Planning Committee

Minutes of the meeting held on Tuesday 12 October 2021 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Boad (Chairman); Councillors Ashford, R. Dickson, Falp, Jacques, Kennedy, Leigh-Hunt, Morris, Quinney, Tangri and Tracey.

Also Present: Principal Planning Officer – Dan Charles; Principal Committee Services Officer – Lesley Dury; Legal Advisor – Caroline Gutteridge; and Business Manager – Development Management – Sandip Sahota.

Attendees at the meeting were invited to observe one minute's silence in remembrance of Councillor Tony Heath, the Council's Vice Chairman, who had passed away recently following illness.

97. **Apologies and Substitutes**

(a) There were no apologies for absence made.

(b) Councillor Falp substituted for the Whitnash Residents Association vacancy.

98. **Declarations of Interest**

Minute Number 101 – W/21/0675 – Abbotsfield House, 43 High Street, Kenilworth

Councillor Dickson declared an interest because he knew one of the objectors but had not spoken to them about the application.

Councillor Kennedy declared an interest because he was a member of Kenilworth Town Council, but he was not on the Town Council's Planning Committee and had not discussed the application with anyone at the Town Council.

Minute 102 – W/21/0900 – 21 Montrose Avenue, Lillington, Royal Leamington Spa

Councillor Falp declared an interest because she knew one of the public speakers, but she had not discussed the application with them.

99. **Site Visits**

Councillors Dickson, Jacques and Kennedy had all made independent site visits to:

W/21/0675 – Abbotsfield House, 43 High Street, Kenilworth.

100. **Minutes**

The minutes of the meetings held on 14 and 15 September 2021 were taken as read and signed by the Chairman as a correct record.

101. W/21/0675 – Abbotsfield House, 43 High Street, Kenilworth

The Committee considered an application from 2C design consultants for the formation of a new vehicular access to 43A High Street and the erection of a 1.8m height iron fencing.

The application was presented to Committee because more than five objections had been received, including an objection from Kenilworth Town Council.

The officer was of the opinion that the development proposals were considered to be in keeping with the character and appearance of the property and the surrounding Conservation Area. In addition, the proposals were not considered to present a harmful impact upon the amenity of the neighbouring properties in relation to parking stress. The proposals were also considered to have an acceptable impact on highway safety.

An addendum circulated at the meeting advised that the Committee report had not referred to the relevant Kenilworth Neighbourhood Plan which was KP13. KP13 related to the general design principles and stated that proposals should achieve an appropriate design standard whilst considering the design principles including heritage assets and their settings. Neighbourhood Plan Policy KP13H paid particular attention to design management in High Street. Regard should have been demonstrated for various design characteristics including the mix of area and building materials. Officers considered that the proposals were in keeping with the street scene and the Conservation Officer had not raised an objection.

The addendum also clarified the position on the distance between existing and proposed vehicular access. The distance was 0.5 metres less than standards set out in the WDC Parking Standards SPD, but it was considered that a small vehicle would be able to park between the two access points. The agent had provided supporting information in relation to parking and this was set out in the addendum.

Warwickshire County Council's Ecology Team had recommended two additional conditions should permission be granted, plus they had requested advisory notes relating to protected species be added.

Councillor Austin from Kenilworth Council addressed the Committee in objection to the proposals.

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

The Committee therefore

Resolved that W/21/0675 be **granted** subject to:

(1) the following conditions:

No.	Condition
(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(s) 2CD02014-AEND and specification contained therein, submitted on 12th July 2021 and approved drawing 2CD02014 /13 and specification contained therein, submitted on 12th April 2021. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
(3)	no development shall be carried out above slab level unless and until large scale details of the fence 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. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029;
(4)	the access to the site for vehicles shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety and to comply with Policy TR1 of the Warwick District Local Plan 2011-2029;
(5)	the development hereby permitted shall not commence until a detailed schedule of habitat and species enhancement measures has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation and enhancement measures

No.	Condition
	shall thereafter be implemented in full. **Reason:** To enhance the nature conservation value of the site and ensure no net biodiversity loss in accordance with the NPPF; and
(6)	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 hedgerows 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.

and

(2) advisory notes relating to protected species.

