

# Planning Committee

Minutes of the remote meeting held on Tuesday 2 February 2021 at 6.05pm, which was broadcast live via the Council's YouTube Channel.

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

**Also Present:** Principal Committee Services Officer – Mrs Dury; Legal Advisor – Mrs Gutteridge; Manager, Development Services – Mr Fisher; Principal Planning Officer – Mr Charles and Warwickshire County Council Highways Department Officer – Mr Pilcher.

The meeting, scheduled to start at 6.00pm, began at 6.05pm. The Chairman adjourned the meeting until 6.20pm to allow Members time to read the addendum papers which had been circulated to them not long before the meeting start time. Councillor Ashford joined the meeting during this period.

## 102. Apologies and Substitutes

There were no apologies or substitutes.

## 103. Declarations of Interest

Minute Number 106 – W/20/0617 – Land South of Chesterton Gardens, Royal Leamington Spa

Councillor Heath made a general statement advising that he was a Ward Member and a Town Councillor for East Whitnash.

Both Councillors Weber and Jacques advised that they would leave the meeting whilst this item was discussed.

Councillor Weber had signed a petition objecting to plans for this site back in August 2018, when he was not an elected District Councillor. To ensure transparency, after careful consideration, he had decided to withdraw from the meeting whilst this application was discussed, even though he did not feel that he was pre-determined.

Councillor Jacques advised that he would leave the meeting because he had spoken to residents when he had made an independent site visit. He had subsequently taken advice and felt that he should not participate, to avoid any suggestion of bias.

Minute Number 107 – W/20/1402 – Kenilworth Rugby Football Club, Warwick Road, Kenilworth

Councillor Dickson advised that he was a Ward member for this application site.

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

### **104. Site Visits**

#### W/20/0617 – Land South of Chesterton Gardens, Royal Leamington Spa

Councillors Dickson and Jacques had made independent site visits to this application site. Councillor Jacques had made a declaration of interest in respect of his site visit to this site.

#### W/20/1402 – Kenilworth Rugby Football Club, Warwick Road, Kenilworth

Councillor Dickson advised that he had made an independent site visit to this address.

#### W/20/1669 – 2 Woodcote Road, Royal Leamington Spa

Councillors Dickson, Jacques and Leigh-Hunt advised that they had made independent site visits to this address.

### **105. Minutes**

The minutes of the meeting held on 12 January 2021 were taken as read and signed by the Chairman as a correct record.

(Councillors Jacques and Weber left the meeting.)

### **106. W/20/0617 – Land South of Chesterton Gardens, Royal Leamington Spa**

The Committee considered an outline application from AC Lloyd (Homes) Ltd for a residential development of up to 200 dwellings with associated access, landscaping and public open space (all matters reserved apart from access).

The application was presented to Committee because of the number of objections received including objections from Whitnash Town Council and Radford Semele Parish Council.

The officer advised that the application site was allocated within the Local Plan for residential development as part of allocation H03 which identified approximately 500 dwellings for the wider area of the site and formed a first phase of development pending further negotiations into the second access point.

The development was only in outline form at this stage but the indicative site plan demonstrated that the site was capable of accommodating a very high quality scheme of up to 200 dwellings, which was acceptable in overall terms, including in respect of the integration of built development within the surrounding landscape, and the site provided additional benefits in securing an appropriate highway linkage to the adjacent site to provide a comprehensive development across the overall allocation.

The indicative Masterplan demonstrated that the scheme retained existing green features and delivered a high-quality environment with accessible sustainable transport links to the surrounding areas, together with areas of

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

open space that were in excess of the requirements set out within the Open Space SPD.

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

Officers recommended that outline planning permission should be granted, subject to the conditions listed in the report and the signing of a Section 106 Agreement.

An addendum circulated at the meeting included further comments and representations against the proposals that had been received about the application, including those from Matt Western MP and Campaign for the Protection of Rural England (CPRE). Officers also gave a verbal update at the meeting advising that a couple of additional letters of objection had just been received that afternoon, making objections on similar grounds to those detailed in the report and addendum. For completeness, the officer read out the letter of objection received after the point that the addendum was prepared. There were objections because there were no safety measures implemented to reduce traffic speeds and a request for a second access point to be provided before any new housing was built on the land. There were questions about medical services, schools and shops provision and a statement that the short and long-term impact of traffic would be catastrophic for existing residents and residents on Brimstone End would be forced to keep their windows closed. The request was that all issues should be resolved. It was felt that financial contributions to improve facilities would be useless if a car was required to use them.

