

Planning Committee: 16 April 2024

Item Number: 8

Application No: [W 24 / 0270](#)

Town/Parish Council: Kenilworth
Case Officer: Dan Charles

Registration Date: 26/02/24

Expiry Date: 27/05/24

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Woodside Conference Centre, Glasshouse Lane, Kenilworth, CV8 2AL

Demolition of existing buildings and erection of 55 dwellings and associated works FOR Vistry Homes

This application is being presented to Planning Committee due to the number of objections and an objection from the Parish/Town Council having been received.

RECOMMENDATION

Planning Committee is recommended to grant 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 the report.

Planning Committee is also recommended to delegate authority to the Head of Development Services in consultation with the Chair of Planning Committee to finalise the terms of the Section 106 agreement including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test together with necessary alterations to the final list of conditions.

Should a satisfactory Section 106 Agreement not have been completed within 3 months of the date of Planning 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 is recommended to delegate authority to the Head of Development Services to refuse planning permission on grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

This is a full planning application for the demolition of the existing buildings and a residential development of 55 dwellings with all ancillary works.

THE SITE AND ITS LOCATION

The application site consists of the former Woodside Hotel and Conference Centre and comprises the original house known as 'Woodside' (originally 'Glass House'), a historic stables range and a number of later 20th century additions. The existing lawful use of the site is a former hotel and conference centre. The original core buildings are locally listed.

The Hotel and Conference Centre has been disused since the beginning of the Covid restrictions in March 2020. During that period, the business went into

administration and despite best efforts, did not attract a potential operator to continue the business.

The site is positioned to the east of Glasshouse Lane and is washed over by allocated housing site H40 which identifies development of up to 640 dwellings. The site is enveloped by an existing housing site that benefits from outline planning permission and reserved matters approval for 620 dwellings which are currently under construction.

The site benefits from a range of mature trees together with existing access from the public highway known as Glasshouse Lane to the west.

PLANNING HISTORY

W/23/0415: Demolition of existing buildings and erection of 55no. dwellings and associated works – REFUSED 15.12.2023.

W/23/0495: Application for Prior Approval for the demolition of all existing buildings on site - Prior Approval GRANTED 27.04.2023.

W/22/0570: Prior approval for complete demolition of buildings serving site known as former Woodside Hotel and Conference Centre - Prior Approval REFUSED 09.05.2022.

Surrounding the Site, the following history is relevant.

W/23/0217: Variation of Condition 23 of Planning Permission W/18/1635 (Outline application for up to 620 dwellings, new primary school with all matters reserved except for access) to revise the timescale for the delivery of access points to the site from Glasshouse Lane and Crewe Lane to provide Crewe Lane access in advance of the Glasshouse Lane access – GRANTED 04.08.2023.

W/21/2137: Erection of 5 dwellings to be used as show homes and stationing of a temporary sales unit at land off Glasshouse Lane. (This application is to support a Reserved Matters application W/21/1811) – GRANTED 04.04.2022.

W/21/1811: Application for reserved matters application for layout, scale appearance, materials and landscaping for 620 dwellings in pursuance of outline planning permission W/18/1635: GRANTED: 18.01.2023.

W/18/1635: Demolition of existing farmhouse and agricultural buildings and outline planning application for residential development of up to 620 dwellings (Use Class C3), new primary school (Use Class F.1) including means of access into site (not internal roads), parking and associated works, with all other matters (relating to appearance, landscaping, scale and layout) reserved: GRANTED 16.04.2021.

RELEVANT POLICIES

- National Planning Policy Framework
- Kenilworth Neighbourhood Plan (2017-2029)
- KP4 - Land East of Kenilworth

- KP8 -Traffic
- KP9 - Cycle Routes
- KP11 - Footpaths
- KP12 - Parking Standards
- KP13 - General Design Principles
- KP14 - Non-designated Heritage Assets
- KP15 - Environmental Standards of New Buildings
- KP18 - Green Infrastructure
- KP20 - Street trees
- KP21 - Flooding
- Warwick District Local Plan (2011-2029)
- DS1 - Supporting Prosperity
- DS3 - Supporting Sustainable Communities
- DS5 - Presumption in Favour of Sustainable Development
- DS6 - Level of Housing Growth
- DS10 - Broad Location of Allocated Sites for Housing
- DS11 - Allocated Housing Sites
- DS15 - Comprehensive Development of Strategic Sites
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix of Housing
- H15 - Custom and Self-Build Housing Provision
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE2 - Developing Strategic Housing Sites
- BE3 - Amenity
- BE5 - Broadband Infrastructure
- BE6 - Electronic Communications (Telecommunications and Broadband)
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- HE3 - Locally Listed Historic Assets
- HE4 - Archaeology
- HS1 - Healthy, Safe and Inclusive Communities
- HS3 - Local Green Space
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- HS5 - Directing Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- FW4 - Water Supply
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity

- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions
- DM2 - Assessing Viability
- Guidance Documents
- East of Kenilworth Development Brief Supplementary Planning Document (March 2019)
- Custom & Self Build Supplementary Planning Document (July 2019)
- Affordable Housing (Supplementary Planning Document - June 2020)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Public Open Space (Supplementary Planning Document - April 2019)
- Parking Standards Supplementary Planning Document (June 2019)
- Residential Design Guide (Supplementary Planning Document- May 2018)

Land East of Kenilworth Development Brief

The document has been prepared by Warwick District Council and followed the adoption of the Council's Local Plan 2011-2029 in 2017. The document seeks to guide future development within strategic allocations to the eastern side of Kenilworth and ensure that development within the sustainable urban extension is delivered in a comprehensive manner.

In preparing the Development Brief, Warwick District Council has undertaken extensive consultation with key stakeholders including Warwickshire County Council, Kenilworth Town Council, landowners, land promoters and infrastructure providers to seek views and inform the content of the document in accordance with the Council's Statement of Community Involvement. In addition to stakeholders, the document has also been through a comprehensive public consultation including drop-in sessions for local residents.

The adopted Development Brief is a Supplementary Planning Document (SPD) and as such, is a material consideration in the determination of planning applications within the area covered by the document. This document provides detailed development principles that expand upon and help interpret existing policies as they relate to the site.

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Objection on the following grounds.

