

PLANNING COMMITTEE 19 AUGUST 2014

OBSERVATIONS RECEIVED FOLLOWING PREPARATION OF AGENDA

Item 5: West of 22 Wellesbourne Road, Barford

WCC Infrastructure Delivery Team: Request a contribution of £480,420 towards educational provision. This will be required as part of the S106.

Warwickshire and West Mercia Police: A contribution of £16,818 is requested towards meeting the costs of providing policing services to meet the needs of the development. The contribution is required to fund start up equipment, police vehicles, and premises.

The **highways contribution** would not fund improvements to the northern junction of the Barford Bypass, as this project is not one of those identified as requiring improvement by WCC Highways.

The **Parish Council comments** refer to a previous Housing Needs Survey which has now been superseded by an updated Housing Needs Survey which has recently been published.

Cultural Services (Green space): Confirm the play area contribution would be spent at King George Playing fields.

Two further public objections have been raised in respect of issues already identified within the committee report.

In response to neighbour's concerns a section drawing has been provided through the proposed dwellings to dwellings on Wellesbourne Road. This shows that the roof and floor levels of proposed houses would be comparable to the houses on Wellesbourne Road, so it is not considered that increased levels on the site would have an adverse visual impact on the Conservation Area. **Condition 2** is therefore amended to include section drawing P14:4872:06 Rev0 submitted on 15 August 2014.

2 Westham Lane has submitted a further objection regarding the proposed access to the site and its adverse impact on the Conservation Area. They have produced a plan showing a suitable alternative site access could be achieved through their land if their existing dwelling was demolished and replaced. The existing access on Westham Lane could then be closed with a hedge reinstated. They comment that this alternative would have no harmful impact on the Conservation Area, would

improve highway safety by improving visibility to Westham Lane, and would improve the amenity of Westham Lane residents as the lane would be free of traffic. They also suggest that the application should be refused on access grounds or deferred until this alternative is properly considered.

WCC Highways have confirmed Westham Lane is of insufficient width to provide suitable access to the site without requiring third party land.

Item 6: Land at Lower Heathcote Farm, Harbury Lane, Warwick

WCC Ecology: The biodiversity offsetting requirement is for -8.52 units or a maximum of £110,164.

A neighbour has raised a further issue of loss of property value, but this is not a planning matter.

The **deadline for completion of the S106** agreement has been amended in agreement with the developer to 19 September 2014.

Warwickshire Gardens Trust: The proposal will have a significant impact on the Grade I registered Warwick Castle Park. We have already made similar objections to the Local Plan consultation and have produced for that purpose a study of the creation of Banbury Road.

The road clearly formed part of the designed landscape of the park. It was created to be the designed approach to the castle as well as to the town of Warwick. It drew attention to the pleasing nature of the improved agricultural landscape on the east as well as to the designed core of the park. The application site occupies rising ground, which, as the heritage section of the applicants' environmental statement shows, will intrude into the views to the east, particularly from the Asps. Their assertion that the perimeter tree belt of the park protects the park from intrusive views misses the point that the experience of a heritage asset is not confined to what happens within the asset itself. From Banbury Road, the park is experienced for its park-like qualities, while at the same time the rural qualities of the farmland to the east form its setting.

Even more damaging to the park will be the measures which WCC have already accepted will be necessary to mitigate the impact of the traffic generated by this and other proposed developments to the south of Warwick. It is accepted that there would be a considerable increase in traffic attempting to cross Warwick Bridge. The proposals in the WCC's traffic assessment appear to include increasing the number of lanes and installing traffic lights at the Myton Road and Castle Hill junctions. Such measures would be highly detrimental to the sensitive designed

views at the climax of the approach to Warwick and would degrade the experience of both visitors and residents.

We consider the application to be premature, in that it pre-empts the examination in public and inspector's report of the proposed local plan, together when the highly contested housing forecasts of the district will be tested. We therefore urge that the application is refused.