The following people addressed the Committee:

- Councillor Franklin, on behalf of Whitnash Town Council, objecting;
- Ms Duffy, Mr Mackay, Mrs Mangat and Ms White, objecting;
- Mr Green and Mr Wynne, supporters; and
- Councillor Roberts, District Councillor, objecting.

Members raised the issue about a previous application, W/12/0027, which had gone to appeal. The appeal was upheld but the Inspector had stated that it was not suitable to have an access to the new site through the existing site. Officers advised that the appeal decision was a material consideration, but the length of time that had subsequently passed and the more up to date transport assessment should determine the weight placed on the Inspector's comments.

Noise impact after the development was completed was raised as a concern, because there would be 200 additional households using the road, meaning approximately 400 additional windows passing people's homes. It was noted that the assessment made by the Environmental Health Officer had identified six existing residential properties on Brimstone End which would experience a large increase of road traffic noise as a result of the proposed access route into the new development. Mitigation had been proposed and again officers advised that Members would have to weigh up

## PLANNING COMMITTEE MINUTES (Continued)

the balance between advice given by experts and what had been said by speakers.

A motion to grant the application, proposed by Councillor Ashford and seconded by Councillor Heath, was defeated.

(The meeting was adjourned at 7.55pm for 15 minutes to allow for a comfort break.)

Councillor Morris suggested that had the second access point been available, concerns about access would not have been so prominent in the debate. If permission were to be granted, the risk was that the second access point might never come to exist. The single access road would represent a loss of amenity to the current residents of the existing development that the proposed development would adjoin.

Councillor Morris made a proposal for refusal of the application on grounds of Policy TR1 access and traffic and BE3, loss of amenity to existing residents. The proposal was not seconded at this stage because Councillor Morris had indicated that he was willing for further debate to take place and the Chairman accepted the offer for further discussion to get the views of other Members.

During these discussions, a motion to defer the application, made by Councillor Heath and seconded by Councillor Ashford, was brought forward to allow further discussions with the Developer on traffic calming measures and noise abatement. The Committee Services Officer advised that this motion should be dealt with first because Councillor Morris's proposal had not been seconded, however, the Chairman made the decision to deal with Councillor Morris's proposal first on the basis that the situation had only arisen because of the delay in seeking a seconder.

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 Kennedy that the application should be refused.

The Committee therefore

**Resolved** that W/20/0617 be **refused** on grounds of policy TR1 access and traffic and BE3, loss of amenity to existing residents.

(Councillors Jacques and Weber re-joined the meeting.)

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

### **107. W/20/1402 – Kenilworth Rugby Football Club, Warwick Road, Kenilworth**

The Committee considered an application from Kenilworth Rugby Football Club for the relocation of Kenilworth Rugby Football Club, including the construction of a new clubhouse, sports pitches, landscaping, earthworks, parking, access and ancillary facilities.

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

The officer was of the opinion that the development had been submitted in accordance with a strategic allocation within the Local Plan. The proposal was considered to comply with the requirements of DS23 and was therefore also considered as appropriate development within the Green Belt.

Site specific details could be adequately controlled by condition and for the reasons stated in the report, officers recommended that planning permission should be granted.

An addendum circulated at the meeting advised details of an additional consultation response from Warwickshire County Council Highways, which following the submission of a required drawing by the applicant, indicating the access arrangements in line with the recommendations of the Transport Statement and the submission of a Stage 1 Road Safety Audit, did not object to the proposals, subject to conditions.

Councillor Milton, District Councillor, addressed the Committee in support of the application.

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

The Committee therefore

**Resolved** that W/20/1402 be **granted** subject to the following conditions:

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
| (1)        | the development hereby permitted shall begin not later than three years from the date of this permission.<br><br><b>Reason:</b> To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); |
| (2)        | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 4894-053, 4894-054, 4893-056, 4894-057, 19-7877-SK0005-P4,  |

## PLANNING COMMITTEE MINUTES (Continued)

<b>No.</b>	<b>Condition</b>
	19-7877-SK0006-P2, 7044.LSP.03.FINAL, 2257-EX-001-P1 and 2257-EX-002-P2, and specification contained therein, submitted on 8 September 2020, approved drawing 4894-052-Rev A and specification contained therein, submitted on 29 September 2020 and approved drawing 4894-051-Rev B and specification contained therein, submitted on 27 November 2020.

**Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

- (3) the development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; site working hours and delivery times; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website ([https://www.warwickdc.gov.uk/downloads/file/5811/construction\\_management\\_plan](https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan)) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP.

**Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
| (4)        | <p>the development hereby permitted shall not commence unless and until arboricultural mitigation measures have been submitted to and approved in writing by the LPA and the approved measures have been put into place. The approved measures must remain in place for the duration of construction works. The information to be submitted for all of the trees within the site as well as those off-site trees affected by the proposed demolition and re-development must include:</p> <p>a] a comprehensive arboricultural method statement and robust tree protection plan that recognises in particular the significance of the Ancient Woodland on the site boundary and the three high quality oak trees within the site, the statement to be prepared in accordance with Clause 7 of British Standard BS5837 - 2012 Trees in Relation to Design, Demolition &amp; Construction</p> <p>b] an arboricultural site monitoring protocol that will confirm to the local planning authority by independent examination that the agreed tree protection measures are in place for the duration of the development</p> <p><b>Reason:</b> 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;</p> |
| (5)        | <p>no development other than site clearance and preparatory works shall take place until a method statement and risk assessment for all works within the vicinity of the railway line has been submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail. Thereafter, the development shall be carried out strictly in accordance with the approved method statement.</p> <p><b>Reason:</b> To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway;</p>  |
| (6)        | <p>no development shall be carried out above slab level unless and until samples of the</p>  |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
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|            | 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.<br><br><b>Reason:</b> 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;   |
| (7)        | the development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details.<br><br><b>Reason:</b> In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029;  |
| (8)        | no development other than site clearance and pitch preparation works shall commence unless and until a surface water drainage strategy which demonstrates an appropriate site outfall and a surface water discharge rate limited to QBar is provided have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details.<br><br><b>Reason:</b> To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029; |
| (9)        | no use of the proposed playing pitches of the development hereby permitted shall commence unless and until a suitable scheme for the provision of appropriate mitigation measures to be implemented that minimise any risks associated with the proximity of the adjacent residential development and proximity of the railway line to the  |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
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|            | development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.<br><br><b>Reason:</b> In the interests of visual amenity and to safeguard the amenity of adjacent occupiers and the safe operation of the rail network in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;  |
| (10)       | no development shall be carried out above slab level until further details of measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques, materials, natural ventilation methods and sustainable energy sources shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.<br><br><b>Reason:</b> To ensure planning for climate change adaptation and to satisfy the requirement of Policy CC1 of the Warwick District Local Plan 2011-2029; |
| (11)       | no development other than pitch preparation works shall commence unless and until an updated soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of additional landscaping works shall include further details of the proposed landscaping along the Warwick Road boundary, additional tree planting to the southern boundary, planting to car parking areas together with additional planting areas within the site.<br><br>Thereafter, 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  |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
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|            | 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.<br><br><b>Reason:</b> 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;           |
| (12)       | no lighting or illumination of any part of any building or floodlighting within the site shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the local planning authority to include the hours of use. Thereafter, the use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.<br><br><b>Reason:</b> To ensure that any lighting is designed and operated so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (13)       | no development above slab level shall take place until an appropriate scheme of mitigation in accordance with Warwick District Council's Air Quality Supplementary Planning Document (January 2019) has been submitted to and approved by the local planning authority. The approved scheme shall then be implemented in full and shall not be altered in any way without expressed written consent from the local planning authority.<br><br><b>Reason:</b> To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;  |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
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| (14)       | <p>no development other than site clearance and preparatory works shall take place unless and until:</p> <ol style="list-style-type: none"><li>1. A detailed assessment of ground conditions of the land proposed for the new playing field land as shown on drawing number 7044/ASP3 shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and</li><li>2. Based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.</li></ol> |

The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the Local Planning Authority after consultation with Sport England.

**Reason:** To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with Policy HS4 of the Local Plan;

- (15) prior to the bringing into use of the playing fields of Kenilworth RFC, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the playing fields at Kenilworth RFC.