- Only 16% Affordable Housing provided that is not pepper potted.
- No need for additional development within the East of Kenilworth.
- Insufficient mix of housing with lack of 1 bed properties.
- House designs very standard and not according with NPPF requirement for "beauty in designs"
- Loss of mature trees resulting in loss of biodiversity, contrary to WDC Biodiversity Plan.
- Orchard and overall cultural landscape will be decimated by this development.
- Do not believe that biodiversity should be offset from the development site.
- Historic pond will be lost, and the replacement is not considered suitable.

- Loss of green space affecting character of the area set out in the Development Brief.
- Limited detail on cycle infrastructure between sites to avoid spine road.
- Bin store located a distance away from proposed flats.
- Further consultation required regarding additional need for services as a result of development.
- Disagree with Heritage Statement that Woodside was a heritage asset of low significance.
- Broad statement regarding Woodside retention being unviable.

WDC Arboricultural Officer: No objection, subject to tree protection condition.

WCC Ecology: (Carried forward from previous application): Preliminary response was one of objection as the required additional survey work to be undertaken was out of season for providing optimum results. Site layout does not show measures to retain, protect or enhance the majority of existing habitats.

Following submission of additional information and survey work, still have concerns about the layout of the scheme and fragmentation of habitats compared to existing. Would prefer a revised layout to maximise biodiversity and habitats, but if minded to approve, recommend CEMP and LEMP conditions.

WDC Environmental Protection Officer: No objection, subject to conditions on land contamination, construction management plan, air quality mitigation and noise mitigation.

WDC Housing Strategy: No objection. Note use of VBC and have no reason to dispute this. Recommend all units secured by S106 Agreement. Some concerns over layout and design. Units do not adhere to National Space Standards, but this is not mandatory.

WDC Policy and Site Enabling Officer: Site is not fully compliant with Development Brief or Local Plan. Scheme does not retain locally listed building. The applicant instead proposes a contemporary structure which is intended to make a visual impact at the heart of the scheme. It is not clear from the documents and plans submitted where the building has taken its references from in terms of materials and features. BNG of 10% currently not achieved. Note that some trees are in private gardens and cannot be relied upon to be retained for the BNG calculation. Require confirmation that LAP and open space is acceptable. Connections through site should be conditioned to ensure they are delivered in the interest of sustainable transport options. No self builds provided. Concern about using underground water storage tank as part of drainage strategy.

WDC Sports Development Officer: Request S106 contribution totalling £104,698 to mitigate for increased impact on local sporting facilities as a result of the development.

WDC Waste Management: No objection. Bin collection points should be secured by condition. Sufficient bins are provided for new apartments.

WCC Flood Risk Management: No objection, subject to requested drainage conditions.

WCC Highways: No objection, subject to requested drainage conditions and Section 106 Contribution of £481,919.35 to mitigate for the impact of increased traffic movements as a result of this development.

WCC Landscape: Maintain Objection from previous scheme – Scheme differs to the Design Code set out for the surrounding application. Several mature specimen trees along with mature native trees common and characteristic to the Arden landscape and two boundary hedges would need to be removed to facilitate the development.

The Warwickshire Landscapes Guidelines SPG place a high priority on the conservation of mature trees, parkland and woodland management. Therefore, all development proposals should seek to retain and enhance the wooded character of this landscape.

The proposed attenuation feature (new pond towards the southern edge of the site) is not shown on the Tree Protection Plan or Arboricultural Impact Plan and appears to affect mature trees T4 to T8 which comprise Common lime, Deodar cedar, Corsican Pine, Yew and Bhutan Pine and collectively contribute to the arboretum and parkland character of the grounds.

WCC Public Rights of Way: No objection.

Natural England: No objection.

NHS South Warwickshire University NHS Trust: Request S106 contribution of £49,358.87 to mitigate for the increased demand for Acute Healthcare (Emergency and Planned) services as a direct result of the development.

NHS Integrated Care Board: Request S106 contribution of £100, 177 to mitigate for the increased demand for medical practices within Kenilworth and Warwick PCN. as a direct result of the development.

Sir Jeremy Wright MP: Objection – Disappointing that the operators did not believe they could maintain a viable business. It is not clear how the conclusion that it will not be viable again has been achieved. It is true that the surrounding land was allocated for development, but the Development Brief acknowledged that the hotel and conference centre would be retained, albeit with a reduced curtilage and this was the impression given to the Planning Inspector examining the Plan. Do not see justification for more housing around Kenilworth in addition to the very expansive development underway or in prospect. With the accuracy of the housing forecast in question, additional housing is not needed or justified. Do not believe the basis for the replacement of the Local Heritage Asset in the Woodside Conference Centre with more housing would be appropriate and hope the application will be refused.

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

Public Response: A total of 23 objections received raising the following concerns.

- Kenilworth is changing too fast, and the essence is being lost.

- Heritage sites should be protected.
- Locally Listed Building should be retained and converted rather than demolished.
- Demolition not justified.
- Should remain a public facility.
- Too many roadworks.
- No need for additional housing.
- Lack of infrastructure to cope with more development.
- Loss of trees and habitats.
- Lack of green credentials.
- Not in character with existing developments.
- Will result in additional traffic.
- Loss of natural light to adjacent homes.
- Loss of Privacy for adjacent homes.
- Insufficient detail on drainage.

Contrary to Net Zero Carbon DPD.

ASSESSMENT

History/Background

Application reference W/23/0415 sought full planning permission for the demolition of the existing buildings and the erection of 55 new dwellings with all ancillary works.

The application was reported to Planning Committee with a recommendation to approve, subject to the signing of a Section 106 Agreement on 14 December 2023.

The Committee resolution was to refuse planning permission for the following reason:

"The emerging Warwick District Council Net Zero Carbon Development Plan Document which has reached an advanced stage, requires all new developments of one dwelling or more to demonstrate through the submission of a detailed energy statement how the development has been designed to minimise carbon emissions from new buildings within the district to support the achievement of national and local carbon reduction targets.

In the opinion of the Local Planning Authority, the submitted application fails to demonstrate compliance with the requirements of the emerging DPD in reducing carbon emissions through sustainable energy measures and increasing the performance of buildings to minimise the energy demand.

The proposal is therefore considered to be contrary to the emerging Net Zero Carbon Development Plan Document to which significant weight can be attached."

This application is a resubmission of the earlier scheme which has now been submitted with a detailed Energy Statement to demonstrate compliance with the emerging Net Zero Carbon DPD.

Principle of Development

Five Year Housing Land Supply

The most up to date Five Year Housing Land Supply (5YHLS) figures state that as of 1 April 2023, the District Planning Authority is able to demonstrate a 7.16-year Housing Land Supply.

