

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa on Tuesday 12 September 2023, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

Councillor A Boad (Chairman)
Councillor N Tangri (Vice Chairman)

Councillor L Cron
Councillor R Dickson
Councillor K Dray
Councillor B Gifford
Councillor M Luckhurst
Councillor R Margrave

Councillor R Noonan
Councillor P Phillips
Councillor J Sinnott
Councillor J P Sullivan
Councillor L Williams

Emergency Procedure

At the commencement of the meeting, the emergency procedure for the Town Hall will be announced.

Agenda **Part A – General**

1. Apologies & Substitutes

- (a) to receive apologies for absence from any Councillor who is unable to attend; and
- (b) to receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting.

2. Declarations of Interest

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be disclosed during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

3. **Site Visits**

The Chairman to report the location of the planning application sites visited and the names of the Committee Members who attended.

Part B – Planning Applications

To consider the following reports from the Head of Place, Arts and Economy:

4. **Minutes**

To confirm the minutes of the Planning Committee meeting held on 15 August 2023. **(Pages 1 to 39)**

5. **W/22/1077 – Land to the east of Stratford Road, Longbridge, Warwick** **(Pages 1 to 31)**

**** Major Application****

6. **W/22/1877 – Land at Warwickshire Police HQ, Woodcote Lane, Leek Wootton** **(Pages 1 to 48)**

**** Major Application****

7. **W/23/0222 – 42 Leam Terrace, Royal Leamington Spa** **(Pages 1 to 5)**

8. **W/23/804 LB – 42 Leam Terrace, Royal Leamington Spa** **(Pages 1 to 5)**

9. **W/23/0730 – 7 St Nicholas Terrace, Radford Semele** **(Pages 1 to 5)**

10. **W/23/0945 – 11 Hornbeam Grove, Sydenham, Royal Leamington Spa** **(Pages 1 to 4)**

Part C – Other matters

11. **Appeals Report** **(To follow)**

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with the Council's Public Speaking Procedure, members of the public can address the Planning Committee meeting by attending the meeting in person on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please register online at [Speaking at Planning Committee](#) any time after the publication of this agenda, but **before 10.00am** on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.

- (e) occasionally, items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's website, and where possible, the applicant and all registered speakers (where applicable) will be notified.

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For enquiries about specific reports, please contact the officers named in the reports. You can e-mail the members of the Committee at planningcommittee@warwickdc.gov.uk

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Planning Committee

Minutes of the meeting held on Tuesday 15 August 2023 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Boad (Chairman); Councillors R Dickson, Day, Dray, B Gifford, Luckhurst, Margrave, Phillips, Sullivan, and Williams.

Also Present: Committee Services Officer – Sophie Vale; Legal Advisor – Sue Mullins; Principal Planning Officer – Lucy Hammond; Planning Officer – Jack Lynch; and Development Manager – Gary Fisher.

39. **Apologies and Substitutes**

- (a) Apologies for absence were received from Councillors Cron and Tangri; and
- (b) Councillor Day substituted for Councillor Noonan.

40. **Declarations of Interest**

Minute Number 43 – W/23/0150 – Land North of A46, Sherbourne Hill, Sherbourne

Councillor Phillips declared an interest because he was part of Barford Sherbourne & Wasperton Joint Parish Council, and it had raised an objection to this application. However, he was not involved in that objection so was not predetermined.

Minute Number 44 – W/23/0195 – Land at Gibbet Hill Road and Westwood Heath Road, Coventry

Councillor Phillips declared an interest because he was an alumnus of Warwick University and Warwick Business School.

Councillor Day declared an interest because, whilst Leader of the Council he had attended tours of the university campus and engaged in discussions with the Vice Chancellor of Warwick University about its Forward Development plans. However, he had an open mind and did not consider himself to be predetermined in any way.

Councillor Williams declared an interest because he was an independent member of the Warwick Manufacturing Advisory Group, which was part of Warwick University, but he had no involvement in this application.

41. **Site Visits**

Councillor R Dickson made independent site visits to W/23/0150 – Land North of A46, Sherbourne Hill, Sherbourne and W/23/0195 – Land at Gibbet Hill Road and Westwood Heath Road, Coventry and did not speak to anyone.

PLANNING COMMITTEE MINUTES (Continued)

42. W/23/0740 - 4b Fieldgate Lane, Kenilworth

This application was withdrawn from the agenda.

43. W/23/0150 - Land North of A46, Sherbourne Hill, Sherbourne

The Committee considered an application from NS Solar 03 for the installation of a solar farm consisting of bi-facial ground mounted solar photovoltaic (PV) panels, new access tracks, battery storage, underground cabling, perimeter fencing with CCTV cameras and access gates, two temporary construction compounds, substation and all ancillary grid infrastructure and associated works.

The application was presented to Committee because of the number of objections received including objections from Barford, Sherbourne & Wasperton Joint Parish Council and Budbrooke Parish Council.

The officer was of the opinion that the principle of development was considered acceptable having regard to the provisions of Policy CC2 of the Local Plan, together with the relevant provisions of the NPPF and other Government publications surrounding the need to promote renewable energy proposals. Conversely, the proposed development constituted inappropriate development in the Green Belt having regard to Section 13 of the NPPF and the demonstration by the applicant of very special circumstances was therefore necessary to justify the development.

The Green Belt assessment in this particular case was made in light of the purposes of including land within the Green Belt, the impacts of the proposals on each of those purposes and the extent to which the development was considered to harm the openness of the Green Belt in both spatial and visual terms. It was considered there would be some conflict with one of the five purposes which sought to safeguard the countryside against encroachment. There would be some impact on openness in spatial terms by reason of developing areas of agricultural fields which were currently undeveloped, although the impact on openness in visual terms was considered to be neutral. Overall, the impact to the Green Belt caused by reason of inappropriateness, together with the impact on openness in spatial terms had to be afforded substantial weight.

Acknowledging this harm, an assessment had then been made of all other impacts likely to arise from the development in the context of relevant material planning considerations. The impacts on both the landscape character and the associated visual impacts were broadly considered to be not significant having regard to the landform, landscape character appraisals and proposed mitigation measures. With no objection from the Landscape Officer and subject to appropriate conditions as recommended, there was considered to be no harm sufficient to justify a refusal of permission in this regard.

There would be significant benefits to biodiversity as well as other economic and environmental benefits, which both attracted substantial weight in favour of the proposal. Other potential benefits included improved soil health and the diversification of a farming business, which attracted limited weight in favour of the scheme.

PLANNING COMMITTEE MINUTES (Continued)

Of the other matters identified, including heritage assets, archaeology, highway safety, amenity, drainage, and air quality impacts, these either resulted in no material harm or raised technical matters that could be adequately addressed through the imposition of appropriate conditions. As such, they neither weighed for nor against the proposal.

The benefits of renewable energy raised substantial benefits in favour of the proposal. The development would provide power for around 7,560 average homes, resulting in a saving of approximately 13,117 tonnes of CO2 annually. The benefits associated with renewable energy generation were recognised at the national and local level and the planning system had an important role in facilitating the delivery of renewable technologies to help tackle climate change.

The policy support for renewable energy and associated development given in the NPPF was caveated by the need for the impacts to be acceptable, or capable of being made so. The Local Plan also recognised that the need for green energy did not automatically override environmental protections.

The main issue was whether the benefits of the development, particularly those arising from the provision of renewable energy, were sufficient to clearly outweigh the harm to the Green Belt and any other harm. If so, this would constitute very special circumstances to justify the proposed development.

Officers concluded, in this particular case, that the provision of renewable energy did clearly outweigh the harm to the Green Belt by reason of inappropriateness, the harm to the spatial qualities of the Green Belt in this location and the degree of conflict found with one of the five purposes of including land within Green Belt (encroachment). In reaching this view, Officers had regard to the complete absence of any other demonstrable harm having been identified, in particular with regard to the comprehensive assessment undertaken on the landscape, both in character and visual terms, where any negligible impacts could be easily and satisfactorily mitigated through the proposed landscape mitigation measures.

The harm caused by reason of inappropriateness was not considered, on its own, to equate to an automatic recommendation of refusal and should be carefully balanced against all the other benefits identified that would result from this particular development proposal. This needed to be further balanced against the submission of very special circumstances as presented by the applicant as well as considering any other harm that might result from the proposal and the extent to which such harm carried weight in the decision-making process. The recommendation put forward in this case, should by no means be construed as setting a precedent for any future application which might propose a development similar in scale and nature.

Taking all of the above into account it was Officers' view that the development should be recommended for approval subject to the conditions listed in the report.

PLANNING COMMITTEE MINUTES (Continued)

An addendum circulated at the meeting advised of updates to conditions, additional information received from the applicant, final consultation responses received, and additional third-party representations received.

Councillor Matecki, District Councillor, addressed the Committee, speaking in objection to the application.

In response to questions from Members, the Principal Planning Officer stated that there was no overall strategy for solar farms in the District and that the Local Plan did not include allocated sites for such developments. Every application had to be considered on its own merit, despite similarities with a previous solar farm site application in Honiley. In light of this, Members requested that an internal note be added to encourage the creation of a policy framework regarding solar farm developments as a guide for the consideration of future applications.

This application was technically inappropriate development of Green Belt land, and the applicant would need to provide a submission of very special circumstances to warrant development on such land. However, with no objection from the Landscape Officer and subject to the recommended conditions, officers believed there to be no harm sufficient to justify a refusal of planning permission in this case.

Members questioned the suitability of this particular site and were concerned about potential violation of the Local Plan, of which Green Belt preservation was an important part. It was considered that this application would result in harm to the character of Sherbourne village, and its surrounding natural landscape. The Principal Planning Officer and the Council's Legal Advisor both stated that an Agricultural Land Classification Sequential Analysis had been undertaken to determine acceptability of other potential sites. It was concluded that there were no suitable alternative sites which met the criteria of the analysis. In Officers' view, this lack of alternatives presented a compelling reason constituting very special circumstances to allow such development on Green Belt land.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Day and seconded by Councillor Phillips that the application be refused on the grounds that the application did not meet suitability requirements for very special circumstances and would have a harmful impact on both Sherbourne village and the surrounding conservation area. When put to a vote, this motion was defeated.

It was then proposed by Councillor Dickson and seconded by Councillor Williams that the application should be granted, subject to the inclusion of an internal note regarding the development of a policy framework to inform future similar applications.

The Committee therefore

Resolved that W/23/0150 be **granted**, subject to:

1. an internal note to the Portfolio Holder for Place requesting that they recognise the importance of
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PLANNING COMMITTEE MINUTES (Continued)

developing a policy framework in the Local Plan regarding solar farms so that future applications (especially those within the Green Belt) can be dealt with in a structured way; and

2. the following conditions:

- | No. | Conditions |
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| (1) | <p>the development hereby permitted shall begin not later than three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);</p> |
| (2) | <p>the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and the following approved drawings:</p> <p>SF-GM101 Rev.A; SF-GM102 Rev.A; SF-GM103 Rev.A; SF-GM104 Rev.A; SF-GM105 Rev.A; SF-GM106 Rev.A; SF-GM108 Rev.A; SF-GM200 Rev.E; SF-GM210 Rev.E; SF-GM220 Rev.D; SF-GM230 Rev.D; SF-GM240 Rev.D; SF-GM250 Rev.D; SF-GM260 Rev.D and SF-GM270 Rev.D and specification contained therein, submitted on 03 February 2023;</p> <p>SF-GM100 Rev.L and specification contained therein, submitted on 23 June 2023;</p> <p>P23-0027_EN_06 (Sheet 1) Rev.A and P23-0027_EN_06 (Sheet 2) Rev.A and specification contained therein, submitted on 18 July 2023;</p> <p>SF-GM010 Rev.H; SF-GM011 Rev.B and SF-GM107 Rev.B and specification contained therein, submitted on 02 August 2023.</p> <p>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;</p> |
| (3) | <p>upon commencement of development, the developer shall submit a Notice of Commencement to the Local Planning Authority, stating the date on which construction/ installation work began. That Notice may be served in advance or</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
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| | <p>retrospectively, but no later than one month from the date of commencement.</p> <p>Within one month of First Commercial Export of electricity from the site, the developer shall submit to the Local Planning Authority a Notice of First Export, stating the date on which the First Commercial Export of electricity commenced.</p> <p>Reason: To secure that the identified adverse impacts on Green Belt, rural landscape character and visual amenity from the development only exists for the lifetime of the development in accordance with policies to Policy BE1, CC2, DS18 and NE4 of the Warwick Local Plan 2011 – 2029 and NPPF;</p> |
| (4) | <p>the planning permission hereby granted shall be limited to a period of 40 years commencing from the date electricity generated by the solar panels is first exported to the National Grid. At the end of this 40-year period, the development shall be removed, and the land restored to its previous agricultural use in accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority, in accordance with condition 21.</p> <p>Reason: To secure that the identified adverse impacts on Green Belt, rural landscape character and visual amenity from the development only exists for the lifetime of the development in accordance with policies to Policy BE1, CC2, DS18 and NE4 of the Warwick Local Plan 2011 – 2029 and NPPF;</p> |
| (5) | <p>prior to the commencement of the development hereby approved (including all preparatory work), an Arboricultural Method Statement (AMS) and a Tree Protection Plan (TPP), together referred to as the scheme of protection, for the protection of the trees and hedges to be retained shall be submitted to and approved in writing by the Local Planning Authority. The scheme of protection must be prepared in accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations (referred to</p> |

PLANNING COMMITTEE MINUTES (Continued)

No.

Conditions

here as BS 5837) and shall refer to a retained tree's root protection area (RPA as defined in BS 5837) and to any work that may affect a retained tree above-ground. Specific issues to be considered in the scheme of protection shall include how to control: · the impact that the installation of services/utilities/drainage may have, and · the impact that construction may have (if appropriate) The scheme of protection should make recommendations for:

- a) tree pruning to allow the development to proceed (if appropriate)
- b) hedge and tree protection, to be shown on the TPP with offsets from fixed points to confirm the alignment of any protective fencing and the extent of any ground protection
- c) the specification for the installation of any below ground services/ utilities/drainage connections or the like that encroach over the RPAs of the retained trees
- d) the specification for the construction of any access, driveway, parking area or the like that encroach over the RPAs of the retained trees
- e) site setup, including (but not limited to) site access, parking, on-site welfare facilities, temporary buildings, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing, including suitable control measures to protect the retained trees from harm from those facilities or activities
- f) a site monitoring protocol that will confirm by independent examination by a suitably qualified tree specialist that the agreed scheme of protection is in place.

The development thereafter shall be implemented in strict accordance with the approved scheme of protection, which 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;

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
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| (6) | <p>the development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority (LPA). In discharging this condition, the LPA expect to see details concerning pre-commencement checks for protected or notable species and retained habitats and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.</p> <p>Reason: To ensure that protected species are not harmed by the development, in accordance with the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029;</p> |
| (7) | <p>the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:</p> <ul style="list-style-type: none">• Details of planting and maintenance of all new planting;• Details of species used and sourcing of plants;• Details of habitat enhancement/creation measures and long-term management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles);• Details on the long-term management and maintenance of hedgerows, particularly along Public Footpath 262/W94a/1, where the hedgerow should be kept at a height that will facilitate continued views out and towards Warwick Castle and St Mary's Church; and |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
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| | <ul style="list-style-type: none">• Details on the long-term management and maintenance of the proposed scrub planting along the corridor of Public Footpath 262/W94/2. |

Such approved measures shall thereafter be implemented in full.

Reason: To ensure a net biodiversity gain in accordance with NPPF and in the interests of visual amenity having regard to Policies BE1, NE3 and NE4 of the Warwick District Local Plan 2011-2029;

- (8) Notwithstanding the information contained within the application, the development hereby permitted shall not commence unless and until a Landscaping Scheme containing details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include:
- The treatment proposed for all ground surfaces, including hard surfaced areas;
 - Existing trees, hedges or other soft features to be retained;
 - All existing trees, hedges and other landscape features, indicating clearly any to be removed;
 - Planting schedules across the site, noting the species, sizes, numbers and densities of plants and trees;
 - Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife;
 - Compliance with the biodiversity net gain metric;
 - The continuation of unobstructed movement of species within the site;
 - Finished levels or contours within any landscaped areas;
 - Any structures to be erected or constructed within any landscaped areas means of enclosure; and
 - Functional services above and below ground within landscaped areas;

The works shall be carried out as approved prior to the first exportation to the National Grid, or in the first available planting season following such exportation and retained and

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
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| | <p>maintained in accordance with the agreed lifetime of the development.</p> <p>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.</p> <p>Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area, to integrate it into the landscape and surrounding area, and reinforce local landscape character in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;</p> |
| (9) | <p>no development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:</p> <ul style="list-style-type: none">a) Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.b) Provide detailed drawings including cross sections, of proposed features such as infiltration structures, attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
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| | designed in accordance with 'The SuDS Manual', CIRIA Report C753. |
| c) | Provide any updated calculations demonstrating the performance of the proposed system. This should include: <ul style="list-style-type: none">• Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals |
| d) | Provide plans supporting the exceedance and overland flow routing provided to date. Such overland flow routing should: <ul style="list-style-type: none">• Demonstrate how runoff will be directed through the development without exposing 3rd parties to flood risk• Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding |

Reason: To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029;

- (10) no development shall take place until:
- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.
 - b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.
 - c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing

PLANNING COMMITTEE MINUTES (Continued)

No.	Conditions
	by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

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

- (11) no works of construction shall be undertaken until an access for vehicles has been provided to the site in accordance with Drawing Number P23-0027 SK01 dated 22nd May 2023 and embedded within the Construction Traffic Management Plan (CTMP) (Pegasus Ref: P23-0027 TR02/A) and dated June 2023, including the provision of visibility splays where indicated. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6m 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;

- (12) prior to their installation, full details of the final design and materials to be used for the energy storage units shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and thereafter permanently maintained in the agreed form unless otherwise agreed in writing with the Local Planning Authority.

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
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| | <p>Reason: In order to minimise the visual impact of the development and to secure an appropriate visual and satisfactory external appearance in this rural location in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029 and the NPPF;</p> |
| (13) | <p>no external lighting, including lighting required for construction and decommissioning, shall be installed at the site until such time as a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed in accordance with the approved strategy and shall be maintained thereafter in accordance with the approved details. No additional external lighting shall be installed without prior written consent from the Local Planning Authority.</p> <p>Reason: In order to minimise the visual impact of the development in this rural location and to safeguard the nature conservation value of the site in accordance with Policy BE1 and NE2 of the Warwick District Local Plan 2011-2029 and the NPPF (2021);</p> |
| (14) | <p>the access to the site for vehicles shall not be used in connection with the construction of the development hereby permitted until it has been surfaced with a bound macadam material for a distance of 20m as measured from the near edge of the public highway carriageway.</p> <p>Reason: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;</p> |
| (15) | <p>the access to the site for vehicles shall not be used in connection with the development hereby permitted until permanent road signage has been provided which is to include warning signs located along Hampton Road (B4463) to clearly show that no right turns will be permitted into the access, together with additional route information on both the A46 and A4189 approaches to the site to re-enforce this restriction.</p> <p>Reason: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
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| (16) | <p>No occupation and subsequent use of the development shall take place until a detailed, site-specific maintenance plan is provided to the LPA in consultation with the LLFA. Such maintenance plan should:</p> <ol style="list-style-type: none">1. Provide the name of the party responsible, including contact name, address, email address and phone number.2. Include plans showing the locations of features requiring maintenance and how these should be accessed.3. Provide details on how surface water each relevant feature shall be maintained and managed for the lifetime of the development.4. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance. |

Reason: 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;

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| (17) | <p>no occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Drainage Strategy Drawing (P23-0027-PEG-XX-XX-DR-C20000_P3 Rev P3) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:</p> <ol style="list-style-type: none">1. Demonstration that any departure from the agreed design is in keeping with the approved principles.2. Any As-Built Drawings and accompanying photos3. Results of any performance testing undertaken as a part of the application process (if required / necessary)4. Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.5. Confirmation that the system is free from defects, damage and foreign objects. |
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Reason: To secure the satisfactory drainage of the site in accordance with the agreed

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
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| | strategy, the NPPF and Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029; |
| (18) | <p>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.</p> <p>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;</p> |
| (19) | <p>the development hereby permitted shall be carried out strictly in accordance with the Construction Traffic Management Plan (CTMP) (Pegasus Ref: P23-0027 TR02/A) and dated June 2023, noting that the Site Manager must strictly manage the arrival and departure of HGVs, with the site construction compound(s) used to ensure that departing HGVs are held within the site should another HGV be arriving.</p> <p>Reason: In the interests of highway safety and to ensure the safe operation of the A46 trunk road as well as in the interests of 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;</p> |
| (20) | <p>the development hereby permitted shall be carried out strictly in accordance with the mitigation proposals as set out in the Glint & Glare Assessment report and its addendum(s) produced by Neo Environmental Ltd and dated 30th November 2022. Once implemented the mitigation measures shall be retained thereafter and shall not be removed or altered in any way without the prior written approval of the Local Planning Authority.</p> <p>Reason: To reduce the potential incidence of glint and glare on road and residential receptors in the interests of amenity and</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Conditions |
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| | highway safety and in accordance with Policies BE3 and TR1 of the Warwick District Local Plan Review 2011-2029; |
| (21) | <p>no works of decommissioning of the proposal shall be undertaken until a Decommissioning Traffic Management Plan has been submitted to and approved by both the Planning and Highway Authorities. The plan shall contain details of:</p> <ul style="list-style-type: none">• HGV routeing.• Temporary warning signage to be implemented on the approaches to the highway accesses to the site.• Measures to prevent mud and debris on the public highway.• Suitable areas for the parking of contractors and visitors and the loading and storage of materials. |

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

- (22) if the solar farm ceases to export electricity to the grid for a continuous period of twelve months, the applicant/developer shall notify the Local Planning Authority in writing within 10 working days of the end of that twelve month period and a scheme shall be submitted to the Local Planning Authority for its written approval within three months from the end of the twelve-month period for the removal of the solar farm and associated equipment and the restoration of the site to agricultural use. The details shall include the following:
- a) a programme of works;
 - b) a method statement for the decommissioning, dismantling and removal of the solar farm and all associated above ground works/surfacing and foundations below ground;
 - c) details of any items to be retained on site;
 - d) a method statement for restoring the land to agriculture;
 - e) timescale for the decommissioning, removal and reinstatement of the land;
 - f) a method statement for the disposal/recycling of redundant

PLANNING COMMITTEE MINUTES (Continued)

No. **Conditions**
equipment/structures and any associated infrastructure.

The approved scheme of restoration shall then be fully implemented within nine months of the written approval being given.

Reason: To protect and restore the visual amenity and character in this rural location and Green Belt, to ensure that no environmental harm is caused during decommissioning and ecological value of the countryside in accordance with policies DS18, BE1, NE2 and NE3 of the Warwick District Local Plan 2011-2029 and the NPPF; and

- (23) no later than six months prior to the expiry of the planning permission, or within six months of the cessation of electricity generation by this solar PV park, whichever is the sooner, a detailed scheme of works for the removal of the development (excluding the approved landscaping and biodiversity works) shall be submitted to and approved in writing by the Local Planning Authority. The scheme of works shall include the following:
- a) a programme of works;
 - b) a method statement for the decommissioning and dismantling of all equipment and surfacing on site;
 - c) details of any items to be retained on site;
 - d) a method statement for restoring the land to agriculture;
 - e) timescale for the decommissioning, removal and reinstatement of the land;
 - f) a method statement for the disposal/recycling of redundant equipment/structures.

The scheme of works shall be undertaken in accordance with the approved details and timescales. The operator shall notify the Local Planning Authority in writing within five working days following the cessation of electricity generation.

Reason: In the interests of the visual amenity of the site, to ensure that no environmental harm is caused during decommissioning, and to protect and restore the visual amenity and character and

PLANNING COMMITTEE MINUTES (Continued)

No.	Conditions
	ecological value of the countryside and Green Belt in accordance with policies DS18, BE1, NE2 and NE3 of the Warwick District Local Plan 2011-2029 and the NPPF.