102. **W/21/0900 – 21 Montrose Avenue, Lillington, Royal Leamington Spa**

The Committee considered an application from Mrs Fairley-Dyer for the erection of a single-story outbuilding to provide a gym/garden room and storage space.

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

The officer was of the opinion that the scheme was acceptable, having regard to the impacts on the character of the street scene, neighbouring amenity and ecology.

An addendum circulated at the meeting advised that an additional advisory note be added should the application be granted to make it clear that the proposed use of the structure was considered to constitute a predominantly domestic function, ancillary to the main dwelling.

Mr Ballantyne addressed the Committee in objection to the application.

The Business Manager – Development Management advised Members that if there were to be a material change of use, then planning permission would be required. The application was for predominantly domestic use and if neighbours felt this was not happening, then they could contact the Council's Enforcement Team.

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

The Committee therefore

Resolved that W/21/0900 be **granted** subject to:

(1) the following conditions:

No.	Condition
(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); and
(2)	the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved site location plan drawing 'Garden Room Elevations, Garden Room Plan and section, Site Location Plan' submitted on the 10th May 2021, 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

(2) an advisory note stating "The proposed use of the structure hereby permitted as set out in the application is considered to constitute a predominantly domestic function, ancillary to the main dwelling and has been deemed to be acceptable on this basis. A change of use is a matter of fact and degree dependent on the scale and impact of the operation. Should

future use of the structure be deemed to consolidate or intensify a commercial operation constituting a material change of use, planning permission would likely be required".

103. **W/21/0921 – Old Beams, Lapworth Street, Bushwood, Lowsonford**

The Committee considered an application from Mr and Mrs Jinks for a variation of Condition 2 (approved drawings) of planning permission ref: W/20/0668 (erection of a new dwelling) to increase the height of the dwelling by 600mm with associated reduction in ground level of 900mm.

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

The officer was of the opinion that the scheme complied with Policy H11 of the Warwick Location Plan, specifically criterion c) which sought to ensure that the site did not harm the integrity of the village where its loss would have had a harmful impact upon the local character and distinctiveness of the area.

The scheme was considered acceptable having regard to the impact on the character of the local area and Lowsonford Conservation Area, the impact on the setting of nearby Listed Buildings, the impact on the amenity of neighbouring properties and the impact on highway safety. The proposal was considered to constitute appropriate development in the Green Belt. Officers were also satisfied that the scheme would not result in harm to protected species.

An addendum circulated at the meeting advised that since the publication of the agenda, amended plans had been received to seek minor alterations to the fenestration details of the dwelling. There were no proposed changes to the overall footprint or scale of the dwelling.

The following people addressed the Committee:

- Councillor Henderson, Chairman of Rowington Parish Council which objected to the application. His speech was read out by the Principal Committee Services Officer because he was unable to attend in person because he was self-isolating under Covid 19 regulations; and
- Mr Jinks, the applicant.

Members were informed that the application was part retrospective.

(The meeting was adjourned at 6.55pm because of a technical fault with the PA system. This proved impossible to resolve so the decision was made to continue without the facilities offered by the PA system after confirming everyone present was comfortable to do so. The meeting reconvened at 7.22pm.)

Members noted that the application before them was to look at a change to a condition and that the change in the ground level would effectively ensure that the building had a reduced impact on the Green Belt.

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 Quinney that the application should be granted.

The Committee therefore

Resolved that W/21/0921 be **granted** subject to the following conditions:

No.	Condition
(1)	the development hereby permitted shall begin not later than three years from 23 October 2020 (the date of planning permission W/20/0668). **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
(2)	the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 19-194.JIN-01 Rev C, 19-194.JIN-02 Rev C, 19-194.JIN-03 Rev C, , 19-194.JIN-04/1 Rev C, 19-194.JIN-05 Rev C, and specification contained therein, submitted on 25 August 2020 and approved drawings 19-194.JIN-04/0 Rev D, 19-194.JIN-06 Rev D, 19-194.JIN-07 Rev D and 19-194.JIN-08 Rev C and specification contained therein, submitted on 11 May 2021. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1, BE3 and HE1 of the Warwick District Local Plan 2011-2029;
(3)	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 Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029;
(4)	the development hereby permitted shall be carried out strictly in accordance with the details of existing and proposed site levels on the application site as set out on drawing reference JIN-2265_BR 03 submitted to the Local Planning Authority on 10 May 2021. **Reason:** To ensure a satisfactory relationship