**Reason:** To ensure that new playing fields are capable of being managed and

## PLANNING COMMITTEE MINUTES (Continued)

<b>No.</b>	<b>Condition</b>
	maintained to deliver playing fields which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport (National Planning Policy Framework (NPPF) para 97) and to accord with Policy HS4 of the Local Plan;

(16) prior to the occupation of the site a scheme ("the scheme") to ensure that there is no net biodiversity loss as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the Warwickshire County Council metric version 19.1 and should there be a net biodiversity loss the scheme shall include:

1. Proposals for off-site offsetting;
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 for a minimum of 30 years).

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 the proposal results in a net biodiversity gain in accordance with Policy NE3 of the Local Plan, Policy KP6B of Kenilworth Neighbourhood Plan together with national guidance contained within the NPPF;

(17) the proposed clubhouse building shall be constructed in accordance with the noise

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
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|            | mitigation measures proposed in the Hepworth Acoustics noise impact assessment report (Ref. P20-197-R01v1, dated December 2020) and the installed mitigation measures being retained thereafter.   |
|            | <b>Reason:</b> To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;  |
| (18)       | noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. |
|            | <b>Reason:</b> To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;  |
| (19)       | the accommodation identified on the approved drawings as "Stewards Accommodation" shall be occupied by persons solely working at the rugby club and any spouse or dependents only and at no time shall the premises be occupied by person(s) not associated with the operation of the club.  |
|            | <b>Reason:</b> The accommodation is needed for occupation by staff members only working on the site and in order to protect the Green Belt, occupation is restricted so that the dwelling continues to serve the needs of business only and does not create an unrestricted dwelling in an open countryside  |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
|            | location, in accordance with Policies DS18 and H12 of the Warwick District Local Plan;   |
| (20)       | no works shall be carried out within the Great Crested Newt protection area until the appropriate licence has been granted by Natural England. Thereafter, all works shall be carried out in accordance with the terms of the licence. |

**Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029;

- (21) 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 ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;

- (22) the access to the site for vehicles shall not be used unless a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority.

**Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
|            | visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;   |
| (23)       | the development shall not be brought into use until visibility splays have been provided to the vehicular access to the site with an 'x' distance of <b>2.4</b> metres and 'y' distances of <b>160</b> metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of <b>0.6</b> metres above the level of the public highway carriageway.<br><br><b>Reason:</b> In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029; and |
| (24)       | the development hereby permitted shall not be occupied unless and until the parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times.<br><br><b>Reason:</b> To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.   |

### 108. **W/20/1669 – 2 Woodcote Road, Royal Leamington Spa**

The Committee considered an application from Mrs Parker for the demolition of the existing dwelling and erection of a six apartment building with associated car parking, bin store and landscaping works. Proposals included the removal of an existing TPO tree and details of replacement tree planting.

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

The officer advised that the application site was within the identified Urban Area boundary for Royal Leamington Spa as shown on the Policies Map. The principle of new residential development was therefore acceptable in accordance with Policy H1 of the Local Plan. Officers considered the

## PLANNING COMMITTEE MINUTES (Continued)

proposal for the demolition of the dwelling and erection of a two-storey block containing six flats to be of a scale and form of development which was still suitable in character and visual terms and was also proportionate to the size of the site and as such did not represent an overdevelopment of the site.

The visual impacts of the development were acceptable, and the proposals would not give rise to any demonstrable harm to neighbouring amenity by reason of overbearing, overlooking or overshadowing.

Sufficient parking was proposed for the new dwellings and the scheme was acceptable in regard to ecology and for all the reasons in the report, officers recommended that planning permission should be granted with conditions.

An addendum circulated at the meeting advised that on page 8, paragraph 1, line 3, the word "not" should be placed after the word "should". There was clarification on information provided about facing windows to 3 Hirsell Gardens; a summation of additional public representation received and notification that a summary of objections document had been received from a group of five residents. This had been circulated to all Members on 28 January.

The following people addressed the Committee:

- Councillor Brunson from Royal Leamington Spa Town Council, objecting;
- Mr Fleming, objector;
- Mr Sercombe, speaking in support; and
- Councillor B Gifford, District Councillor, objecting.

A proposal to refuse permission failed to find a seconder.

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 Jacques that the application should be granted.

The Committee therefore

**Resolved** that W/20/1669 be **granted** subject to the following conditions:

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
| (1)        | the development hereby permitted shall begin not 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 |
|-----|---|

## PLANNING COMMITTEE MINUTES (Continued)

**No.** details shown on the site location plan and approved drawing(s) 3649-04E, 3649-05E, 3649-09E and 3649-10H, and specification contained therein, submitted on 15 December 2020 and approved drawing(s) EW989-02P1 and EW989-03P0, and specification contained therein, submitted on 16 October 2020.

**Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

(3) the development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; site working hours and delivery times; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website ([https://www.warwickdc.gov.uk/downloads/file/5811/construction\\_management\\_plan](https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan)) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP.

**Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
| (4)        | <p>no development (including demolition) shall commence unless and until a survey for the presence of bats has been carried out by a suitably qualified surveyor, and has been submitted to and approved in writing by the local planning authority. Should the presence of bats be found then no demolition shall take place until full details of measures for bat migration and conservation have been submitted to and approved by the local planning authority. These measures should include:</p> <ul style="list-style-type: none"><li>a) inspection of existing buildings and trees on site not more than 28 days/one calendar month prior to their demolition to determine presence or absence of roosting or hibernating bats;</li><li>b) no building containing bats shall be demolished and no tree containing bats until bats have been safely excluded using measures as have been previously submitted to and approved in writing by the local planning authority;</li><li>c) provision of a new bat roost/hibernacula constructed to a design and in a location previously approved in writing by the local planning authority;</li><li>d) provision of new bat roost/hibernacula within new construction;</li><li>e) provision of an area of buffer/habitat around the new bat roost/hibernacula, details of the buffer to be submitted to and approved in writing by the local planning authority;</li><li>f) retention of hedgerows identified as being important for foraging bats within the development site, details of the location of hedges to be submitted to and approved in writing by the local planning authority;</li><li>g) provision for the management in perpetuity of the buffer habitat, hedgerows used for foraging and the new bat roost/hibernacula. The works shall be implemented in strict accordance with the approved details and timing of works.</li></ul> |

**Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029;

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
| (5)        | <p>the development hereby permitted shall not commence until a protected species method statement for bats, nesting birds, hedgehogs and amphibians (to include timing of works, supervision of vegetation clearance and reasonable avoidance measures) has been submitted to and approved in writing by the Local Planning Authority. Such approved measures shall thereafter be implemented in full.</p> <p><b>Reason:</b> To ensure that protected species are not harmed by the development;</p>  |
| (6)        | <p>the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include <i>details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles)</i>. Such approved measures shall thereafter be implemented in full.</p> <p><b>Reason:</b> To ensure a net biodiversity gain in accordance with NPPF;</p> |
| (7)        | <p>the development hereby permitted, including site clearance work, shall not commence until a Construction and 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 pre-commencement checks for protected species (<i>detail as appropriate e.g. badger, bats, breeding birds and otter</i>) and appropriate working practices and safeguards for wildlife 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.</p>  |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
|            | <p><b>Reason:</b> To ensure that protected species are not harmed by the development;</p>   |
| (8)        | <p>before the commencement of development, the net biodiversity impact of the development shall have been measured in accordance with the DEFRA biodiversity offsetting metric as applied by Warwickshire County Council ("the County Council") in the area in which the site is situated at the relevant time and, if the measures for on-site mitigation approved in accordance with the Landscape and Ecological Management Plan condition are not sufficient to prevent a net biodiversity loss, arrangements to secure measures on another site which ensure that there is no net biodiversity loss as a result of the development shall have been submitted to and approved in writing by the County Planning Authority. Unless those arrangements comprise a proposal to enter an agreement with the County Council under which the County Council will secure the implementation of suitable measures, the submitted arrangements shall include:</p> <ol style="list-style-type: none"><li>1. Proposals for off-site offsetting measures;</li><li>2. A methodology for the identification of any receptor site(s) for offsetting measures;</li><li>3. The identification of any such receptor site(s);</li><li>4. The provision of arrangements to secure the delivery of any offsetting measures (including a timetable for their delivery); and</li><li>5. A management and monitoring plan (to include for the provision and maintenance of any offsetting measures in perpetuity).</li></ol> <p>The written approval of the County 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 arrangements or any variation so approved.</p> <p><b>Reason:</b> To ensure a net biodiversity gain in accordance with NPPF;</p> |
| (9)        | <p>the development hereby permitted shall not commence unless and until a schedule of on-site arboricultural supervision, including the</p>   |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
|            | <p>provision to instruct the establishment of tree protection measures required by operations in proximity to retained trees, has been submitted to and approved in writing by the Local Planning Authority. The approved schedule, and any necessary amendments occasioned by incidents on site, must remain in place for the duration of the works.</p> <p>This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous supervision and monitoring of the tree protection during construction by a suitably qualified and pre-appointed tree specialist.</p> <p><b>Reason:</b> 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;</p> |
| (10)       | <p>no development shall be carried out until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details.</p> <p><b>Reason:</b> To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;</p>   |
| (11)       | <p>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 in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to</p>  |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
|            | <p>be submitted shall include the following information:</p> <ul style="list-style-type: none"><li>• Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753 through the submission of plans and cross section of all SuDS features.</li><li>• 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 the QBar Greenfield runoff rate or rate to be agreed with the LLFA.</li><li>• Demonstrate the provisions of surface water run-off attenuation storage are provided in accordance with the requirements specified in 'Science Report SC030219 Rainfall Runoff Management for Developments'.</li><li>• Provide evidence to show an agreement from Severn Trent Water to connect surface water to their asset at the location and rate proposed in the drainage strategy.</li></ul> |