(Councillor Gifford arrived during consideration of this item and therefore could not vote.)

44. **W/23/0195 - Land at Gibbet Hill Road and Westwood Heath Road, Coventry**

The Committee considered an application from the University of Warwick for the outline application (with all matters reserved) for the creation of University of Warwick Social Sciences Quarter (Use Class F.1(a)) through the provision of up to 32,000 sq.m. of floor space together with all associated works and infrastructure.

The application was presented to Committee because of the number of objections received and also because it was recommended that planning permission should be granted subject to the completion of a legal agreement.

The officer was of the opinion that this was an outline planning application, with all matters reserved for subsequent approval, seeking permission for the creation of the University of Warwick's new Social Sciences Quarter through the provision of up to 32,000 sq.m. of new floor space together with all associated infrastructure. No indicative details had been presented at this stage in relation to the possible siting or appearance, but a Parameters Plan indicated the parts of the site in which built form was expected to be located and where, within the site, built form should be restricted, i.e. around the perimeter of the site within a 'Clear Area Zone'. The Parameters Plan also set out the maximum scales of development within different parts of the site, i.e. where scales and heights should be lower and where it might be more appropriate to provide a building of greater height and scale.

The principle of development was considered acceptable having regard to Policy MS1. The absence of an up-to-date Masterplan for the University was not a reason not to consider a particular development proposal, providing the application was justified and accordingly assessed in accordance with the relevant bullet points stipulated within the policy.

Having regard to all the possible impacts of the proposed development, in relation to visual and landscape impacts, the setting of heritage assets, residential amenity, highway safety and traffic, drainage, ecology, sustainability measures and air quality, Officers were satisfied that the site could accommodate the proposed quantum of development without causing demonstrable harm to the aforementioned matters. In making this assessment, regard had been made to a number of proposed mitigation measures, necessary conditions to secure such measures which would form part of any approved outline permission and a S.106 Agreement that further sought to ensure the impacts of the development were properly mitigated.

PLANNING COMMITTEE MINUTES (Continued)

Subject to such conditions being imposed and the subsequent reserved matters applications having regard to the considerations and requirements set out in the report, it was recommended that planning permission should be approved subject to the conditions set out in the report, as well as the relevant terms of the S.106 Agreement which were summarised in the report.

An addendum circulated at the meeting advised of a correction to condition 7, a clarification to the report, additional information received from the applicant, and additional representations received.

In response to questions from Members, the Principal Planning Officer explained that local policy only required a good/very good BREEAM rating, so the Committee had no policy basis to add a condition to require a higher rating. However, the university had its own requirements and was striving to achieve an excellent BREEAM rating. Members wanted to further encourage the university to set an example for future major developments of this kind by including a note to request that the university aimed for the best standards of sustainability and the highest BREEAM rating possible.

As this application was only for outline permission, Members were keen to see any future reserved matters applications come back to Planning Committee for consideration. The Principal Planning Officer stated that under the Scheme of Delegation in the Council's Constitution, the Head of Place, Arts and Economy could require that any future applications be reviewed by the Planning Committee.

Following consideration of the report, presentation and information contained in the addendum, it was proposed by Councillor Day and seconded by Councillor Gifford that the application should be granted, subject to a note to the applicant regarding environmental standards.

The Committee therefore

Resolved that W/23/0195 be **granted** subject to:

1. a note to encourage the applicant to go above and beyond in their environmental standards to achieve the highest BREEAM rating and to set an example for other developments in the future; and
2. the following conditions:

No.	Condition
(1)	details of the means of access to the building(s) and site, appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | development begins and the development shall be carried out in full accordance with these reserved matters as approved.
Reason: To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended); |
| (2) | application for approval of the reserved matters shall be made to the local planning authority not 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) | 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: temporary measures required to manage traffic during construction, plans and details for the turning, unloading and loading of vehicles within the site during the construction, 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, restrictions on burning; a scheme for recycling / disposing of |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	waste resulting from demolition and construction works and details of all temporary contractors buildings. 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) the development hereby permitted shall not commence 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 2
 - The development of a method statement detailing the remediation requirements
 - a) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.
 - 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

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	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 detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<ol style="list-style-type: none">1. Undertake infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site2. Where infiltration is demonstrated to not be feasible, limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 11.1l/s for the site in line with the approved surface water drainage strategy (ref: 8339-BDP-ZZ-ZZ-DR-C-5201, revision P03, dated 16 January 2023).3. Where the drainage scheme proposes to connect into a 3rd party asset, for example a public sewer, further information should be provided regarding the ownership, purpose, location and condition of this asset along with confirmation of the right to connect into it. This could take the form of land ownership plans showing riparian ownership, land drainage consent, flood risk activity permit or agreement under Section 106 of the Water Industry Act (1991).4. Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.5. Provide detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.6. Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:

PLANNING COMMITTEE MINUTES (Continued)

No.

Condition

- a) Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant.
 - b) Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events
 - c) Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period
 - d) Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.
7. Provide plans such as external levels plans, supporting the exceedance and overland flow routing provided to date. Such overland flow routing should:
- a) Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
 - b) Consider property finished floor levels and thresholds in relation to exceedance flows. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels
 - c) Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.

Reason: To prevent the increased risk of flooding; to improve and protect water quality and to improve habitat and amenity in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
(7)	<p>notwithstanding details contained within the approved documents, prior to the submission of any Reserved Matters applications, a Sustainability Statement including an energy hierarchy scheme for that phase and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;</p> <ul style="list-style-type: none">a) How the development will reduce carbon emissions and utilise renewable energy;b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;c) How proposals will de-carbonise major development;d) Details of the building envelope (including U/R values and air tightness);e) How the proposed materials respond in terms of embodied carbon;f) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised;g) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

For the avoidance of doubt, the scheme must accord with any relevant Development Plan Document and Supplementary Planning Document relating to sustainability which has been adopted by the Council at the time the scheme is submitted.

No building shall be first occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | <p>Reason: To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019);</p> |
| (8) | <p>the development hereby permitted shall not be commenced unless and until a Design Stage Assessment by an accredited BREEAM assessor demonstrating how the development will be designed and constructed to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. A Completion Stage Assessment by an accredited BREEAM assessor demonstrating that the development achieves as a minimum BREEAM standard 'very good' (or any future national equivalent) shall be submitted to the Local Planning Authority within 3 months of first occupation.</p> <p>Reason: To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029;</p> |
| (9) | <p>the development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted on the building and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:</p> <ul style="list-style-type: none">• Lighting should be directed away from vegetated areas• Lighting should be shielded to avoid spillage onto vegetated areas <p>The brightness of lights should be as low as legally possible;</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | Lighting should be timed to provide some dark periods; |
| | <ul style="list-style-type: none">• Connections to areas important for foraging should contain unlit stretches. |

Reason: In accordance with NPPF, ODPM Circular 2005/06 and Policy NE2 of the Warwick District Local Plan 2011-2029;

- (10) the development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition, the LPA expect to see details including:
- existing habitat and protected/notable species information, including a clear site plan;
 - updated and detailed protected and notable species surveys as required prior to work starting on site, together with any appropriate follow-up measures to be taken;
 - details of tree and shrub protection;
 - care should be taken when clearing the ground prior to development to ensure protected and/or notable species are not adversely affected during or after the construction period. If evidence of reptiles or amphibians is found (great crested newt, grass snake, common lizard or slow-worm), work should stop while WCC Ecological Services or Natural England are contacted. Reptiles and amphibians are protected to varying degrees under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000 and great crested newts are additionally deemed European Protected Species under the Conservation of Habitats and Species Regulations 2010;
 - any holes or trenches shall be covered over at night & other periods when the site is undisturbed, to prevent animals falling into them. Any materials stored during such times should be raised above ground (eg on pallets) to prevent animals sheltering underneath them, and building waste put in skips and not left lying around for animals to

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<p>take refuge in it. Concrete not to be left unset during such times unless suitable barriers are erected;</p> <ul style="list-style-type: none"><li data-bbox="778 293 1423 824">• breathable roofing membranes, BRMs, started to be used from 2004 onwards. Research has shown that all BRMs pose a threat of entanglement to bats. Only traditional Type 1F bitumen roofing felt is safe for bats. Further advice and information can be obtained from the Bat Conservation Trust (BCT); and<li data-bbox="778 577 1423 824">• any proposed habitat enhancements such as tree & shrub planting should also be detailed, and should be of native species, and in line with the Warwickshire Landscape guidelines. Aftercare details to be included, such as avoidance of harmful pesticide use.

The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

Reason: To ensure that trees and shrubs, together with protected species are not harmed by the development, and to enhance the nature conservation value of the site in accordance with the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029;

- (11) 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 LEMP should include:
- Details of planting and maintenance of all new planting;
 - Details of species used and sourcing of plants should be included;
 - Details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles);

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<ul style="list-style-type: none">• Description and evaluation of features to be managed;• Ecological trends and constraints on site that might influence management;• Aims and objectives of management;• Appropriate management options for achieving aims and objectives;• Prescriptions for management actions;• Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period);• Details of the body or organisation responsible for implementation of the plan; and• Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Such approved measures shall thereafter be implemented in full.

Reason: To ensure a net biodiversity gain, and to ensure that habitat (including trees, shrubs and hedgerows) together with protected species are not harmed by the development and to enhance the nature conservation value of the site itself, and as part of the wider landscape in accordance with the NPPF;

- (12) prior to the submission of any reserved matters an arboricultural method statement and tree retention and protection plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the routing of any underground services. The development shall

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | thereafter be carried out in strict accordance with the approved measures, which must remain in place for the duration of construction works.
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; |
| (13) | prior to the submission of any Reserved Matters applications for any phase of development: <ol style="list-style-type: none">a) A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work, to include trial trenching, shall be submitted to and approved in writing by the Local Planning Authorityb) The programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the Local Planning Authorityc) An archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the result of the archaeological evaluation. |

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

Reason: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded,

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
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| | preserved and protected were applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029; |
| (14) | <p>prior to the submission of any reserved matters, notwithstanding the details set out within the 'Landscape and Visual Appraisal: University of Warwick, Social Sciences Quarter: July 2023' Ref. UNIQ3114, further details of the proposed landscape mitigation measures to be implemented shall be submitted to and approved in writing by the Local Planning Authority. These shall include sketch proposals and/or supporting text to expand on what is envisaged to be achieved by the proposed additional mitigation which should in turn influence the design process. The development shall thereafter be carried out in strict accordance with the approved measures.</p> <p>Reason: In the interest of visual amenity and the impact on the rural landscape setting in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;</p> |
| (15) | <p>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.</p> <p>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;</p> |
| (16) | <p>the development hereby permitted shall not be occupied until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (8339-BDP-ZZ-XX-RP-C-001 Rev. P03) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:</p> |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<ol style="list-style-type: none">1. Demonstration that any departure from the agreed decision is in keeping with the approved principles2. Any as built drawings and accompanying photos3. Results of any performance testing undertaken as a part of the application process (if required / necessary)4. Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc5. Confirmation that the system is free from defects, damage and foreign objects

Reason: To secure the satisfactory drainage of the site in accordance with the agreed strategy, the NPPF and Policy FW1 of the Warwick District Local Plan 2011-2029;

(17) the development hereby permitted shall not be occupied or brought into first use until a detailed, site specific maintenance plan has been provided to the Local Planning Authority in consultation with the LLFA. Such maintenance plan should:

1. Provide the name of the party responsible, including contact name, address, email address and phone number
2. Include plans showing the locations of features requiring maintenance and how these should be accessed
3. Provide details on how surface water of each relevant feature shall be maintained and managed for the life time of the development
4. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance

Reason: To ensure the future maintenance of the sustainable drainage structures in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029;

(18) prior to any part of the development being brought into use and occupied a detailed Car Parking Management Strategy for the control, management and enforcement of on-site parking shall be submitted to and approved in writing by the Local Planning Authority.

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | Thereafter car parking associated with the development shall be managed in full accordance with the approved Strategy. |
| | Reason: In the interest of highway safety and the promotion of sustainable transport choices in accordance with Policies TR1, TR2 and TR3 of the Warwick District Local Plan 2011-2029; |
| (19) | any Reserved Matters application shall, where relevant: <ol style="list-style-type: none">a) Demonstrate that the proposals accord with the approved Parameters Plan drawing number 8339-BDP-XX-00-SK-A-0001 Rev.D and the principles set down in the Design & Access Statement forming part of the approved documentation;b) Define principles regarding building design, materials, elevational detailing and public realm hard/soft landscaping;c) Define principles regarding building height, mass and bulk aimed at reducing any harm caused to heritage assets;d) Identify those trees to be retained or removed as part of the development and the number and location of new trees to be provided as compensation;e) Show the location of SUDs ponds;f) Include landscape design principles aimed at ensuring that soft landscaping is satisfactorily integrated with neighbouring land;g) Contain principles in respect of disabled access throughout the development; andh) Detail principles on how crime prevention matters will be addressed in respect of the development. |

Reason: In the interest of urban design in accordance with Policies BE1 and HS7 of the Warwick District Local Plan 2011-2029;

- (20) as part of any reserved matters application, a revised assessment of flood risk should be submitted. This should consider any updates relevant to the existing hydraulic model of the Westwood Heath Brook (evidenced as part of the outline application) alongside

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | information demonstrating how the reserved matters for approval respond to any residual flood risk to the site.
Reason: To ensure new development is resilient to flooding and to prevent the increased risk of flooding, in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029; |
| (21) | the Reserved Matters to be submitted in accordance with Condition 1 shall include details of all earthworks, mounding and the finished floor levels of all buildings and structures, together with details of existing and proposed site levels and the relationship with adjacent land and buildings and such details shall accord with approved Parameters Plan drawing number 8339-BDP-XX-00-SK-A-0001 Rev.D forming part of the approved application documentation.

Reason: In the interests of urban design and to ensure the proposals do not harm the amenity of nearby buildings and they are in keeping with the surrounding landscape in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; |
| (22) | the Reserved Matters to be submitted in accordance with Condition 1 shall include samples of facing, roofing and hard surfacing materials. Thereafter the development shall be constructed in full accordance with such approved details or any amendment of these subsequently approved in writing by the Local Planning Authority.

Reason: In the interests of urban design in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029; |
| (23) | the Reserved Matters to be submitted in accordance with Condition 1 shall include detailed visuals to include contextualised elevations looking east from the Grade II listed St Johns Church. Thereafter the development shall be constructed in full accordance with such approved details or any amendment of these subsequently approved in writing by the Local Planning Authority.

Reason: To assist with understanding the extent to which the scale, mass and bulk of |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | the development may impact on designated heritage assets, principally the Grade II listed St Johns Church in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029; |
| (24) | <p>the Reserved Matters to be submitted in accordance with Condition 1 shall include details of footpaths and cycleways for pedestrians and cyclists, including details of how new links will connect into the existing footpath/cycleway network. Thereafter the development shall be constructed in full accordance with such approved details or any amendment of these subsequently approved in writing by the Local Planning Authority.</p> <p>Reason: In the interests of urban design and the promotion of sustainable transport choices in accordance with Policies BE1 and TR1 of the Warwick District Local Plan 2011-2029;</p> |
| (25) | <p>any soft landscaping referred to in Condition 1 shall be completed in all respects within 6 months of the substantial completion of development. Any such landscaping removed, dying or becoming seriously damaged, defective or diseased within 5 years from the substantial completion of development in that phase shall be replaced within the next planting season with landscaping of a similar size and species to that which they replace. Any replacement hedging, trees or shrubs shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations.</p> <p>Reason: To ensure a satisfactory standard of appearance of the development in there interest of visual amenity in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;</p> |
| (26) | <p>unless work starts within 2 years of the current survey (dated 24.4.2023) an updated extended phase 1 habitat survey shall be carried out by an appropriately qualified ecologist prior to any work (including site clearance) starting on site. The survey should determine the quality of habitats and species present and shall be carried out in accordance</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | with established guidance including Phase 1 Habitat survey.

Reason: To ensure that habitat (including trees, shrubs and hedgerows) together with protected species are not harmed by the development and to enhance the nature conservation value of the site itself, and as part of the wider landscape in accordance with the NPPF and policies NE2 and NE3 of the Warwick District Local Plan 2011-2029; |
| (27) | notwithstanding condition 13 above the development hereby permitted shall be carried out in accordance with the landscape mitigation measures set out in the 'Landscape and Visual Appraisal: University of Warwick, Social Sciences Quarter: July 2023' Ref. UNIQ3114.

Reason: In the interest of visual amenity and the impact on the rural landscape setting in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029; |
| (28) | in respect of the Reserved Matters to be submitted in accordance with Condition 1, the building ridge heights and footprints of all building floorspace shall be within the maximum limits set down in approved Parameters Plan drawing number 8339-BDP-XX-00-SK-A-0001 Rev.D forming part of the approved application documentation.

Reason: To define the terms of the permission in the interests of urban design as well as highway safety and capacity in accordance with Policies BE1 and TR2 of the Warwick District Local Plan 2011-2029; |
| (29) | in respect of the Reserved Matters to be submitted in accordance with Condition 1, no built development shall take place within the 'Clear Area Zone' set down in approved Parameters Plan 8339-BDP-XX-00-SK-A-0001 Rev.D forming part of the approved application documentation.

Reason: In the interests of visual amenity having regard to the character of the surrounding area and edge of campus location in accordance with Policies BE1 and |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | NE4 of the Warwick District Local Plan 2011-2029; |
| (30) | the development hereby permitted shall not exceed a maximum of 32,000 square metres (GFA). |

Reason: To define the terms of the permission and to ensure that the development does not compromise the characteristics of the edge of campus location in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029; and

- | | |
|------|---|
| (31) | if it is essential to fell or lop any trees or shrubs, it should be ensured that this work does not disturb nesting birds, with work ideally being conducted outside the main breeding season (March-September). All nesting birds are protected from disturbance or injury under the 1981 Wildlife and Countryside Act. In addition, if mature trees are likely to be affected by the development, (e.g. by felling or lopping work), it is important to survey these trees for the presence of bats prior to work starting. |
|------|---|

Reason: Bats and their roost sites are protected under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act, and are also deemed a European Protected Species. Local Authorities are bound by the Conservation of Habitats and Species Regulations 2010 to have regard to the Habitats Directive when exercising their functions.

It was then proposed by Councillor Boad and seconded by Councillor Williams that the Committee request that the Head of Place, Arts & Economy use his discretion to ensure that any future reserved matters applications relating to this site came back to be considered by the Committee.

Resolved that an internal note be written to request that the Head of Place, Arts and Economy uses his discretion, as set out in the Scheme of Delegation within the Council's Constitution, to ensure that any future reserved matters applications relating to this site are considered by the Planning Committee.

PLANNING COMMITTEE MINUTES (Continued)

45. **W/23/0900 - Tennis Pavilion, Victoria Park, Archery Road, Royal Leamington Spa**

The Committee considered an application from Warwick District Council for the proposed change of use from Tennis Pavilion in Victoria Park to permit the first floor of the building to be used as office space from current use (storage).

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

The officer was of the opinion that the specific circumstances associated with the nature of this application meant that the change of use from first floor storage to office accommodation in this location was acceptable in principle.

It was therefore recommended that the proposed development should be approved.

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

The Committee therefore

Resolved that W/23/0900 be **granted** subject to 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 drawings 001 REV A, and specification contained therein, submitted on 28/07/2023.

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. |

PLANNING COMMITTEE MINUTES (Continued)

(The meeting ended at 8.11pm)

CHAIRMAN
12 September 2023

Application No: [W 22 / 1077](#)

Town/Parish Council: Warwick
Case Officer: Dan Charles

Registration Date: 27/06/22
Expiry Date: 26/09/22

01926 456527 dan.charles@warwickdc.gov.uk

Land to the east of Stratford Road, Longbridge, Warwick, CV34 6XU

Outline planning application (with all matters reserved except for access) for employment related development (including B2/B8 use class and E g) iii) use class) together with associated development. FOR Midlands Land Portfolio Ltd

This application is being presented to Planning Committee due to the number of objections received and also because it is recommended that planning permission be granted subject to the completion of a legal agreement.

RECOMMENDATION

Planning Committee are recommended to GRANT outline planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to secure the necessary financial contributions/obligations as set out in this report.

Planning Committee are also recommended to delegate authority to the Head of Place, Arts & Economy 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 are agreed by the relevant consultee and meet the relevant statutory test together with necessary alterations to the final list of conditions.

Should a satisfactory Section 106 Agreement not have been completed within four months of the date of Committee or, in the opinion of Officers, insufficient progress has been made within this period to warrant the agreement of additional time to complete the Agreement, Planning Committee are recommended to delegate authority to the Head of Place, Arts & Economy to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

This is an outline planning application with all matters reserved except for access for employment related development including Use Class B2 (General Industrial), Use Class B8 (Storage and Distribution) and Use Class E g) iii) (Light Industrial) together with associated development.

The access that is to be considered under the outline application is an existing access served from an arm of the roundabout on Stratford Road. This roundabout

also serves the Tournament Fields commercial development to the West of the site.

The site forms part of Employment Allocation E2 that extends to a total of 11.2 hectares of Land. The total site area forming this application extends to approximately 8.8 hectares including the access road which is the proportion of the land that falls within the applicant's control.

THE SITE AND ITS LOCATION

The application site extends to approximately 8.8 hectares and is predominantly flat with no significant levels changes.

The site is partly brownfield land due to the former Severn Trent depot occupying the land on the eastern side of the site. A number of buildings have recently been demolished on the site. The site also contains areas of hardstanding in the form of car parking areas and a tennis court.

The rest of the site is considered to be greenfield land and comprises predominantly grassland with mature hedgerows interspersed with tree planting, together with a central line of trees that run between the brownfield and greenfield areas of the site.

Access to the site is from an existing 4 arm roundabout from the Stratford Road which also serves the Tournament Fields development to the west. The arm of the roundabout serving the site also serves an existing depot to the north and a single residential dwelling only.

The site is well sited for access to Junction 15 of the M40 that lies to the south of the site. This junction also serves the A46 and A429.

To the immediate north of the site is a depot which forms an existing employment site. A single dwelling is also located to the immediate north of the depot adjacent to the access road.

The River Avon lies to the east of the site and is screened from the site by existing planting and more recent planting comprising a triple row of saplings. Beyond the River Avon lies the southern area of Castle Park.

To the south, beyond an existing field, lies Longbridge Farm. Along the western boundary of the site is the Stratford Road.

The site is approximately 700 metres from the interchange with junction 15 of the M40, A46 and A429 providing access to the wider road network.

The overall character of the area is mixed, with industrial units located to the west of Stratford Road and residential development beyond.

PLANNING HISTORY

W/20/1037: Prior Approval application under Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the demolition of existing building at the Severn Trent Water Longbridge Depot – **GRANTED 26.08.2021.**

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- DS1 - Supporting Prosperity
- DS3 - Supporting Sustainable Communities
- DS4 - Spatial Strategy
- DS5 - Presumption in Favour of Sustainable Development
- DS8 - Employment Land
- DS9 - Employment Sites to be Allocated
- PC0 - Prosperous Communities
- EC1 - Directing New Employment Development
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- HE1 - Protection of Statutory Heritage Assets
- HE4 - Archaeology
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions

Guidance Documents

- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Neutral - No Comment.

WDC Arboricultural Officer: No objection - scheme has been submitted with a detailed Arboricultural Impact Assessment which is thorough and detailed. Recommend Tree Protection Plan and Arboricultural Method Statement be secured by condition.

WDC Conservation Officer: Would agree with comments from the Gardens Trust about impact on the adjacent Castle Park.

WDC Environmental Protection Officer: Original comment was holding objection relating to noise, odour and Air Quality. Following discussions with applicants and receipt of additional information - no objection subject to conditions.

WCC Archaeology: Recommend works of trial trenching be carried out on western area of site to inform further works prior to determination and additional works secured by condition as necessary.

WCC Ecology: Following receipt of further information, no objection subject to conditions and S106 obligation for Biodiversity Net Gain.

WCC Flood Risk Management: Following receipt of further information, no objection subject to conditions.

