

Planning Committee

Minutes of the special meeting held remotely on Wednesday 8 July 2020 at 7.00pm, which was broadcast live via the Council's YouTube Channel.

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

Also Present: Democratic Services Manager & Deputy Monitoring Officer – Mr Leach; Legal Advisor – Mrs Gutteridge; Head of Development Services – Mr Barber; Principal Planning Officer – Ms Obremski;

18. **Apologies and Substitutes**

An apology for absence was received from Councillor Morris.

19. **Declarations of Interest**

There were no declarations of interest.

The Democratic Services Manager & Deputy Monitoring Officer informed the Committee that application W/20/0438 – Racing Club Warwick F C, Hampton Road, Warwick, had been considered by Members of the Planning Committee at a Delegated Decisions meeting of the Head of Development Services on 2 July 2020. Members were reminded that, unless they were predetermined, they were still able to consider the item at the Committee.

20. **W/20/0438 – Racing Club Warwick F C, Hampton Road, Warwick**

Before considering the application, Councillor Weber raised a point of order seeking clarification on the grounds for holding the special meeting of the Committee when the item had been considered at previous a Delegated Decisions meeting, and on what grounds this item was being re-considered by the Committee.

In answer to Councillor Weber's point of order, the Head of Development Services advised Members that at the Delegated Decisions meeting, there was a split vote, and the Chair of the Committee expressed a different view to that of Members. However, the delegation was given to the Head of Development Services in consultation with the Chairman of the Planning Committee, which put the officer in a difficult position. Whilst the officer made a statement during the meeting, no decision was made at this point and following consultation with the Head of Development Services after the meeting, it was decided that the matter should be referred to the Planning Committee due to unusual set of circumstances which had arisen. This was not in any way related to who the applicant was, in this case, Warwick District Council, and the same decision would have been made irrespective of who the applicant was.

The Legal Officer advised Members that a planning decision was only considered to be made once a formal decision notice was sent out, which had not been the case. Whilst not satisfied, Councillor Weber accepted the explanation. The Democratic Services Manager & Deputy Monitoring Officer advised Members that following the concerns raised, the issue will be

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further reviewed with the Chairman of the Planning Committee and Members would be updated in due course.

The Committee considered an application from Warwick District Council for the a proposed Artificial Grass Pitch (AGP) and associated features including: 4.5m high ball stop fencing and entrance gates to the AGP perimeter; 1.2m high pitch barriers with entrance gates internally within fenced AGP enclosure to segregate the artificial grass field of play and perimeter area from adjoining hard-standing areas; 2.1m high team shelters (dug outs); hard-standing areas with associated porous asphalt surfacing for portable goals storage, pedestrian circulation and access as well as vehicular maintenance and emergency access; 2.59m high maintenance equipment storage container; relocation of 3m high covered spectator stand within fenced AGP enclosure; 2m high spectator canopy; 2.5m high acoustic barrier partially along AGP perimeter; and replacement tree planting.

The application was presented to Committee because the applicant was Warwick District Council and a decision had not been reached under delegation.

Racing Club Warwick, in partnership with Warwick District Council, had applied for a grant from the Football Foundation to enable the improvement of the facilities at the Hampton Road ground, particularly the provision of an artificial pitch. The grant application was to be considered by the Football Foundation on Thursday 9 July 2020. For the grant application to be successful, planning permission had to have been granted. Therefore, the consideration of the planning application had to take place before the Football Foundation considered the grant application. For reasons associated with the Covid-19 pandemic, it had not been possible to bring the application forward to an earlier meeting of the Planning Committee, nor had it been possible to determine the application under delegated powers.

Paragraph 91 of the NPPF stated that planning decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example, through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encouraged walking and cycling.

In the officer's opinion, the Council was in need of improved 3G facilities and there was an identified shortage of 3G pitches within the District for members of the public to use. The application site was specifically recognised within the Playing Pitch Strategy and The Local Football Facilities Plan as a high priority project for the development of a 3G pitch to support its local community.