Warwickshire & West Mercia Police: Now request £190,143 towards police infrastructure. This will be required as part of the S106.

The following additional condition is recommended by WCC Archaeology:

*No development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **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 DP4 of the Warwick District Local Plan 1996-2011.*

Condition 4 is revised as follows:

The development hereby permitted shall be carried out substantially in accordance with the details described in the Design and Access Statement and as shown on the site location plan and key parameter plans (referenced Bir.4361_01G) contained within the Environmental Statement and drawing(s)

- *BIR.436_02A-2 I submitted on 8 July 2014 (site location plan)*
- *1050943/SK031 RevH (access to Europa Way) and*
- *11050943/SK0007 Rev C submitted on 4 July 2014 (access to Harbury Lane)*

and specification contained therein although for the avoidance of doubt the illustrative masterplan is not approved.

REASON: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011. The application is in outline with all matters (save access) reserved and the local planning authority wishes to ensure that those details that have not yet been submitted are appropriate to the locality in terms of visual and residential amenity and reflect the scale and nature of the development assessed in the submitted Environmental Statement and that they accord with adopted planning policy and strategy

Condition 6 is revised as follows:

*The access to the site from Harbury Lane shall be located and laid out in general accordance with drawing 11050943/SK007 Rev C. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011.*

Condition 8 has been reworded into two separate conditions as follows:

No reserved matters application for any phase of the development shall be submitted until there has been submitted to and approved in writing by the Local Planning Authority a Site Wide Design Code for the approved development. This Design Code shall be in accordance with the principles and parameters as set out within the DAS, the plans and documents listed in condition 4 above and "Garden Towns, Villages and Suburbs: A Prospectus for Warwick District Council, May 2012" (and any subsequent revision and/or approved plans/strategy available at the time).

The Design Code shall include the following matters:

- *hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas)*
- *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);*
- *Building types*
- *Building heights*
- *The means to accommodate the parking of vehicles and cycles*
- *Sustainable Urban Drainage features*
- *Key spaces, open spaces and green features*
- *Architectural language and detailing*
- *Design principles for street tree planting and other structural planting landscaping areas*
- *Design principles on hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long term management*
- *Design principles on waste disposal and recycling*

- *Design principles on the colour and texture of external materials and facing finishes for roofing and walls of buildings and structures*
- *Design principles for street lighting and any other lighting to public space (including parking areas)*
- *The principles shall include a regulating plan on an ordnance survey base at a scale no greater than 1:1250*
- *A mechanism for periodic review and refinement if necessary of the approved Design Code*

The Design Code shall then be used to inform the subsequent reserved matters applications.

REASON: *In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DP1, DP14, DP15 and SC15 of the Warwick District Local Plan 1996-2011; and DS7, DS15, BE2 of the Warwick District Local Plan - Publication Draft 2014.*

No reserved matters application for any phase of the development shall be submitted until there has been submitted to and approved in writing by the Local Planning Authority a Site Wide Masterplan for the approved development, which shall substantially be in accordance with the approved plans and documents listed above in condition 4 and the principles set out within the Council's approved document 'Garden Towns, Villages and Suburb: A Prospectus for Warwick District Council, May 2012' (and any subsequent revision and/or approved plans/strategy available at the time), and which shall also accord with the principles set out in the approved Site Wide Design Code.