WCC Highways: No objection.

WCC Landscape: Accept this land is allocated for employment uses. Recommend comparable maximum built heights of 8-12 metres with buildings stepped down towards both the road and river to assist integration. Development would need to be supported by significant depth of planting to soften the appearance of the development and break up the scale.

National Highways: No objection subject to conditions.

Gardens Trust: Object on the basis of the impact on the Grade I Listed Castle Park.

Historic England: We have concerns regarding the application on Heritage Grounds relating to the impact on the setting of Heritage Assets within the proximity of the development and the potential for archaeological deposits to be present on the site.

Warks Fire and Rescue: No objection subject to fire hydrant condition.

Warks Police Designing Out Crime Officer: No objection. Provided recommendations for specification of future units to minimise impact of crime.

Public Response: A total of 114 comments received objecting on the following grounds:

- Would result in large buildings on greenfield site on entrance to Warwick.
- Out of keeping with main access route into Warwick.
- Would exacerbate existing traffic congestion on Stratford Road.
- Will further increase HGV Movements.
- Stratford Road already has poor pedestrian/cyclist connectivity.
- Would need to be conditioned for hours of use and traffic movements as adjacent to residential properties.
- Unit 3 would impact on privacy and outlook of houses opposite.
- Local residents are being boxed in by super size warehouses.
- Will be visually harmful, especially in winter with no leaves on trees.
- Will be visible from long distances and from surrounding villages.
- Unit 3 at 18.5m is ridiculous and out of character with everything in the area.
- Would need to be significantly reduced in scale to be acceptable.
- Wildlife boundary is being squeezed by development.
- Development is harmful to the environment.
- Will destroy wildlife habitats.
- Will result in increased noise disturbance due to location of loading bays.
- Too much development in the area with little regard for residents.
- Increased air pollution.
- Site within Flood Zone so if approved, measures taken to address flood risk must be provided.
- Buildings will remove sunlight from Earls Meadow.
- Vacant plots are still available on Tournament Fields so are more even required.
- Should retain farmers' fields.
- Transport modelling is fundamentally flawed.
- Approach to roundabout for cyclists needs to be reviewed.
- Should not build on green belt land.
- Land should be used for alternative purposes such as combatting climate change.
- Submitted building heights document shows that a building of this scale is not appropriate for this location.
- 2014 report for the Local Plan for the area states that development of the site should be of sympathetic character and should not have too great an impact on the character and significance of nearby Listed Buildings (The Old House and Barn).

ASSESSMENT

Principle of Development

The proposal is an outline planning application for employment development consisting of Use Class B2 (General Industrial), Use Class B8 (Storage and Distribution) and Use Class E g) iii) (Light Industrial) together with associated development. The proposal is in outline form and only access is being approved at this stage.

The site forms part of Employment Allocation E2 as identified within the Local Plan. Policy DS9 identifies the site as being suitable to deliver a range of employment uses and relates well to the strategic road network.

Policy EC1 relates to directing new employment development and identifies the land contained within allocation E2 as acceptable for new employment provision within use Classes B1 (b) and (c) (both now within Use Class E), Use Class B2 and Use Class B8.

The application site extends to approximately 8.8 hectares of the total allocation of 11.7 hectares. The remaining element of the land is not within the applicant's control.

As the development falls wholly within the employment allocation and the proposal is for uses falling within the employment categorisation, Officers are satisfied that the principle of development is acceptable.

Design and impact on visual amenity and the character of surrounding area

Policy BE1 of the Local Plan reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact on the character of the local area.

Section 12 of the National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

The starting position for the assessment of the site in visual terms is that the site is allocated for employment uses within the Local Plan. This area has been assessed for acceptability at a strategic level in order for the site to be allocated. Therefore, any assessment of its impact must be undertaken within the context that development for employment purposes is anticipated on this land. On this basis, it would be inappropriate for the scheme to be considered on the basis of its impact relative to the current use and status of the land. The land is currently predominantly open grassland to the majority of the site with the eastern area forming the old Severn Trent works buildings and associated parking facilities and which is considered to represent previously developed brownfield land.

In confirming the allocation in the Local Plan, the appointed Inspector made the following assessment of the site:

The proposed site allocation at Stratford Road (E4) lies to the south of the built-up area of Warwick near Junction 15 of the M40. It is not in the Green Belt. A significant element of the site is previously developed, and it contains a number of buildings. The large, committed employment site at Tournament Fields is on the opposite side of Stratford Road and there is a concentration of development including hotels between the proposed site and the motorway junction. Within this context and subject to detailed proposals, the development of the site for employment uses would not have a significant effect on the character and appearance of the area.

This is an outline application with all matters reserved for subsequent approval except for access. The final design and layout of the building(s) is therefore not yet known and at this stage only a Parameters Plan has been provided showing the anticipated quantum of development within the site together with an indication of where, within the site, development could be proposed with a maximum height of up to 18 metres being shown.

During the course of the application, a Landscape and Visual Response Note was submitted which assesses the effect of the proposed development on the landscape and visual receptors of the site and its surroundings. The document provides an assessment of effects informed by the Parameters Plan and verified wireframe visualisations prepared for the representative views. These images demonstrate a 'worst case scenario' of the maximum height of 18 metres set across the extent of the site to highlight the views of the site from surrounding receptors.

It is noted by Officers that the identified extent of development within the document is based on all buildings being 18 metres in height. However, from discussions with the applicant, it is noted that it would be highly unlikely that all buildings would require a height of 18 metres due to the scale of the building necessary to necessitate such a roof structure meaning that only a single unit of such a scale could theoretically fit on the site and deliver the requisite landscaping and car/lorry parking and turning space.

When viewed from distance, it is noted that site would be viewed within the same context as the existing Tournament Fields development that lies to the east. Tournament Fields extends to approximately 20 hectares and contains a range of building scales across the site with the Scholastic Unit being the largest with a height of 18.5 metres to ridge.

Officers acknowledge that the site will clearly have a degree of visibility from the surrounding area, and this will represent a change to the current visual appearance. However, this would have been anticipated when the site was allocated for employment development and Officers consider that, subject to a reserved matters scheme being submitted with a good quality landscaping scheme, the visual presence of the site would be amalgamated satisfactorily into the wider landscape.

With additional landscaping measures to enhance the buffer zone, Officers are satisfied that the proposal would be acceptable.

Mitigation measures would be incorporated into the detailed design of the scheme at reserved matters stage, and these would be considered for acceptability at that stage. The indicative layout is simply laid out to show how a scheme may come forward. At the current time, there is no specific end user identified for the site so there is the potential for a detailed reserved matters scheme to include a number of smaller units or a lesser number of larger units, depending on the requirements of the end user, once identified. The outline nature of the application maximises the flexibility of the site in order to deliver development on the site for future site operators. Notwithstanding how the final layout of the site would be laid out, this matter would be considered at a later stage through the reserved matters.

In concluding on the above matters, Officers have balanced the concerns of the consultees with the fact that the land is a formal allocation within the Local Plan for Employment development and the fact that the scheme has been supported with a Landscape Assessment to demonstrate that the views of the site would be mitigated by existing planting.

With additional landscaping works submitted as part of a reserved matters application, Officers are satisfied that the scheme can be satisfactorily amalgamated within the wider landscape?? without any significant level of harm.

Subject to the final design of the scheme and associated landscaping, Officers are satisfied that the development is acceptable having regard to Policies HE1 and BE1 of the Local Plan.

The site is not within a conservation area and there are no statutory or locally listed buildings within the site. However, the application site is adjacent to the Castle Park Registered Park and Garden which lies to the east across the river Avon.

Impact on Heritage Assets

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on the LPA to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 199 of the NPPF states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Warwick District Local Plan Policy HE1 (protection of statutory heritage assets) states that permission will not be granted to alter or extend a listed building where those works will adversely affect its special architectural or historic interest, integrity, or setting.

The key Heritage Assets that would be affected by this proposal are the Castle Park that lies on the opposite side of the River Avon to the East and the Listed Buildings known as The Old House and West Barn, that lie approximately 65 metres

to the west of the application site. In addition, Longbridge Manor lies to the south west of the site approximately 140 metres from the nearest site boundary.

Concern has been raised due to the proximity of the site to Castle Park, which is a Grade I registered park and garden. Between the site and Castle Park lies the River Avon. Adjacent to the river is a dense landscaping belt consisting of a range of mature trees and hedging that affords a significant buffer between the park and the application site. It is also noted that this area of the site already contains the brownfield element of the site consisting of buildings and hardstandings.

During the consideration of the site for suitability to be allocated as Employment Land within the Local Plan, a Heritage Impact Assessment was carried out of the wider site allocation. This assessment concluded that the impact on designated and non-designated heritage assets within or adjacent to the study area, or their settings, through the development of the southern part of the study area will be negligible, but that further information on the site's archaeological potential is desirable. The National Planning Policy Framework, as a general rule, recommends approval of development unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. On the available evidence there appear to be, in heritage terms, no such adverse impacts.

In Officers' opinion, the presence of the mature planting belt together with the existing brownfield nature of the site is such that the creation of new employment buildings on this area of the site would have some impact on the Castle Park but the existing buffer between the sites would be sufficient to ensure the harm is minimised and the harm would be less than substantial.

The impact on the heritage assets affected by the proposal is predominantly due to concern raised by the indicative height of the development, which would be an intrusively dominant addition, resulting in detrimental impact on the significant of the designated heritage asset.

It is acknowledged that the proposed development would be higher than the existing buildings in the area. However, the application site is partially on brownfield land within an already established commercial use? which contains a range of low-level buildings and associated hardstandings. Officers consider that some of the negative visual effects can be mitigated through considerate design, choice of materials and landscape. It is considered that the location for this type of development is appropriate. As such, there is considered to be limited harm which results in less than substantial harm to the setting of the identified heritage Assets.

Paragraph 202 of the NPPF states that:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

Given the identified harm, consideration needs to be given to any public benefits as a result of this proposal. The applicant states that the proposal will bring an allocated employment site into use and that it is expected to generate a significant number of jobs when fully operational, depending on the final uses of the development. The development also makes the best use of the site, which is allocated for employment purposes in a location earmarked within the Local Plan as being well-related to the strategic road network and this would outweigh the harm to the Heritage Asset.

The public benefits identified – that the development would provide significant employment opportunities – are considered to outweigh the identified less than substantial harm to the designated heritage assets subject to considerate design at reserved matters stage(s).

Having considered the proposal, Officers are satisfied that the public benefits outweigh the identified harm and, subject to appropriate conditions, the development is acceptable having regard to Policy HE1 of the Local Plan.

Impact on adjacent properties

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

The nearest residential receptor to the site is a single bungalow served off the access drive to the site. This property is situated to the north of the site and would be away from any proposed buildings as set out on the indicative plans. Whilst adjacent to the access, the property would be subject to potential noise impacts from vehicle movements associated with the development. The access road remains unchanged and whilst it is noted that the proposal would increase traffic along the access, it is Officers' opinion that the proposal would not result in additional harm to that already experienced at the property due to its location. It is also noted that this property is within the control of the applicants.

In addition, a range of properties known as Earls Meadow to the west of the site and beyond those, lies The Peacocks, a further residential development. The nearest property is No. 1 Earls Meadow that is approximately 22 metres from the boundary of the site, as measured to the rear boundary of the garden. The site is separated from the development by the main A429 Stratford Road.

Whilst this is an outline application, the applicants have provided an indicative masterplan that identifies a potential layout for the site. This would set a proposed building into the site which increases the separation to in excess of 80 metres from the nearest residential property. Officers are satisfied that the separation distance is sufficient to ensure that the proposal would not result in any harmful overshadowing or overbearing impact that would be detrimental to the residential amenity of the residents to the west.

It is noted that the site masterplan is only indicative, and the final layout is not yet fixed. The final detail of the layout would be considered at reserved matters

stage and Officers acknowledge that the layout may be different to that shown at outline. However, Officers note that any proposal would be assessed on its own merits for acceptability and the grant of an outline permission does not undermine the LPA's ability to resist a scheme at reserved matters stage where that scheme was considered to be harmful to residential amenity.

The proposed parameters plan has set a maximum height of buildings of 18 metres. It is noted that this would be a maximum parameter in order that a building can be provided with a clear eaves height of 15 metres, if required. Officers note that there is a high level of concern regarding this potential height. It is noted that the scheme is indicative, and this parameter would ensure that the site is marketable to future occupiers who may be looking for a new site for a storage and distribution enterprise. However, the final design and appearance of the buildings would be subject to a separate reserved matters submission to ensure that the development would be acceptable.

In considering the above, Officers note that the proposal seeks to retain all existing boundary vegetation and enhance this with additional planting to strengthen and bolster the screening to mitigate for the potential impact of the proposal. As this is an outline application, the final details of the landscaping will be provided at the reserved matters stage where it will be assessed for acceptability.

Whilst it is noted that the development has attracted a substantial number of comments from nearby occupiers, Officers note that the development forms part of an identified Employment Allocation for development and the outline application is therefore acceptable in principle. Matters of detail would be considered at reserved matters stage. The outline application seeks to impose a framework to inform the reserved matters submissions and any future applications would have to comply with these requirements, as well as being subject to scrutiny in term of the impact on residential properties, as is required for all detailed proposals.

The Environmental Protection Officer has considered the proposal and has requested that a condition be imposed to set a maximum noise level. This is proposed to be measured from the site boundary on the Stratford Road side of the development where the residential receptors are located. This will provide easy access for monitoring purposes. The introduction of a noise restriction would ensure that the proposed development comes forward in a format that would not result in harm to residential amenity from excessive noise or disturbance.

Subject to the imposition of conditions, Officers consider that the development is acceptable having regard to Policy BE3.

Amenity of future occupiers

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that does not provide acceptable standards of amenity for future occupiers of a development.

The site lies to the south of the Severn Trent Treatment works. Around this area is a cordon sanitaire to provide a separation between the sewage treatment works

and new development that may have sensitive receptors. The layout proposed is only indicative, but it has demonstrated that the site can satisfactorily place all areas of the buildings where staff would normally be located (such as offices, reception areas etc) outside of the cordon sanitaire. Whilst this is only indicative, Officers are satisfied that a condition can be used to set parameters for the development to ensure that future staff are not located in areas of the building that are within the cordon sanitaire.

Subject to the above condition, Officers are satisfied that the development is acceptable having regard to Policy BE3.

Highway Safety

Policy TR1 of the Warwick District Local Plan requires all developments to provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The Planning Application was supported by a Transport Statement which considered the impact of the development related traffic generation on the surrounding highway network.

Concerns were initially raised by Warwickshire County Transport Planning in respect of the impact on the Stratford Road Southbound approach to M40 Junction 15. However, further analysis of this specific location has satisfactorily demonstrated that the impact from the development will not be severe, therefore the principles of paragraph 111 of the revised NPPF (July 2021) apply in that there are no severe impacts nor safety concerns associated with the proposal.

The existing access from the A429 is considered suitable for the proposed use. Given that the application is outline only and that no alterations are required, the Highway Authority does not recommend any conditions be applied for Highway requirements.

In addition to the assessment by Warwickshire County Highways, the development has also been assessed by National Highways for potential impact on the operation of the strategic highway network, in this case, the M40 and A46 together with the Longbridge Island junction.

The initial assessment of the scheme identified the need for additional transport modelling to fully assess the potential impact. All necessary information was submitted to National Highways by the applicant's transport consultant.

Having reviewed the application and the additional information provided by the applicant, National Highways are satisfied that an appropriately robust assessment of the development has been undertaken at this outline planning application stage. They acknowledge that the site is allocated in an adopted Local Plan and are satisfied that the development proposals can be accommodated within the existing capacity of the M40 junctions which comprise the strategic road network in the

vicinity. Therefore, the final response of National Highways is one of no objection subject to conditions.

In terms of parking, the indicative plans identify that appropriate levels of parking can be satisfactorily achieved on site. The final level of parking will be dictated by the scale of any proposed unit that comes forward at reserved matters stage. Part of the assessment of the reserved matters will be to ensure that appropriate levels of parking on site are achieved.

Officers are satisfied that subject to the recommended conditions, the proposal would not result in harm to highway safety having regard to Policies TR1 and TR3 of the Local Plan.

Impact on Ecology/Protected Species

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The proposal has been assessed by the County Ecologist who has considered that the survey work undertaken is comprehensive and recommends that further details relating to the site works are secured through a Construction Environmental Management Plan (CEMP). This will ensure that appropriate methodology is used for site clearance and preparatory works to ensure that protected species are not harmed by the development. In addition, an Environmental Management Plan for the creation and management of future habitats to maximise opportunities for ecological features to be secured within the site is also proposed.

The proposal has also been assessed for Biodiversity Net Gain. The development would result in a net loss of 14.16 units. For the application to be acceptable under the NPPF and local plan policy NE3, the application will need to offset this by funding biodiversity enhancement elsewhere within the district. This will be secured by a Section 106 Agreement. To discharge the obligation, the applicant will need to present to Warwickshire County Council Ecology a biodiversity offsetting plan appropriate to the loss of 14.16 units. The habitat compensation will need to comply with the trading rules relevant to this application.

Subject to the completion of the Section 106 Agreement and the recommended conditions, Officers consider that the proposal is acceptable having regard to Policy NE3.

Other Matters

Trees/Hedgerows

The existing site has most of the trees and hedgerows located to the boundaries of the site. At the current time, a row of lime trees forms the boundary between the existing Severn Trent depot and the open field.

The trees forming this boundary are proposed to be removed to open the land to create a single site for the development of employment uses. The trees have been assessed by both the Arboricultural Officer and the County Ecologist who have both raised no objection to the removal of these trees.

Whilst the loss of any trees on a site is unfortunate, Officers clearly acknowledge that in their current location, the trees would hinder a comprehensive development of the site if retained and it is therefore considered that the loss of these trees is justified.

As part of the reserved matters, detailed landscaping plans will be required, and Officers will ensure that any trees lost are replaced in equal or greater numbers.

Archaeology

The site has been considered to represent an area that has the potential for high levels of archaeological features. The applicants have carried out a Geo-Physical Assessment of the site that did not identify any significant features but having discussed this with the County Archaeologist, a scheme of trial trenching has been commenced across the greenfield area of the land to west. A hybrid approach is proposed with further investigation proposed for the eastern area of the site once the area has been cleared. This will be tailored based upon the outcome of the trial trenching. This element will be controlled by an appropriately worded planning condition to secure the additional works.

Drainage/Flood Risk

The site is predominantly within Flood Zone 1 with the identified Flood Zones 2 and 3 covering part of the southern area of the site. Accordingly, a Flood Risk Assessment has been submitted with the application, together with a drainage strategy for the wider site. This information has been considered by the Lead Local Flood Authority (LLFA) and updated accordingly during the course of the application.

The LLFA have assessed the proposals and, following the submission of additional drainage information and clarification in regard to the outline drainage strategy, the final response is one of no objection, subject to a number of recommended conditions which would be attached to any forthcoming outline permission.

Subject to the inclusion of all necessary conditions on the outline permission Officers are satisfied that the site can accommodate the proposed quantum of development without detriment to flooding or drainage and as such it is considered that the proposal accords with Policies FW1 and FW2.

Adapting to Climate Change/Sustainability Measures

Policy CC1 seeks to ensure that all new development is resilient to and adapted to the future impacts of climate change through the inclusion of measures to mitigate against rising temperatures and increased flood risk through sustainable construction measures and the incorporation of sustainable drainage methods.

Policy CC3 requires all non-residential development over 1,000 sq.m. to achieve as a minimum BREEAM standard 'Very Good' (or any future national equivalent) unless it can be demonstrated that it is financially unviable, or a suitable alternative sustainability strategy is proposed and agreed.

As the development is purely outline with no identified final design or end user, no specific energy statement has been provided at this time. Within the Design and Access Statement, the applicant is aware of the requirement to provide a development that seeks to achieve a BREEAM 'Very Good' standard.

Prior to the submission of any reserved matters for new building operations, a condition is proposed to secure a BREEAM pre-assessment to demonstrate how any forthcoming building will achieve or exceed the required BREEAM standard of 'Very Good' set out in Policy CC3. Thereafter, conditions will secure the most sustainable form of construction through the requirement for a BREEAM Design Stage Assessment.

In addition to the BREEAM Requirements, a condition securing energy saving measures will also be secured to ensure that the future development of the site is as sustainable as possible.

Having regard to the above, the proposal is considered to accord with Policies CC1 and CC3.

Compliance with Policy FW3 in terms of water efficiency is to be secured by condition.

Air Quality Mitigation

As the proposal is a major development, conditions will be imposed in accordance with the adopted Air Quality Supplementary Planning Document to secure Type 1 and Type 2 Mitigation measures. These measures are normally EV Charging Points. In addition to Type 1 and Type 2 Mitigation measures, as the proposal is a major development, Type 3 Mitigation is also required. This would be in the form of a financial contribution to wider air quality mitigation projects within the local area. This contribution would be secured through the Section 106 Agreement.

Subject to the necessary conditions and Section 106 obligation, Officers are satisfied that the development is acceptable in terms of Air Quality.

Section 106

As set out above, a Section 106 Agreement is required to secure the two financial obligations proposed for this development, namely.

- Biodiversity Offsetting.
- Type 3 Air Quality Mitigation.

The proposal is therefore recommended for approval subject to the signing of the Section 106 Agreement.

Connectivity to the Balance of the Allocation

The proposed development area of this application extends to approximately 8.8 hectares with an additional 3 hectares located to the south. In order to prevent the potential landlocking of the further site area, a condition is proposed to require an appropriate access to be delivered up to the boundary of the site with the adjacent land to allow for easy connectivity for any future phase.

Timescales

Due the nature of this development, the applicants have requested an additional period for the submission of reserved matters to reflect the complexity of bringing the site forward together with the need to secure end users for the site.

Officers consider that this would be an acceptable justification for an extended period and this is reflected in the wording of the proposed conditions 2 and 3.

Conclusion

This is an outline planning application, with all matters reserved except for access for the development of 8.8 hectares of land for employment purposes consisting of Use Classes B2, B8 and E(g)iii.

No indicative details have been presented at this stage in relation to the possible siting or appearance, but a Parameters Plan indicates the parts of the site in which built form is expected to be located. The Parameters Plan also sets out the maximum scales of development within the site.

The principle of development is considered acceptable having regard to Policies EC1 and DS9.

Having regard to all the possible impacts of the proposed development, in relation to visual and landscape impacts, the setting of heritage assets, residential amenity, highway safety and traffic, drainage, ecology, sustainability measures and air quality, Officers are satisfied that the site can accommodate the proposed development without causing demonstrable harm to the aforementioned matters. In making this assessment, regard has been had to a number of proposed mitigation measures, necessary conditions to secure such measures which would form part of any approved outline permission and a S.106 Agreement that further seeks to ensure the impacts of the development are properly mitigated.

Subject to such conditions being imposed and the subsequent reserved matters applications having regard to the considerations and requirements set out in this report, it is recommended that planning permission be approved subject to the conditions set out below, as well as the relevant terms of the S.106 Agreement which are summarised above in this report.

CONDITIONS

- 1 Details of the means of access to the building(s) and site, appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (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 full accordance with these reserved matters as approved.

Reason: To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than five 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 eight 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 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;

- temporary measures required to manage traffic during construction
- plans and details for the turning, unloading and loading of vehicles within the site during the construction
- 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
- details in relation to mitigation of potential noise and vibration
- restrictions on burning

- a scheme for recycling / disposing of waste resulting from demolition and construction works
- details of all temporary contractors buildings.

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 Prior to commencement of construction works, a Construction Traffic Management Plan (CTMP) for the proposed development (including proposed mitigation schemes on the highway network) shall be submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. The approved plan shall be adhered to throughout the construction period.

Reason: To ensure the efficient and reliable operation of the Strategic Road Network during construction stage.

- 6 With the exception of demolition, no development shall commence 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 2
- The development of a method statement detailing the remediation requirements

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

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.

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

2. 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.
3. 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.