No.	Condition
	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;
(5)	the development hereby permitted shall be carried out strictly in accordance with the approved Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work together with the associated Archaeological Mitigation Strategy document. Following these works, a report detailing the results of the fieldwork shall be thereafter deposited to the archaeological archive. The development, and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved documents, shall be undertaken in accordance with those documents. **Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;
(6)	no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
(7)	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 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

No.	Condition
	approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029;
(8)	no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced until tree and hedge protection in accordance with British Standard BS5837- 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) on the site, or those tree(s) whose root structure may extend within the site and which are within the Lowsonford Conservation Area has been provided on site and shall be retained for the duration of the development. 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 be 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:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy NE1 of the Warwick District Local Plan 2011-2029;
(9)	no development above slab level shall commence until details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. Details of hard landscaping works shall include boundary treatment, including full details of any proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall

No.	Condition
	be made for direct run-off of 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 the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;
(10)	the existing access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for the first 5 metres of its length. **Reason:** In the interest of highway safety having regard to Policy TR1 and TR3 of the Warwick Local Plan 2011-2029;
(11)	the development shall not be occupied until a turning area has been provided within the site so as to enable a car to leave and re-enter the public highway in a forward gear and thereafter shall be retained in perpetuity. **Reason:** In the interest of highway safety having regard to Policy TR1 and TR3 of the Warwick Local Plan 2011-2029;
(12)	the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning

No.	Condition
	Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029;
(13)	prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document;
(14)	noise arising from the air source heat pump hereby permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby

No.	Condition
	properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; and
(15)	notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of the dwellinghouse hereby permitted. **Reason:** That having regard to the design, layout and general nature of the proposed development it is important to ensure that no further development is carried out which would detract from the appearance of the area and affect the amenity of adjacent properties.

104. **W/21/0643 – Land at Kings Hill Lane, Stoneleigh**

The Committee considered an outline application with access from Lioncourt Strategic Land Limited, Lioncourt Homes (Development No.17) Limited De for the development of up to 2,500 dwellings (C3); 4,000 sq.m. of mixed use floorspace (A1, A2, A3, A4, A5, B1, C1, D1 and D2); primary school; secondary school, open space, and associated infrastructure.

The application was presented to Committee because authorisation was sought for a revision to the requirements of a Section 106 agreement relating to this development.

The officer was of the opinion that the Committee should agree to the sought revisions to the S106 agreement to assist officers to bring the discussions on the Section 106 agreement to a conclusion and to issue the decision.

This was a complex agreement relating to a significant development for which Planning Committee resolved to grant permission on 3 December 2019. A number of parties including the applicant, along with various District and County Council Officers were continuing to work on the agreement with a view to finalising it in the near future. The scale of the work involved, and nature of those discussions was such that from time to time, the need for revisions to the agreement were identified.

Planning Committee was asked to note that the overriding purpose in securing this agreement was to ensure that it made provision for all of the infrastructure requirements arising from the development and that they came forward at the appropriate time.

The completion of the agreement was now imminent. However, there was a discrepancy with the contribution request from South Warwickshire Clinical Commissioning Group that needed to be addressed.

Following consideration of the report, it was proposed by Councillor Morris and seconded by Councillor Quinney that delegated authority should be given to the Head of Development Services to agree and finalise the revision to the Section 106 agreement.

The Committee therefore

Resolved that in respect of W/21/0643 authority be delegated to the Head of Development Services to agree and finalise the revision to the Section 106 agreement as follows:

No.	Details of Change
(1)	the original Committee report for this application identified a contribution of £1,710,755 and 0.501ha of land towards an on-site health centre or £1.283,113 for off-site expansions / improvements. The requirements for on-site provision have since been changed to a contribution of £1,440,052 and 0.75 acres of land.