The Site Wide Master Plan shall include the following:

- *Illustrative details of how the proposed layout of development has been designed with due regard to the surrounding urban and rural context*
- *Land form topography as existing and proposed*
- *Land use plan and character areas (including densities and building heights)*
- *Movement corridors within the site (including principal roads, public transport corridors, footpaths, cycleways and green corridors) and demonstrating how these relate to existing movement networks in the wider area*
- *Location of any areas for off-street car parking areas and courts*
- *Key infrastructure (including SUDs, significant utility provision, schools, district/local centres)*
- *Landscape corridors and open space network*
- *Public open space*
- *Housing mix including tenure and size of dwelling*
- *Location of affordable housing*

- *Street tree planting and other structural planting landscape areas*
- *Hard and soft landscaping treatments*
- *Street lighting arrangements and any other lighting to public space*
- *A phasing plan including triggers for delivery of key elements of supporting infrastructure*
- *A statement establishing how the development proposals accord with the principles set out in the Site Wide Design Code.*

REASON: *In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DP1, DP14, DP15 and SC15 of the Warwick District Local Plan 1996-2011; and DS7, DS15, BE2 of the Warwick District Local Plan - Publication Draft 2014.*

Condition 19 is revised as follows:

*The development hereby permitted shall be carried out in strict accordance with details of a scheme for the design and construction of the means of disposal of surface water from the development and associated SUD's facilities, that shall have been submitted to and approved in writing by the local planning authority. These details shall include large scale plans, cross and longitudinal sections, showing the design, with a plan indicating proposed finished floor levels, construction of the surface water drainage systems to the outfalls and include condition surveys to outfall ditches from the development. The development hereby permitted shall not be brought into use until a report detailing the future maintenance of all drainage systems on site, which must be accompanied with a risk assessment, has been submitted to and approved in writing by the local planning authority. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details. **REASON:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011.*

The incorrect indicative layout plan is included in the agenda. The correct layout is provided below.



LAND AT LOWER HEATHCOTE FARM, WARWICK - INDICATIVE MASTERPLAN
 T: 01827 641717 F: 01827 641738 | WWW.PEGASUS.CO.UK | TEAM MCDONNELL | 3 JULY 2014 | 1:2500 (A2) 1:5000 (A3) | DRAWN: BIRAS1_06F-01 | CLIENT: GALLANER ESTATES |

Item 7: W/14/0618 – Land north of Common Lane, Kenilworth

WCC Highways: Raise no objection subject to conditions requiring the access from Common Lane to be constructed prior to the commencement of any development on the site (excluding the bridge access), and submission of a construction management plan.

The principle of a signalised access was accepted during pre-application discussions subject to supporting modelling work demonstrating the signals would operate within capacity. The layout of the signal arrangement with the 3 arms operating independently and with stop lines being set as far back as they are proposed does not deliver the most efficient solution. However, due to the local constraints, primarily being the existing bridge structures, the applicant has adequately demonstrated that the access proposals are acceptable and will not lead to a detriment to highway safety or introduce unacceptable delay.

WCC are aware of local concern regarding existing queuing and the potential for blocking back from existing junctions and the proposed access. However, following visits to the site and the queue survey carried out by the developer, WCC do not consider this situation is likely to occur.

The developer is proposing to construct the new bridge structure to allow access to the site from the Greenway and WCC as Local Highway Authority are aware of agreements in place between the developer and WCC's Property and Rural Services Teams. These include resurfacing of elements of the Greenway and protection areas for pedestrians and cyclists during the construction phase. All construction traffic relating to the building of new homes and infrastructure will be via the proposed signalised access.

WCC Infrastructure Delivery Team: Request a contribution of £618,033 towards educational provision.

Warwickshire and West Mercia Police: A contribution of £34,587 is requested towards meeting the costs of providing policing services to meet the needs of the development. The contribution is required to fund start up equipment, police vehicles and premises.

Two further public objections have been raised in respect of issues already identified within the committee report.

Cultural Services (Green space): Advise the requirement for an offsite contribution towards recreational/sport/play types of open space is £157,258 which will be added into the S106 agreement.

Item 9: W/14/0905 – Land at Tachbrook Road, Royal Leamington Spa (Featherstone Court)

The committee report states that the distance separation between the proposed development and the properties facing the site across Tachbrook Road is 20 metres. That figure is incorrect: the correct separation distance is **40 metres** which is in accordance with the relevant distance separation guidance.