**Reason:** To prevent the increased risk of flooding;

- (12) no occupation and subsequent use of the development shall take place until a detailed maintenance plan, written in accordance with CIRIA C753, is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details, shall be provided to the LPA and LLFA within the maintenance plan.

**Reason:** To ensure the future maintenance of the sustainable drainage structures;

- (13) no development shall commence unless and until details of foul water drainage works have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details.

**Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
|            | with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029;  |
| (14)       | <p>prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded).</p> <p><b>Reason:</b> To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document;</p> |
| (15)       | <p>no development shall be carried out above slab level unless and until samples of the external facing materials together with a schedule of all hard landscaping 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.</p> <p><b>Reason:</b> 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;</p>   |
| (16)       | <p>no development shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods</p>  |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
|            | at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details.<br><br><b>Reason:</b> To ensure an appropriate standard of design and appearance to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029;   |
| (17)       | no development shall be carried out above slab level unless and until details of the proposed acoustic fencing have been submitted to and approved by the Local Planning Authority. Thereafter, the development shall not be carried out otherwise than in strict accordance with such approved details prior to the first occupation and maintained in perpetuity.<br><br><b>Reason:</b> To ensure an appropriate standard of amenity and appearance to satisfy Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;                     |
| (18)       | 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 gate, fence, wall or other means of enclosure shall be erected on any land between the front or side elevation of any dwelling and any road or footpath.<br><br><b>Reason:</b> To retain the character of the proposed development it is considered important to ensure that control is maintained over boundary treatments fronting the public highway; |
| (19)       | no lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures (including details of hours of operation) shall have been submitted to and approved in writing by the Local Planning Authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.  |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
|            | <p><b>Reason:</b> To ensure that any lighting is designed and operated so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;</p>   |
| (20)       | <p>notwithstanding the details on the submitted plans, the hard landscaping (to include the revised details required by Condition 15), including boundary treatment, paving and footpaths, shall be completed in all respects within the 6 months of the first use of the development hereby permitted. Any soft landscaping shown on the approved plans, including any tree(s) and shrub(s), shall be planted within the first planting season following that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of the same size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.</p> <p><b>Reason:</b> 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;</p> |
| (21)       | <p>notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied unless and until:</p> <p>(a) details of refuse and recycling storage areas for the development have been submitted to and approved in writing by the Local Planning Authority; and</p> <p>(b) the refuse and recycling areas approved under (a) have been constructed or laid out in strict accordance with the approved plans, and made available for use by the occupants of the development.</p>   |

## PLANNING COMMITTEE MINUTES (Continued)

### **No.**

### **Condition**

Thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development.

**Reason:** To ensure the satisfactory provision of refuse and recycling storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029; and

- (22) the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times.

**Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.

The Chairman adjourned the meeting until Wednesday 3 February, with the remaining planning applications on the agenda to be discussed then.

(The meeting was adjourned at 10.40pm)

Resumption of the adjourned Planning Committee remote meeting held on Wednesday 3 February 2021 at 6.05pm, which was broadcast live via the Council's YouTube Channel.

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

**Also Present:** Civic & Committee Services Manager – Mrs Tuckwell; Committee Services Officer – Mr Edwards (observing only); Legal Advisor – Mrs Gutteridge; Manager - Development Services – Mr Fisher; Principal Planning Officer – Ms Obremski; Site Delivery Officer - Mr Garden; and Warwickshire County Council Highways Officer – Mr Pilcher.