105. **W/21/1165 – Land at the corner of Ramsey Road and St Mary's Road, Royal Leamington Spa**

The Committee considered an application from Deeley Homes for the demolition of existing industrial units, erection of 15 no. dwellings (use Class C3) together with associated vehicular access, parking and landscaping.

The application was presented to Committee because the recommendation was that planning permission should be granted subject to the completion of a Section 106 agreement.

The officer was of the opinion that the development of the site for the construction of 15 dwellings was considered to be acceptable in principle in accordance with Local Plan Policies H1 and DS11.

The proposals would ensure appropriate levels of amenity for neighbouring dwellings whilst also providing positive and suitable living conditions for future occupants. The proposals would have a positive impact on the character and appearance of the area and were considered to be acceptable in terms of car parking and highway safety. The development would not result in an impact on the setting of the heritage asset of the Canal Conservation Area. The development was therefore considered acceptable in this regard.

Furthermore, the proposals were considered to be acceptable in ecological terms and there were a number of necessary and relevant conditions recommended in the event permission was forthcoming which would ensure that any possible impacts of the development were adequately mitigated.

Overall, the development was considered to accord with all relevant provisions of the Development Plan and for these reasons, it was therefore

recommended that planning permission should be granted subject to the signing of a Section 106 Agreement to secure the relevant obligations.

The report gave details of financial contribution requests that had been received, with the addendum, issued subsequently giving further details. At the time of the meeting, the following financial contribution requests had been received:

Outdoor Sporting Contribution	£1,059
Indoor Sporting Contribution	£11,787
Grass Pitch Contribution	£16,530
Off-site Open Space Contribution	£73,656 *towards Eagle Recreation Ground, Newbold Comyn and / or Leam Valley Nature Reserve* Improvements
Doctors Surgeries	£0
Hospitals	£0
Footpath Improvements	£tbc
Libraries	£tbc
Education	£tbc
Sustainable Travel Promotion	£150 *towards the provision of sustainable Travel packs for each dwelling*
Monitoring (County)	£250
Monitoring (WDC)	£tbc
Road Safety Initiatives	£750 *to support road safety initiatives within the local community*

Plus

- 40% Affordable Housing; and
- Local Labour Agreement

Members expressed disappointment that the affordable housing units were all at one end of the site and preferred that they be more spread out "pepper potting". They also requested that a sustainability condition be added and that this should become a standard condition on planning consent because the Council had committed to making all new social housing net carbon zero.

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

The Committee therefore

Resolved that W/21/1165 be **granted** subject to:

(1) a Section 106 agreement to secure the necessary financial contributions / obligations as set out in the report and addendum and a requirement for an amended drawing relating to the location of the affordable housing.

Authority is delegated to the Head of Development Services in consultation with the Chair of Planning Committee to finalise the

terms of the Section 106 agreement including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test together with alterations to the final list of conditions.

Should a satisfactory Section 106 agreement not have been completed within four months from the date of the Planning Committee meeting and there is no ongoing progress towards the satisfactory completion of the Section 106 agreement, authority is delegated to the Head of Development Services to refuse planning permission on grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement;

(2) a note relating to cycle parking for the maisonettes; and

(3) the following conditions:

No.	Condition
(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(s) 4004-05D, 4004-10B, 4004-11B, 4004-12C and ZLA-1015-L200-B, and specification contained therein, submitted on 16 June 2021 and approved drawings EW1051-01-P1 and EW1051-02-P2 and specification contained therein, submitted on 12 August 2021. **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)	prior to the commencement of the development hereby approved (including all demolition and all preparatory work), an arboricultural method statement (AMS) and a tree protection plan (TPP) in accordance with BS 5837:2012, shall be submitted to and approved in writing by the Local Planning Authority for the protection of the retained trees.