Local Plan

The application site is identified within the Local Plan as a site for new housing development as part of the wider strategic urban extension to the East of Kenilworth. The land forms part of the H40 allocation which lies to the north of the H06 allocation. The H40 allocation also washes over the Education Allocation (ED2) which sits to the west of the application site.

The current Local Plan has the most up to date evidence base for the allocation of new housing land and this site forms part of the strategic expansion of Kenilworth as defined within Policy H1.

Policy DS11 sets out the allocations of housing development and gives an overall figure for each of the allocated sites. The overall allocation for new dwellings on the H40 Allocation within the Local Plan identified an estimated 640 dwellings.

Policy DS15 seeks the comprehensive development of strategic sites including H06 and H40. Whilst this development forms part of the allocation (H40), the proposal is in general accordance with the adopted Development Brief and has been designed to tie seamlessly into the wider H06 allocation. In addition, contributions are proposed to the central facilities to serve the whole site. On this basis, Officers are satisfied that the development represents an undertaking to provide a comprehensive form of development.

As part of the East of Kenilworth Strategic extension, the overarching site identifies the need for a new secondary school, primary school(s) and community facilities.

Planning application reference W/19/0655 and revised by W/20/1952 has secured full planning permission for the delivery of the new secondary school on the education allocation parcel of the East of Kenilworth extension.

This current application seeks the provision of 55 dwellings together with all ancillary works on the land of the former Woodside Hotel.

The above is in addition to the estimated figure of 640 dwellings for the whole allocation. At the current time, 719 dwellings are under construction on the surrounding land as part of 2 planning permissions which have both been implemented and under construction.

It must be kept in the mind that the Local Plan allocation was an estimate, the true capacity can only be established through the detailed assessment of constraints that is made through the planning application process.

Taking into account existing consents, the total figure for new housing within this allocation would equate to 774 dwellings. It is acknowledged that 99 of these dwellings are as a result of the residual land that was no longer required for educational purposes with the delivery of the new high school having taken place.

In making this assessment, Officers note that the proposed scheme would deliver an acceptable level of open space and a biodiversity net gain on site and would satisfactorily retain existing trees across the site within the open space areas. The proposed dwellings would complement those currently under construction adjacent to the site and as it is the same developer, the site has been designed to sit as a logical extension to the existing housing site that flanks the application site on three sides.

Demolition of the existing Woodside Hotel

Woodside Hotel is identified as a locally Listed Building which is a non-designated Heritage Asset.

Policy HE3 states that development that would lead to the demolition or loss of significance of a locally listed historic asset will be assessed in relation to the scale of harm or loss and the significance of the asset.

The proposal is for the complete demolition of the building and therefore would result in the total loss of the asset, which would not accord with Policy HE3.

In considering this proposal, Officers note that the building can be lawfully demolished following the granting of a Prior Approval for the demolition of the building under application reference W/23/0495.

The prior approval regulations are set out within the Town and Country Planning (General Permitted Development) (England) Order 2015. This allows for the demolition of buildings subject to an assessment of the stipulations set out within the appropriate part. In the case of demolition, the only considerations that can be assessed are.

- whether the building has been rendered unsafe by the action or inaction of any person having an interest in the land on which the building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support.
- whether the demolition is "relevant demolition" for the purposes of section 196D of the Act.
- whether the building is used, or was last used, for a purpose falling within (i) article 3(6)(p) (drinking establishments etc.) of the Use Classes Order; or (ii) article 3(6)(q) (drinking establishments with expanded food provision) of that Order.
- whether the building is used, or was last used, for the purpose of a concert hall; a venue for live music performance; or a theatre; or
- the demolition relates to a statue, memorial or monument ("a commemorative structure") in place for a period of at least 10 years on the date of any proposed demolition, other than a commemorative structure that is a listed building, a scheduled monument, within a cemetery, on consecrated land, within the

curtilage of a place of public worship, within the grounds of a museum or art gallery, or is within the curtilage of a dwelling.

As the proposed demolition complied with the above criteria, there were no grounds to resist the demolition proposal and the Prior Approval was granted.

Taking the above into consideration, Officers consider that whilst the demolition is unfortunate, there are no grounds to resist the demolition works. It is also noted by Officers that during discussions regarding the proposal, the potential to retain and convert the main building was discussed and this was a potential option, but the level of works required to provide an acceptable scheme were not financially viable. Whilst no formal viability assessment was provided, Officers are satisfied that all avenues were investigated to seek to retain the building.

Overall, Officers consider that the demolition of the existing building would not be a block on any development of the site and there would be no reasonable grounds to resist the application on that basis.

Conclusion on Matters of Principle

In summary, this proposal is for 55 dwellings on a site allocated for residential development within the Local Plan which falls within the allocation as set out within H40 of 640 dwellings.

It is noted that all housing numbers within the Local Plan are estimates and not maximums and schemes require detailed assessments to fully assess final capacities.

In the case of this site, the scheme has demonstrated that 55 dwellings can be comfortably accommodated on the application site and achieve a very high level of quality together with the correct level of public and other open space required for a scheme of this scale.

The demolition of the Woodside Hotel has been assessed and accepted. Whilst it results in the total loss of the non-designated Heritage Asset, which is unfortunate, the principle of demolition has already been established and there are no grounds to resist the demolition works.

The proposal is therefore considered to be acceptable in principle having regard to Policies H1, DS11 and DS15 of the Local Plan together with guidance contained within the East of Kenilworth Development Brief and Kenilworth Neighbourhood Plan.

Housing mix

Policy H4 of the Local Plan requires residential development to include a mix of market housing that contributes towards a balance of house types and sizes across the district in accordance with the latest SHMA and as summarised in the most recent guidance document 'Provision of a Mix of Housing' (June 2018), based on current and demographic trends, market trends and the needs of different groups in the community. This development provides:

Market Housing

Bedrooms	Total	% Proposed	WDC requirement	Difference
1 bedroom	0	0%	5-10%	-5%
2 bedroom	16	34.8%	25-30%	+4.8%
3 bedroom	14	30.4%	40-45%	-9.6%
4+ bedroom	16	34.8%	20-25%	+9.8%

The market housing mix does not fully accord with the Housing Mix as set out within the Housing Mix SPD with the omission of 1 bed houses, a lower proportion of 3 bed units together with a higher proportion of 2 and 4 bed units.