Before proceeding with the agenda, the Chairman asked Members to hold a moment of silence, having started the meeting five minutes late to allow for clapping for Captain Sir Tom Moore. The Chairman informed Members that the flags at Leamington Town Hall had flown at half-mast in tribute to Captain Tom.

### **109. Apologies and Substitutes**

## PLANNING COMMITTEE MINUTES (Continued)

There were no apologies for absence made.

### 110. **Declarations of Interest**

There were no declarations of interest made.

### 111. **W/17/2371 – Land off Rugby Road and Coventry Road, Cubbington**

The Committee considered an application from Bellway Homes (South Midlands) Ltd for the development of 120 dwellings (including 48 affordable units), formation of single access point from Coventry Road and single access point from Rugby Road, highway works, landscaping, public open space and ancillary works.

The application was presented to Committee because it included a proposed Deed of Variation to the signed Section 106 Agreement.

The report related to planning permission W/17/2371 which was previously presented to Members of the Planning Committee on 11 September 2018. The recommendation was to grant planning permission, subject to the various conditions listed in the report, as well as a Section 106 Agreement to secure a range of obligations from the owner. The Section 106 was thereafter signed and the decision issued on 29 March 2019.

The application site was now well advanced and the applicants were in the process of negotiating for the provision of the affordable housing with a Registered Provider of Social Housing ("the Registered Provider").

During these negotiations, it had become apparent that the Council's standard Mortgagee in Possession (MIP) Clause used within the Council's Section 106 precedent and the Council's SPD relating to affordable housing, was likely to cause the Registered Provider difficulty when seeking to secure funding for future affordable housing. Such funding would usually be secured against the Registered Provider's current stock of affordable housing including the affordable housing units to be transferred to the Registered Provider in this matter.

In the officer's opinion, the agreement of a standard clause was not affected by the CIL regulations and was purely the mechanism to secure appropriate delivery of affordable housing by a registered social landlord. Officers' recommendation was therefore to approve the revisions of the MIP Clause through a Deed of Variation to the Section 106 Agreement.

Following consideration of the report and presentation, it was proposed by Councillor Ashford and seconded by Councillor Heath that the application should be granted in accordance with the recommendation in the report.

The Committee therefore

**Resolved** that W/17/2371 be **granted** in accordance with the recommendation in the report, and the additions to allow the elements to be incorporated

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

through a Deed of Variation to the Section 106 Agreement, be approved.

### **112. W/19/1200 – Land at Southcrest Farm, Crewe Lane, Kenilworth**

The Committee considered an outline application from Gleeson Strategic Land for the demolition of existing dwelling house and outbuildings, and residential development of up to 99 dwellings including the creation of a new vehicular access, open space, landscaping and surface water attenuation (all matters reserved except access).

The application was presented to Committee because it included a proposed Deed of Variation to the signed Section 106 Agreement.

The report related to planning permission W/19/1200, which was previously presented to Members of the Planning Committee on 6 October 2020. The recommendation was to grant outline planning permission, subject to the various conditions listed in the report, as well as a Section 106 Agreement to secure a range of obligations from the Owner. The Section 106 was thereafter signed and the decision issued on 17 December 2020.

Upon review of the Section 106 Agreement, it became apparent that there were two elements missing from the completed agreement, namely:

- the provision of a custom/self-build housing clause; and
- the inclusion of the principles agreed in the Memorandum of Understanding (MOU) between Warwickshire County Council and Warwick District Council relating to the education contributions.

In the officer's opinion, the revisions were not affected by the CIL regulations. The inclusion of the Self Building House Clause defined the requirements for the developer and any potential purchaser of one of the plots. The MOU was purely the mechanism to ensure that the education contributions could be utilised appropriately. There would be no difference to the level of contributions to be received through the Section 106 Agreement. The officers' recommendation was therefore to approve the additions to allow the elements to be incorporated through a Deed of Variation to the Section 106 Agreement.

Following consideration of the report and presentation, it was proposed by Councillor Morris and seconded by Councillor Ashford that the application should be granted in accordance with the report.

The Committee therefore

**Resolved** that W/19/1200 be **granted**, and the additions to allow the elements to be incorporated through a Deed of Variation to the Section 106 agreement, be approved.

(The meeting ended at 6.22pm)

**PLANNING COMMITTEE MINUTES (Continued)**

CHAIRMAN  
30 March 2021