Planning Committee

Minutes of the meeting held on Tuesday, 6 November 2018 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Cooke (Chairman); Councillors Barrott, Boad, Mrs Bunker, Day, Mrs Falp, Miss Grainger, Mrs Hill, Morris, Mrs Stevens and Weed.

Also Present: Civic and Committee Manager – Mrs Barnes; Committee Services Officer – Mrs Tuckwell; Legal Advisor – Mr Howarth; Head of Development Services – Mr Barber; Senior Planning Officer - Mr Charles; Business Manager – Development Management – Mr Young; Manager – Development Services – Mr Fisher; and Mr Lyons – Warwickshire County Council Minerals Team.

Apologies and Substitutes

(a) There were no apologies;

(b) Councillor Miss Grainger substituted for Councillor Ashford and Councillor Mrs Falp substituted for Councillor Heath.

105. **Declarations of Interest**

Minute Number 111 – W/18/0953 –Holloway Farm, Wellesbourne Road, Wasperton

Councillor Cooke and Councillor Mrs Falp declared interests because they were members of Warwickshire County Council.

Minute Number 108 – W/18/0606 –Land at The Triangle, Lower Heathcote Farm, Warwick

Councillor Mrs Falp declared an interest because she knew someone who worked for Gallagher Estates.

Councillor Day declared an interest because he was the Ward Councillor.

Minute Number 109 – W/18/1551 – Car Park, Archery Road, Royal Leamington Spa

All Councillors declared an interest because the applicant was Warwick District Council.

Minute Number 114 – W/18/1763 – Surface Car Park, Court Street, Royal Leamington Spa

106. All Councillors declared an interest because the applicant was Warwick District Council.

107. Site Visits

There were no site visits undertaken prior to the meeting, as agreed with the Chairman and following consultation with the Committee members.

108. Minutes

The minutes of the adjourned meeting held on 9 and 10 October 2018 were proposed with two amendments:

Minute 87 – Declarations of Interest: application W/18/1276 – 2 Satchwell Place, Royal Leamington Spa, should read Minute Number 93, not 92; and

Minute 96 –Councillor Morris had proposed the application to be refused, and not Councillor Cooke.

The amendments were agreed and duly signed by the Chairman as a correct record.

109. W/18/0606 – Land at the Triangle, Lower Heathcote Farm, Warwick

The Committee considered an outline application from Gallagher Estates for up to 150 dwellings (including 40% affordable housing), and public open space, with access provided from consented Lower Heathcote Farm development and all other matters reserved for future determination.

This application was presented to Committee due to an objection from Bishops Tachbrook Parish Council having been received.

The officer mentioned that the site was allocated within the Local Plan for residential development as part of allocation H02. When taken into consideration with the extant planning permissions for 1515 dwellings across the site, the proposed number of dwellings would exceed the overall allocation of 1605 dwellings by 60 units, which equated to approximately 3.8% above the overall allocation. In the officer's opinion, the applicant had demonstrated that the site was capable of accommodating a very high quality scheme at that level, which was acceptable in overall terms, including in respect of the integration of built development within the surrounding landscape. The site provided additional benefits in securing an appropriate highway linkage to the adjacent site to provide a comprehensive development across the overall allocation.

For the above reasons, officers recommended that outline planning permission was granted subject to the conditions listed in the report and the signing of a Section 106 Agreement.

An addendum circulated at the meeting provided additional information with regards to the Local Plan making allowance for up to 1010 windfall dwellings over and above the allocations themselves, and since the adoption of the Local Plan, permission had been grated for 275 such dwellings.

In addition, the addendum provided clarification on various details, corrected one error in the report and advised of three amendments to the conditions in the report.

The following people addressed the Committee:

- Councillor Bullen, representing Bishops Tachbrook Parish Council, objecting to the application; and
- Mrs Liz Boden, representing Pegasus Group, on behalf of Gallagher Estates LTD, supporting the application.