Having considered this in the context of the development, Officers consider that the development has been designed around the existing constraints of the site together with design cues taken from the surrounding development. Whilst the mix differs from the guidance, Officers are satisfied that the resultant development as set out within the application documents results in a site that works well within the constraints and will result in a development that is harmonious with the dwellings currently under construction around the site.

Officers are therefore satisfied that the housing mix is appropriate.

Additionally, careful consideration has been given to the location of all house types and tenures across the whole development, which is otherwise considered to represent a good spread of dwelling sizes across the development site.

Affordable Housing

The standard requirement for affordable housing is 40% of the total units proposed which for a scheme of 55 units which would yield a total of 22 affordable units.

The application has been put forward on the basis of national policy contained within the Planning Practice Guidance that refers to vacant sites the ability to use Vacant Building Credit for offsetting provision of affordable housing.

Vacant Building Credit provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.

The Vacant Building Credit applies where the building has not been abandoned. The policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy.

In adopting the vacant building credit approach, it is appropriate to consider:

- Whether the building has been made vacant for the sole purposes of re-development.
- Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.

The building has been vacant since March 2020 following the existing business going into administration. Since that time, no new occupier has been found and the building has stood vacant before being acquired by the applicants. Officers are satisfied that in this respect, the building has not been made vacant solely for the purposes of redevelopment.

There is no extant or recently expired permission on the site for the same type of development.

Officers are satisfied that the scheme as proposed satisfies the Vacant Building Credit criteria to offset the provision of affordable housing.

On the basis of the above, the following calculation as set out within the Affordable Housing SPD has been provided by the applicants and assessed and agreed by Officers.

- New development for 55 homes results in total proposed floor space of 6,536.1 sq. metres (as shown on site layout).
- Policy H2 requires 40% affordable housing - which equates to 22 affordable homes and 33 market homes.
- Existing vacant buildings on the site with a floorspace of 3,932.4 sq. metres (taken from Area Referencing Report submitting as part of the application)
- The difference between the gross floorspace of the vacant buildings and the proposed new build floor space is 2,603.7 sq. metres (6,536.1 – 3,932.4)
- Therefore, the affordable Housing requirement on this site is $(2,603.7/6,536.1) \times 40 = 15.934\%$.
- This equates to 8.76 dwellings (rounded up to 9 dwellings).

Therefore, it is proposed to secure 9 units for affordable units through the use of a Section 106 Agreement.

As a result of Vacant Building Credit as set out above, a total of 9 affordable units are proposed equating to approximately 16%. The proposed affordable housing mix for this development is as follows:

Bedrooms	Total	% Proposed	WDC Requirement	Difference
1-bedroom	2	22.2%	30-35%	-7.2%
2-bedroom	3	33.3%	25-30%	+3.3%
3-bedroom	3	33.3%	30-35%	Within Range
4-bedroom	1	11.1%	5-10%	+1.1%

Whilst the figures set out in the table above show differences to the Housing Mix as set out within the SPD, the number of affordable units would not allow for a policy compliant mix that fully accords with the guidance.

The plans submitted reflect the proposed tenure mix and provision based upon the demands within the local area.

The layout plan illustrates how the affordable housing would be distributed across the site and for this development, the even distribution of affordable housing is welcomed, and care has been taken to ensure that the tenures are mixed to prevent social exclusion. It is also noted that the applicants propose tenure blind dwellings that are the same as the market range of dwellings so that they are not visually different.

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

Section 12 of the NPPF puts significant emphasis on the creation of high quality, beautiful and sustainable buildings and places. Paragraph 131 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 139 states that permission should be refused for development that is not well designed and that fails to take into account local design guidance and supplementary planning documents. This paragraph also states that significant weight should be given to development which reflects local design guidance and policies and government guidance on design and/or outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

The East of Kenilworth Development Brief sets out a range of design criteria that any development of the site must achieve.

Policy KP13 of the Kenilworth Neighbourhood Plan states that all development proposals should achieve a standard of design that is appropriate to the local area. The Policy sets out a framework for guiding design of new developments. In addition, Policy KP4 of the Neighbourhood Plan relates specifically to the East of Kenilworth Urban Extension.

Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF insofar 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 the character of the local area.

The Warwick District 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.

In addition, a range of principles for new development are set out with Policy KP13 of the Kenilworth Neighbourhood Plan that set out a framework for setting a benchmark for good design that maintains the special characteristics of Kenilworth whilst not stifling innovation in new design.

The Garden Towns, Villages and Suburbs Approach

The Council's 'Garden Towns, Villages and Suburbs' Prospectus seeks to bring together the key characteristics of the garden suburbs and villages approach, which include coherent and well-planned layouts, high quality design and consideration of long-term management arrangements. The site is considered to fall within the category of 'neighbourhood edge', lying at the edge of the developable area and adjoining countryside.

Officers consider that the proposed scheme would provide a high-quality residential environment which conforms to the garden suburb design principles. The site exhibits the characteristics of a leafy, well designed residential neighbourhood within which open space and structural landscaping is an integral part, paying particular regard to the areas of Public Open Space to the centre and on the fringes of the development.

The proposal would be served from the community spine road that connects through the site from Glasshouse Lane to Crew Lane. This provides the whole development with a high-quality access road that links together with cycle and footpath links.

The scheme would provide a legible hierarchy of streets and spaces in accordance with this document that complements and reinforces the character of the wider development. The house types are similar to those used in the main development and so will integrate with the dwellings that will eventually surround the site once constructed.

The main focal point of the development is the central area that forms a large area of public open space. Within this area is a proposed apartment building set over 3 stories and containing a total of 12 apartments. The original proposal was to provide a replacement building that took design cues from the original Woodside building. Following discussions with the applicants, it was not considered that this would result in the most appropriate form of development as the proportions of the proposed building, whilst similar in overall scale to that of the original Woodside, were compromised with the need for an extra storey to provide the apartments. The resultant building therefore had a horizontal emphasis rather than the vertical emphasis of the high ceiling two storey building it replaced.

The revised scheme seeks permission for a bespoke building, designed specifically for this site. The design is modern with a vertical emphasis provided by tall windows which are framed with feature surrounds that partially extend into the roof slope. The corners of the building are chamfered to create architectural interest and these areas provide proposed balconies for the first and second floor with a terrace on the ground floor. These elements are served by large windows allowing natural light into the main living spaces.

The building has varying eaves and ridge heights to add further interest whilst breaking up the overall bulk and massing of the building. This is further reinforced through the use of a range of materials to enhance the overall appearance of the building. Officers are satisfied that this building is of very high design quality that provides a focal point for the development.