In response to a number of questions received from Councillor Knight, the following clarification is provided:

- The combined effect of the Council's letting policy and amended condition 13 set out below will ensure that the accommodation is only occupied by those for whom it is intended, ie. the active elderly.

- The development is designed to comply with the “lifetime homes” standard including to enable the units to be adapted according to the needs of specific occupants as they change.
- The development is being designed to meet the sustainable homes standards set by BREEAM. All new homes are required to meet level 3 of those standards, whilst this development has been designed to level 4 and insodoing goes beyond what is required.

Conditions

Amendment to Condition 2

The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings No. D50, D51, D52, D53, D54 Rev A, D56, D57, D200 dated 10th June 2014; D55 dated 16th June 2014; D100 Rev D dated 18th August 2014.

Amendment to Condition 7

*No development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) on the site, or those tree(s) whose root structure may extend within the site. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by any retained tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.*

Amendment to Condition 13

The residential accommodation hereby permitted shall only be occupied by persons aged 55 years of age or over, persons living as part of a single household with such a person or persons, and persons who were living as part of a single household with such a person or persons who have since become deceased.

REASON: To ensure that the accommodation hereby permitted is occupied in accordance with the terms of this permission and with existing and emerging Local Plan policies directed at the provision of appropriate residential accommodation for elderly people within the District

Additional Conditions

No.14 - The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which shall have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

No.15 - The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times unless otherwise agreed in writing by the local planning authority. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.

No.16 - None of the residential accommodation hereby permitted shall be first occupied unless and until the bio mass boiler located in Block 1 submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON :** To ensure that adequate provision is made for the generation of low carbon energy in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

*No.17 - The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted for Block 4 – the bungalows as part of the application has been wholly implemented in strict accordance with the approved details as shown on drawing No. D57 dated 10th June 2014. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.*

*No.18 - The development hereby permitted shall be built to the Code for Sustainable Homes Level 4. **REASON** : Since the application has been approved without 10% renewable energy production on the basis that the development is built to Code for Sustainable Homes Level 4, in accordance with the requirements of Local Plan Policy DP13.*

No.19 - Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

REASON: *To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.*

Item 10: W14/0689 – Land North of Oakley Wood Road, Bishops Tachbrook

Further consultation responses

The following further consultation responses have been received:

WCC Highways: No objection, subject to conditions.

WCC Education: Request a contribution of £6,639 per dwelling towards education provision.

WCC Sustainable Transport: Request a contribution of £25,000 per dwelling towards cycling provision

WCC Libraries: No comments received.

NHS Property Services (Primary Care): No Section 106 contribution is required in this case.

Warwickshire Police: Contribution request reduced to £37,533 to account for the number of other developments that will be contributing towards police infrastructure.

Amendment

The following further amendments have been made since the Committee Report was completed:

- The site access on Oakley Wood Road has been redesigned.
- The footpath link to the south of the site has been partially reinstated. This would terminate at the southern point of the land within the applicant's control, as highlighted in pink on drawing no. 10255-HL-05A. WCC Highways have confirmed that they have no objection in principle to this part of the footpath, which is within land under the control of the applicant outside the public highway. The further section of footpath that was originally proposed continuing within the limits of the public highway to Oakley Wood will not be provided as part of the current development due to highway safety concerns.

Section 106 agreement

The applicant has agreed to enter into a Section 106 agreement to secure the following:

1. Preparation and agreement with the local planning authority of an Employment & Training Strategy to link local people with employment, training and contract opportunities arising from the development during its construction phase.
2. Preparation and agreement with the local planning authority of the design, management and maintenance of SUDS, adoption of SUDS and payment of the management/maintenance fees for 13 years from the date on which planning permission is granted.
3. Preparation and agreement with the local planning authority prior to the commencement of development of a Biodiversity Offsetting Scheme to be

identified in a Biodiversity Offsetting Report. The applicant would then deliver the agreed Scheme by funding the offsetting measures and their management/maintenance costs for at least 25 years from the date on which planning permission was granted.