In answer to Councillor Barrott's question, it was clarified by the Officer that this was the last piece of land that had not been yet allocated. Councillor Day emphasised that if planning permission was granted, this would impact on the local residents and the Country Park. Councillor Day was concerned that the financial contribution per additional dwelling was not enough to compensate for the high impact the development would have. The Officer emphasised the fact that the financial contributions would make it possible to have more ambitious plans regarding the Country Park.

Members received advice from the legal officer regarding the contributions being proposed to the Country Park and that specific details would be included in the S106 agreement.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Grainger and seconded by Councillor Boad that the application should be granted in accordance with the recommendation in the report, subject to an amendment to Condition 7 in the report, the retention of Condition 15, contrary to the advice in the addendum and a note to applicant relating to the pepper potting of the affordable housing.

The Committee therefore

Resolved that W/18/0606 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

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

(2) application for approval of the reserved matters shall be made to the local planning authority no later than three years from the date of this permission. **Reason:** To comply

with Section 92 of the Town and Country Planning Act 1990 (as amended);

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

(4) no part of the development hereby permitted shall be commenced until a detailed access plan including details of the proposed alterations to the highway has been submitted to and approved in writing by the Local Planning Authority in consultation with the County Highways Department. Thereafter, the approved access shall be carried out in general accordance with the approved details prior to the first occupation of any dwellings constructed on the site. **Reason:** In the interest of highway safety and to ensure appropriate access is available for the future occupiers of the dwellings;

(5) the Reserved Matters submission shall include details of the spine road extending up to and including the application site boundary to the east of the development where it meets the former sewage works land. The road shall be detailed as providing a carriageway in accordance with adoptable highway standards. **Reason:** To secure an appropriate linkage to the adjacent residential allocation in order to provide a comprehensive transport strategy for the development in accordance with Policy DS15 of the Warwick District Local Plan;

(6) no development shall take place under any reserved matters consent until a construction phasing plan of the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the phases established in the phasing plan as approved by the local planning authority. **Reason:** To ensure the proper phasing of the development;

(7) any reserved matters application for any residential phase of the development shall be submitted in accordance with the details

of the Design Code for the approved development as set out in the document titled "Design and Access Statement incorporating Site Wide Masterplan & Design Code March 2018" unless otherwise agreed in writing through the submission and approval of a revised Site Wide Masterplan. **Reason:** In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029;

(8) any reserved matters application for any residential phase of the development shall be submitted be submitted in accordance with the details of the Design Code for the approved development as set out in the document titled "Design and Access Statement incorporating Site Wide Masterplan & Design Code March 2018" unless otherwise agreed in writing through the submission and approval of a revised Design Code. **Reason:** In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029;

(9) the development hereby permitted shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. The CEMP needs to be compliant with the British Standard on Biodiversity BS 42020:2013 published in August 2013. In discharging this condition, the LPA expect to see details concerning pre-commencement checks and monitoring for protected and notable species and habitats as deemed appropriate. In addition, appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst 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 National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy NE2 of the Warwick District Local Plan 2011-2029;

(10) 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 Local 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 include details of habitat enhancement/creation measures and management, such as the pond, wildflower grasslands and provision of habitat for protected species. The plan should also include details on soil management to make best use of the high quality soils on site detailed guidance to inform this matter is available in Defra '*Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*'. Such approved measures shall thereafter be implemented in full. **Reason:** To enhance biodiversity in accordance with NPPF;

(11) the development hereby permitted shall not commence until:

1(a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This must be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:
- A risk assessment to be undertaken relating to human health;
- A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected;
- An appropriate gas risk assessment to be undertaken;
- Refinement of the conceptual model;
- The development of a method statement detailing the remediation requirements.

(b) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.

(c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning

authority. The method statement shall include details of how the remediation works will be validated upon completion and shall be approved in writing by the local planning authority prior to the remediation being carried out on the site.

2. All development of the site shall accord with the approved method statement.

3. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be deal with.

4. Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.
Reason: To safeguard health, safety and the environment in accordance with Policies NE4 and NE5 of the Warwick District Local Plan 2011-2029;

(12) the development hereby permitted shall not commence until a scheme of mitigation including detailed arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **Reason:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

(13) no part of the development (including any

works of demolition) hereby permitted shall commence until a construction method statement has been submitted to and approved in writing by the local planning authority in consultation with the County Highways Authority. Thereafter, the approved statement shall be strictly adhered to throughout the construction period. The submitted statement shall provide for:

- A construction phasing plan.
- An HGV routing plan.
- Any temporary measures required to manage traffic during construction
- Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction
- Dust management and suppression measures – level of mitigation determined using IAQM guidance
- Wheel washing
- Noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites – Part 1 and 2
- Concrete crusher if required or alternative procedure
- Delivery times and site working hours
- Site lighting
- Access and protection arrangements around the site for pedestrians, cyclists and other road users
- Restrictions on burning and details of all temporary contractors buildings
- Plant and storage of materials associated with the development process
- External safety and information signing notices
- Complaints procedures, including complaints response procedures and dedicated points of contact
- Best practicable means shall be employed at all times to control noise and dust on the site including:

- Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank

Holidays.

- Delivery vehicles should not be allowed to arrive on site between 7:30am and 9:15am and 4.30pm and 6:00pm Mon – Fri.

The measures indicated within the Construction Management Plan shall be implemented prior to the commencement of the development and maintained for the duration of the works, unless otherwise agreed in writing by the local planning authority. **Reason:** In the interests of highway safety and the 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, TR4 and NE5 of the Warwick District Local Plan 2011-2029;

(14) no residential phase of the development shall take place unless and until a Low Emission Strategy 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 NE5 of the Warwick District Local Plan 2011-2029 and the aims and objectives of national guidance within the NPPF 2018;

(15) no residential phase of the development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating how and when mixed open space facilities will be incorporated into the development. The scheme shall be implemented in strict accordance with the approved details and shall be retained thereafter. **Reason**: To ensure appropriate open space and recreational facilities are provided to serve the development in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029;

(16) no development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority demonstrating that

surface water runoff does not exceed runoff from the undeveloped site and does not increase the risk of flooding off-site. Post development runoff volumes and peak flow rates will be limited to the Greenfield discharge rate for all rainfall return periods up to and including the 100 year plus 30% (for climate change) as outlined within the Flood Risk Assessment. On-Site surface water attenuation will be provided to the 1:100 Climate change (30%) standard using Sustainable Urban Drainage Systems. The site drainage strategy will demonstrate the appropriate assessment and adoption of SUDS techniques. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details. **Reason:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies FW1, FW2 and NE4 of the Warwick District Local Plan 2011-2029;

(17) the development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029;

(18) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on 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: 2005, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the 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 Policy NE4 of the Warwick District Local Plan 2011-2029;

(19) no development shall take place under any relevant phase of development until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

a. low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps.
b. the brightness of lights should be as low as legally possible.
c. lighting should be timed to provide some dark periods.
d. connections to areas important for foraging should contain unlit stretches.

Such works, and use of that lighting and/or illumination, shall be carried out and operated only in strict accordance with those approved details. **Reason:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and that appropriate measures are taken in relation to protected species in accordance with Policies BE3, NE2, NE4 and NE5 of the Warwick District Local Plan 2011-2029;

(20) 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 firefighting 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. **Reason**: In the interests of fire safety;

(21) any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition one shall be completed in all respects, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of 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 similar 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. **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;

(22) the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029; and

(23) the mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the Strategic Housing Market Assessment at the point of submission. **Reason:** To ensure that the housing meets the needs of the District as required by Local Plan Policy H4 of the Warwick District Local Plan 2011-2029 and the NPPF.

Note: Officers to liaise with the applicant to ensure that the affordable housing is "pepper potted" throughout the site.