The surrounding dwellings would face onto the central area of public open space to provide natural surveillance.

The Residential Design Guide SPD sets standards for the distance separation between the windows of habitable rooms in dwellings. For the most part, the development proposes a layout where these minimum separation requirements are satisfied. In some instances, they are exceeded quite substantially. Officers are satisfied that the scheme creates an overall character of spaciousness, which positively meets the aims and objectives of the garden suburb prospectus and ensures a good standard of amenity for future occupiers.

Feature dwellings are located around the development where key focal points have been identified, i.e. at the end of roads and at key corner plots. The whole development is predominantly made up of detached and semi-detached properties, with areas of terracing also placed throughout. Any rows of terraces generally consist of no more than three units where a traditional straight row or 4 in very limited cases.

Officers have considered the proposed layout of the dwellings and how these relate to the internal road network and the wider primary spine road to the north.

Officers consider the layout represents an efficient use of land and results in a well-spaced and legible layout that accords with the general design principles set out in the aforementioned design guidance as well as the guidance contained within the Land East of Kenilworth Development Brief Document.

In terms of appearance, the dwellings form a coherent scheme has been designed to complement the character areas of the wider development throughout the site that define areas whilst still retaining a coherent development.

Brick is predominantly proposed with some render sporadically placed throughout the development. Architectural detailing such as porches, gablettes, dormers and chimneys are proposed on a proportion of the units and the styles and types of such features differs depending on the house type.

Overall, Officers consider that the proposed design and layout would result in an appropriate form of development in visual terms and would not give rise to any harm to the general character of the area.

The proposal is considered to conform with National Guidance set out within the NPPF together with Policy BE1 of the Warwick District Local Plan and additional guidance set out within the Garden Suburbs design document, the Residential Design Guide as well as being in conformity with the approved Masterplan and Design Code for the site.

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.

The East of Kenilworth Development Brief places significant emphasis on ensuring that the amenity of both existing and new properties is satisfactory in terms of disturbance and noise.

Policy KP13 of the Kenilworth Neighbourhood Plan requires an assessment to be made on the impact on existing and future residents as a result of development proposals and potential impacts from noise, light or air pollution must be assessed and addressed.

Impact on Existing Properties

There are no existing occupied properties that would be directly affected by the proposal. Officers note that the wider site is the subject of new residential development, and an assessment has been made of the application site in the context of the approved surrounding development. The proposed dwellings would accord or exceed the required separation distances set out within the Residential Design Guide SPD.

The proposal is considered acceptable having regard to Policy BE3.

Amenity of Future Occupiers

The proposed layout and design of this development is in accordance with the garden suburb approach and would provide a high level of residential amenity to the future occupiers of the development within an attractive setting.

The separation distances to surrounding properties are considered to be acceptable, and in many cases are in excess of the minimum separation distance guidance. The proposed development would provide appropriate relationships between neighbouring properties without significant impact upon the amenities of the occupiers.

All garden areas across the site meet or exceed the required garden standards commensurate with the size of property.

Whilst the District Council has not adopted the National Space Standards as part of the Local Plan, Officers have considered the development against these standards for the purposes of assessing the amenity of future occupants. The properties meet or exceed the required standards.

Due to the proximity of the site to the A46 Highway, a noise assessment was submitted to demonstrate that the residential use of the site could be satisfactorily accommodated on the site. The site layout has been designed in accordance with the noise survey work and Officers are satisfied that the scheme would not result in unacceptable living conditions by virtue of noise impacts.

Officers are satisfied that the development is acceptable having regard to Policy BE3 of the Local Plan and Policy KP13 of the Kenilworth Neighbourhood Plan.

Highway Safety

Policy TR1 of the Warwick District Local Plan requires all developments 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.

Section 9 of the NPPF seeks to promote sustainable transport and sets out a range of requirements for new development to ensure that impacts on existing transport networks can be addressed and that opportunities for the promotion of walking, cycling and public transport use are identified and pursued.

Within Section 9, Paragraph 114 of the NPPF states that in assessing applications for development it should be demonstrated that safe and suitable access to the site can be achieved for all users and impact on the highway network or highway safety can be cost effectively mitigated to an acceptable degree.

Additionally, Paragraph 115 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The primary access to the site is proposed from the main spine road serving the wider development. The access from the existing public highway will be from the proposed roundabout on Glasshouse Lane approved as part of the permission for the wider development. In addition to the primary access, a small number of properties will be accessed from a secondary access from Glasshouse Lane that re-uses the existing access to the site from the highway with necessary improvements to bring it up to an acceptable standard.

The spine road represents the primary route for traffic and the site will be accessed directly from this road via a new junction to be provided to the appropriate highway standards. The roads within the site are designed to a 20mph design speed in line with WCC Highways advice. The main spine road is a 30mph design speed as a primary route.

All internal roads are proposed to meet the required specification for adoption by the County Council to ensure they would not result in any harm to highway safety.

In terms of sustainable transport options, a range of routes through the site are proposed for pedestrians and cyclists. In addition, the main site access is also proposed to connect into the combined cycle/footway on the spine road that feeds into Glasshouse Lane which has already been part approved under the approved Kenilworth School development.

A key aspect of the sustainable nature of this development is the strong provision of walking and cycling opportunities to support the aims of the Development Brief, the Neighbourhood Plan and the NPPF in promoting and enhancing sustainable transport methods. Wider improvements to cycling infrastructure have previously

been secured through financial contributions and a further contribution from this development will assist with the delivery of improvements within the local area to connect this development to the wider area.

In terms of parking, each property has an appropriate level of parking in accordance with the Council's Vehicle Parking Standards as well as areas set out for visitor parking. Bin collection points have been provided where necessary for properties off private drives to allow for easy servicing.

Overall, the development is not considered to be detrimental to highway or pedestrian safety and accordingly complies with 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 applicants have engaged the services of a specialist Ecological Consultant to assess the site. This has been assessed by the County Ecologist who has advised that the scheme is acceptable and is generally satisfied. Officers note that during the consideration of the earlier application, there were some elements of the scheme that the Ecologist had concerns about regarding the detail of the development in ecological terms. However, it is recognised that these elements are suggestions to improve the site rather than an objection to the principle of the development and the suggested would require a wholesale re-design of the site which would not be practical.