- Z Notwithstanding details contained within the approved documents, prior to commencement of development, a Sustainability Statement including an energy hierarchy scheme for that phase and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;
- a) How the development will reduce carbon emissions and utilise renewable energy;
 - b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
 - c) How proposals will de-carbonise major development;
 - d) Details of the building envelope (including U/R values and air tightness);
 - e) How the proposed materials respond in terms of embodied carbon;
 - f) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised;
 - g) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

For the avoidance of doubt, the scheme must accord with any relevant Development Plan Document and Supplementary Planning Document relating to sustainability which has been adopted by the Council at the time the scheme is submitted.

No building shall be first occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

Reason: To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019).

- 8 Prior to the submission of Reserved Matters for any new building, a BREEAM pre-assessment demonstrating how the proposed building will achieve BREEAM "Very Good" Standard (or better) shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development hereby permitted shall not be commenced unless and until a Design Stage Assessment by an accredited BREEAM assessor demonstrating how the development will be designed and constructed to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. A Completion Stage Assessment by an accredited BREEAM assessor demonstrating that the development achieves as a minimum BREEAM standard 'very good' (or any future national equivalent) shall be submitted to the Local Planning Authority within 3 months of first occupation.

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

- 9 The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted on the building and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:

- Lighting should be directed away from vegetated areas
- Lighting should be 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: In accordance with NPPF, ODPM Circular 2005/06 and Policy NE2 of the Warwick District Local Plan 2011-2029.

10 The development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition, the LPA expect to see details including:

- existing habitat and protected/notable species information, including a clear site plan;
- updated and detailed protected and notable species surveys as required prior to work starting on site, together with any appropriate follow-up measures to be taken;
- details of tree and shrub protection;
- care should be taken when clearing the ground prior to development to ensure protected and/or notable species are not adversely affected during or after the construction period. If evidence of reptiles or amphibians is found (great crested newt, grass snake, common lizard or slow-worm), work should stop while WCC Ecological Services or Natural England are contacted. Reptiles and amphibians are protected to varying degrees under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000 and great crested newts are additionally deemed European Protected Species under the Conservation of Habitats and Species Regulations 2010;
- Any holes or trenches shall be covered over at night & other periods when the site is undisturbed, to prevent animals falling into them. Any materials stored during such times should be raised above ground (eg on pallets) to prevent animals sheltering underneath them, and building waste put in skips and not left lying around for animals to take refuge in it. Concrete not to be left unset during such times unless suitable barriers are erected;
- Breathable roofing membranes, BRMs, started to be used from 2004 onwards. Research has shown that all BRMs pose a threat of entanglement to bats. Only traditional Type 1F bitumen roofing felt is safe for bats. Further advice and information can be obtained from the Bat Conservation Trust (BCT); and
- Any proposed habitat enhancements such as tree & shrub planting should also be detailed, and should be of native species, and in line with the Warwickshire Landscape guidelines. Aftercare details to be included, such as avoidance of harmful pesticide use.

The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

Reason: To ensure that trees and shrubs, together with protected species are not harmed by the development, and to enhance the nature conservation value of the site in accordance with the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.

- 11 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full.

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

- 12 Prior to the commencement of the development hereby approved (including all preparatory work), a Tree Protection Plan and an Arboricultural Method Statement, together referred to as the scheme of protection, that will detail how the retained trees are to be protected from harm during the development shall be submitted to and approved in writing by the Local Planning Authority.

The scheme of protection must be prepared in accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations (referred to here as BS 5837) and shall refer to a retained tree’s root protection area (RPA as defined in BS 5837) and to any work that may affect a retained tree above-ground.

Specific issues to be considered in the scheme of protection shall include how to control:

- the impact that demolition may have (if appropriate).
- the impact that the installation of services/utilities/drainage may have (if appropriate).
- the impact that construction may have
- the impact that changes in level may have.

The scheme of protection should make recommendations for:

1. tree pruning to allow the development to proceed (if appropriate)
2. tree protection, to be shown on the TPP with offsets from fixed points to confirm the alignment of any protective fencing and the extent of any ground protection
3. tree protection measures where under-and overground services are to be installed close to retained trees (if appropriate)

4. ground protection where scaffolding will be erected (if appropriate)
5. ground protection where cranes will be installed (if appropriate).
6. the specification and installation of any boundary treatments within or adjacent RPA's or that may impact any of the retained trees
7. the specification for the construction of any access, driveway, parking area or the like that encroach over the RPA's of the retained trees
8. site setup, including (but not limited to) site access, parking, on-site welfare facilities, temporary buildings, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing, including suitable control measures to protect the retained trees from harm from those facilities or activities
9. a site monitoring protocol that will confirm by independent examination by a suitably qualified tree specialist that the agreed scheme of protection is in place
10. The development thereafter shall be implemented in strict accordance with the approved scheme of protection.

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.

- 13 Prior to the submission of any Reserved Matters applications for any phase of development:
- a) A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work for the eastern area of the site shall be submitted to and approved in writing by the Local Planning Authority
 - b) The programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the Local Planning Authority
 - c) An archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the result of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

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.

14 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

1. Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 30l/s for the site in line with the approved Flood Risk Assessment and Drainage Strategy (ref 330201857/400 revision 1, dated 17/01/2023).

2. Where the drainage scheme proposes to connect into an existing surface water sewer network details should be provided demonstrating the suitability of the outfall location. Details should include:

- a. The point of connection location
- b. Evidence that the existing network is in a suitable condition to provide a suitable outfall for the site.
- c. A method statement for the connection works.
- d. Agreement under Section 106 of the Water Industry Act (1991) as appropriate.

3. Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.

4. Provide detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.

5. Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:

- a. Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant.

- b. Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events
- c. Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.
- d. Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.

6. Provide plans such as external levels plans, supporting the exceedance and overland flow routing provided to date. Such overland flow routing should:

- a. Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
- b. Consider property finished floor levels and thresholds in relation to exceedance flows. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels.
- c. Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity.

15 No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (ref 330201857/400 revision 1, dated 17/01/2023) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:

1. Demonstration that any departure from the agreed design is in keeping with the approved principles.
2. Any As-Built Drawings and accompanying photos
3. Results of any performance testing undertaken as a part of the application process (if required / necessary)
4. Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
5. Confirmation that the system is free from defects, damage and foreign objects

Reason: To secure the satisfactory drainage of the site in accordance with the agreed strategy, the NPPF and Local Planning Policy.

16 No occupation and subsequent use of the development shall take place until a detailed, site specific maintenance plan is provided to the LPA in consultation with the LLFA. Such maintenance plan should;

1. Provide the name of the party responsible, including contact name, address, email address and phone number

2. Include plans showing the locations of features requiring maintenance and how these should be accessed.

3. Provide details on how surface water each relevant feature shall be maintained and managed for the life time of the development.

4. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance

Reason: To ensure the future maintenance of the sustainable drainage structures.

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.

18 The Reserved Matters to be submitted in accordance with Condition 1 shall include details of all earthworks, mounding and the finished floor levels of all buildings and structures, together with details of existing and proposed site levels and cross-sections to show the relationship with adjacent land and buildings.

Reason: In the interests of urban design and to ensure the proposals do not harm the amenity of nearby buildings and they are in keeping with the surrounding landscape in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

19 The Reserved Matters to be submitted in accordance with Condition 1 shall include samples of facing, roofing and hard surfacing materials. Thereafter the development shall be constructed in full accordance with

such approved details or any amendment of these subsequently approved in writing by the Local Planning Authority.

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

- 20 In respect of the Reserved Matters to be submitted in accordance with Condition 1, the building ridge heights shall be within the maximum limits set down in approved Parameters Plan drawing number 20464-0311-03 forming part of the approved application documentation.

Reason: To define the terms of the permission in the interests of urban design as well as highway safety and capacity in accordance with Policies BE1 and TR2 of the Warwick District Local Plan 2011-2029.

- 20 The development hereby permitted shall not be used for purposes falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) unless:

- (a) a noise assessment (including details of noise mitigation measures if deemed appropriate) has been submitted to and approved in writing by the local planning authority; and
- (b) any noise mitigation measures approved under (a) have been implemented in strict accordance with the approved details. Any noise mitigation measures shall thereafter be retained and maintained in strict accordance with the approved details at all times that the unit is used for purposes falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987.'

Reason: To protect the living conditions of the nearby dwellings and hotel, in accordance with Policies BE3 & NE5 of the Warwick District Local Plan.

- 21 The Reserved Matters to be submitted in accordance with Condition 1 shall include details of footpaths and cycleways for pedestrians and cyclists, including details of how new links will connect into the existing footpath/cycleway network. Thereafter the development shall be constructed in full accordance with such approved details or any amendment of these subsequently approved in writing by the Local Planning Authority.

Reason: In the interests of urban design and the promotion of sustainable transport choices in accordance with Policies BE1 and TR1 of the Warwick District Local Plan 2011-2029.

- 22 The Reserved Matters to be submitted in accordance with Condition 1 shall include details of the provision of access for vehicles to include access for pedestrians and cyclists up to and including the ownership

boundary to allow unhindered connection into the remainder of the allocated site. Thereafter the development shall be constructed in full accordance with such approved details or any amendment of these subsequently approved in writing by the Local Planning Authority.

Reason: In the interests of comprehensive development, urban design and the promotion of sustainable transport choices in accordance with Policies BE1 and TR1 of the Warwick District Local Plan 2011-2029.

- 23 Any soft landscaping referred to in Condition 1 shall be completed in all respects within 6 months of the substantial completion of development. Any such landscaping removed, dying or becoming seriously damaged, defective or diseased within 5 years from the substantial completion of development in that phase shall be replaced within the next planting season with landscaping of a similar size and species to that which they replace. Any replacement hedging, trees or shrubs shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations.

Reason: To ensure a satisfactory standard of appearance of the development in their interest of visual amenity in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 24 Where trees are to be felled or lopped, it should be ensured that this work does not disturb nesting birds, with work ideally being conducted outside the main breeding season (March-September). All nesting birds are protected from disturbance or injury under the 1981 Wildlife and Countryside Act. In addition, if mature trees are likely to be affected by the development, (e.g. by felling or lopping work), it is important to survey these trees for the presence of bats prior to work starting.

Reason: Bats and their roost sites are protected under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act, and are also deemed a European Protected Species. Local Authorities are bound by the Conservation of Habitats and Species Regulations 2010 to have regard to the Habitats Directive when exercising their functions.

- 25 The Reserved Matters to be submitted in accordance with Condition 1 shall include details of secure cycle parking of an appropriate level for the proposed floor space of the building. The development shall be constructed in full accordance with such approved details and thereafter those facilities shall remain available for use at all times.

Reason: In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.

- 26 Within one month of the occupation date, an updated Travel Plan in accordance with Warwickshire County Council guidance will be submitted and approved in writing by the Local Planning Authority in consultation with the Local Highway Authorities to include arrangements for ongoing monitoring of implementation and effectiveness with targets to reduce private car movements to and from the site.

Reason: To ensure the provision of opportunities for travel by all modes of transport to and from the development site and prevent a reliance on car-based journeys. Ensuring the safe and efficient operation of the highway network and protecting the environment.

- 27 Noise arising from any plant or equipment, when measured one metre from the façade 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 ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 28 Except in the event of an emergency, all shutter/loading doors shall be kept closed before 0700 hours or after 1900 hours on any day.

Reason: To protect the living conditions of nearby dwellings, in accordance with Policy NE5 of the Warwick District Local Plan.

- 29 No noisy external activities likely to cause nuisance to nearby residences shall take place on site before 0700 hours or after 1900 hours on Monday to Saturday or before 0900 hours or after 1800 hours on a Sunday or Bank / Public Holiday.

Reason: To protect the amenities of occupants of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.

- 30 As part of any reserved matters submission for a new building on the site, a supplementary noise impact assessment report and, where necessary, a noise mitigation scheme shall be submitted to ensure that potential adverse noise impacts are reduced to a minimum. This assessment should be a refinement of the applicant's existing noise assessment report (Ref. NT15727, dated April 2022) and tailored to address the finalised proposed site layout. Thereafter, the development shall not be

occupied until the noise mitigation measures have been put in place and maintained in perpetuity.

Reason: To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 31 The development hereby permitted shall not be occupied unless and until an acoustic close-boarded fence has been installed between the western boundary and any proposed service yard located on that area of the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The fence shall be imperforate, sealed at the base, and shall have a minimum superficial density of at least 10kg/sq.m. Once installed the fence shall be retained thereafter and shall not be altered in any way without expressed written consent from the local planning authority.

Reason: To protect the amenities of occupants of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.

- 32 To ensure that future site users are not exposed to unpleasant/offensive odours from the adjacent sewage treatment works, regularly occupied spaces such as receptions, offices, canteens, etc. are not located within the 5.0 (or higher) ouE/m^3 odour contour areas as shown on Figure 4 of the Olfasense odour impact assessment report (Ref. STMP20A_06_FINAL, date 29th June 2021).

Any office accommodation ancillary to industrial units within these areas will likely require filtered air ventilation and cooling system to minimise the ingress of odours. It would be advisable to factor in filtered ventilation systems in all regularly occupied spaces across the development to account for any uncertainties in the odour modelling process. The reserved matters application shall provide a proposed site layout drawing with the odour contour plan overlaid to demonstrate which (if any) structures will be located within the 5.0 ouE/m^3 and above odour contour areas. Where regularly occupied spaces are proposed within these contour areas, the reserved matters application shall detail the arrangements for odour mitigation.

Reason: To safeguard the health and safety of the occupiers of the development in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

- 33 No chimneys or flues shall be installed on any of the premises hereby permitted other than in strict accordance with details that shall have been submitted to and approved in writing by the local planning authority

Reason: To ensure that the development would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 34 Prior to the occupation of the dwellings hereby permitted, one 16amp (minimum) electric vehicle recharging point per every 10 parking spaces 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 points have 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 points; (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 points 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.

- 35 No lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures (including details of hours of operation) shall have been submitted to and approved in writing by the Local Planning Authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.

Reason: To ensure that any lighting is designed and operated so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 12 September 2023

Item Number: 6

Application No: [W 22 / 1877](#)

Town/Parish Council: Leek Wootton

Case Officer: Dan Charles

01926 456527 dan.charles@warwickdc.gov.uk

Registration Date: 28/11/22

Expiry Date: 27/02/23

**Land at Warwickshire Police HQ, Woodcote Lane, Leek Wootton, CV35
7QA**

Application for Outline Planning Permission for up to 83no. dwellings (including affordable housing), access, internal roads and footpaths, car parking, public open space, landscaping, drainage and other associated works and infrastructure (all matters reserved except for the vehicular access to the site) FOR Cala Homes (Cotswolds) Ltd

This application is subject to an appeal to the Planning Inspectorate against the non-determination of the application by the LPA within the statutory 13-week period.

In the case of a non-determination appeal, a steer from Planning Committee on the decision it was likely to have made on the application, had it been determined, guides the Council's submissions on the appeal and forms the basis of the Council's case at the appeal.

Members are not therefore being asked to determine the application as this is now in the hands of the Planning Inspectorate. The proposal is in front of Members for consideration of the decision that would likely have been made by the Local Planning Authority if it had been in a position to formally determine the application.

Background

This appeal was originally scheduled to be heard by a Public Inquiry in July 2023. In light of the appeal timetable, the application was considered by Members at the Planning Committee meeting on 20 June 2023 where the Officer's recommendation was two-fold, namely.

1. Should the applicant satisfactorily overcome all of the outstanding issues as set out within the body of the report (Highways, Ecology and Drainage) by the date for submission of the Council's Statement of Case, that no objection be made to the granting of permission, subject to conditions and the signing of a Section 106 Agreement to secure the financial and other obligations, as set out within this report.
2. Should the applicant not satisfactorily overcome any or all of the outstanding issues as set out within the body of this report by the date for submission of the Council's Statement of Case, to refuse and defend the appeal for the reasons set out in this report.

Members at that Planning Committee meeting agreed with the two-fold recommendation, but also added harmful impact on Heritage Assets as a reason for refusal.

Following this, the applicants requested that the Public Inquiry be adjourned so that the scheme could be subject to some minor amendments under the "Wheatcroft Principle". A summary of the PINS guidance on the Wheatcroft Principle is set out below.

Where, exceptionally, amendments are proposed during the appeals process, the Inspector will take account of the Wheatcroft Principles when deciding if the proposals can be formally amended. In the 'Wheatcroft' judgment, the High Court considered the issue of amendments in the context of conditions and established that "the main, but not the only, criterion on which... judgment should be exercised is whether the development is so changed that to grant it would be to deprive those who should have been consulted on the changed development of the opportunity of such consultation" (Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]. This decision has since been confirmed in Wessex Regional Health Authority v SSE [1984] and Wadehurst Properties v SSE & Wychavon DC [1990] and Breckland DC v SSE and T. Hill [1992]). It has subsequently been established that the power to consider amendments is not limited to cases where the effect of a proposed amendment would be to reduce the development (See Breckland DC v. Secretary of State for the Environment (1992) 65 P&CR.34).

Whilst amendments to a scheme might be thought to be of little significance, in some cases even minor changes can materially alter the nature of an application and lead to possible prejudice to other interested people.

The Inspector must consider if the suggested amendment(s) might prejudice anyone involved in the appeal or if the amendment would result in impacts on people or the environment that have not been properly assessed. They may reach the conclusion that the proposed amendment(s) should not be considered and that the appeal has to be decided on the basis of the proposal as set out in the application.

It is noted that the PINS guidance states that if an appeal is made, the appeal process should not be used to evolve a scheme. It is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the LPA and interested parties at the application stage.

The amendments sought by the applicant are as follows.

- The vehicular access into the Paddock Land from Woodcote Drive would be downgraded. There would now be no vehicular access into the development from this location.
- A pedestrian and cycle link into the scheme would however be retained at this location to maintain pedestrian and cycle permeability through the wider site.
- The existing access track serving East Lodge would be retained as existing. There would be no need to widen this to create a standard 5.5m road width as previously proposed.

- As a consequence, the internal layout of the scheme would need to change to reflect the fact that all of the Paddock Land would now be served off the primary access off Woodcote Lane. However, the internal layout was never a matter for approval at the Outline stage.
- There is now no indicative parameters plan.

In support of these changes, the associated assessments were updated to reflect the changes, including the Ecology Report, Heritage Report and Arboricultural Report.

In response to the request for changes, the applicants have carried out a full reconsultation with all statutory and non-statutory consultees, all of the residents of Leek Wootton and have also displayed site notices around the application site to notify all interested parties of the revisions.

In officers' opinion, the changes are minor in nature and do not significantly alter the scheme. In addition, no parties are considered to have been prejudiced as the consultation exercise has allowed full scrutiny of the revisions submitted.

Officers are therefore satisfied that the revisions are acceptable under the Wheatcroft Principles. It should be noted that the Planning Inspector will make the final decision on this matter.

RECOMMENDATION

As this report relates to a non-determination appeal, Planning Committee is asked to resolve that no objection be made to the granting of permission, subject to conditions and the signing of a Section 106 Agreement to secure the financial and other obligations, as set out within this report.

DETAILS OF THE DEVELOPMENT

This is an outline application with all matters reserved, except for access, for the erection of up to 83 dwellings together with all ancillary works. The site is in two parts: the main area of land known as The Paddock together with a smaller parcel of land known as The Old Tennis Court.

Access into the development is proposed from a primary access from Woodcote Lane together with secondary accesses serving part of the site accessed from Woodcote Drive.

The overall site area is 3.8 hectares.

THE SITE AND ITS LOCATION

The main element of the site (the Paddock) is roughly triangular in shape. The area is formed of open grassland that previously formed part of the Warwickshire Police Headquarters. The site is bounded by mature hedgerows to all boundaries interspersed with a significant number of tree species. Further trees are located across the site.

Within the main "triangle" lies a substantial dwelling known as Broome House which sits on square plot to the southern edge of the land. In addition to this dwelling, an additional property known as East Lodge lies on the eastern edge of the site.

The smaller element of the land (The Old Tennis Court) has been used as an overflow parking area and dog training area associated with the use of the land as the Police HQ. The land is bounded by hedgerows and mature trees with an existing access from Woodcote Drive. The land is set to hardstanding and open grassland.

The site is not within the Green Belt and is not within a Conservation Area.

PLANNING HISTORY

W/23/1115: Application for Outline Planning Permission for up to 83no. dwellings (including affordable housing), access, internal roads and footpaths, car parking, public open space, landscaping, drainage and other associated works and infrastructure (all matters reserved except for the vehicular access to the site) – PENDING CONSIDERATION.

W/22/0465: Erection of 83 dwellings (including affordable housing), access, internal roads and footpaths, car parking, public open space, landscaping, drainage and other associated works and infrastructure – PENDING CONSIDERATION.

RELEVANT POLICIES

- National Planning Policy Framework
- Leek Wootton and Guy's Cliffe Neighbourhood Plan (2018-2029)
- LW1 - Protecting and enhancing local landscape character
- LW2 - Protecting and enhancing local wildlife
- LW3 - Protecting and enhancing built heritage
- LW4 - Design guidelines for Historic site of Woodcote
- LW5 - Former Police Headquarters Woodcote (115)
- LW8 - Housing in Hill Wootton
- LW10 - Minimising the impacts of Traffic from New Developments
- LW11 - Traffic Management and Transport Improvements
- LW12 - New Communications Technologies
- Warwick District Local Plan 2011-2029
- DS1 - Supporting Prosperity
- DS2 - Providing the Homes the District Needs
- DS5 - Presumption in Favour of Sustainable Development
- DS6 - Level of Housing Growth
- DS7 - Meeting the Housing Requirement
- DS10 - Broad Location of Allocated Sites for Housing
- DS11 - Allocated Housing Sites
- DS22 - Former Police HQ, Leek Wootton
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing

- H2 - Affordable Housing
- H4 - Securing a Mix of Housing
- H10 - Bringing forward Allocated Sites in the Growth Villages
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE2 - Developing Strategic Housing Sites
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities
- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- FW4 - Water Supply
- HE1 - Protection of Statutory Heritage Assets
- HE4 - Archaeology
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Affordable Housing (Supplementary Planning Document - June 2020)
- Developer Contributions (Supplementary Planning Document - July 2020)
- Open Space (Supplementary Planning Document - April 2019)

SUMMARY OF REPRESENTATIONS

Leek Wootton and Guys Cliffe Parish Council: Object, for the following reasons:

- Over-development of the site compared to the development proposed by Warwickshire Police and its draft masterplan and contrary to the objectives and adopted policies with the Neighbourhood Development Plan (NDP) and Warwick Local Plan.
- Number of properties for the site does not recognise, develop or complement the character of the site as required by Policy DS22 and Policies LW1, LW3, LW4 and LW5 of the NDP. Support comments from WCC Landscape that development on the edge of the village should be lower density.

- Rather than provide a small play area within the open space, it would aid integration of development into the community by supporting improvements in village as set out in Policy LW9 of the NDP.
- No information provided on the balance of the site not forming part of the application as required by Policy DS22.
- Cala Homes does not control the woodland area edged in blue. This is noted in the documents as providing for environmental improvements, offset and public open space. Lack of control of this land means that these objectives cannot be realised, contrary to Policies LW1 and LW2 of the NDP.
- Proposal seeks to remove significant numbers of trees and hedgerows which will alter the character of the site and approach to Leek Wootton Conservation Area. This is contrary to NDP Policies LW1 and LW2 and Local Plan Policy NE4.
- Overdevelopment of the site results in compact development with no opportunities for additional planting to soften the impact of the site.
- Do not consider that the Ecology reports submitted are acceptable.
- Support Natural England's comment that site is one of heritage, woodland and paddock and hence requires overriding reasons to develop in accordance with the NPPF.
- Few services within village that residents can walk to so will be reliant on car.
- No proposals to balance the needs of residents to park on Woodcote Lane.
- Transport Modelling Assessment is incorrect and unclear about how police traffic is taken into consideration.
- Visibility at Anchor junction between Woodcote Lane and Warwick Road is substandard and development will increase the level of traffic through the junction.
- Modal shift targets in travel plan are unrealistic.
- For the above highway reasons, application fails to comply with Policy LW10 of the NDP.