110. **W/18/1551 –Car Park, Archery Road, Royal Leamington Spa**

The Committee considered an application from Warwick District Council for the proposed improvements to existing municipal car park, including new asphalt surfacing and increase to the parking area (and associated change of use of parkland to car park), new boundary treatments, lighting columns, CCTV, pay machines and formalised parking bays.

This application was presented to Committee because Warwick District Council was the applicant and more than five letters of objection had been received.

The officer was of the opinion that the proposed car park improvements were considered to be acceptable in principle and would not have a harmful impact on the street scene, Conservation Area, Registered Park and Garden or neighbouring residential amenity. The harm caused by the loss of trees had been mitigated by a replanting scheme, and subject to confirmation from WCC Ecology, would have no harmful impact on protected species or biodiversity. The proposal would provide increased security to an existing car park and additional parking to contribute towards the Council's car parking displacement strategy, and for commuters to the town centre. In the officer's opinion, the development should therefore be approved.

An addendum circulated at the meeting advised that an additional eleven public responses had been received, as well as responses from Councillor Gallagher, Warwickshire Garden Trust, Warwick County Council Ecology and Warwick County Council Local Lead Flood Authority (LLFA), objecting to the application. The addendum also advised of several additional conditions as well as amendments to existing conditions.

The Committee were advised that the objection submitted by the Bowling Club had subsequently been withdrawn, as had the speaker registered to speak on their behalf.

The following people addressed the Committee:

- Councillor Knight, representing Royal Leamington Spa Town Council, objecting to the application;

- Ms Hodgetts, representing Conservation Advisory Forum, objecting to the application;
- Mr Adams, objecting to the application; and
- Councillor Naimo, Ward Councillor, objecting to the application.

A motion proposed by Councillor Grainger and seconded by Councillor Day to grant planning permission in accordance with the recommendations in the report and the amendments suggested in the addendum, an amendment to Condition Three in the report, with notes to the applicant to explore provision of cycle racks, electrical car charging points and requesting the applicant to preserve trees and vegetation wherever possible, was defeated.

Members raised concerns that the proposed development caused less than substantial harm to the listed park and garden and the public benefits did not outweigh the harm.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Barrott and seconded by Councillor Morris that the application should be refused on the grounds that it was contrary to Local Plan Policies HE1 and HE2.

The Committee therefore

Resolved that W/18/1551 be **refused** contrary to the recommendations in the report, for the following reasons:

(1) the application did not comply with Local Plan Policies HE1 and HE2; and

(2) it was the view of the Committee that the proposed development caused less than substantial harm to the listed park and garden and the public benefits did not outweigh the harm.

(The Chairman adjourned the meeting at 20.49 for a short comfort break.)

111. W/18/1826 – The Bungalow, Honiley Road, Beausale

The Committee considered an application from Forte Projects LTD for the variation of condition two (approved drawing numbers) of planning permission ref: W/17/1639 - Demolition of existing bungalow and construction of two 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 One.

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

The officer was of the opinion that the amended design of Plot One 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.

An addendum circulated at the meeting provided further details relating to the Site History, as well as some enforcement issues.

The following people addressed the Committee:

- Councillor Gee, representing Beausale, Haseley, Honiley & Wroxall Parish Council, objecting to the application; and
- Councillor Gallagher, Ward Councillor, objecting to the application.

It was clarified by the Officers and Council's Solicitor that although there was pending enforcement, the Committee was to consider the application.

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 Grainger that the application should be granted in accordance with the recommendations in the report.

The Committee therefore

Resolved that W/18/1826 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-S4, 3467-P3, 3467-S2, 3467-P1,3467-P2, and specification contained therein, submitted on 21 September 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 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;

(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;

(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.

112. **W/18/0953 - Holloway Farm, Wellesbourne Road, Wasperton**

The Committee considered an application from Cadogan & Co for the erection of a poly-tunnel for the production of hydroponically grown crops.

This application was presented to Committee due to the number of comments in support that had been received and the application being recommended for refusal.