On this basis, the Ecologist has recommended a range of conditions that are required. These include a standard Construction and Environmental Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP). Officers consider that these documents can be secured by condition.

Having reviewed the Ecology response, Officers consider that additional measures can also be secured by appropriate conditions to further enhance the ecological quality of the site such as the requirement for additional bat and bird nesting boxes within the site.

In terms of Biodiversity Net Gain, it is now required for all major applications to demonstrate a net gain of at least 10%. Government Guidance on the 10% Biodiversity Net Gain sets out 3 approaches to achieving this requirement. These are:

They can create biodiversity on-site (within the red line boundary of a development site).

1. If developers cannot achieve all of their BNG on-site, they can deliver through a mixture of on-site and off-site. Developers can either make off-site biodiversity gains on their own land outside the development site or buy off-site biodiversity units on the market.

2. If developers cannot achieve on-site or off-site BNG, they must buy statutory biodiversity credits from the government. This should be a last resort. The government will use the revenue to invest in habitat creation in England.

The Ecology Report submitted for the application demonstrates a 7.89% net gain on site. The applicant's ecologist has been working on the net gain to seek to achieve the 10% on-site and this will be reported in the update sheet.

Notwithstanding the above, the applicants are agreeable to a financial contribution or alternative off-site provision to meet the 10% requirement.

I therefore consider that the proposal is acceptable having regard to Policy NE3.

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.

In addition to the above Local Plan requirements, the Council has produced a Net Zero Carbon Development Plan Document that sets out how all future development should achieve the Net Zero Carbon Standard.

Whilst this Document has not yet been formally adopted, it was the sole reason for refusal of the earlier application on the site. Following the refusal, the applicants have engaged the services of a specialist energy consultant to provide the required details to meet the Net Zero Carbon Standard as set out within the emerging DPD.

The application has been submitted with an Energy Statement to demonstrate how the dwellings will be designed to reduce energy consumption in accordance with the DPD.

Policy NZC1 requires new residential development to demonstrate a minimum of a 63% reduction in carbon emissions through on-site measures.

Policy NZC2(A) requires new developments of one or more dwellings to demonstrate a 10% improvement on the Part L 2021 Target for Fabric Energy Efficiency.

Policy NZC2(B) requires new developments of one or more dwellings to demonstrate that additional renewable, zero carbon and low carbon energy technologies are provided on site to achieve the carbon reductions required by Policy NZC1.

In addition, Policy NZC3 requires development of 50+ dwellings to demonstrate how the embodied carbon of the proposed to be used in the development has been considered and reduced where possible, including with regard to the type, life cycle and source of material to be used.

The Net Zero Carbon DPD also requires conditions to demonstrate that the content of the Energy Statement has been complied with.

A key aspect of the applicant's proposal is the fabric first approach which provides for high levels of insulation to create thermally efficient houses where the need for energy to heat the home is reduced. This is then proposed to be supplemented through the use of photovoltaic panels to the properties to ensure that energy reduction exceeds that required by the Building Regulations.

The calculations submitted within the Energy Statement demonstrate that the use of the fabric first approach together with the use of solar pv panels and air source heat pumps to all units will result in a development that exceeds the required 63% reduction in carbon emissions as required by NZC1 with the dwellings reducing carbon emissions by 64-72% depending on the unit type. In addition, the development will accord with Policy NZC2 by improving fabric efficiency improvements of between 17-21% which exceeds the required 10%.

Overall, it is considered appropriate to require the submission of final details of the included energy and sustainability measures through compliance conditions attached to the permission to ensure that the final development helps to achieve the District Councils climate change objectives by meeting or exceeding the requirements of the Net Zero Carbon DPD.

The Energy Statement also incorporates a detailed embodied carbon assessment that addresses the requirements of Policy NZC3. The proposal seeks to reduce embodied carbon by using recycled materials, seeking suppliers with a strong ethos for recycling initiatives, use of timber frame construction together with passive design measures to reduce the embodied carbon within the development.

Overall, the submitted Energy Statement satisfactorily demonstrates that the development complies with and in areas, exceeds the requirements set out within the Net Zero Carbon DPD.

The development will be subject to a condition to secure compliance with the submitted Energy Statement. Officers are therefore satisfied that the development accords with Local Plan Policies CC1 and CC3 together with the requirements of the emerging Net Zero Carbon DPD.

Air Pollution

Air Quality is a critical issue that forms part of the District Councils 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 Councils 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 for Type 1 and Type 2 mitigation are items 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 condition.

The proposed condition will require the delivery of on-site works to be provided to reduce emissions at source such as provision of electric car charging points, provision of secure cycle storage for all properties, improvements to cycle/footways to promote sustainable transport objectives. These details are to be secured by condition and agreed with the Environmental Health Officers.

In addition to the above requirement, it is noted that contributions towards local infrastructure have been requested by the Highways Authority in respect of this proposal together with pedestrian wayfinding improvements. These contributions seek to assist in the provision of alternative forms of sustainable transport opportunities from the site to further seek to reduce the impact on air quality as a result of the scheme may also be considered an appropriate part of that approach.

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.

Health and wellbeing

The site contains areas of open space for use by future occupants and has excellent connectivity to the surrounding sites with access to further areas of open space.

The site contains significant potential for walking and cycling within the site together with the provision of appropriate footpath/cycleway links to the surrounding area to promote sustainable transport methods and reduce the reliance on the private car.

Warwickshire Police have raised no objection to the scheme. Concern has been raised regarding a "Leaking Cul-de-sac" link from one area of the site into the surrounding site. Having considered this, Officers note that the area connects into the housing site immediately adjacent, and the properties allow for passive surveillance. In addition, the area is proposed to be lit by street lighting so the overall impact would be negligible, and this is counteracted by the provision of an appropriate link for pedestrians and cyclists into the surrounding development. In general terms it is proposed to ensure that the development follows Secured by Design principles through the imposition of an appropriate condition. This will assist in minimising the potential for crime and improve community safety for future residents.

Impact on Local Services

The proposed development of 55 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 have been resolved to the satisfaction of the Local Planning Authority and works on the associated Section 106 Agreement are able to proceed.

Having considered the available evidence, the contributions are considered to be in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. A development of 200 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.

