefore been successfully closed.

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

The Committee therefore

**Resolved** that W/18/1998 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 3467-P4, 3467-P5, 3467-

## PLANNING COMMITTEE MINUTES (Continued)

P6, and specification contained therein, submitted on 15 October 2018. **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;

- (2) other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall 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;
- (3) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the Local Planning Authority. Details of soft landscaping shall include any replacement planting proposed within the site and/or around the perimeter of the site and at least in relation to the frontage boundary to replace planting removed. Details of hard landscaping works shall include boundary treatments, including full details of any proposed boundary walls, railings and/or gates to be erected, specifying the colour of any railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the

## PLANNING COMMITTEE MINUTES (Continued)

local planning authority gives written consent to any variation. 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 and NE4 of the Warwick District Local Plan 2011-2029;

- (4) no part of the development hereby permitted shall be commenced (including demolition, site clearance or other preparatory works) 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 site has been submitted to and approved in writing by the District 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 ground levels be altered or any excavation take place without the prior consent in writing of the District 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 Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;
- (5) no part of the development hereby permitted, including site clearance, shall be commenced until a combined ecological and landscaping scheme has been submitted to and agreed in writing by the Local Planning Authority (in conjunction with WCC Ecological Services). The scheme must include all aspects of landscaping including details of native tree/wildflower planting and installation of bird and bat boxes. The agreed scheme shall thereafter be fully implemented before and during development of the site as appropriate. **Reason:** To ensure a net biodiversity gain in accordance with Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029;



## PLANNING COMMITTEE MINUTES (Continued)

- (6) the development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to check all suitable features in the roof of the buildings to be demolished and to check all trees to be removed for bats and nesting birds immediately prior to works commencing. All roofing material is to be subsequently removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. If nesting birds are found the works cannot commence until the young have fledged. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;
- (7) the development shall not be occupied until visibility splays have been provided to the vehicular accesses to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 120 metres to the near edge of the public highway carriageway, in accordance with drawing no. 3103-08. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (8) the development shall not be occupied until the accesses to the site have been positioned and laid out in accordance with drawing no. 3103-08. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

## PLANNING COMMITTEE MINUTES (Continued)

- (9) the accesses to the site for vehicles shall not be used in connection with the development until they have been surfaced with a bound material for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (10) the accesses to the site for vehicles shall not be used unless public highway verge crossings have been laid out and constructed 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;
- (11) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) 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 2011-2029; and
- (12) the roof area of the single storey rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area. **Reason:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

(The meeting ended at 9.33pm)

CHAIR  
29 January 2019