4. Preparation and agreement with the local planning authority of a Site Wide Infrastructure Design, Management and Maintenance Strategy for areas of public open space within the site which shall provide for public access to open spaces in perpetuity. Payment of the management/maintenance fees for 13 years from the date on which planning permission was granted.
5. Provision of 40% affordable housing, to deliver a tenure mix of 60/25/15 social rent/affordable rent/shared ownership. The level of affordable rent should be restricted to the mid-point between social rent and 80% of open market rent.
6. Contribution of £440 per dwelling towards enhancing existing children's play areas in the village. Payment of a commuted sum for future maintenance of the play areas.
7. Contribution of £6,000 per open market dwelling towards the cost of off-site highway improvement schemes as required by WCC Highways, reduced by £20,000 to account for the Highways Agency's required works to Junction 13 of the M40 (see condition 25).
8. Contribution of £75 per dwelling towards the provision of sustainable welcome packs.
9. Contribution of £6,639 per dwelling towards funding new primary, secondary, sixth form, early years and special needs school places.
10. Contribution of £784.61 per dwelling to fund improvements to indoor sports halls and swimming pools within Warwick District.
11. Contribution of £56.73 per dwelling to fund improvements to outdoor sports facilities within Warwick District.
12. Contribution of £1,678 per dwelling towards the cost of providing a new ward block at Warwick Hospital and providing additional outpatient, diagnostic, treatment and inpatient facilities, including hubs for community health care teams at the Warwick and Leamington hospital sites.
13. Contribution of £37,533 towards police infrastructure.
14. Contribution to fund the legal costs of the local planning authority in monitoring the agreement (the lesser of £30,000 or 1% of total of financial contribution).

WCC request for separate £25,000 contribution towards cycling provision

The County Council have submitted a separate request for a contribution of £25,000 towards cycling provision, in addition to the £6,000 per open market dwelling strategic highways contribution. None of the other residential developments that have been approved nearby have been required to pay this additional contribution. Furthermore, the strategic highways contribution is intended to pay for a range of strategic highways infrastructure, which will include

cycling provision. Therefore it is not considered that this additional contribution is justified.

Off-site works and contributions requested by Parish Council

A number of the Parish Council's requests for off-site works and contributions will be secured by conditions and the Section 106 agreement. These include:

- an off-site contribution towards improvements to play equipment on the Meadow;
- the provision of a school pick up/drop off area as indicated on the Development Framework Plan (drawing no. 136_002 C);
- the provision of improved fencing and paths, landscaping, automated pedestrian gate, CCTV, lighting and shelter within the Primary School grounds;
- the provision of vehicle parking for the existing allotments adjacent to the eastern boundary of the site;
- the provision of a pedestrian/cycleway between the development and the sports and social club car park, as highlighted in pink on Brookbanks Consulting drawing no. 10255-HL-05A; and
- the provision of a footpath to the south of the site alongside Oakley Wood Road, as highlighted in pink on Brookbanks Consulting drawing no. 10255-HL-05A.

The last of these would not fully address the Parish Council's request for a footpath to be provided all the way to Oakley Wood. This has not proved possible due to highway safety concerns about the part of the footpath that would have to be located within the public highway.

It has also not been possible to meet all of the other requests from the Parish Council. The developer has advised that they cannot justify the costs of these other works in addition to the works listed above and the other strategic Section 106 contributions that they are required to make (e.g. for sports facilities, strategic highways, hospitals, the police etc). The Parish Council's requests that it has not been possible to meet are as follows:

- the southern part of the footpath link to Oakley Wood;
- public realm strategy for village centre re-designs;
- improvements to the Church Hill / Mallory Road junction; and
- contributions towards a community hall and other community facilities.