Open Space Improvements	£tbc
Outdoor Sporting Contribution	£4,518
Indoor Sporting Contribution	£52,520
Grass Pitch Contribution	£47,660
Doctors Surgeries	£100,177
Hospitals	£49,358.87
Footpath Improvements	£1,219.27 (tbc)
Libraries	£1,204 (tbc)
Education	£593,603 (tbc)
Sustainable Travel Promotion	£550 (tbc)
Road Safety	£2,750 (tbc)
Local Highways Improvements	£481,919.35
Secondary Education Land	£19,642.86
Community Centre Construction	£78,571.35
Community Centre Running Cost	£6,643.23
Community Centre Staffing	£12,964.27
Wayfinding (Pedestrian)	£785.73
Secondary Education Forward Funding	£13,935.35
Monitoring (County)	£tbc
Monitoring (WDC)	£tbc

The following requirements are also proposed for the Section 106 Agreement.

- Affordable Housing (and Mix)
- SUDS Maintenance/Adoption
- Open Space Adoption
- Local Labour Agreement

Other Matters

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.

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.

Although the site is in Flood Zone 1, a Flood Risk Assessment has been submitted with the application as the site exceeds 1 hectare in site area. Following negotiations regarding the form of drainage, the Lead Local Flood Authority has confirmed there is no objection to the development subject to conditions requiring the development to be in accordance with the submitted drainage strategy to deal with surface water as well.

Subject to these conditions there is no objection from a drainage and flood risk point of view and the development is therefore considered to be acceptable having regard to Policy FW2.

Trees/Hedgerows

The site is currently a range of buildings located within a setting that features a range of mature trees and hedging.

Officers note that the existing planting is retained where possible and the highest category trees are retained to hedgerows have been retained within the site layout and incorporated into the scheme.

The retained features will provide a good level of mature planting within the site to soften the development from the initial stages whilst the significant amount of new planting proposed matures.

Where trees are to be lost, these have been assessed by the Council Arboricultural Officer who is satisfied that the losses are justified and is content with the significant amounts of new planting proposed to mitigate for any losses. The proposal will significantly increase the level of tree planting within the site and this is to be welcomed from both an aesthetic view point as well as a biodiversity view point.

Conditions are proposed so that all retained trees are protected and the methodology for works in close proximity to retained trees are in accordance with the Arboricultural Report submitted with the application to ensure that the trees are protected during the course of the construction of the new development. Standard conditions for replacement planting should any new planting fail are also proposed to ensure the comprehensive planting scheme is maintained at all times.

Archaeology

Policy HE4 of the Local Plan requires an appropriate evaluation of potential archaeological remains. Where a development has the potential to have an adverse effect on archaeological remains, mitigation would be required through an appropriate form of archaeological investigation.

The applicants carried out extensive archaeological survey work including trial trenching in pursuance of the adjacent application. In determining that application, the County Archaeologist considered the proposal and noted that the site has high archaeological potential and recommended further investigative and evaluative archaeological fieldwork should be secured by an appropriately worded condition. Following this, the applicants carried out the additional works and took

the current application site into consideration when carrying out the works to the satisfaction of the County Archaeologist.

Notwithstanding the above, the applicants are proposing further works within the site boundary and the application has been submitted with a further Written Scheme of Investigation agreed with the County Archaeology Team and Officers are satisfied that this will ensure that appropriate evaluation of this site takes place.

Subject to the proposed condition, Officers are satisfied that the proposal is in accordance with Policy HE4 of the Local Plan.

Waste Storage

The proposal has been considered by the Waste Management Officer and the layout plan submitted is considered to adequately demonstrate that all properties are provided with adequate storage areas for refuse and recycling bins. Where properties are located on a private drive, bin collection points are proposed to ensure bins are appropriately presented for collection. The application documents have demonstrated that the site is fully accessible by refuse vehicles.

Conclusion

This is a revised application following the refusal of planning permission for W/23/0415 on the basis of the lack of compliance with the emerging Net Zero Carbon DPD. This application has demonstrated compliance with the DPD and is therefore recommended for approval.

The application site forms part of allocation H40 within the Local Plan for residential development which identified approximately 640 dwellings for the wider area known as the East of Kenilworth Urban Extension. Taking into account existing consents, the total figure for new housing within this allocation would equate to 774 dwellings. It is acknowledged that 99 of these dwellings are as a result of the residual land that was no longer required for educational purposes with the delivery of the new high school having taken place.

The development is a full planning application for 55 dwellings that complements the surrounding area, and the layout demonstrates a high quality scheme which is acceptable in overall terms including in respect of the integration of built development within the surrounding landscape and the site provides additional benefits in securing appropriate links to the surrounding site to provide a comprehensive development across the overall allocation.

Whilst the proposal will result in the total loss of a non-designated Heritage Asset, the report indicates that it is not possible to resist the loss and whilst unfortunate, there are no grounds to resist the development on this ground.

Technical Matters relating to highway safety and the mitigation of increased demand on the highway network have been satisfactorily addressed and these works are to be secured through contributions within the Section 106 Agreement.

Infrastructure improvements are also to be secured through the Section 106 Agreement to mitigate the increased demand for local services.

The site-specific matters can be satisfactorily controlled by planning condition.

For the above reasons, Officers recommend that planning permission be granted subject to the conditions listed and the signing of a Section 106 Agreement.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

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

- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s);
 - 62498-MCB-ZZ-ZZ-DR-A-0220-D5-P1, 62498-MCB-ZZ-00-DR-A-0300-D5-P1, 62498-MCB-ZZ-01-DR-A-0301-D5-P1, 62498-MCB-ZZ-02-DR-A-0302-D5-P1, 62498-MCB-ZZ-RF-DR-A-0303-D5-P1, 62498-MCB-ZZ-ZZ-DR-A-0500-D5-P1, 62498-MCB-ZZ-ZZ-DR-A-0501-D5-P1 and 62498-MCB-ZZ-ZZ-DR-A-0800-D5-P1.
 - 8123.PP.1.1-G, 8123.PP.1.2-G, 8123.PP.1.3-G, BVA04-PL005, BVA04-PL010D, BVA04-PL011D, BVA04-PL012D, BVA04-PL201B-S241, BVA04-PL202B-S351, BVA04-PL203C-S461, BVA04-PL204B, BVA04-PL205A, BVA04-PL206A, BVA04-PL207A, BVA04-PL208C, BVA04-PL209A, BVA04-PL210B, BVA04-PL211B, BVA04-PL212A, BVA04-PL213A, BVA04-PL214A, BVA04-PL215A, BVA04-PL216A.
 - CWOOD-VIS-PL-SL-D2-C-PR-1117-00.

and specification contained therein, received on 26 February 2024 and; CWOOD-VIS-PL-SL-02-C-PR-116-01, CWOOD-VIS-PL-SL-D2-2600-00, CWOOD-VIS-PL-SL-D2-C-PR-1111-01, CWOOD-VIS-PL-SL-D2-C-PR-1112-01, CWOOD-VIS-PL-SL-D2-C-PR-1113-01.

and specification contained therein, received on 20 March 2024.