The officer was of the opinion that the National Planning Policy Framework (NPPF) attached "great weight to the benefits of mineral extraction". As this proposal had the potential to limit the scope of such development, it would be contrary to national and local planning policy including Policy M5 of the Minerals Local Plan for Warwickshire, Policy NE5 of the Local Plan and paragraph 206 of the NPPF. This would outweigh any possible benefits of the scheme.

An addendum circulated at the meeting advised of additional information sent by the applicant: a letter of support from a scientist that the applicant had collaborated with and details of a planning application for the extraction of sand and gravel in 1986 which was refused and showed that the area for sand and gravel extraction was at least 100m away from the site of the proposed polytunnel.

Mr Cadogan, the applicant, addressed the Committee.

A motion to grant planning permission contrary to the recommendations in the report proposed by Councillor Barrott and seconded by Councillor Mrs Bunker was defeated.

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

proposed by Councillor Day and seconded by Councillor Morris that the application should be refused for the reasons set out in the report.

The Committee therefore

Resolved that W/18/0953 be **refused** in accordance with the recommendation in the report, for the following reason:

The NPPF attaches "great weight to the benefits of mineral extraction". As this proposal has the potential to limit the scope of such development, it would be contrary to national and local planning policy including Policy M5 of the Minerals Local Plan for Warwickshire, Policy NE5 of the Local Plan and paragraph 206 of the NPPF.

113. **W/18/1717 - Land to the north and south of the A45 (between Festival and Tollbar junctions) and land at the A45/Festival Roundabout, the A46/Tollbar Roundabout and at the junctions of the A444 with the A4114/Whitley Roundabout.**

The Committee considered an application from Coventry and Warwickshire Development Partnership and UKBIC for an application for the approval of reserved matters (details of access, appearance, landscaping, layout and scale) pursuant to condition one of planning permission ref: W/16/0239 for the construction of the government funded UK Battery Industrialisation Centre (UKBIC) facility, with associated access, landscaping and parking arrangements at Whitley South (within Development Zone Four on the parameters plan).

The application was presented to Committee due to an objection having been received from Baginton Parish Council.

The officer was of the opinion that the development formed a detailed part of the wider site development approved under an earlier outline permission. In the officer's opinion, the principle was acceptable, subject to an assessment being made of the other relevant planning considerations. There were no environmental health concerns about the proposal in terms of noise and general disturbance and, therefore, together with the distance to the nearest neighbouring properties and the intervening features of the substation and a nine metre high bund, officers were satisfied that the UKBIC would not result in material harm to residential amenity. The development was also considered acceptable in terms of its visual impact and the landscaping proposed was acceptable. There were no issues arising from the development in terms of flooding/drainage and previous concerns raised by Coventry Airport had since been addressed. Overall therefore, the recommendation was to approve planning permission.

An addendum circulated at the meeting advised that revised landscaping drawings had been received on 30 October 2018 addressing the remaining concern of Coventry Airport, and an update to Condition One, in order to reflect the revised drawing numbers.

Following consideration of the report, presentation and information contained in the addendum, it was proposed by Councillor Mrs Falp and seconded by Councillor Barrott that the application should be granted in accordance with the recommendations in the report and an amendment to condition 1 of the report as per the addendum.

The Committee therefore

Resolved that W/18/1717 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 drawing(s) 11 Rev.P3, 12 Rev.P3, 13 Rev.P1, 14 Rev.P1, 15 Rev.P1, 16, 17 Rev.P1, THDA-DR-0500-500 Rev.B and 150 Rev.D, and specification contained therein, submitted on 5 September 2018, approved drawing CPW-180802-E-EXT-210-00-01 Rev.P5, and specification contained therein, submitted on 19 October 2018 and revised drawings 01 Rev.C, 02 Rev.D, 03 Rev.D and 04 Rev.D, and specification contained therein, submitted on 30 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) the lighting scheme approved as part of the development hereby permitted shall be implemented in accordance with the submitted 'External Lighting Report 180802' produced by Couch Perry Wilkes and the approved 'Proposed External Lighting Layout' drawing CPW-180802-E-EXT-210-00-01 Rev.P5.
Reason: To ensure that any lighting is designed 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;

(3) the development hereby permitted shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) *UK Battery Industrialization Centre, Coventry_THDA_B18222C-(P0048)THDA-RP-FRA-Rev 1_October 2018.* The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements

embodied within the scheme. **Reason:** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029; and

(4) prior to the first use of the development hereby permitted, evidence to show an agreement from Severn Trent Water to connect to their assets shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority. **Reason:** To demonstrate the development has a viable outfall for the drainage system in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029.