The Parish Council's comments have been supported by reports from a Planning Consultant, Transport Consultant and Ecology Consultant.

Further Comment: Continue to object to development. Consider the proposed Wheatcroft Amendments to be major and not minor.

WDC Waste Management: No objection. Development will be served by 123+ Waste Collection system and will need to store 3 wheeling bins and food caddy at each property. Access roads will need to be built to withstand the laden weight of collection vehicles and have sufficient turning space.

WDC Arboricultural Officer: No objection. The comprehensive Tree Survey Report and Arboricultural Impact Assessment from RPS, reference JSL4106_770 and dated 9 March 2022, provides a good analysis of the tree stock, as well as a detailed Arboricultural Method Statement and Tree Protection Plan overlaid upon the then current site layout. Should that layout change then there may be a need to change the tree protection measures that have been recommended.

WDC Conservation Officer: Comment that the proposal conflicts with Policy DS22 of the Local Plan which seeks to ensure that proposals protect and enhance the historic assets and their setting and secure the sustainable long-term future

of Woodcote House as a Grade 2 listed building. The proposal is therefore contrary to this policy as no works are proposed to Woodcote House as part of the scheme. Whilst I appreciate that the latest submission is an Outline application, I am unable to support this proposal without having further indicative information. In terms of the proposed layout, I share the concerns raised by the Landscape Officer. There still appears to be a condensed arrangement of dwellings, contrary to the site's semi-rural setting at the edge of Leek Wootton.

Further Comment: I have no objection in principle to development on this site. As the parameters for height, scale and massing have been removed from this latest application, I suggest that these can be dealt with during a Reserved Matters application. I note from the proposed layout that there does appear to be a reduction in terms of overall density, particularly on the boundaries of the application site. However, a level of harm is still considered to occur due to increased urbanisation of a semi-rural environment and development within a locally listed park and garden. The area also forms part of the setting of Grade II listed Woodcote House and Leek Wootton Conservation Area and so a degree of harm is caused to these designated heritage assets. This harm is considered to be less than substantial, however the social – and to an extent, economical – benefit arising from an additional 83 dwellings, including affordable housing, amounts to some public benefit that would be considered to outweigh this harm.

WDC Environmental Protection Officer: No objection subject to Air Quality Mitigation Condition, Travel Plan implementation condition, Construction Management Plan Condition, and contaminated land conditions.

WDC Green Space Officer: Given that this is an Outline application, it is likely that the exact schedule of accommodation, will be determined through Reserved Matters applications. However, it is important for the applicant to factor into their scheme the requirement for public open space provision as required by Local Plan Policy HS4 and its associated Public Open Space SPD. The preference is that all open space is provided on-site. It should be noted that where it is demonstrated that it is impractical or inappropriate to provide the open space physically on site or if it is not feasible to provide the overall quantum required on site, then WDC may consider seeking a financial contribution from the developer as a means of providing improvements to existing sites. The applicant has suggested in their submission that this may be an option that they would like to discuss further, which the Green Spaces Team will discuss at the appropriate Reserved Matters stage.

WCC Archaeology: In first submission, recommended scheme of trial trenching. A Written Scheme of Investigation for trial trenching has been submitted to survey the site and satisfied that this will provide suitable assessment of the site.

WCC Ecology: Holding Objection - Majority of information is acceptable and can be controlled by conditions. Require more information relating to Bats and Trees, Badgers, Nesting Birds, SUDs and Biodiversity Offsetting.

WCC Flood Risk Management: Following receipt of further information, no objection to the development subject to conditions.

WCC Highways Authority: Preliminary Comment: Following a request for additional information on the full application, this has now been received and reviewed. Assessment of proposal concluded that Warwick Road/ Woodcote Lane would operate very close to capacity as a result of the development. As it is within capacity, an objection on severe residual cumulative impacts in line with Para 111 of the NPPF could not be sustained. Concern has been raised by the Safety Engineers that the safe operation of the junction could be compromised by being near capacity. The safety engineer has requested that additional safety measures be explored at this junction. Currently therefore the proposal is contrary to paragraph 110 (b) of the NPPF in that safe and suitable access to the site for all users has not been satisfactorily demonstrated. The submitted Transport Assessment contains a Pedestrian Route Audit which assesses the existing pedestrian facilities serving the development site. The Audit highlights that the existing routes are substandard in places and suggests appropriate improvements where necessary. The Highway Authority is however concerned that no details of these improvements appear to have been submitted for assessment therefore this also remains contrary to paragraph 110(b) above and also paragraph 112 (a), (b) and (c) in that priority is not given to pedestrians and cyclists, the needs of people with disabilities have not been addressed and a safe, secure and attractive development proposal has not been created.

Updated Comment: The applicant submitted a further technical note (TN02) on 6th June 2023 in order to address these issues. Transport Planning has undertaken further assessment of the additional information and testing submitted and have concluded that their concerns over the junction operating near capacity have been resolved and that sufficient capacity does remain within the operation of the junction to accommodate the development. Subsequently, the Safety Engineer has reviewed the situation and similarly concluded that there are no safety concerns remaining. In terms of the pedestrian connectivity, the Pedestrian Audit submitted has been reviewed by the Principal Transport Planner responsible for Walking and Cycling and the findings and mitigation identified within the Audit are agreed.

The Highway Authority seeks contributions towards the Kenilworth Infrastructure Delivery Plan from all allocated developments that impact on the Kenilworth study area. It has been identified that, at peak times, 23% of the trips from this development terminate, originate or travel through Kenilworth. The 'per dwelling' cost apportioned to the schemes for developments in Kenilworth has therefore been apportioned pro rata to this development on the basis of 23% contribution. The sum of £167,269.90 is therefore requested. This sum will be put towards increasing cycling connectivity into Kenilworth on Warwick Road and further capacity enhancements on the St John Gyratory which is a junction impacted by traffic from this proposal. This sum is requested by Section 106 obligation. The position of the Highway Authority is therefore revised to one of No Objection subject to conditions, S106 obligations and informative notes.

WCC Landscape: The Illustrative Layout submitted with this application suggests some revisions to the proposed layout of the previous application. Note layout will be dealt with as a reserved matter. Need to see updated tree details. Note that the density of the housing still appears too great in relation to its surroundings with houses crammed close together with less garden space than the existing areas of the village abutting it. Development sits on the edge of the village so the

housing density should be lower, acting as a transition from the more built-up areas of the village to the grounds of Woodcote House and the wider countryside beyond. The proposed houses on the tennis court site do not relate well to the existing houses on Woodcote Drive, both in terms of layout and density.

Updated Comment: Note that the revisions would allow retention of additional trees, but my earlier comments still remain.

WCC Rights of Way: No objection. Footpath W179a runs around boundary of site. Application for a Definitive Map Modification Order has been submitted to add a footpath to the Definitive Map. If successful, this will become a Right of Way that conflicts with the applicant's proposed SUDs pond. Consideration should be given to accommodating the route of the proposed path at this stage. Recommend conditions and notes.

Warwickshire Police Designing Out Crime Officer: No objection to the scheme. Pleased to see that developers have incorporated the principles of Secured By Design Homes 2019.

Warwickshire Fire and Rescue: No objection, subject to the imposition of a fire hydrant condition.

CPRE Warwickshire: Objects to this application. Although higher density housing is something to aim for in more urban areas, this should not be at the expense of vital biodiversity or in places which do not have the correct infrastructure to support this kind of development. Ultimately, the application does not propose what is best for this piece of Warwickshire countryside and does not meet the Policy DS22 special requirements that allowed it to be removed from its original designation as Green Belt land.

Section 106 Requests

WDC Sport and Leisure: Request S106 Contribution totalling £168,956 (£5,956 for outdoor sport, £69,547 for indoor sport and £93,453 for grass pitches) to mitigate for increased use of facilities by additional residents of this development.

WCC Infrastructure Team: Make the following service area Section 106 Requests on behalf of Warwickshire County Council to mitigate for increased use of facilities by additional residents of this development.

- Libraries - £1,817.
- Road Safety - £4,150.
- Sustainable Travel Promotion - £830
- Monitoring - £500 + (5 hours x £40 Officer Time x Number of Triggers)

South Warwickshire NHS Foundation Trust: Request Section 106 Contribution of £74,487.02 to mitigate the impact of new housing on the delivery of healthcare services within the area.

Public Response: A total of 201 comments received as follows:

Support Comment – 1 comment received.

- Support, but no commentary provided.

General Comment – 1 comment received.

- Preferred the plans for the tennis court area from first scheme as they allowed housing to back onto the golf course and were not all crushed together.

Objection Comments – 199 comments received on original consultation; an additional 77 comments received on amended application (at time of writing);

- No need for more housing as this is being addressed elsewhere in the district.
- Housing land supply is over 5 years.
- Insufficient infrastructure to support new housing.
- No meaningful facilities within village to serve the needs of the additional dwellings.
- No economic benefits.
- Lack of Community Engagement from applicant.
- No regard given to design and setting of Listed Building.
- Loss of privacy to Broome House and East Lodge.
- Increased noise and air pollution.
- Significant light pollution to residents of existing properties.
- Development not in keeping with the village and its Conservation Area.
- As police are not leaving Woodcote House, there is no need for this development, and it should revert to Green Belt.
- No Masterplan for the entire site as required by Policy DS22.
- Totally disregards the plan agreed years ago.
- Traffic data is flawed.
- New access point is dangerous to users of the road.
- Cannot take increased traffic from development. Junction with Warwick Road is already dangerous.
- Parking is already at breaking point.
- Loss of tennis court area will displace police parking.
- No regular bus service in Leek Wootton.
- Harm to Green Belt.
- Should have more allowance for open and leisure space.
- Will result in ecological damage.
- Ecology reports considered insufficient, skewed by methodology and benefits outlined in conclusion are entirely based on supposition and wishful thinking.
- Separate survey work carried out identifies significantly more species than identified in the submitted Ecology Reports.
- Recommend a thorough scientific survey is undertaken in consultation with Warwickshire Wildlife Trust.
- Site is covered by a blanket TPO to protect trees.
- Loss of many trees and hedgerows.
- Drainage provision will result in additional trees being lost.

- Felling trees and hedgerows reduces ability to absorb CO2.
- Impossible to replace mature trees.
- Will affect wildlife within the site.
- Will disrupt ecosystems and interlinks between habitats.
- Use of adjacent woodland to offset open space is not appropriate.
- Modern style of housing not appropriate for village.
- Will not be carbon neutral.
- Air Quality Mitigation proposal is poor and insufficient.
- Official recommendation was for 30 dwellings per hectare, but scheme is 36.
- Lack of community engagement through process.
- Density of housing is too high and not in keeping with village.
- Contrary to Neighbourhood Plan, Local Plan and NPPF.
- Impact to neighbouring amenity by reason of loss of privacy.
- The Cala layout differs to the boundary layout shown on neighbouring property deeds.
- There is a lack of parking places for the proposed development and insufficient visitor parking.
- Concern regarding the impacts of both construction and the development itself on drainage systems, in particular sewage system at the site.
- Woodcote Drive is narrow with no footpath and traffic is already bad leading to concerns about the development and its construction.
- Development will lead to the destruction of a diverse range of wildlife.
- The destruction of green spaces should be reconsidered in light of the current climate crisis.
- The impacts cannot be fully considered when only an outline application is proposed with all matters reserved.
- With so much recent development one thing that has remained constant is the village of Leek Wootton, which has remained a village; the proposal would amount to overdevelopment of the village which has no major infrastructure and facilities.
- Footpaths are already constrained, and the development will lead to additional traffic, the dangers of which outweigh any positive characteristics associated with walking to school.
- Concern the school cannot accommodate increased pupil numbers.
- The house and parkland are indivisible and while the police remain on site there is no longer any need for housing.
- The proposals substantially harms the long-term use and conservation of the Grade II listed Woodcote House.
- This would set a dangerous precedent if loss of open space is accepted.
- Concerns regarding the long-term management of the woodland.
- Submitted plans are inaccurate, e.g., the full extent of tree/hedge removal is not shown.
- There are other preferred locations considered more suitable for housing.
- The loss of the tennis courts 50 parking spaces will necessitate the need for the PCC to apply for additional hardstanding.
- Villagers feel as though local democracy has been violated.
- There is no open area for children to play on.
- Do not consider revised proposal to be acceptable under the Wheatcroft Principle as it is not minor changes.

Leek Wootton Focus Group

- Contrary to Policy DS22 as no Masterplan for whole site agreed.
- Proposal does not protect or enhance the historic assets or their setting which is contrary to Policy DS22(a). Applicant also accepts this harm.
- Proposal does not make provision for future management/maintenance of the balance of the site which is contrary to Policy DS22(g).
- Applicant has not entered into agreement or agreed mechanism with the Council to provide certainty that both the new build (greenfield) housing elements of the allocation and Woodcote House conversion and restoration of its setting are delivered simultaneously or within an agreed timescale, contrary to Policy DS22(h).
- In the absence of the benefits from the restoration of the heritage asset, the harm is not outweighed, and planning permission should be refused.
- Benefits of 50 market houses and 33 affordable homes is not significant and economic benefits are also limited. Citing public open space provision and biodiversity enhancements is not a benefit as they are a requirement of the planning permission.
- No material considerations outweigh the harm so planning permission should be refused.
- WDC has a 5.08-year housing land supply so this site is not critical for the delivery of housing.
- No evidence that sale proceeds have been used or earmarked for restoration of Woodcote House and have been advised that funds have been used for new IT equipment.
- Many enhancement opportunities have been lost due to police remaining such as removal of insensitive 60's extension to main building, removal of unsympathetic extensions to former stables range and replacement of parking within formal kitchen garden and appropriate renovation works.
- Contrary to Neighbourhood Plan with regards to layout and density.
- Not developing Plots 1 and 2 would retain important wildlife corridor between woodlands.
- Loss of brownfield land to Plot 4 for housing, landscaping and leisure pursuits.
- Unacceptable impact on highway safety, the residual cumulative impact on the road network will be severe.
- Will create light pollution onto an intrinsically dark landscape and affect the natural wildlife habitat.
- Cala Homes have failed to engage with the community.
- Cala Homes have failed to protect and enhance the valued landscapes and biodiversity of the site which will not be mitigated elsewhere.
- Development will result in the loss or deterioration of irreplaceable habitats (such as veteran trees) and to date, LWFG notes that 71 trees and 10 hedgerows will be lost as a result of the development with no exceptional reasons offered.
- Development would remove 1/3 of the historic open landscape and would cause harm to heritage asset.
- LWFG have carried out their own tree survey and wholly disagree with the findings in the submitted tree surveys.
- Actual loss of trees is much higher than stated in submitted reports.
- Off-site enhancement of the woodland area outside application site boundary so not considered to be on-site.

- No evidence in place which demonstrates how woodland will be managed.
- Tree/Hedgerow removal has been based around the layout rather than viewed as a constraint when designing the layout.
- LWFG have sought expertise from community and an ecology report has been produced that finds the submitted survey work by Cala Homes to be incomplete compared to the findings.
- Ecology results are skewed by methodology and habitats identified are based on supposition and wishful thinking.
- LWFG report identifies significantly more species than submitted reports including a barn owl nesting in one of the trees which is absent from Cala Homes' reports.
- Views within the submitted LVIA are different to those within the Neighbourhood Plan.
- Harm to heritage asset is contrary to Local Plan and national guidance on protection of heritage assets.
- Justification for removal of site from the Green Belt no longer applies.
- Density of housing is of great concern together with lack of visitor parking spaces.
- Will result in the loss of parking for vehicles associated with the Police site.
- Little thought given to future maintenance of trees.
- Open Space areas inadequate and purely a tick box exercise.
- Do not consider the revised proposal to be acceptable under the Wheatcroft Principle as it is not minor changes.

ASSESSMENT

Five Year Housing Land Supply Position

The most up-to-date position on the 5 Year Housing Land Supply was provided in December 2022. This statement confirmed that Warwick District Council could demonstrate a 5.08 Year Housing Land Supply.

The Council is required to maintain a 5-year housing land supply as a minimum position for the provision of new housing.

Principle of Development

The application site falls within the settlement boundary of Leek Wootton which is identified within the Local Plan as a growth village. Within the boundary of a growth village, housing development is generally acceptable in accordance with Local Plan Policies H1 and H10.

In addition, the site also falls under allocation DS22 which is a specific allocation for the Warwickshire Police Headquarters. The application site forms part of the wider allocation identified under DS22.

The housing allocation was deemed appropriate and included in the Local Plan as it provided development in this Growth Village at the least obtrusive location available at Leek Wootton. Other, more environmentally unacceptable options for development were considered and discounted in favour of this allocation. This allocation also served to secure the future of Woodcote House (a Listed Building)

for residential use as the Police Force were intending to vacate the building as part of their proposed merger with West Mercia Police.

The overriding aim of Policy DS22 was to ensure the comprehensive development of the entirety of the allocation. Policy DS22 introduced eight specific policy criteria that development proposals would need to address to secure planning permission. Policies LW4 and LW5 of the Neighbourhood Plan set out a framework for new development at the Police HQ Site to ensure that an appropriate range of uses was provided, and the heritage asset of Woodcote House was suitably protected.

In 2019 it was announced that the merger of the two Police forces was not to continue, and that Warwickshire Police would be returning to utilise the entirety of Woodcote House as their headquarters building.

This had ramifications for Policy DS22. Woodcote House would not be converted to residential use and for operational purposes, and land that would have been made available for the new residents and the enjoyment of the wider community of Leek Wootton would not be available as additional open space.

Due to the retention of part of the site by Warwickshire Police, it was apparent that the range of requirements set out in policy DS22 could not all be realised following the decision of the Police to remain at Woodcote House.

In considering this change in circumstances, a Legal opinion was sought on the proposal. The opinion stated that it is not at all unusual for development plan policies to be superseded by events after the adoption of such policies. It went on to stipulate that the change in circumstances at this location did NOT mean that planning applications to develop the site which do not wholly comply with Policy DS22 should automatically be refused and that there is no obligation on Local Planning Authorities to "slavishly adhere" to the development plan if material considerations indicate that the departure from those policies is considered, on balance, to be acceptable.

The change in circumstances brought about by the failed police merger and the inability of the whole site to come forward for comprehensive development are viewed as material considerations in determining the application. Considering the need for some residential development to be realised to assist in meeting the overall numbers of dwellings identified in the Development Plan and the five-year supply position, it is Officers' opinion that the application should be judged positively, provided that the form and details of the proposed layout and the other items referenced earlier in this document are deemed acceptable.

A further specific point of clarification from a general policy perspective relates to the question of the overall numbers of dwellings proposed. The Local Plan specified 115 dwellings as a guide to what the total allocation could deliver. It should be noted that these are indicative, overall numbers, derived to give some order of what should be acceptable. They are not derived with the benefit of reference to exact planning layouts and being able to gauge the precise amount of land available for houses after deductions for such things as open space, play areas, roads, landscaping etc.

There have been many instances since the Local Plan was adopted where planning applications have been approved on allocated sites with housing numbers at levels above the guidance numbers set out in the Local Plan. These have been approved only where all other policy considerations such as open space, play areas and the like have been satisfactorily incorporated into the development and the final housing numbers can still be achieved without prejudicing a good quality, functional development.

It should also be noted that one of the requirements of DS22 was the submission, and approval of a masterplan. The draft masterplan submitted to the Local Plan Examination in Public was a very detailed document that referenced possible layout scenarios and the distribution of the associated component parts of the allocation across the entirety of the site. The intervening 'change in circumstances' brought about by the decision not to merge the police forces has meant that some of the aspects set out in that initial draft masterplan will not be attainable. Whilst it is natural that this is a disappointment to residents in the locality, Officers believe the revised masterplan submitted with the current CALA planning applications are appropriate for the purposes of identifying the revised situation and relationship of various parts of the allocation.

In summary, the principle of residential development at this location has been established through the Local Plan process. Circumstances have changed meaning that it is now impossible to rigidly adhere to all the exact criteria-based issues that were set out in Local Plan Policy DS22 and realise the full package of potential benefits across the allocation detailed in the draft masterplan at the time of the Local Plan Examination in Public. However, one of the key aims of Policy DS22 was to maintain and secure the future of the Heritage Asset on the site to ensure that it did not fall into a state of disrepair by actively ensuring that it formed part of the wider redevelopment of the site. With Warwickshire Police now maintaining ownership of the Heritage Asset, this will ensure the practical stewardship and ongoing maintenance and use of the building.

In considering the 'planning balance' and the benefits of helping to assist the Local Plan's overall housing numbers and five-year supply situation, it is deemed appropriate to support the proposals and the development of this site from a policy perspective.

Subject to an assessment of site-specific matters, the proposal is therefore considered to be acceptable in principle.

Assessment of the Proposed Housing Numbers

The scheme seeks outline permission for up to 83 dwellings. Based on the submitted parameters plan of the developable area identified across the two sites, this equates to approximately 35 dwellings per hectare.

Concerns over the density of the development have been raised by consultees. As the scheme is in outline form, there are no finalised plans which are being assessed beyond a parameters plan and an illustrative layout. The illustrative layout sets out the scheme with 83 dwellings identified. This layout shows that adequate space is provided for the plots in terms of garden sizes and parking. Areas of open space are also identified within the site for future occupiers.

It is noted that the level of housing is identified as up to 83 units. Officers would assess any proposal submitted for reserved matters when final details of housing mix, layout and design are submitted and, in such case, if it cannot be demonstrated that the scheme meets all of the required standards then it would be appropriate to revisit the housing numbers to ensure that a scheme on the site would be acceptable. In identifying "up to" 83 dwellings, there is a certain level of flexibility retained by the Local Planning Authority and the application in assessing a subsequent reserved matters proposal and ensuring that the housing numbers proposed can be satisfactorily delivered on the site.

Overall, Officers consider that the provision of a scheme for up to 83 dwellings in a policy compliant housing mix would be acceptable on this site.

Design and impact on visual amenity and the character of surrounding area

Section 12 of the National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

Policy BE1 of the Local Plan reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact on the character of the local area.

The Residential Design Guide SPD sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

Policy LW1 of the Neighbourhood Plan seeks to ensure developments protect and enhance the local landscape character to ensure new development responds positively to the high-quality local environment.

As this proposal is an outline planning application, no detailed plans have been submitted at this stage and the final detail would be assessed through a future reserved matters submission. The reserved matters submission would deal with the final detail of the layout, house types, detailed landscaping and location of features such as open space, roads, paths etc.

The application has included an indicative layout and parameters plan to demonstrate how the site could be laid out with the provision of up to 83 dwellings.

The indicative site layout sets out the potential location of the dwellings on the site, together with roads and open space areas, including SUDS. The proposal

indicates that the landscaping features will be retained along the Woodcote Lane boundary to retain the green edge to the development that currently exists.

A number of trees are proposed to be removed as set out within the Arboricultural Method Statement and their removal has been justified. Where trees are to be removed, Officers would always expect these to be replaced with new planting to mitigate for the loss. This would be secured by condition.

The proposed access point to the Paddock site is located in a position where there is already a natural gap in the hedgerow, which minimises the amount of roadside hedge removal required to facilitate access.

As this is an outline application with all matters reserved apart from access, the final design and appearance of the scheme is not for assessment at this stage. Officers consider it appropriate to incorporate a condition for a design code that sets out the design rationale behind any scheme submitted for reserved matters to demonstrate how the scheme has been designed to reflect and respect the character and appearance of the local and surrounding area.

Subject to the imposition of conditions to secure appropriate design criteria, Officers consider that the proposal is acceptable.

Impact on the character and setting of Heritage Assets

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Warwick District Local Plan Policy HE1 (protection of statutory heritage assets) states that permission will not be granted to alter or extend a listed building where those works will adversely affect its special architectural or historic interest, integrity, or setting. In addition, the policy states that development will be expected to respect the setting of conservation areas and important views both in and out of them.

Policy LW3 of the Neighbourhood Plan requires new development to be of high design quality and of a scale, height and massing which preserves or enhances the character and appearance of Leek Wootton Conservation Area.