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

- 3 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless and until the tree protection measure and tree protection plan, together referred to as the scheme of protection, identified in the Arboricultural Impact Assessment And Method Statement report from SEED Arboriculture Ltd dated March 2023 and reference 1400-AMS-V1-B has been adopted and put into place in full accordance with the approved details.

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 from site.

Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

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

- Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays.
- 1. Delivery vehicles should not be allowed to arrive on site before 8 am or after 4.30 pm Mon - Fri, 8 am - 1 pm Sat and not on Sundays or Bank Holidays.

Reason: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029.

- 5 The development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition, the LPA expect to see details concerning pre-commencement checks for protected species (*detail as appropriate, e.g. badgers, bats, breeding birds and otter*) 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.

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.

- 6 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.

- 7 No development other than site clearance and preparatory works shall be carried out until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details.

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.

- 8 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 10.6l/s for the site in line with the approved surface water drainage strategy.

2. 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.

3. Provide detail drawings including cross sections, of proposed features such as attenuation features, flow controls 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.

4. 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.

5. Provide plans such as external levels plans, supporting the exceedance and overland flow routeing 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; to improve habitat and amenity in accordance with Policies FW1, FW2 and NE3 of the Warwick District Local Plan 2011-2029.

- 9 No development above slab level shall be commenced unless and until a Sustainable Energy Compliance Statement to demonstrate how sustainability measures have been incorporated into the final construction of the dwellings hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The Statement shall detail how all proposed measures have been incorporated into the proposed dwellings. Thereafter, the dwellings shall be constructed strictly in accordance with the approved details.

No dwellings shall be first occupied until the details have been recalculated and submitted on completion of the building, using the actual as-built specification.

The as-built recalculation should capture and confirm any changes in building element specification or build quality that often arise in the construction process. It should be informed by:

- The measured air-permeability, tested in accordance with the procedures set out in CIBSE TM23 guidance, and reported as statutory compliance in Section 7 Part L. The air-tightness building control reports are to be included.
- The as-built Building Regulations England Part L (BREL) report produced for building control, containing photographs as specified in Appendix B of Approved Document Part L 2021.
- An infrared thermographic survey, if the building is completed within the central heating season (October to March).
- Any findings generated by the building control surveyor during site inspections

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 the Net Zero Carbon Development Plan Document.

- 10 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 (23113-HYD-XX-XX-RP-FR-0001, Date: 18 May 2022) 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 prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029

- 11 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 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, FW2 and NE3 of the Warwick District Local Plan 2011-2029.

- 12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.

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

- 13 Other than site clearance and preparatory works, no development shall commence until the further written approval of the Local Planning Authority is obtained for the design of the estate road layout serving the development [including footways, verges, and private drives]. These details shall include large scale plans and sections showing the layout,

vertical alignment, and surface water drainage details including the outfall.

Reason: In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 14 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 vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 15 No dwelling shall be occupied until the estate roads [including footways] serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority.

Reason: In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 16 The Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site. Prior to the commencement of the development, the details of these measures (including type, method of operation and control of use) shall be submitted in writing to the Local Planning Authority for their approval in consultation with the Highway Authority.

Reason: In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 17 The construction of the estate roads serving the development [including footways and verges] shall not be other than in accordance with the standard specification of the Highway Authority.

Reason: In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 18 No plot shall be occupied until provision for the storage of cycles has been made in accordance with details to be approved in writing by the Local Planning Authority.

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.

- 19 Prior to the occupation of 200 dwellings across the wider development site, a spine road linking Glasshouse Lane and Crewe Lane including a formal crossing facility at the Glasshouse Lane junction and works shown

on drawings 17377-12-03 Rev B and 17377-07-03 Rev A (submitted under Planning Application W/18/1635) and incorporating the provision of an appropriate bus turning facility, shall be constructed and available for use in accordance with details to be first submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

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

- 20 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

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

- 21 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) 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.

- 22 The lighting scheme shall be carried out in accordance with the details submitted on plan reference 10-06 P8 received by the Local Planning Authority on 29 May 2019. In considering the lighting scheme, 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 energy LED lighting should be used in preference to high pressure sodium or mercury lamps.
- b. the brightness of lights should be as low as legally possible; and
- c. lighting should be timed to provide some dark periods.

Reason: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE3 of the Warwick District Local Plan 2011-2029.

23 No development above slab level shall commence until a scheme for the provision of additional bat and bird boxes has been submitted to and approved in writing by the Local Planning Authority. This shall include.

(a) a scheme for the provision of bat boxes, other bat roosting features and bird boxes within the application site has been submitted to and approved in writing by the local planning authority; and

(b) the bat boxes, other bat roosting features and bird boxes approved under (a) have been installed in strict accordance with the approved details.

The bat boxes, other bat roosting features and bird boxes shall be retained and maintained at all times thereafter.

Reason: To mitigate ecological impacts, in accordance with the NPPF, ODPM Circular 2005/06 and Policies NE2 and NE3 of the Warwick District Local Plan.

24 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure shall be erected on any land between the front or side elevation of any dwelling and any road or footpath.

Reason: Due to the open plan layout of the proposed development, it is considered important to ensure that control is maintained over boundary treatments fronting the public highway.

25 Any hard landscaping shown on the approved plans, including boundary treatment, paving and footpaths, shall be completed in all respects within the 6 months of the first use of the development hereby permitted.

Any soft landscaping shown on the approved plans, including any tree(s) and shrub(s), shall be planted within the first planting season following that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of the same size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

26 The development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and

approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details.

Reason: In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029.

- 27 The development hereby permitted shall not be occupied unless and until the refuse and recycling storage areas for the development have been constructed or laid out in strict accordance with the approved plans and made available for use by the occupants of the development. Thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development.

No dwelling shall be occupied unless and until it has been provided with the appropriate refuse containers necessary for the purposes of refuse, recycling and green waste, in accordance with the Council's specifications.

Refuse and recycling storage containers must be stored within the refuse and recycling storage area shown on the approved plans, unless when being presented on street for collection facilities.

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

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

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

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

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