114. W/18/1738LB - 2 Satchwell Place, Leamington Spa

This application was withdrawn by the applicant prior to the meeting.

115. W/18/1763 - Surface Car Park, Court Street, Leamington Spa

The Committee considered an application from Warwick District Council for proposed improvements to existing municipal car park to include additional parking bays, extended asphalt surfacing, change of use of existing disused area to form enlarged car park, lighting, CCTV and an additional pay machine.

The application was presented to Committee because Warwick District Council was the applicant.

The officer was of the opinion that the proposed car park improvements were considered to be acceptable in principle and would not have a harmful impact on the street scene, Conservation Area, ecology or neighbouring residential amenity. The proposal would provide increased security to an existing car park and provide additional parking to contribute towards the Council's car parking displacement strategy, and for commuters to the town centre. The development should therefore be approved.

An addendum circulated at the meeting advised that WCC Ecology had no objection, subject to a condition relating to the provision of lighting details and a note in reference to the protection of hedgehogs. In addition, an updated lighting scheme had been submitted in accordance with the Conservation Officer's recommendations and Condition 2 of the report would be amended to reflect the updated lighting details.

The addendum also advised that confirmation was still awaited from the LLFA regarding the submitted drainage details. An additional condition would be required to ensure that the development was carried out in accordance with the details submitted.

Following consideration of the report, presentation and the information contained in the addendum it was proposed by Councillor Mrs Falp and seconded by Councillor Barrott that the application should be granted in accordance with the recommendations in the report.

The Committee therefore

Resolved that W/18/1763 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

(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 details shown on the site location plan and approved drawing 006-PE-00-BG-DR-C-0107 Rev P04 submitted on 9 November 2018 and details contained within document, email from William Savage submitted on 9th November 2018 to the Local Authority 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; and

(3) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved document, Victoria Park and Archery Road Car Parks Arboricultural Impact Assessment and Method Statement, submitted on 16th October 2018, have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or

displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason**: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;

(4) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved document, Victoria Park and Archery Road Car Parks Arboricultural Impact Assessment and Method Statement, submitted on 16 October 2018, have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition, no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within ten metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029; and

Note to applicant – to provide suitable measures to ensure the protection of hedgehogs.

116. **Land at New Kingswood Farm, Dalehouse Lane, Kenilworth**

The Committee considered an application for a Certificate of Appropriate Alternative Development from Mr Guy Minshull for the conversion of agricultural building to five dwellings. This was under the Land Compensation Act 1961, Section 17 as Substituted by Section 63 of the Planning and Compensation Act 1991.

The application was presented to Committee because the property was being compulsory purchased by HS2 Ltd.

The officer was of the opinion that prior approval would be given under Class Q for the conversion of the building into five residential units. It therefore followed that a Certificate of Appropriate Alternative development should be issued.

Following consideration of the report and presentation, it was proposed by Councillor Mrs Bunker and seconded by Councillor Weed that the application should be granted in accordance with the recommendations in the report.

The Committee therefore

Resolved that the Application for a Certificate of Appropriate Alternative Development be **granted.** The development proposed was certified as lawful for planning purposes and prior approval by the Local Authority was not necessary, subject to the conditions expressed in Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO).

117. **Planning Appeals Report**

Members received a report from officers outlining the existing enforcement matters and appeals currently taking place.

Resolved that the report be noted.

(The meeting ended at 22.40 pm)

Signature redacted

CHAIRMAN
11 December 2018