Specific issues to be considered in the AMS and TPP shall include, without being limited to:

a) The location and installation of services/utilities/drainage above- and below-ground.
b) Methods of demolition within the root protection area (RPA as defined in BS 5837:2012) of the retained trees
c) Details of construction within the RPA or that may impact on the retained trees.
d) Recommendations for the specification for the construction of any roads, parking areas and driveways that encroach over RPA's of off-site trees and the retained trees within the site, including the extent of those areas to be constructed using a no-dig specification.
e) A recommendation for protective measures to safeguard the off-site trees and the retained trees within the site during both demolition and construction phases, those control measures to be shown on a plan with offsets from fixed points to confirm the alignment of any protective fencing and the extent of any ground protection.
f) A recommendation for ground protection measures where scaffolding will be erected within the RPA or which will affect retained trees' canopies.
g) A recommendation for ground protection measures where cranes will be installed within the RPA or which will affect retained trees' canopies (if appropriate).
h) A specification and schedule of tree pruning work to allow the crane to operate effectively (if appropriate).
i) Recommendations for site set up (to include access, internal roads, contractor parking, on-site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste, as well as the delivery or mixing of concrete) and suitable control measures to protect the retained trees from harm from those facilities or activities.
j) Details of 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.

k) Methods to improve the rooting environment for retained and proposed trees and landscaping.

The development thereafter shall be implemented in strict accordance with the approved details and the control measures 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: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;

(4) the development hereby permitted 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) 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;

(5) with the exception of demolition works, no development shall take place until: -

1. A site investigation has been designed for the site using the information obtained from the approved desk-top / preliminary study and any diagrammatical representations (conceptual model). 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

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

1.b) 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. This should 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 dealt 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 BE3 and NE5 of the Warwick District Local Plan 2011-2029;

(6) the development hereby permitted shall not commence until a Construction and Environmental Management Plan (CEMP) in accordance with the British Standard on Biodiversity BS 42020:2013 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 and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition, appropriate working practices and safeguards for habitats, such as indirect impact to the Grand Union Canal, to be employed whilst works are taking place on site. The compound area should be allocated and illustrated in a site layout within the plan. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

Reason: To ensure that protected species and habitats to be retained are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005;

(7) the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan (LEMP) 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 details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, tree/hedgerow planting, provision of habitat for protected/notable species. Such approved measures shall thereafter be implemented in full.

Reason: To ensure a net biodiversity gain in accordance with NPPF;

(8) no development shall take place until a detailed lighting scheme has been submitted and agreed between the applicant and the local planning authority.

In discharging this condition the District Planning Authority expects lighting to be restricted next to the broadleaved woodland, around the boundary edges/hedgerows, around the veteran oak tree, 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:

• Lighting should be directed and shielded to avoid spillage onto vegetated areas
• The brightness of lights should be as low as legally possible
• Lighting should be timed to provide some dark periods
• Connections to areas important for foraging should contain unlit stretches

Reason: To ensure that protected species and habitats to be retained are not harmed by the development in accordance with

National Planning Policy Framework (NPPF), ODPM Circular 06/2005;

(9) no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

(10) no dwelling shall be occupied until the estate road [including footways] serving it has been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority.

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

(11) the proposed development shall proceed in strict accordance with the noise mitigation measures contained within the Hoare Lea Baseline Noise Assessment report (Revision 1, dated 1st June 2021). Once implemented, the approved noise mitigation measures shall be retained thereafter.

Reason: To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

(12) 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).

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

(13) the development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works indicated on the approved drawings.

Reason: 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;

(14) the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

Reason: To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029;

(15) any hard landscaping shown on the approved plans, 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.

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;

(16) 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;

(17) 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.

Reason: 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; and

(18) a condition relating to sustainability.

106. **TPO 570 – Land between 8 and 10 Jasmine Grove, Royal Leamington Spa**

The Committee considered an application to confirm a provisional tree preservation order (TPO) relating to an ash tree because objections had been made about it being confirmed.

The officer considered that the issues raised in objection to the TPO were not sufficient to outweigh the significant amenity contribution which the ash tree made to the surrounding area and therefore recommended that the TPO should be confirmed.

Following consideration of the report and presentation, it was proposed by Councillor Tracey and seconded by Councillor Jacques that the TPO should be confirmed.

The Committee therefore

Resolved that officers be authorised to confirm TPO 570.

(The meeting ended at 7.52pm)

CHAIRMAN
9 November 2021