It is not considered that these contributions meet the tests of Regulation 122 of the Community Infrastructure Regulations 2010. Regulation 122 requires Section 106 requirements to be:

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development.*

It is considered that the above contributions would fail tests (a) and (c). The relevant consultees have advised that these works and contributions are not necessary to mitigate the impacts of a 150 dwelling development. Therefore the District Council is unable to require these works and contributions as part of this development.

Nevertheless, outside of this planning application, there have been discussions about providing funding for the community hall from the New Homes Bonus that the District Council will receive when these dwellings are built.

Revised conditions

A number of the recommended conditions have been amended. In most cases this just constitutes slight amendments to the wording without changing the requirements of the condition. There have been more fundamental changes to Conditions 7 and 26. Condition 7 has been amended to allow for the developer to implement either 10% renewable energy production or 10% carbon reduction. Condition 26 has been amended to cover additional matters that had initially been intended to be covered within the Section 106 agreement. Condition 26 has also been amended to allow more flexibility in the timing of these works. Following are the relevant conditions that have been revised:

- 4 *The access hereby permitted shall be constructed in strict accordance with the details shown on the site location plan and approved access drawing 10255-HL-07 Rev D, and specification contained therein, submitted on 18 August 2014. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011.*
- 5 *No development shall commence until a construction phasing plan has*

been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the phases established in this approved phasing plan.

REASON: *To ensure the proper phasing of the development.*

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

(a) low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps;

(b) the brightness of lights should be as low as legally possible;

(c) lighting should be timed to provide some dark periods; and

(d) connections to areas important for foraging should contain unlit stretches.

Such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.

REASON: *To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3, DP9 and DAP3 of the Warwick District Local Plan 1996-2011.*

- 7 *No phase of development shall take place under any reserved matters consent until a scheme for that phase showing how either 10% of the predicted energy requirement of the phase will be produced on or near to the site, from renewable energy resources, or a scheme has been submitted to achieve the equivalent carbon savings by the installation of building fabric improvements, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **REASON :** *To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.**

- 8 *No phase of development shall commence under any reserved matters*

*consent until a scheme for that phase has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. **REASON:** To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan.*

13 *The development hereby permitted shall not commence until: -*

- (1) (a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:*
 - 1. a risk assessment to be undertaken relating to human health;*
 - 2. a risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected;*
 - 3. an appropriate gas risk assessment to be undertaken;*
 - 4. refinement of the conceptual model; and*
 - 5. the development of a method statement detailing the remediation requirements.*
- (b) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.*
- (c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion and shall be approved in writing by the local planning authority prior to the remediation being carried out on the site.*
- (2) All development of the site shall accord with the approved method statement.*
- (3) If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless an addendum to the method statement, detailing how the unsuspected contamination shall be dealt with, has been submitted to and approved in writing by the local planning authority). 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 DP2, DP3 & DP9 of the Warwick District Local Plan 1996-2011.*

- 14 *No phase of development shall commence under any reserved matters consent until a scheme for that phase detailing arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** *To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.**

- 15 *No phase of development shall commence under any reserved matters consent until a scheme for that phase 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. 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 fire safety.**

- 16 *The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the anticipated movements of vehicles; the parking of vehicles of site operatives and visitors; 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; measures to limit noise and disturbance; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.

- 17 No phase of development shall commence under any reserved matters consent until a Low Emission Strategy for that phase has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012.
- 20 No phase of development shall commence under any reserved matters consent until a scheme for that phase has been submitted to and approved in writing by the local planning authority demonstrating that surface water runoff does not exceed runoff from the undeveloped site and does not increase the risk of flooding off-site. Post development runoff volumes and peak flow rates will be limited to the Greenfield discharge rate for all rainfall return periods up to and including the 100 year plus 30% (for climate change) as outlined within the Flood Risk Assessment. On-Site surface water attenuation will be provided to the 1:100 Climate change (30%) standard using Sustainable Urban Drainage Systems. The site drainage strategy will demonstrate the appropriate assessment and adoption of SUDS techniques. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details. **REASON:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011.
- 23 The mix of type and size of market dwellings submitted as part of any reserved matters application and constructed on site must accord with the following proportions: 20% 2 bedroom dwellings; 20% 3 bedroom dwellings; and 60% 4+ bedroom dwellings. **REASON:** To ensure that the housing meets the needs of the village and the District as required by Local Plan Policy SC1 and the NPPF.
- 26 The development hereby permitted shall not commence until a full scheme of works, including details of the timing of construction, has