The nearest Listed Building to the site is Woodcote House which lies to the west of the application site. This building forms the primary element of the wider police site and was one of the driving factors of the DS22 allocation.

The Conservation Area is located to the east of the application site with the boundary following the curtilage area of East Lodge. A small section of Woodcote Drive falls within the Conservation Area but the application site, whilst adjacent, does not fall within the Conservation Area.

In addition to the above designated Heritage Assets, the land associated with Woodcote House and the wider Police HQ land is a locally listed park. As such, this is a non-designated Heritage Asset.

The Conservation Officer has considered the proposal and notes that the scheme is not compliant with DS22 as the scheme does not incorporate a masterplan for the protection of Woodcote House. A key element of DS22 was to secure the future of this heritage asset by ensuring that it formed an integral part of a masterplan and was actively incorporated into any redevelopment of the whole site.

As the circumstances around this development have now changed and the Police are retaining the building for their purposes, the long-term stewardship of the listed building is secured. On this basis, the Conservation Officer has raised no objection to the principle of development on this land but has raised some concern over the potential heights of buildings, design and materials that could potentially affect the setting of the Heritage Assets as identified on the full application being considered under application W/22/0465.

Officers acknowledge that the provision of development where the land is currently open will have a degree of harm to the setting of the Heritage Assets of both the Conservation Area and the Listed Building.

In considering the level of harm, Officers have had full regard to Section 16 of the National Planning Policy Framework (NPPF). The NPPF sets out a scale of harm depending on the extent of harm created from the total loss of an asset or development in substantial or less than substantial harm.

Development resulting in the total loss of an asset requires clear and convincing justification. Where a development would result in substantial harm to (or total loss of significance of) a heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

As the current application is in outline form, the overall building heights are not included within the scheme and would be subject to later approval. As part of the Wheatcroft submission, the indicative details on the parameters plan have been withdrawn.

As the Conservation Officer originally raised concern regarding the potential use of 2½ storey dwellings, as indicated on the parameters plan, it would be possible

to add a condition setting out the parameters of the site that restrict heights to no more than 2 storeys.

The indicative layout identifies that, along the boundary of the site with the retained police land, the scheme is for larger detached units that are naturally more widely spaced and therefore typically less dense than semi-detached or terraced units. This reduces the overall built form to the boundary with the land associated with the Heritage Asset of Woodcote House. In addition, any reserved matters submission would also require detailed landscaping to be submitted which would allow for further mitigation by providing an appropriate treatment of the boundary to soften the development from the land retained by Warwickshire Police.

As the proposal is in outline form, these parameters are not yet set out. As stated within the section above, Officers consider it appropriate to secure a design code by condition that sets out the parameters of any development coming forward. This would be requested prior to the submission of any reserved matters so that it can inform any future layout and design submitted.

The design and appearance would thereafter be informed by an approved design code that would set the parameters for height and scale and this would be agreed in consultation with the Conservation Officer to address the concerns identified at this outline stage.

Officers acknowledge that the introduction of development onto open land will result in a degree of harm and Officers have considered that this development would result in harm that is at the lower threshold of less than substantial harm.

In considering the public benefits, the proposal will result in the provision of additional housing serving the needs of the local community together with the provision of affordable housing. During construction the proposal will result in economic benefit through employment opportunities directly on site together with financial benefits through the supply chain servicing the site.

Officers have therefore considered that these benefits outweigh the less than substantial harm caused, and the development is therefore considered acceptable.

Subject to the inclusion of the above condition together with further conditions relating to the submission of architectural detailing and details of proposed materials etc, Officers consider the proposal is acceptable having regard to Policy HE1 of the Local Plan.

Impact on Residential Amenity

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents and provides an acceptable level of amenity for future occupiers of the development.

Impact on existing properties

The development is submitted in outline form only. The application has been submitted with an indicative layout plan that provides some idea of a potential development layout of the site. Whilst this has been used as a guide to consider the impact on existing residents, it is noted that this plan does not form the final layout of the scheme.

The main paddock element of the site is on a parcel of land where it is set away from the existing dwellings by the existing road network. This leads to significant separation distances, well in excess of the required standards, and also has intervening landscape features such as trees and hedgerows that further mitigates any potential harm to the amenity of existing properties.

There are two dwellings located immediately adjacent to the boundaries of the Paddock area of the site: Broome House and East Lodge.

Broome House is flanked on three sides by the development site. The proposal would seek to retain the existing boundary features to the property to maintain an appropriate level landscaping to afford natural separation between the existing property and the proposed development site. The indicative layout identifies that housing would be located on the three shared boundaries and be separated from the boundary of Broome House by the back garden areas.

Whilst the dwelling would lose the open aspect from these boundaries, it is noted that the proposed dwellings backing onto the existing property would lead to larger separation distances between the existing house and the proposed dwellings. As previously stated, the layout identified is not the final design of the scheme and the final relationship between properties would be assessed through a detailed reserved matters submission.

East Lodge is located adjacent to the eastern tip of the application site near to the junction of Woodcote Lane and Woodcote Drive. In terms of impact on this property, it is noted that the dwellinghouse is located a significant distance from the boundary with the application site and is separated by a large garden area. Due to the limitations of the shape of the site, it is unlikely that any proposed development within that area of the site would result in any demonstrable harm to the amenity of the occupiers of East Lodge.

Overall, whilst the indicative layout plan does not form the final layout of the scheme, it does satisfactorily demonstrate that appropriate separation distances can be provided between the development site and existing dwellings to provide an appropriate level of amenity for the occupiers of existing dwellings adjacent to the site and no impact as a result of the development would occur that would result in demonstrable harm to existing properties.

Provision of an appropriate living environment for future occupants of the proposed development

The development provides a high-quality environment which achieves the Council's design guidelines.

The indicative layout demonstrates that the site can deliver the number of dwellings together with open space and the landscaping across the development. Officers are satisfied that the indicative plan demonstrates that the scheme can create an overall sense of spaciousness which would enhance the sense of place and overall amenity value for future residents.

The scheme would be further assessed at reserved matters stage to ensure that the final layout of the scheme provides an appropriate living environment for future occupiers.

In conclusion, the landscaping and public open space shown on indicative plans will assist in ensuring the new development provides an acceptable residential environment. Such details will be considered in greater detail at the reserved matters stage.

Officers are satisfied that the development is acceptable having regard to Policy BE3 of the Local Plan.

Open Space Provision

Given that this is an outline application, the final layout and quantum of development will be determined through Reserved Matters applications. However, it is important for the applicant to factor into their scheme the requirement for public open space provision as required by Local Policy HS4 and its associated Public Open Space SPD.

In relation to the adopted Public Open Space SPD (2019) the Council would require five open space typologies to be provided onsite in the first instance. These five typologies should comprise, Amenity Green Space, Parks and Gardens, Natural Areas including Urban Woodland Allotments, Community Gardens and Urban Farm and Children/Youth Areas.

The Green Space Officer has noted that where it is demonstrated that it is impractical or inappropriate to provide the open space physically onsite or if it is not feasible to provide the overall quantum required onsite, then they may consider seeking a financial contribution from the developer as a means of providing improvements to existing sites.

The applicant has suggested in their submission that this may be an option that they would like to discuss further at the appropriate Reserved Matters stage. In any forthcoming Reserved Matters application regarding Open Space, the applicant would be required to comply with the Open Space SPD, which provides details on the design and features within the open space, and also includes specifications for street furniture such as bins, benches etc.

In addition, the Green Space Officer considers that this site should seek to complement the wider landscape setting, and that green infrastructure and interconnectivity between this site and the wider village is essential.

The final detail and quantum of Open Space would be considered through the Reserved Matters submission and the scheme and layout would be assessed for acceptability at that stage. Any shortfall in the final amount of open space will be

subject to a financial contribution for off-site enhancement of existing open space areas. This will be secured through the Section 106 Agreement.

Highway Safety

Policy TR1 of the Warwick District Local Plan requires all developments to provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

Policy LW10 of the Neighbourhood Plan seeks to minimise traffic impacts of new development and seeks the provision of safe walking and cycling pathways to provide easy access to the facilities of the village. In addition, Policy LW11 requires developer contributions towards transport improvements.

As this is an outline application, the detail of the internal layout is not for consideration. The elements considered within this proposal are the main access points to the site and the wider impact on the local highway network.

At the time of the consideration of the proposal at the June 2023 Planning Committee, the proposal had been assessed by Warwickshire County Highways and no objection was raised to the proposed access points into the site.

Having considered the wider implications of the proposal, the Highways Authority concluded that the Warwick Road/Woodcote Lane junction will operate very close to capacity during the final assessment year and the Officer advised that although being close to capacity, the junction is still within capacity and therefore an objection under paragraph 111 of the revised NPPF (July 2021) that there is a severe residual cumulative impact on the road network cannot be sustained.

However, concern was raised by the Safety Engineer that the safe operation of the junction could be compromised by it being near capacity and has requested that the introduction of safety measures, such as traffic signals, be explored at the junction. Therefore, the proposal was considered to be contrary to paragraph 110 (b) of the NPPF in that safe and suitable access to the site for all users has not been satisfactorily demonstrated.

In addition to the above, the submitted Transport Assessment was assessed by the Highways Authority and it was noted that it contained a Pedestrian Route Audit which assessed the existing pedestrian facilities serving the development site. The Audit highlighted that the existing routes are substandard in places and suggests appropriate improvements where necessary.

The Highway Authority was concerned that no details of these improvements appeared to have been submitted for assessment and therefore this was also considered to be contrary to paragraph 110(b) above and also paragraph 112 (a), (b) and (c) in that priority is not given to pedestrians and cyclists, the needs of people with disabilities has not been addressed and a safe, secure and attractive development proposal has not been created.

In light of the above reasons, the Highways Authority had raised an objection to the scheme which was reported to the June Planning Committee.

The applicant submitted a further technical note (TN02) in order to address the issues raised and this has now been assessed by the County Highways Authority.

The Transport Planning team undertook further assessment of the additional information and testing submitted and has concluded that their concerns over the junction operating near capacity have been resolved and that sufficient capacity does remain within the operation of the junction to accommodate the development. Subsequently, the Safety Engineer has reviewed the situation and similarly concluded that there are no safety concerns remaining.

In terms of the pedestrian connectivity, the Pedestrian Audit submitted was reviewed by the Principal Transport Planner responsible for Walking and Cycling and the findings and mitigation identified within the Audit are agreed.

In addition to the above, the Highway Authority is seeking a contribution towards the Kenilworth Infrastructure Delivery Plan from all allocated developments that impact on the Kenilworth study area.

It has been identified that, at peak times, 23% of the trips from this development would terminate, originate, or travel through Kenilworth. The 'per dwelling' cost apportioned to the schemes for developments in Kenilworth has therefore been apportioned pro rata to this development on the basis of a 23% contribution.

The sum of £167,269.90 is therefore requested by the Highway Authority to be put towards increasing cycling connectivity into Kenilworth on Warwick Road and further capacity enhancements on the St John Gyratory which is a junction impacted by traffic from this proposal.

The sum requested would be secured by a Section 106 obligation.

On the basis of the response from the Highway Authority being one of no objection subject to conditions and the Section 106 Contributions, Officers consider that the development is acceptable having regard to Policies TR1, TR2 and TR3 of the Local Plan.

Impact on Ecology/Protected Species/Biodiversity

Ecology/Protected Species

Policy NE2 of the Warwick District Local Plan states that any development proposals that are likely to impact upon features of nature conservation value and scientific value of sites and their contribution to wider biodiversity objectives shall be subject to ecological assessment to consider the impact of the proposal and identify mitigation or compensatory measures.

In addition, Policy NE3 of the development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

Policy LW2 of the Neighbourhood Plan requires new development to incorporate measures (where possible) to preserve, support or enhance local biodiversity.

The application was submitted with a detailed Ecological Appraisal that assessed the application site. The submitted report has been assessed by the Warwickshire County Ecology Team who have made a detailed assessment of the proposal based upon the submitted information as well as their own records. This holding objection was reported to Members at the 20 June Planning Meeting.

Since that time, following the original Ecology response identifying that additional information was required, the applicants Ecologist has carried out further assessment of the site and submitted an updated report for consideration.

The Ecologist has recommended that in terms of priority and other notable habitats including the Lunch and Cattle Brook Local Wildlife Site, the level of survey works carried out is sufficient and they recommend that the imposition of conditions to secure a detailed Construction and Environmental Management Plan (CEMP) that will provide further protection for these features during the construction phase of any development of the site to prevent any harm.

In terms of protected species, bat surveys of the site and existing trees to be removed have been carried out including activity surveys. The Ecologist is satisfied that the survey work carried out is sufficient to demonstrate that the development would not result in harm to bats. Due to the transient nature of bats, the Ecologist has recommended that further survey works are carried out immediately prior to any on-site activity that may have a harmful impact on bats is secured through an appropriately worded condition. This will ensure that any activity not picked up at the time of the survey can be adequately assessed and mitigated for.

The Ecologist notes that reptiles have not been recorded on site during the initial walkovers of the site or during the survey work carried out and agrees that potential exists on site due to suitable habitat in the form of tussocky grassland, hedgerows and tree-line links surrounding the site.

The Ecologist has recommended a precautionary approach on site is taken as the presence of reptiles cannot be completely ruled out as ideally, additional survey work should have been carried out. It is therefore recommended that appropriate measures are proposed that detail reasonable avoidance measures which can be undertaken pre-construction and during the construction works which will minimise and prevent harm to any common reptiles that might be present. These measures can be secured as part of the recommended CEMP condition.

The Ecologist advises that the habitat on site does provide some terrestrial opportunities for amphibians that are known to be in the surrounding area. Whilst specific Great Crested Newt surveys have not been carried out, the Ecologist agrees that the species would not be a constraint to the proposed scheme. Notwithstanding this, it is clearly noted that potential does remain for amphibians to be on site and as a precautionary approach, measures should be included within the CEMP to safeguard these species during construction.

It is not clear if the proposed SUDs area is intended to be a permanently wet area or dry and as this is an outline application, the final detail is not yet determined. The Ecologist recommends that the SUDs area is maximized to provide opportunities for amphibians, in addition to a range of additional species, through it being a permanent waterbody.

In terms of amphibians in general, a range of amphibian friendly features are recommended to be installed on-site. The installation of amphibian-friendly measures could be easily implemented through the submission of a Landscape and Ecological Management Plan (LEMP) to be secured by condition.

The LEMP is also recommended to cover the enhancement of invertebrate features such as log piles and additional habitat enhancement.

Nesting Bird Surveys were carried out during April, May and June 2022 and a number of birds were noted at the time of the surveys.

The Ecologist originally noted that there were some discrepancies within the submitted reports in terms of the number of species recorded and the accuracy of plotting on the associated plan. This has now been addressed and the consideration of nesting birds will be controlled within the proposed LEMP condition.

The land, hedgerows, scrub, and trees provide numerous opportunities to support birds. The habitat requirement for species such as Linnet, are dependent on weeds of open country and waste ground. The Ecologist considers that there is possibly scope within the areas to be retained to mitigate for this species. Any such proposals should be carefully considered and further detail in supplied in the associated LEMP.

The Ecologist has recommended that any unavoidable removal of trees/shrubs/scrub/hedgerow is carried out outside the bird nesting season and if this is unfeasible, they should be checked for nesting birds by a suitably qualified ecologist immediately prior to removal. This detail can be secured through the recommended CEMP and the LEMP.

In terms of the badger survey work carried out, the Ecologist assessed the originally submitted information and requested further information to demonstrate that the proposal has adequately assessed the impact on badgers. This information was submitted as part of a confidential report to the Ecology team and the Ecologist is satisfied that the survey work carried out is acceptable and the development would not have a harmful impact on badgers.

Requested conditions relating to submission of external lighting details and tree/hedgerow protection conditions have all been agreed with the applicants Ecologist.

Overall, the Ecologist is now satisfied that Ecological matters have been satisfactorily addressed. The development is now considered acceptable subject to the imposition of the requested planning conditions and advisory notes.

Subject to these requirements, Officers consider that the proposal is acceptable having regard to Policies NE2 and NE3 of the Local Plan.

Biodiversity

Planning policy changes promoted within the National Planning Policy Framework (NPPF) include the guiding principle that all developments should result in a biodiversity gain. The way to measure biodiversity impact is the Defra Biodiversity Offsetting metrics. Defra have recently published a new metric, however at present the WCC metric is still accepted. The Warwickshire Biodiversity Impact Assessment (BIA) Calculator v19.1 has been utilised by the applicant's Ecologist, so this version has also been used by the County Ecologist for their assessment.

In the original Biodiversity Net Gain Assessment Report submitted, it is acknowledged that at the time of completing the BIA a few assumptions were made with regards to the proposed planting as it was based upon indicative layouts. The County Ecologist has utilised the illustrated landscaping plan produced so far from the applicant, and it is noted that additional detail would be provided at the reserved matters stage through the detailed landscaping details, although it should not differ significantly unless positive habitat alterations are made to reduce the biodiversity impact score calculated at this stage.

In assessing the Biodiversity Impact the Ecologist has made some assumptions based on the descriptions within the submitted report.

The assessment carried out by the County Ecologist is based on all the information available at present and they have calculated a loss on site of 7.15 biodiversity units loss, which is a net biodiversity loss and contrary to the NPPF. This is in comparison to the survey work submitted by the applicant that calculated a 0.89 net gain for the site. There are a number of factors that result in these differences and the Ecologist recommends that the layout and the landscape plan is reviewed to see if biodiversity loss can be reduced within the remaining habitat on site.

The Ecologist considers that on the basis of the submitted, indicative layout the loss is unlikely to be reduced unless additional good quality habitat can be incorporated into the scheme. At this stage, without this information, the loss can only be calculated on the basis of the information that has been submitted. The associated indicative financial Biodiversity Offsetting contribution to address this loss is calculated at £233,190.00. As the development proposals result in a net loss to biodiversity, in line with the NPPF, a biodiversity offsetting scheme must be secured via a Section 106 agreement.

Following a review of the Biodiversity Assessment, the applicant's Ecologist accepted that the original biodiversity assessment was not accurate and provided an updated version based upon input from the County Ecologist which now provides a more accurate assessment of the site. The applicant also accepts that an updated assessment will be required when full reserved matters have been submitted and approved.

Therefore, there is agreement that Biodiversity Net Gain (BNG) will be best secured through the Section 106 Agreement. The Ecologist notes that if any determination of the application postdates the formal trigger of mandatory BNG,

then an assessment using the statutory Defra 4.0 metric should be used. This would enable any unit losses to be 'purchased' using both local and national available markets, including the recently national credit values.

Thus, due to the uncertainty of the national delivery of BNG it is recommended that BNG is evaluated, assessed and any compensation mechanism secured through a suitably worded s106.

As BNG will also be utilising offsite habitat (within the wider applicant's ownership) then a s106 in combination with other legal instruments will be required to satisfy the planning regulations and the BNG provisions within the Environment Act

Following the securing of an obligation for the Section 106 Agreement, a revised BIA will then be required at the detailed design stage along with further details of on-site habitat creation, any enhancement and management plans to demonstrate that the detailed proposal either reduces the biodiversity impact or does not result in any additional harm above that already identified at this stage.

On the basis that the County Ecologist is satisfied with the Biodiversity Assessment and that Biodiversity Net Gain can be secured by an appropriate obligation within the Section 106 Agreement, Officers are satisfied that the development is acceptable.

Water/Drainage

Surface Water Drainage

Policy FW2 of the Warwick District Local Plan states that all new major developments must incorporate SuDS that provide biodiversity, water quality and amenity benefits and be in accordance with the Warwickshire Surface Water Management Plan. There will be a presumption against underground storage of water, and it should support the delivery of green infrastructure. In addition, SuDS schemes must be located outside the floodplain; ideally this should be within the development site or close to the site as part of a master planned drainage scheme. Priority should be given to SuDS that incorporate green infrastructure, including green roofs, walls and rain gardens.

The proposed scheme would utilise SuDS methodology for all on-site surface water drainage in accordance with the requirements of Policy FW2.

At the time of consideration of the scheme at the June 2023 Committee, the County Lead Local Flood Authority (LLFA) had assessed the submitted drainage strategy and raised a holding objection to the scheme stating that that at the 'outline' planning stage the Surface Water Drainage Strategy should be developed to inform the masterplan or indicative site layout. This should be based on SuDS principles and provide opportunity to attenuate surface water runoff, improve water quality and provide amenity and biodiversity. This should be supported by suitable high-level calculations demonstrating the performance of the attenuation and that adequate space is provided.

The LLFA requested additional information to demonstrate that the proposed strategy is acceptable. This required the inclusion of overland flow routing being

identified on a plan with details of all proposed mitigation measures together with further information relating to sustainable source control methods within the site together with landowner permission to discharge into the existing brook.

The applicant's drainage consultant has submitted the additional information requested and this has been considered and approved by the LLFA, subject to planning conditions to secure the final design of the surface water drainage scheme.

On the basis of the revised information being considered acceptable to the Lead Local Flood Authority, Officers consider that the proposed development is acceptable having regard to Policy FW2.

Foul Drainage

Policy BE1 requires new development to incorporate necessary services and drainage infrastructure without causing unacceptable harm to retained features including incorporating sustainable water management features.

Foul drainage is proposed to be connected to the mains sewerage within the village and this is considered an acceptable solution. This would be subject to separate approvals with Severn Trent. Final details of the drainage layout would be secured by condition.

Water Efficiency

Policy FW3 requires all new development to meet a water efficiency standard of 110 litres per person, per day to create a sustainable form of development that minimises water usage and waste.

Officers consider that this can be secured through an appropriately worded condition.

Sustainability

The Council has declared a climate emergency. As part of this declaration, the Council is taking steps to becoming a net-zero carbon organisation. In addition, all efforts are to be made to reduce overall carbon emissions across the district to as close to zero as possible by 2030.

Policy CC1 of the Local Plan states that all development is required to be designed to be resilient to, and adapt to the future impacts of, climate change through the inclusion of adaptation measures such as:

- a) using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures.
- b) optimising the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading, in accordance with Policy NE1.
- c) incorporating water efficiency measures, encouraging the use of grey water and rainwater recycling, in accordance with Policy FW3.

d) minimising vulnerability to flood risk by locating development in areas of low flood risk and including mitigation measures including SuDS in accordance with Policy FW2.

Applicants will be required to set out how the requirements of the policy have been complied with including justification for why the above measures have not been incorporated.

In addition, Policy CC3 requires major allocated sites to consider the potential for the use of large-scale decentralised district heating networks.

The dwellings proposed within the current application are outline in nature and as such, no detailed plans have been submitted. The Masterplan submitted is also indicative so does not represent the final design or layout of the scheme. On this basis, it is not possible to provide a detailed scheme for sustainable energy measures at this stage as these can be reliant on the final form of, not just the scheme, but also the design of the proposed dwellings.

It is also noted that the delivery of the new homes may potentially be after the adoption of the new updated Building Regulations that will set a much higher requirement for sustainability in new homes. All new homes would have to achieve this standard.

In line with Policy CC3, the Sustainability Statement has considered the use of a District Heating System or Combined Heat and Power Source. Officers consider that a further assessment of the energy provision on the site can be secured by condition and further assessment of District Heating would be considered at that stage.

Overall, it is considered appropriate to require the submission of details of energy and sustainability matters through conditions attached to the permission to allow further consideration of additional energy saving measures once a detailed layout has been determined to ensure that the final development helps to achieve the District Council's climate change objectives.

Air Quality

Air Quality is a critical issue that forms part of the District Council's Climate Change objectives. The existing Air Quality SPD sets out a framework of requirements to mitigate and where relevant, improve local Air Quality whilst contributing to wider Air Quality management objectives.

The Environmental Sustainability Officer has made an assessment of the proposal and raised no objection, subject to conditions seeking the submission of a Low Emission Strategy identifying appropriate air quality improvement measures including under the District Council's Air Quality Action Plan and Low Emission Strategy Guidance, as necessary. This guidance establishes the principle of Warwick District as an 'Emission Reduction Area' and requires developers to use 'reasonable endeavours' to minimise emissions and, where necessary, offset the impact of development on the environment.