Paragraph 92 of the NPPF stated that decisions should provide the social, recreational and cultural facilities and services the community needed and should plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments.

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Paragraph 96 of the NPPF also stated that access to a network of high quality open spaces and opportunities for sport and physical activity was important for the health and well-being of communities.

The proposed development would also be conditioned to ensure that a community use agreement was secured; this would allow the site to provide for a wider range of the community and delivered significant health and well-being benefits which had to be weighed within the planning balance.

The officer considered that the loss of four trees was regrettable and it had to be highlighted that one of the trees was diseased and had to be removed. However, it was Officer's opinion that the proposed tree loss could be adequately mitigated so that overall, there was a betterment as a result of the planting of six replacement trees, the quality of which could be secured by condition, which outweighed the loss of the trees.

There were significant social, health and wellbeing benefits which would arise as a result of the proposal, which would also deliver a much needed facility to address an identified shortfall within the District's playing fields provision. Therefore, subject to the recommended conditions listed in the report, the proposal was recommended for approval.

An addendum circulated at the meeting advised Members of additional comments from the planning officer, advising that the assessment of the trees' condition submitted by the applicant was accepted, which highlighted that one of the four oaks to be removed was diseased and had to be removed. The other trees were of moderate value.

The trees to be removed were set back from the public highway by the width of the existing pitch, and were screened from passing motorists by the tall boundary hedgerow of principally hawthorn with the occasional ash tree.

The threshold for making a Tree Preservation Order was whether a tree contributed to public amenity, and therefore whether its loss would have a negative impact upon that value. The officer was not of the opinion that the trees met that test, and if the officer was to proceed to make an Order, it would not be possible to successfully resist a challenge to its validity.

In considering this matter, the Tree Officer had undertaken a TEMPO assessment, which was a mechanism used to assist in considering whether trees might merit a Tree Preservation Order. The outcome of the TEMPO assessment alone was that three of them would have a sufficiently high score to merit a TPO, however, when balanced with the limited contribution of the trees to public amenity (due to their location) as set out above, the Tree Officer did not consider that a TPO was justified.

The addendum also advised that in response to the comments above, the Case Officer felt that whilst the TEMPO score was a useful tool to aid the determination of whether a TPO was reasonable, this should not be the only consideration when assessing the public amenity value offered by an individual or group of trees. The Tree Officer confirmed that a TEMPO score whilst being useful, was based on a judgement and that in this case, it

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would be likely that a number of individual assessors would come up with a range of totals for the same trees.

Further, the TEMPO assessment process did not include liveability issues and therefore should form only part of the wider assessment. To summarise, the tree officer's view was that the limited public amenity value which could be attributed to the four trees to be removed, as a result of their position away from public vantage points which was well screened, meant that the Council should not TPO the trees as there was not considered to be sufficient justification.

Members raised some concerns around the removal of trees and loss of biodiversity. Therefore, following consideration of the report, presentation and information contained in the addendum, it was proposed by Councillor Ashford and seconded by Councillor Dickson that the application should be granted, subject to an amendment to Condition 7, to make reference to at least six replacement trees of the similar species as those lost.

The Committee therefore

Resolved that W/20/0438 be granted, subject to the conditions below:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
 - (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 19-0730 BM25583 0544 06 (AGP layout), 19-0730 BM25583 0544 11 (typical AGP appearance), 19-0730 BM25583 0544 04 (proposed AGF site plan), 19-0730 BM25583 0544 (proposed AGP plan), 19-0730 BM25583 0544 08 (surface water drainage), 19-0730 BM25583 0544 09 (AGP elevations), 19-0730 BM25583 0544 10 (boundary treatments and elevations) submitted on 17th March 2020 and drawings 12 (50 seater disabled stadium), 14 (50 seater disabled stadium base), 19-0730 BM25583 0544 12 (team shelters), 19-0730 BM25583 0554 13 (spectator canopy), 19-0730 BM25583 0544 02 (site plan) submitted on 1st April 2020, and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
 - (3) no development or other operations (including demolition, site clearance or other preparatory
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works) shall commence unless and until a report detailing the tree and ground protection measures in accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations has been submitted to and agreed by the Local Planning Authority. Those measures must seek to prevent damage or injury to trees or tree roots for the duration of the development, and those measures must be fully implemented before any operations commence. In addition, no excavations, trenches or channels shall be cut or pipes or services laid within the root protection area of any tree, no vehicle movement shall be allowed over the root protection area of any tree, no equipment, machinery or structure shall be stored within a tree's root protection area, no equipment, machinery or structure shall be attached to or supported by a tree, no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a tree that seepage or displacement could cause contamination within their root protection area, no other work shall be carried out in such a way as to cause damage or injury to a tree by interference with its root structure, no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to a tree.