been submitted to and approved in writing by the local planning authority for:

- (a) the provision of a school pick up/drop off area as indicated on the Development Framework Plan (drawing no. 136_002 C);*
- (b) the provision of improved fencing and paths, landscaping, automated pedestrian gate, CCTV, lighting and shelter within the Primary School grounds;*
- (c) the provision of vehicle parking for the existing allotments adjacent to the eastern boundary of the site;*
- (d) the provision of a pedestrian/cycleway between the development and the sports and social club car park, as highlighted in pink on Brookbanks Consulting drawing no. 10255-HL-05A; and*
- (e) the provision of a footpath to the south of the site alongside Oakley Wood Road, as highlighted in pink on Brookbanks Consulting drawing no. 10255-HL-05A.*

The scheme of works approved shall be completed in strict accordance with the approved details.

REASON : *To ensure compliance with the terms of the application.*

Item 20 – W/14/0926 155 Clinton Lane, Kenilworth

A further objection has been received from the occupier of the neighbouring property, 153 Clinton Lane regarding

1. Drainage. The proposal to direct all rain water downpipes to soakaways will aggravate an existing and regular tendency for the garden of 155 to flood. This, in turn, will impact on neighbouring properties.
2. Health. Allowing the building line of the new property within 150mm of the boundary line will create an inaccessible rubbish trap and possible vermin run. (It should be noted that the existing garage at 155 is built on the property boundary with 153.)
3. Environment. The plans suggest that an existing, attractive Holly Tree (approximately 80 years old) will have to be removed.
4. Site Visit. A development of this scale, with the potential to cause severe aggravation and disruption to neighbours, should warrant a Site Visit to ensure you have a true understanding of the likely impact on the community. This is supported by Councillor Blacklock.

W/14/0907 – Fieldgate Lane, Leamington Spa.

The recommendation is proposed to be amended as follows:-

Planning Committee are recommended to GRANT the variation of condition, subject to the conditions listed and the receipt of a satisfactory supplementary Section 106 Agreement linking the legal agreement undertaken in respect of the existing permission for this site to this application. **Should a satisfactory Section 106 Agreement not have been received by 10 September 2014, Planning Committee are recommended to delegate authority to the Head of Development Services to refuse planning permission on the grounds that the proposals make inadequate provision in respect of the issues the subject of the original agreement.**

A further letter has been received from the applicant's agent in support of the application. It states:

- The proposed fabric first approach would result in a permanent reduction in energy consumption of 14%, and of CO2 emissions by 12.67%. This will therefore achieve more energy savings and reduced CO2 emissions for the lifetime of the development than the provision of renewable energy technologies as required by Policy DP13.
- If the Committee were to refuse this application, the development will not therefore contribute as much it could have done towards reducing carbon emissions within the District.
- The proposed fabric first approach would exceed the national requirements for carbon reduction as set out in Part L of the Building Regulations. It is not the case that the developer is required through Building Regulations to adopt a fabric first approach for this development.
- Support for the proposed fabric first approach is entirely consistent with national planning policy and the District Council's proposed approach within the emerging Local Plan.
- The revised wording of condition 7 within the recommendation needs to refer to Section 2 of the Energy Report prepared by JSP Sustainability Limited dated July 2014.
- Reserved matters have been approved under planning reference W/14/0775 and these need to be reflected in the revised wording of condition one.