Appropriate mitigation measures such as electric vehicle (EV) recharging provision and other locally specific measures to be used to minimise and/or offset any emissions from new development can be secured by conditions.

Officers are satisfied that these are technical matters, and the specific details can be secured by the requested condition so as to make the proposed development acceptable.

Waste Storage

As this is an outline application, the final layout of the scheme is unknown at this stage. The indicative layout plan submitted is considered to adequately demonstrate that all properties are provided with adequate storage areas for refuse and recycling bins. Any reserved matters submission would need to demonstrate that these facilities are available for all plots and that the site can be adequately serviced by refuse vehicles.

Open Space

The site in its entirety proposes areas of open space. The proposal has been assessed by the Green Space Officer who has considered the indicative layout plan. Whilst some concerns have been raised regarding this plan, the plan is purely indicative, and the final design of the scheme is not yet set. It is considered appropriate to include a condition to ensure that appropriate open space provision is made within the site, in line with the adopted Supplementary Planning Document and, if any shortfall is identified, then a requirement for an off-site contribution be secured through the Section 106 Agreement. Should no shortfall be apparent, this obligation would naturally fall away.

Previous discussions have been carried out where it was considered more appropriate to provide a financial contribution towards improvements to the existing main village play area rather than provide an on-site, smaller play area. In light of the considerations set out above, it is considered appropriate to incorporate the provision for this to be included within the Section 106 Agreement through an appropriately worded obligation. Obviously, the final detail of the scheme will be the element that sets the baseline for any financial contribution.

Impact on local services

The proposed development of up to 83 dwellings would create additional demand for local services and to mitigate this, contributions towards community facilities would be required.

Negotiations into the levels of contributions are ongoing between the applicants and the Local Planning Authority. A draft Section 106 Agreement is required for submission as part of the Public Inquiry procedure.

Having considered the available evidence, the contributions are considered to be in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. New dwellings on this site would have a material impact on or need for affordable housing, education, open space, health care, sports facilities,

drainage, monitoring costs, and rights of way, employment/training for locals and highway matters.

It is reasonable to expect a development of this size to contribute towards the additional costs associated with meeting these increased demands. The relevant consultees are currently seeking to identify specific projects and locations where this money would be spent. Therefore, it is considered that appropriate contributions are necessary to make the development acceptable in planning terms and subject to being directly related to the development, are fairly and reasonably related in scale and kind to the development (as required by Regulation 122).

The necessary contributions identified would be secured through an appropriate Section 106 Legal Agreement. At the current time, the following financial contribution requests have been received.

Outdoor Sporting Contribution	£5,956
Indoor Sporting Contribution	£69,547
Grass Pitch Contribution	£93,453
Doctors Surgeries	£56,141
Hospitals	£74,487.02
Education	£945,309
Libraries	£830
Highways Improvements	£167,269.90
Road Safety	£4,150
Biodiversity Offsetting	£233,190
Monitoring (County)	£500
Monitoring (WDC)	£tbc

Any additional figures received following the writing of this report will be reported within the update sheet.

Additionally, the Section 106 Agreement will also secure the following.

- 40% Affordable Housing
- Appropriate mechanism for securing Biodiversity Offsetting Payments.
- Provision and Adoption of Open Space Areas including any commuted sums.
- Adoption of SUDS.
- Local Labour Agreement.

Trees/ Hedgerows

As part of the application submission, a tree survey was submitted identifying all trees on site with details of trees to be removed as well as all trees to be retained. The content of this report was assessed and considered acceptable by the tree officer.

However, in order to minimise the loss of trees and hedgerows across the site, Officers consider that it is appropriate to require the submission of an updated tree survey, prior to the submission of any reserved matters that will thereafter inform the proposed layout of the reserved matters whilst seeking to retain as many trees as possible across the site.

As part of this requirement, Officers would also seek to ensure that all retained trees and hedgerows are adequately protected, and these measures should be included within the report and laid out on site prior to any works commencing.

Archaeology

The County Archaeologist considered the submitted information which included a geophysical survey of the site. This has been assessed by the County Archaeologist who has requested that further investigation is required. In response, the applicants have provided a written scheme of investigation to the County Archaeologist to set out a program of trial trenching across the site. Ideally, this would be carried out prior to determination of the application but in this case, as the development is outline only, Officers are satisfied that the works can be secured by condition to be carried out prior to the submission of any reserved matters submission. As no detailed plans are being agreed at this stage, any potential archaeological features would not undermine an agreed layout. Should mitigation measures be required, this would be addressed within the layout submitted for Reserved Matters approval.

Conclusion

This proposed development is subject to an appeal against non-determination and Officers have to present the item to Members to obtain a steer from the Committee application based on how the application would likely have been determined by the Committee if it was not subject to an appeal for non-determination.

The principle of development has been considered acceptable as the site forms part of a wider allocation although circumstances have now changed that preclude bringing the whole site forwards for a comprehensive re-development. As the parcels of land associated with this development are separate entities, Officers are satisfied that some housing can be realised on these land parcels and, as the balance of the allocated site area will remain within the control of Warwickshire Police, the existing Heritage Asset of Woodcote House will be maintained. This concern was a driving factor behind the requirement for a comprehensive redevelopment project.

Members will note that, in terms of Ecological Matters, information is still outstanding and therefore, Officers have recommended that, should these matters not be satisfactorily addressed by the due date for the submission of the Council's Statement of Case, then the Council will utilise this information to form the basis of its defence of the appeal. In such a case, the reasons for refusal are set out below.

Should the outstanding information be submitted to the satisfaction of the relevant consultees, Officers recommend that the Council's Statement of Case would recommend no objection to the proposed development the subject of the appeal and would recommend the conditions listed at the bottom of the report together with the completion of a Section 106 Agreement to secure the required obligations.

CONDITIONS

1 Implementation

The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 Submission of Reserved Matters

The further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced on any phase of development: -

- Appearance
 - (a) Landscaping
 - (b) Layout
 - (c) Scale

REASON: To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

3 Submission of Reserved Matters Time Limit

In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars must be made to the Local Planning Authority, for each phase of the development, not later than the expiration of three years beginning with the date of this permission.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

4 Foul Drainage Scheme

Notwithstanding details contained within the approved documents, prior to commencement of each phase of development hereby approved, a Foul Drainage scheme to include.

- a) A drainage strategy for the disposal of foul sewage; and
- b) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented in accordance with the approved details prior to the first occupation of the relevant phase of development.

REASON: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies BE1, FW2 and NE5 of the Warwick District Local Plan 2011-2029.

5 **Construction Management Plan**

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 Warwick District Council 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.

6 **Construction Environmental Management Plan**

No phase of development hereby permitted shall commence until a Construction and Environmental Management Plan (CEMP) for that phase 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 for protected and notable species with subsequent mitigation and monitoring, 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) and Policy NE2 of the Warwick District Local Plan 2011-2029.

7 **Protected Species Contingency Plan**

Prior to the submission of any reserved matters, a Protected Species Contingency Plan shall be submitted to and approved in writing by the planning authority. The plan shall include:

- a) Further bat survey of the trees (if final plans show trees to be removed or significant period lapses) in accordance with BCT Bat Surveys – Good Practice Guidelines, has been carried out and if appropriate a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.
- b) A pre-commencement badger survey carried out by a suitably qualified badger consultant and has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.

Note: The outcomes of the surveys are likely to have implications for the design and/or layout of the Development.

REASON: To ensure that protected species are not harmed by the development.

8 **Landscape and Ecological Management Plan**

No phase of development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan (LEMP) for that phase 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 water bodies, native species planting, wildflower grassland, woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full.

REASON: To ensure a net biodiversity gain in accordance with NPPF and Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029.

9 **Tree and Hedgerow Protection**

Prior to the commencement of the development hereby approved (including all preparatory work), the Tree Survey Report and Arboricultural Impact Assessment from RPS, reference JSL4106_770 and dated 9 March 2022 (as amended to take account of any changes in site layout), including the Arboricultural Method Statement and Tree

Protection Plan, together referred to as the scheme of protection, shall be adopted.

The development thereafter shall be implemented in strict accordance with the approved scheme of protection, which 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.

10 **Details of Lighting Scheme**

No phase of development hereby permitted shall commence until a detailed lighting scheme for that phase 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 around the boundary edges, along hedgerows, around known bat roosts and badgers setts, 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:

- (d) Lighting should be directed away from vegetated areas.
- a) Lighting should be shielded to avoid spillage onto vegetated areas.
- 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

The agreed scheme to be fully implemented before/during development of the site as appropriate.

REASON: To ensure that protected species and habitats to be retained are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029, the National Planning Policy Framework (NPPF) and ODPM Circular 06/2005.

11 **Contaminated Land Assessment**

No phase of development hereby permitted shall commence until: -

1. (a) A site investigation for that phase has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:
 - e) 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 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 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 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 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 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.

12 **Fire Hydrants**

No phase of development hereby permitted shall commence until a scheme for the provision of adequate water supplies and fire hydrants for that phase, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority".

REASON: In the interests of Public Safety from fire, and the protection of Emergency Fire Fighters.

13 Scheme of Open Space to be Submitted.

Notwithstanding details contained within the approved documents, prior to commencement of development under each reserved matters consent, a scheme of open space for that reserved matters consent to include details of:

- a) How mixed open space facilities will be incorporated into the development
- b) Informal open space;
- c) Appropriate children's play facilities;
- d) Outdoor sport facilities
- e) Allotment gardens;
- f) Management arrangements; and
- g) Program of delivery

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 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.

14 Site Wide Masterplan to be Submitted

Notwithstanding details contained within the approved documents, prior to the submission of reserved matters application for any phase of the development hereby approved, a Site Wide Masterplan to include;

- a) Illustrative details of how the proposed layout of development has been designed with due regard to the surrounding context;
- b) Land form topography as existing and proposed;
- c) Land use plan and character areas (including densities and building heights);
- d) Movement corridors within the site (including principal roads, footpaths, cycleways and green corridors) and demonstrating how these relate to existing movement networks in the wider area;
- e) Key infrastructure (including SUDs, significant utility provision);
- f) Landscape corridors and open space network;
- g) Public open space;
- h) Structural planting landscape areas;
- i) Street lighting arrangements and any other lighting to public space;
- j) A phasing plan including triggers for delivery of key elements of supporting infrastructure; and
- k) A statement establishing how the development proposals accord with the principles set out in the Site Wide Design Code.

Shall be submitted to and approved in writing by the Local Planning Authority.

The Site Wide Masterplan shall be used in the assessment of future applications unless otherwise agreed in writing by the Local Planning Authority.

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.

15 **Site Wide Design Code to be Submitted**

Notwithstanding details contained within the approved documents, prior to the submission of a reserved matters application for each phase of the development hereby approved, a Site Wide Design Code to include;

- a) Hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas);
- b) Development blocks including built form and massing and relationship with adjoining development areas/blocks including areas of transition between development parcels (including the relationship between built form and adjoining open space);
- c) Building types;
- d) Building heights - no greater than 2 storey/ 8 metre ridge height;
- e) The means to accommodate the parking of vehicles and cycles;
- f) Sustainable Urban Drainage features;
- g) Key spaces, open spaces and green features;
- h) Architectural language and detailing;
- i) A scheme of strategic landscaping (including site sections, site visuals, site levels, structural landscaping and hedgerow retention)
- j) Design principles for street tree planting and other structural planting landscaping areas;
- k) Design principles on hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long-term management;
- l) Design principles on waste disposal and recycling;
- m) Design principles on the colour and texture of external materials and facing finishes for roofing and walls of buildings and structures;
- n) Design principles for street lighting and any other lighting to public space (including parking areas);
- o) The principles shall include a regulating plan on an ordnance survey base at a scale no greater than 1:1250;
- p) A mechanism for periodic review and refinement if necessary, of the approved Design Code

Shall be submitted to and approved in writing by the Local Planning Authority. The Site Wide Design Code shall be used in the assessment of future applications unless otherwise agreed in writing by the Local Planning Authority.

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.

16 **Sustainability Statement**

Notwithstanding details contained within the approved documents, prior to commencement of development within its relevant phase, a Sustainability Statement including an energy hierarchy scheme for that phase and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;

- a) How the development will reduce carbon emissions and utilise renewable energy;
- b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
- c) How proposals will de-carbonise major development;
- d) Details of the building envelope (including U/R values and air tightness);
- e) How the proposed materials respond in terms of embodied carbon;
- f) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised;
- g) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

No dwellings shall be first occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

No further development phases shall be inhibited from shared heating/cooling systems unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019).

17 **Site Levels/Finished Floor Levels**

No development other than site clearance and preparation works shall take place on any phase of the development until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on that phase and the relationship with the surrounding area have been submitted to and approved in writing by the Local Planning

Authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments.

REASON: To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

18 **Air quality Mitigation**

Prior to the submission of any reserved matters application an appropriate scheme of mitigation in accordance with Warwick District Council's Air Quality Supplementary Planning Document (January 2019) shall be submitted to and approved by the local planning authority. The approved scheme shall then be implemented in full prior to the first occupation of the development and shall not be altered in any way thereafter without expressed written consent from the local planning authority.

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.

19 **Detailed Surface Water Drainage Scheme**

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall include the following information:

- Undertake infiltration testing in accordance with the BRE Digest 365 Soakaway Design Guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site.
- Where infiltration is demonstrated to not be feasible, limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 7.3l/s for the site, in line with the approved surface water drainage strategy (ref: M43692-JNP-92-XX-SK-C-7000-P03, dated 29th June 2023) .
- Where the drainage scheme proposes to connect into a third-party asset, for example the Cattle Brook situated to the north of the site boundary in third party land. Further information should be provided regarding the ownership, purpose, location and condition of this asset along with confirmation of the right to connect to it and that access for maintenance in perpetuity is available.
- Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may

be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.

- Provide detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:
 - Suitable representation of the proposed drainage scheme, details of design criteria used (including consideration of a surcharged outfall), and justification of such criteria where relevant.
 - Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events.
 - Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.
 - Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.
- Provide plans such as external levels plans, supporting the exceedance and overland flow routing. Such overland flow routing should:
 - Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
 - Consider property finished floor levels (FFLs) and thresholds in relation to exceedance flows. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels.
 - Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

20 **Submission of Verification Report for Drainage System**

No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (M43692-JNP-XX-XX-RP-C-0002) has been submitted in

writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:

- Demonstration that any departure from the agreed design is in keeping with the approved principles.
 1. Any As-Built Drawings and accompanying photos;
 2. Results of any performance testing undertaken as a part of the application process (if required / necessary);
 3. Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.; and
 4. Confirmation that the system is free from defects, damage and foreign objects.

Reason: To secure the satisfactory drainage of the site in accordance with the agreed strategy, in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

21 **Submission of Site-Specific Maintenance Plan**

No occupation and subsequent use of the development shall take place until a detailed, site-specific maintenance plan is provided to the LPA in consultation with the LLFA. Such maintenance plan should:

5. Provide the name of the party responsible, including contact name, address, email address and phone number.
 1. Include plans showing the locations of features requiring maintenance and how these should be accessed.
 2. Provide details on how surface water each relevant feature shall be maintained and managed for the lifetime of the development.
 3. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance.

Reason: To ensure the future maintenance of the sustainable drainage structures in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

22 **Materials**

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. 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.

23 **Large Scale Details**

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 approved details.

REASON: To ensure a high standard of design and appearance in accordance with Policies HE1 and BE1 of the Warwick District Local Plan 2011-2029.

24 **Estate Roads laid out to satisfaction of the Highways Authority**

The layout of the estate roads serving the development [including footways, verges and private drives] shall not be designed other than in accordance with the principles and guidance as set out in 'Transport and Roads for Developments: The Warwickshire Guide 2022' and constructed in accordance with the Highway Authority's standard specification.

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

25 **Provision of Cycle Parking**

The development shall not be occupied until details of cycle parking facilities in accordance with the Warwick District Council Parking Standards 2018 have been submitted to the Local Planning Authority.

REASON: In the interests of sustainable transport opportunities and to assist with mitigation against air quality impacts associated with the proposed development in accordance with Policies TR1 and NE5 of the Warwick District Local Plan.

26 **Low Emission Strategy**

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.

27 **Water Efficiency**

Notwithstanding details contained within the approved documents, prior to construction of each phase of residential development a scheme for that phase demonstrating how water efficiency measures have been incorporated into the development and shall demonstrate how, consideration has been given to the incorporation of grey water and rainwater recycling measures, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved measures have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with the any relevant manufacturer's specifications.

REASON: To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policies FW3 and CC1 of the Warwick District Local Plan 2011-2029.

28 **Pedestrian and Cycle Links**

The reserved matters to be submitted pursuant to condition 1 shall include full details of how the development will ensure pedestrian and cycle connectivity both within the site and to adjoining land uses is delivered.

REASON: In the interests of encouraging sustainable modes of travel in accordance with Policies HS1, HS6, BE1 and TR1 of the Warwick District Local Plan 2011-2029.

29 **Pedestrian Mitigation Scheme**

The development shall not be occupied until the mitigation identified in the Pedestrian Audit have been undertaken in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority.

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

30 **Bellmouths**

The accesses to the site for vehicles shall not be used unless bellmouths have been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority.

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

31 **Estate Roads Layout**

The layout of the estate roads serving the development [including footways, cycleways, verges, footpaths and private drives] shall not be designed other than in accordance with the principles and guidance as set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001'.

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

32 **Construction of Estate Roads**

The construction of the estate roads serving the development [including footways, cycleways, verges and footpaths] shall not be other than 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.

33 **Landscaping Standards**

Notwithstanding details contained within the approved documents, the landscaping scheme(s) approved under any subsequent reserved matters application(s) shall be;

- a) Carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation;
- b) 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;
- c) 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 and to protect and enhance the amenities of the area, in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.

34 **Landscape Replacement Planting**

Any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition 1 shall be completed in all respects, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first occupation of dwellings within that phase and within the first planting season following the first occupation of the new school, and the tree(s) and shrub(s) shall be planted within six months of that first occupation. -

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.

35 **Protection of Habitat**

No work shall start on site until adequate measures have been taken to protect existing habitat associated with the Wood Pasture and Parkland Priority Habitat and the Lunch and Cattle Brook Local Wildlife Site near to the site during development. Sufficient measures should form a site protection plan from direct and indirect impacts. A barrier, such as a wire fence, should be erected before works start. This fenced area should include a sufficient buffer zone between the development / associated works and the boundary of the LWS. It is important NOT to allow access, or storage of materials within this buffer zone, otherwise soil compaction is likely to occur, with subsequent damage to the ground flora.

REASON: To ensure the protection of important habitats during development.

36 **Housing Mix**

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 of the reserved matters unless an alternative strategy is agreed in writing by the Local Planning Authority.

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.

37 **Footpath Maintenance Condition**

No site security fencing may be erected on or within 1m of public right of way W179a. Should any damage occur to the surface or route of Footpath W179a, the applicant must make good any damage to the surface of public right of way immediately and to the satisfaction of the Warwickshire County Council Rights of Way Team.

REASON: To ensure sustainable modes of travel are maintained in accordance with Policies HS1, HS6, BE1 and TR1 of the Warwick District Local Plan 2011-2029.

38 EV Charging Point Provision

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.

Planning Committee: 12 September 2023

Item Number: 7

Application No: [W 23 / 0222](#)

Town/Parish Council: Leamington Spa
Case Officer: Thomas Senior

Registration Date: 26/05/23
Expiry Date: 21/07/23

01926 456539 thomas.senior@warwickdc.gov.uk

42 Leam Terrace, Leamington Spa, CV31 1BQ

Replacement of single glazed windows with heritage slimline double glazed windows FOR Mr M Finch

This application is being presented to Planning Committee as 7 letters of support have been received and the application is recommended for refusal. The application was initially set to be determined at the August Planning Committee, however the applicant had requested a postponement so that he could speak in support of the proposal.

RECOMMENDATION

Planning Committee is recommended to refuse this application for the reasons set out at the end of this report.

DETAILS OF THE DEVELOPMENT

The applicant seeks planning permission to replace the existing single glazed windows on the dwellinghouse with heritage slimline double glazed windows. All of the windows to the principal elevation and 4 units to the rear are proposed to be replaced.

THE SITE AND ITS LOCATION

42 Leam Terrace is a mid-terrace dwelling located in the Royal Leamington Spa Conservation Area which is the final property in a row of seven terraced properties (30-42) that are all Grade II Listed. The property is a three storey dwellinghouse with a basement flat and is characterised by brick with a painted, light blue front façade. All of the windows are currently single glazed timber units.

PLANNING HISTORY

W/23/0804/LB – Replacement of single glazed windows with heritage slim line double glazed timber windows in the style of existing – yet to be determined.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas

Royal Leamington Spa Neighbourhood Plan 2019-2029

- RLS3 - Conservation Area

Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- Windows in Listed Buildings & Conservation Areas (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council - No objection.

WDC Conservation - Object to the proposal based on the grounds that it is contrary to policy through undermining and harming the historic character and significance of both the heritage asset itself and the wider conservation area.

Conservation Advisory Forum - Echoed the points of the Conservation Officer and object to the proposal.

Public Response - Seven support comments have been received on grounds that the proposal will improve the energy efficiency of the property and make the property more sustainable.

ASSESSMENT

Impact on Listed Building and Conservation Area

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect conservation areas. These duties affect the weight to be given to the factors involved.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 explains that in considering whether to grant permission for developments affecting listed buildings or their setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 202 states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm will be given significant weight and will need to be outweighed by public benefits of the proposal including, where appropriate, securing its optimum viable use. This is reiterated in Local Plan Policy HE1. Para 019 Ref ID:18a-019-20190723 of the Planning Policy Guidance makes it clear that public benefits should flow from the proposed development and should be of a nature or scale to be of benefit to the public at large and not just be a private benefit.

Furthermore, Local Plan Policy BE1 states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Proposals are expected to demonstrate that they respect and reinforce local architectural and historical distinctiveness, whilst also reinforcing the established character of the streetscene.

Policy HE2 of the Local Plan recommends that the Local Planning Authority should resist any alterations which would have an adverse effect upon the character of a conservation area. This is echoed within Policy RLS3 of the Royal Leamington Spa Neighbourhood Plan which requires that proposals within conservation areas should demonstrate how they harmonise with the existing character of the area in terms of design, scale, and external facing materials.

The Council's 'Windows in Conservation Areas and Listed Buildings' Supplementary Planning Guidance specifically advises that double glazing will not be supported in listed buildings and recommends the use of secondary glazing to improve energy efficiency.

The replacement of windows on historic, listed buildings should be considered a last resort once repair and restoration have been deemed unsuitable. The primary reason behind this stance relates to the fact that such windows are considered an integral component of a buildings architectural and historic significance of the heritage asset.

The Conservation Officer has expanded on this further, emphasising how *"unique, handmade joinery and glass forming techniques that cannot be replicated by modern production are part of this character and as such, we afford windows great protection due to their importance in the context of the building, both architecturally and historically, but also their delicate and irreplaceable nature"*.

Upon inspection, it has been noted by both planning and conservation officers that the existing property contains historic glass to its principal elevations, with this glass having a varied surface texture that would not be able to be replicated by a

more modern, double glazed replacement. This varied surface texture can be distinguished through the distortions and ripples in the glass that are present when viewed from different angles, with this also being noted by the Conservation Advisory Forum. The Conservation Officer has gone on to state how "*double glazing results in a notoriously flat effect*", which would therefore immediately undermine the existing character of this historic building and is thus considered to result in unacceptable harm to both the building itself and the wider conservation area.