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

- (4) the development hereby permitted, including site clearance work, shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition, the LPA expect to see details concerning appropriate working practices and safeguards for bats, badgers, hedgehogs, nesting birds, amphibians and reptiles that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.
- REASON:** To ensure that protected species are not harmed by the development in accordance with Warwick District Council Local Plan Policy NE2;

- (5) no development shall commence on site,
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including site clearance, until a Combined Ecological and Landscaping Scheme has been submitted and agreed between the applicant and the local planning authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of habitat enhancement/creation measures, such as native species planting, and provision of habitat for protected and notable species (including location, number and type of bat, bird and hedgehog boxes). The agreed scheme to be fully implemented before/during development of the site as appropriate.

REASON: In accordance with NPPF, ODPM Circular 2005/06 and to ensure that suitable planting is provided to protect the landscape value of the site in accordance with Warwick District Local Plan Policy NE4;

- (6) no development shall commence unless and until a scheme ("the scheme") equivalent to 1.6 units of biodiversity, to include creation/restoration of habitats, has been submitted to and approved by the Local Planning Authority. The scheme shall include:
1. Proposals for off-site offsetting measures;
 2. A methodology for the identification of any receptor site(s) for offsetting measures;
 3. The identification of any such receptor site(s);
 4. The provision of arrangements to secure the delivery of any offsetting measures (including a timetable for their delivery); and
 5. A management and monitoring plan (to include for the provision and maintenance of any offsetting measures in perpetuity).
- The written approval of the Local Planning Authority shall not be issued before the arrangements necessary to secure the delivery of any offsetting measures have been executed. The scheme shall be implemented in full accordance with the requirements of the scheme or any variation so approved.
- REASON:** To ensure a net biodiversity gain in accordance with NPPF and Warwick District Local Plan 2011 - 2029 Policy NE3;

- (7) notwithstanding the details shown on the approved drawings within Condition 2 above, the development hereby permitted shall not commence unless and until a landscaping scheme, that includes at least six replacement trees of the similar species as those lost, has been submitted to and approved in writing by
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the local planning authority. Details of the proposed replacement planting shall be submitted to the local planning authority and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first use of the approved development. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;

- (8) the development hereby permitted shall not be used until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;

- (9) the use of the site permitted by this permission shall not be undertaken until a Noise Management Plan relating to the activities to be carried out pursuant to this planning permission has been submitted to and approved in writing by the District Planning Authority. Upon receipt of the written approval, the agreed Noise Management Plan shall be implemented and thereafter all activities taking place pursuant to this planning permission shall be carried out in accordance with its provisions. **REASON:** To ensure that the level of noise resulting from the activities on the site is confined to levels which would not cause unacceptable disturbance to the

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detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

- (10) use of the development hereby permitted shall not commence until a Community Use Agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the 3G artificial grass pitch and include details of pricing policy, hours of use, access by members and non-members, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement. **REASON:** To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy HE5;
- (11) no visiting members of the public shall be permitted to be on the premises other than between 0900 and 2200 hours on any day. **REASON:** To ensure that the premises are not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; and
- (12) in the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority. **REASON:** To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

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(The meeting ended at 8.01pm)

CHAIRMAN

11 August 2020