An additional extract from our Conservation Officer reads as follows: "*On principal or historic elevations, windows in listed buildings should generally remain single glazed. The use of double-glazed units on listed buildings is generally not acceptable when replacing original sash or casement windows with glazing bars. It is usually not possible to obtain the very fine glazing bars to support double glazed units and the view of the window is distorted by the sandwich effect of the two sheets of glass. The integrity of the window is also lost as a historical component and the weight is changed considerably in respect of the original counter-balances in sash windows.*"

When combining the above extract with the aforementioned points, it is evident that the existing windows form an important component of the historic character of this particular Listed Building, and this proposal is considered to be harmful by virtue of the loss of one of property's integral character components. The proposed replacement of these single glazed units with slim line double-glazed units is considered to constitute harm and is therefore considered to contravene paragraphs 199 and 202 of the NPPF and Policy HE1 of the Local Plan. Moreover, whilst the proposal will undermine the historic character of the heritage asset itself, it is also considered to result in an adverse effect upon the wider conservation area and is therefore considered to be in conflict with Local Plan Policy HE2 and Policy RLS3 of the Royal Leamington Spa Neighbourhood Plan.

The rationale behind the proposed replacement of these historic windows appears to be the desire for greater energy efficiency. The Conservation Officer has explained within her response how this can be achieved through different avenues. For example the use of secondary glazing systems has been suggested, with our officer highlighting how these "*systems can be installed behind single glazed windows to improve thermal performance, which can be obtained as tailor-made units for historic windows*". These are considered to be equally efficient as double-glazed units and if fitted discretely, need not affect the overall character of the building. Modified shutters with insulation can potentially reduce heat loss by 60% when closed and this can rise to 77% if secondary glazing is installed too. Finally, the Conservation Officer has also outlined further recommendations such as the use of heavy curtains, draft-proofing and regular maintenance of window units to noticeably improve thermal performance. In fact, in both the comments from the Conservation Officer and those received following the Conservation Advisory Forum, it has been noted that almost all of the existing windows appear to be in a good condition, so more regular maintenance would be much preferred to the complete replacement of all units. All of the above alternatives are considered to represent more acceptable options than what is proposed, primarily by virtue of the fact that they would not result in harm to the historic fabric of the listed building.

The predominant notion present within the comments received in support of this application relate to how the proposal will increase levels of energy efficiency and make the property more sustainable overall. However, as noted in both the Conservation Officer’s comments and comments made within the Conservation Advisory Forum, there are ways in which energy efficiency can be improved without the addition of double glazing, thereby involving significantly less harm to the Listed Building than is proposed here.

The harm identified is considered to be less than substantial. However, it is considered that the improved energy efficiency of a single building does not constitute public benefits sufficient to out weigh the harm which is to be afforded significant weight, particularly in light of the fact that there are more sensitive alternatives available to achieve a similar outcome.

When considering all of the above points, the proposal is considered to fail to comply with the NPPF, Local Plan Policies HE1, HE2 and BE1 and Policy RLS3 of the Royal Leamington Spa Neighbourhood Plan.

SUMMARY AND CONCLUSION

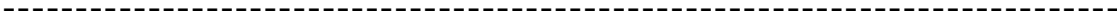
The proposals are considered to result in unacceptable harm to the listed building and its setting and there are no public benefits which are sufficient to outweigh the extent of that harm. The proposals are therefore contrary to the NPPF, Local Plan Policies HE1, HE2 and BE1 and Policy RLS3 of the Royal Leamington Spa Neighbourhood Plan. It is therefore recommended that planning permission is refused.

REFUSAL REASONS

- 1 Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The Council have also produced guidance on windows in listed buildings.

In the opinion of the Local Planning Authority, the proposal would cause less than substantial harm to the significance of the listed building and conservation area by reason of the loss of historic fabric in the form of the existing windows and their replacement with windows of a non-traditional design and appearance. No public benefits have been identified to outweigh this harm.

The development is thereby considered to be contrary to the aforementioned policies.



Application No: [W 23 / 0804 LB](#)

Town/Parish Council: Leamington Spa
Case Officer: Jane Catterall

Registration Date: 05/07/23
Expiry Date: 30/08/23

01926 456533 jane.catterall@warwickdc.gov.uk

42 Leam Terrace, Leamington Spa, CV31 1BQ

Replacement of single glazed windows with heritage slimline double glazed timber windows in the style of existing. FOR Mr Matt Finch

This application is being presented to Planning Committee as 4 letters of support have been received and the application is recommended for refusal. This Listed Building Consent application has been submitted following Application W/23/0222 which relates to Planning Permission for the same works and received 7 letters of support. Application W/23/0222 was initially set to be determined at the August Planning Committee, however the applicant had requested a postponement so that he could speak in support of the proposal.

RECOMMENDATION

Planning Committee is recommended to refuse this application for the reasons set out at the end of this report.

DETAILS OF THE DEVELOPMENT

The applicant seeks planning permission to replace the existing single glazed windows on the dwellinghouse with heritage slimline double glazed windows. All of the windows to the principal elevation and 4 units to the rear are proposed to be replaced.

THE SITE AND ITS LOCATION

42 Leam Terrace is a mid-terrace dwelling located in the Royal Leamington Spa Conservation Area which is the final property in a row of seven terraced properties (30-42) that are all Grade II Listed. The property is a three storey dwellinghouse with a basement flat and is characterised by brick with a painted, light blue front façade. All of the windows are currently single glazed timber units.

PLANNING HISTORY

W/23/0222 – Replacement of single glazed windows with heritage slim line double glazed timber windows in the style of existing – yet to be determined.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas

Royal Leamington Spa Neighbourhood Plan 2019-2029

- RLS3 - Conservation Area

Guidance Documents

- Windows in Listed Buildings & Conservation Areas (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council - No objection.

Conservation Advisory Forum - Object to the proposal as it is considered to undermine and harm the historic character and significance of both the heritage asset itself and the wider conservation area.

Public Response - Four support comments have been received on grounds that the proposal will improve the energy efficiency of the property.

ASSESSMENT

Impact on Listed Building and Conservation Area

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect conservation areas. These duties affect the weight to be given to the factors involved.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 explains that in considering whether to grant permission for developments affecting listed buildings or their setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 202 states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm will be given significant weight and will need to be outweighed by public benefits of the proposal including, where appropriate, securing its optimum viable use. This is reiterated in Local Plan Policy HE1. Para 019 Ref ID:18a-019-20190723 of the Planning Policy Guidance makes it clear that public benefits should flow from the proposed development and should be of a nature or scale to be of benefit to the public at large and not just be a private benefit.

Furthermore, Local Plan Policy BE1 states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Proposals are expected to demonstrate that they respect and reinforce local architectural and historical distinctiveness, whilst also reinforcing the established character of the streetscene.

Policy HE2 of the Local Plan recommends that the Local Planning Authority should resist any alterations which would have an adverse effect upon the character of a conservation area. This is echoed within Policy RLS3 of the Royal Leamington Spa Neighbourhood Plan which requires that proposals within conservation areas should demonstrate how they harmonise with the existing character of the area in terms of design, scale, and external facing materials.

The Council's 'Windows in Conservation Areas and Listed Buildings' Supplementary Planning Guidance specifically advises that double glazing will not be supported in listed buildings and recommends the use of secondary glazing to improve energy efficiency.

The replacement of windows on historic, listed buildings should be considered a last resort once repair and restoration have been deemed unsuitable. The primary reason behind this stance relates to the fact that such windows are considered an integral component of a buildings architectural and historic significance of the heritage asset.

Unique, handmade joinery and glass forming techniques that cannot be replicated by modern production are part of this character and as such, we afford windows great protection due to their importance in the context of the building, both architecturally and historically, but also their delicate and irreplaceable nature.

Upon inspection, it has been noted by both planning and conservation officers that the existing property contains historic glass to its principal elevations, with this glass having a varied surface texture that would not be able to be replicated by a more modern, double glazed replacement.

This varied surface texture can be distinguished through the distortions and ripples in the glass that are present when viewed from different angles, with this also being noted by the Conservation Advisory Forum. Double glazing results in a

notoriously flat effect, which would therefore immediately undermine the existing character of this historic building and is thus considered to result in unacceptable harm to both the building itself and the wider Conservation Area.

On principal or historic elevations, windows in listed buildings should generally remain single glazed. The use of double-glazed units on listed buildings is generally not acceptable when replacing original sash or casement windows with glazing bars. It is usually not possible to obtain the very fine glazing bars to support double glazed units and the view of the window is distorted by the sandwich effect of the two sheets of glass.

The integrity of the window is also lost as a historical component and the weight is changed considerably in respect of the original counter-balances in sash windows. As established, the existing windows form an important component of the historic character of this particular Listed Building, and this proposal is considered to be harmful by virtue of the loss of one of property's integral character components.

In regards to the proposed double glazed units, these are considered to have a harmful effect, undermining the integrity and significance of the building as these will be clearly modern additions, exacerbated by the flat effect of the glazing and the considerable size of the fenestration, and will impact not only the heritage asset in question but also the wider street scene of the conservation area. These would visually isolate the building from the terrace and would detract from the historic character of the street.

The proposed replacement of these single glazed units with slim line double-glazed units is considered to constitute harm and is therefore considered to contravene paragraphs 199 and 202 of the NPPF and Policy HE1 of the Local Plan. Moreover, whilst the proposal will undermine the historic character of the heritage asset itself, it is also considered to result in an adverse effect upon the wider conservation area and is therefore considered to be in conflict with Local Plan Policy HE2 and Policy RLS3 of the Royal Leamington Spa Neighbourhood Plan.

The rationale behind the proposed replacement of these historic windows appears to be the desire for greater energy efficiency however this can be achieved through different avenues. For example the use of secondary glazing systems can be installed behind single glazed windows to improve thermal performance, which can be obtained as tailor-made units for historic windows.

These are considered to offer greater thermal efficiency and if fitted discretely, need not affect the overall character of the building. Modified shutters with insulation can potentially reduce heat loss by 60% when closed and this can rise to 77% if secondary glazing is installed too. Further recommendations such as heavy curtains, draft-proofing and regular maintenance of window units have also been given as these can all noticeably improve thermal performance.

In consideration of these units, almost all of the existing windows appear to be in a good condition, so more regular maintenance would be much preferred to the complete replacement of all units. All of the above alternatives are considered to

represent more acceptable options than what is proposed, primarily by virtue of the fact that they would not result in harm to the historic fabric of the listed building.

The predominant notion present within the comments received in support of this application relate to how the proposal will increase levels of energy efficiency and make the property more sustainable overall. However, as noted in this report and in comments made within the Conservation Advisory Forum, there are ways in which energy efficiency can be improved without the addition of double glazing, thereby involving significantly less harm to the Listed Building than is proposed here.

The harm identified is considered to be less than substantial. However, it is considered that the improved energy efficiency of a single building does not constitute public benefits sufficient to out weigh the harm which is to be afforded significant weight, particularly in light of the fact that there are more sensitive alternatives available to achieve a similar outcome.

When considering all of the above points, the proposal is considered to fail to comply with the NPPF, Local Plan Policies HE1, HE2 and BE1 and Policy RLS3 of the Royal Leamington Spa Neighbourhood Plan.

SUMMARY AND CONCLUSION

The proposals are considered to result in unacceptable harm to the listed building and its setting and there are no public benefits which are sufficient to outweigh the extent of that harm. The proposals are therefore contrary to the NPPF, Local Plan Policies HE1, HE2 and BE1 and Policy RLS3 of the Royal Leamington Spa Neighbourhood Plan. It is therefore recommended that planning permission is refused.

REFUSAL REASONS

- 1 Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The Council have also produced guidance on windows in listed buildings.

In the opinion of the Local Planning Authority, the proposal would cause less than substantial harm to the significance of the listed building and conservation area by reason of the loss of historic fabric in the form of the existing windows and their replacement with windows of a non-traditional design and appearance. No public benefits have been identified to outweigh this harm.

The development is thereby considered to be contrary to the aforementioned policies.

Planning Committee: 12 September 2023

Item Number: 9

Application No: [W 23 / 0730](#)

Town/Parish Council: Radford Semele
Case Officer: James Moulding

Registration Date: 19/05/23
Expiry Date: 14/07/23

01926 456728 james.moulding@warwickdc.gov.uk

7 St Nicholas Terrace, Radford Semele, Leamington Spa, CV31 1UW
Erection of two-storey side and rear extension, erection of single storey front porch extension and single storey side extension. FOR Mr Mander

This application is being presented to Committee due to an objection from the Parish Council having been received and it is recommended for approval.

RECOMMENDATION

It is recommended Planning Committee grant planning permission for this application for the reasons set out in this report.

DETAILS OF THE DEVELOPMENT

The application proposes the erection of a two-storey side and rear extension, erection of single storey front porch extension and single storey side extension.

THE SITE AND ITS LOCATION

The application site is located in Radford Semele. The property forms the end of a small terrace which is set back from the main road of St Nicholas Terrace. It also sits at a raised elevation in relation to 'the cottages'.

PLANNING HISTORY

None relevant.

RELEVANT POLICIES

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- TR3 - Parking
- [Guidance Documents](#)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- [Radford Semele Neighbourhood Plan 2019-2019](#)

SUMMARY OF REPRESENTATIONS

Radford Semele Parish Council: Objection:

- Would like the District Council to consider the relationship between the proposed development to neighbouring properties - overlooking
- Adequacy of parking arrangements - no on-site parking provision

WCC Ecology: Objection pending the submission of a preliminary bat survey - disproportionate for householders.

Public Response: 4 objection comments raising both material and non-material planning considerations (summarised below):

- Blocking/congestion of shared access and The Valley road due to construction
- Overlooking
- Noise related to construction
- Loss of light
- Not in keeping - cladding
- Disproportionate size
- Parking concerns

ASSESSMENT

BE1 Design

The NPPF (2019) places an increased emphasis on the importance of achieving good quality design as a key aspect of sustainable development. Paragraph 130 states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate external facing materials. Development is expected to function well and add to the overall quality of the area by appearing sympathetic to the local character and history.

Local Plan Policy BE1 echoes paragraph 130 of the NPPF and states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Proposals are expected to demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use. Proposals are also expected to reinforce or enhance the established urban character of streets and reflect, respect and reinforce local architectural distinctiveness. The Council's adopted Residential Design Guide SPD provides guidance to help make the assessment of good design under Policy BE1.

The Local Planning Authority objected to the initially proposed plans on the grounds that the design was incongruous with the street scene and the existing dwelling, giving the appearance of a separate dwelling. Amended plans have been received which amend the design to a gable end. This is considered to be in keeping with the existing dwelling. Additionally, the proposed two storey extension is suitably set down and set back from the principal elevation of the original dwelling and is therefore considered to be subservient in line with the Residential Design Guide SPD. The two storey element is also less than 2/3 the width of the original dwelling, complying with the Residential Design Guide SPD.

Public objections have been made in regards to the proposed design. The concerns raised are that the proposed development would be of a disproportionate size, and that the proposed cladding would be incongruous with the existing terrace.

The proposed size and scale is considered to be acceptable. Given the above points regarding set down, set back, and 2/3 width, it is determined that the proposed extension is subservient to the existing dwelling and therefore it would be unreasonable to object on the grounds of disproportionate scale.

The proposed cladding that received objection has been removed from the application. It is considered that this objection has therefore been addressed.

It is considered that the proposal complies with Local Plan Policy BE1 and the Residential Design Guide SPD.

BE3 Neighbouring Amenity

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents. Furthermore, the Residential Design Guide Supplementary Planning Document includes the 45 Degree Guideline which aims to prevent any unreasonable effect on the neighbouring property by reason of loss of daylight or sunlight and by creating an unneighbourly and overbearing effect.

Officers raised concerns about the initial plans on the grounds that they would create unacceptable overlooking. This was being generated by a front facing window which served a habitable room, providing views into the rear of neighbouring properties. This was due to the particulars of the application site. It is located at a raised elevation and set back from the road and neighbouring dwellings at 'the cottages'. Several public objections have also been raised in regards to this point, including an objection from the Parish Council.

Amended plans have been received which revise the internal layout of the proposed extensions. This now means that the windows in the principal elevation, overlooking the rear of neighbouring properties, now serve the landing and staircase. A condition is recommended to require these windows to be obscure glazed. This will prevent overlooking.

Regarding possible overlooking from the proposed first floor side window which serves a habitable room. It is considered that the distance to the rear of neighbouring dwellings, and the angle at which a view must be taken to gain an unacceptable overlooking vantage, would not result in unacceptable overlooking from this window.

Finally, regarding the loss of light. A public objection has been raised relating to the loss of light to the neighbouring dwelling as a result of the two storey rear extension. Upon conducting a site visit, it is concluded that the 45-degree line drawn from the quarter point of the neighbouring window would meet the corner of the proposed extension, meaning that the extension is on the limit of the 45-degree line but does not breach. It is therefore considered that the proposed

extension would not result in an unacceptable loss of light for neighbouring dwellings.

It is considered that the proposal would comply with Local Plan Policy BE3 and the Residential Design Guide SPD.

Parking

Objections have been raised in relation to concerns about parking from both the public and from the Parish Council. This is on the basis that the application would provide an additional two bedrooms, increasing the number of rooms from two to four. The Parking Standards SPD details that an increase from two to four bedrooms would require an increase from two to three parking spaces. It is also noted that the application does not propose the creation of additional off-street parking.

Officers acknowledge that the application would require the provision of an additional parking space. However, it is noted that the property does not currently benefit from any off-street parking, fulfilling its parking need through on-street parking. This is also true for the majority of the properties in the terrace, and street parking is prevalent in the surrounding area.

It is the view of Officers that the potential addition of one car to the current street parking would not result in an unacceptable impact on highway safety or neighbour amenity. Street parking is generally considered to be an acceptable solution for householder developments. This is because on street parking is both legal and prevalent in residential areas. Due to the existing prevalence of on-street parking, it would be considered to be unreasonable to refuse the application on these grounds.

Ecology

The County Ecologist has recommended that a preliminary bat survey should be requested prior to the determination of the application. I have considered this request and note that the existing dwelling is located within a built up area with other dwellings in close proximity to the dwelling.

On this basis, I do not consider that it is appropriate or practicable to request a bat survey be submitted. In coming to this conclusion, I am mindful of the location of the property, the characteristics of the local area and the fact that bats are a protected species under separate legislation and there is a duty of care by the applicants to ensure protected species are not harmed by the proposal.

On the basis of the above, I consider that the imposition of an explanatory note regarding the applicant's responsibility with regard to protected species is sufficient in this case.

Other Matters

Further objections have been raised to construction related issues, this includes noise and congestion or blocking of the road by construction workers. This is not

considered to carry weight in this assessment as these are unavoidable consequences of undertaking development. There are rules and regulations which govern these activities but they are not in the jurisdiction of the Local Planning Authority.

Summary

The proposals are considered to have an acceptable impact on the character and quality of the street scene through the proposed layout, building materials and scale of the development. The proposals would also have an acceptable impact on the living conditions of neighbouring dwellings. The proposals are therefore in accordance with Local Plan Policies BE1 and BE3. It is recommended this application is granted.

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 drawings 2222/P/01C, 2222/P/02C, 2222/P/03C, and specification contained therein, submitted on 19/07/2023. **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 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
- 4 Prior to the occupation of the development hereby permitted, the windows in the south west facing elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 12 September 2023

Item Number: 10

Application No: [W 23 / 0945](#)

Town/Parish Council: Leamington Spa
Case Officer: Jack Lynch

01926 456642 Jack.lynch@warwickdc.gov.uk

Registration Date: 28/06/23

Expiry Date: 23/08/23

11 Hornbeam Grove, Sydenham, Leamington Spa, CV31 1QX

Change of use from Use Class C3 (residential dwelling) to Use Class C4 (HMO)
FOR Mr S Sahota

This application is being presented to Committee due to the number of objections received.

RECOMMENDATION

Planning Committee are recommended to grant planning permission.

DETAILS OF THE DEVELOPMENT

The applicant seeks planning permission for the proposed change of use from an existing Use Class C3 Dwellinghouse to a Class C4 HMO. The proposed works do not include any external alterations.

THE SITE AND ITS LOCATION

The application site relates to an existing two storey end of terrace dwelling with driveway parking located on Hornbeam Grove, Leamington Spa. The dwellinghouse neighbours 10 Hornbeam Grove to the South.

PLANNING HISTORY

Application site:

No relevant planning history

Neighbouring history relevant to this application:

W/21/2263 - Change of use from a dwelling (Use Class C3) to a House in Multiple Occupation (HMO) (Use Class C4) (Retrospective) – GRANTED (6 St Davids Close)

RELEVANT POLICIES

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- BE1 - Layout and Design
- BE3 - Amenity
- H6 - Houses in Multiple Occupation and Student Accommodation

- TR3 - Parking
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)

SUMMARY OF REPRESENTATIONS

TOWN COUNCIL - No Comments.

WDC HOUSING - No Objection.

PUBLIC RESPONSE - One comment in support has been received and five objections have been received, within these objections, the concerns are:

- An increase in the number of HMO's in the area,
- Potential increase in noise following the change of use, and
- Increased stress on parking.

ASSESSMENT

Principle of Development

Whether the proposals would cause or add to a harmful over-concentration of HMOs in this area

Policy H6 of the Local Plan states that planning permission will only be granted for Houses in Multiple Occupation (HMOs) where:-

- a). the proportion of dwelling units in multiple occupation (including the proposal) within a 100 metre radius of the application site does not exceed 10% of total dwelling units;
- b). the application site is within 400 metres walking distance of a bus stop;
- c). the proposal does not result in a non-HMO dwelling being sandwiched between 2 HMOs;
- d). the proposal does not lead to a continuous frontage of 3 or more HMOs; and
- e). adequate provision is made for the storage of refuse containers whereby - the containers are not visible from an area accessible by the general public, and the containers can be moved to the collection point along an external route only.

Assessment:

- a). Within a 100 metre radius there are 2 existing HMO's out of 76 residential units. The existing concentration level is at 2.6%. The addition of one further HMO would increase the concentration of HMOs to 3.9% which is below the 10% limit of HMOs within a 100 metre radius.
- b). The nearest bus stop is located on Gainsborough Drive which is within 400 metres walking distance of the property.
- c). The existing property does not sandwich a non-HMO between another HMO.
- d). It does not lead to a continuous frontage of HMOs.
- e). The proposal would retain the existing waste and recycling storage arrangements to the rear of the property. The containers would be stored in an area not accessible by the general public and the bins would be moved outside on collection day.

The development meets the requirements of Local Plan policy H6 and is therefore considered acceptable.

Impact on the Street Scene

The development does not include any external alterations and so would not have any impact on the character of the street scene.

The proposal is therefore considered to be in accordance with Local Plan Policy BE1.

Impact on neighbouring properties

Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

The proposed change of use includes no external alterations. The proposal is therefore unlikely to have an impact on neighbouring residential amenity which would warrant reason for refusal of the application.

The proposed HMO would provide adequate living conditions for the future occupiers, all rooms benefit from outlook and light and there is adequate private amenity space.

The proposal is therefore considered to be in accordance with Local Plan Policy BE3.

Parking & Highway Safety

The parking requirement for the 4 bed HMO would be 2 spaces, according to the Council's adopted Parking Standards SPD. This is the same as the number of spaces required for the existing dwelling.

While the property only benefits from a single garage to its rear, the site also benefits from use of a parking court area. As a result of capacity for vehicle parking and no change in net provisional requirement between operation of the site as a dwelling and HMO, the application is considered acceptable in this regard. Appropriate space for cycle storage within the rear garden is also specified.

Should the applicant wish to increase the number of bedrooms in the future, officers would expect a parking survey to be submitted to demonstrate sufficient capacity.

It is therefore concluded that the proposal suitably accords with Policy TR3 of the Local Plan.

CONCLUSION

The proposed change of use is considered to be acceptable in principle and would not have a harmful impact on neighbouring residential amenity, or the character

of the area. There would be no increased demand on parking as a result of the change of use. The proposed change of use is therefore recommended for approval.

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 approved site location plan, block plan, and drawing number 2303-2 submitted on the 28th June 2023, and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

 - 3 The total number of bedrooms shall not exceed 4. **REASON:** To ensure satisfactory amenity for occupiers of the dwelling and to ensure the satisfactory provision of off-street parking in accordance with the Local Planning Authority's Parking Standards and in the interests of highway safety and residential amenity in accordance with Policies BE3 and TR3 of the Warwick District Local Plan 2011-2029.
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