

## Planning Committee Tuesday 16 April 2024

A meeting of the above Committee will be held at Shire Hall, Market Place, Warwick on Tuesday 16 April 2024, at 6.00pm.

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

Councillor M Collins  
Councillor L Cron  
Councillor R Dickson  
Councillor B Gifford  
Councillor M Luckhurst  
Councillor R Margrave

Councillor R Noonan  
Councillor P Phillips  
Councillor J P Sullivan  
Councillor L Williams  
Labour Vacancy

### Emergency Procedure

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

### Agenda Part A – General

#### 1. Apologies & Substitutes

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

#### 2. Declarations of Interest

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

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

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

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

### 3. **Site Visits**

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

### 4. **Minutes**

- a) To approve changing the Minute Numbers from the 16 January 2024 minutes to start at Minute Number 116 and carry on sequentially to include all Minutes up to and including March 2024. Public & Press items to refer to the corrected Minute Number;
- b) To confirm the minutes of the Planning Committee meeting held on 12 March 2024; and **(Pages 1 to 10)**
- c) To confirm the minutes of the Planning Committee meeting held on 13 March 2024 **(Pages 1 to 5)**

## **Part B – Planning Applications**

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

5. **W/23/1746 – Land South of Chesterton Gardens, Royal Leamington Spa**  
**(Pages 1 to 39)**

**\*\*\*MAJOR APPLICATION\*\*\***

6. **W/23/0841 – Woodloes Farm, Woodloes Lane, Guys Cliffe, Warwick**  
**(Pages 1 to 24)**

7. **W/23/1797 – 28 Newnham Road, Lillington, Royal Leamington Spa**  
**(Pages 1 to 5)**

8. **W/24/0270 – Woodside Conference Centre, Glasshouse Lane, Kenilworth**  
**(Pages 1 to 35)**

Published Monday 8 April 2024

General Enquiries: Please contact the Committee Services team via email at [committee@warwickdc.gov.uk](mailto:committee@warwickdc.gov.uk). Alternatively, you can contact us at:

Warwick District Council, Town Hall, Parade, Royal Leamington Spa, CV32 4AT or telephone 01926 456114.

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

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# Planning Committee

Minutes of the meeting held on Tuesday 12 March 2024 at Shire Hall, Market Place, Warwick, at 6.00pm.

**Present:** Councillor Tangri (Vice Chairman); Councillors Cron, Dray, B Gifford, Luckhurst, Margrave, Redford, Russell, Sinnott, and Williams.

**Also Present:** Committee Services Officer – Mia Matthews; Legal Advisor – Sue Mullins; Business Manager – Sandip Sahota; Principal Planning Officer– Erin Weatherstone; and Senior Planning Officer – Millie Flynn.

## 138. **Apologies and Substitutes**

- (a) Apologies for absence were received from Councillors R Dickson, Noonan, and Sullivan; and
- (b) Councillor Redford substituted for Councillor Phillips, Councillor Dary Substituted for Councillor Collins, Councillor Russell substituted for Councillor Boad and Councillor Sinnott substituted for the Labour Vacancy.

## 139. **Declarations of Interest**

Councillor Tangri declared an interest on behalf of the Committee for Item 7 – W/23/1121 South Lodge (West Lodge), Jephson Gardens, Royal Leamington Spa as the applicant was Warwick District Council (WDC), Councillor Sinnott also declared an interest for this item as the Portfolio Holder. Councillor Russell declared an interest for Item 5 – W/23/0801 66 Montrose Avenue, Lillington, Royal Leamington Spa as he was the Ward Member and would be speaking on this application.

## 140. **Site Visits**

To assist with decision making, the Councillors Boad, Dickson, Gifford, Luckhurst, Tangri and Williams had visited the following application sites on Saturday 9 March 2024:

Item 5 – W/23/0801 - 66 Montrose Avenue, Lillington; and  
Item 6 – W/23/0988 – The Old Nursery, 6 Mill Road, Royal Leamington Spa.

Councillor Gifford also made an independent site visit to W/23/1695 - 140-142 Parade, Royal Leamington Spa.

## 141. **Minutes**

The minutes of the 13 February 2024 meeting were approved and signed by the Chairman as a correct record.

## **PLANNING COMMITTEE MINUTES (Continued)**

### **142. W/23/1352- 10 Park Road, Royal Leamington Spa**

This application was withdrawn from the agenda as amendments had been received which overcame officers' concerns. Specifically, the design of the dormers had been amended so they were considered to comply with Local Plan Policy BE1. It was considered the application could be dealt with under delegated powers.

(Councillor Russell left the Committee for this item and did not vote on it because he was speaking in objection to the application.)

### **143. W/23/0801 - 66 Montrose Avenue, Lillington, Royal Leamington Spa**

The Committee considered an application from Mr O'Sullivan for the erection of a two storey, two bedroom detached dwelling on land adjacent to 66 Montrose Avenue.

The application was presented to Committee because of the number of objections received, including an objection from the Royal Leamington Spa Town Council.

The officer was of the opinion that the that the development would give rise to any adverse impacts in relation to the character of the area, residential amenity, highways matters including parking, flood risk, ecology and biodiversity or climate change and mitigation. The principle of the development was therefore considered to be supported by Policy H1 and NDP Policy RLS1. The development was considered to represent a sustainable form of development and it was therefore recommended that planning permission should be granted.

An addendum circulated prior to the meeting advised of an updated consultation response from Warwick County Council Ecology, an update to the report, update to Condition 4 and an additional Condition.

The following people addressed the Committee:

- Councillor Stevens, Royal Leamington Spa Town Council, objecting;
- Mr Brannan, objecting;
- Mr Philpott, objecting;
- Mr Godfrey, Supporter/ Applicant; and
- Councillor Russell, Warwick District Councillor, objecting.

(At 6:45pm the Chairman Adjourned the meeting for 10 minutes, to allow for the council's solicitor to read the decision of the previous application.)

Following consideration of the report, presentation, and representations made at the meeting, and information contained in the addendum it was proposed by Councillor Williams and seconded by Councillor Luckhurst that the application should be refused.

The Committee therefore

**Resolved** that W/23/0801 be **refused** because Members considered that the proposal had not

## **PLANNING COMMITTEE MINUTES (Continued)**

overcome the Inspector's concerns about the impact on the amenity of neighbouring properties as set out in the appeal decision for the previously refused application.

(At the conclusion of this item, Councillor Russell re-joined the Committee.)

### **144. W/23/1743 - 6b Southborough Terrace, Brunswick Street, Royal Leamington Spa**

The Committee considered an application from Mr Chima for the change of use from a three-bed flat (Use Class C3) to a three-bed House in Multiple Occupation (Use Class C4). This was a retrospective application.

The application was presented to Committee because of the number of objections received, including an objection from the Town Council.

The officer was of the opinion that the change of use was considered to be acceptable in principle and would not have a harmful impact on neighbouring residential amenity, or the character of the area. There would be no increased demand on parking as a result of the change of use. It was recommended that the application should be refused.

An addendum circulated prior to the meeting advised of updated consultation responses following the amended proposed floor plans and an update to Condition 2.

The following people addressed the Committee:

- Councillor Stevens, Royal Leamington Spa Town Council, objecting; and
- Mr Eurich, objecting.

Following consideration of the of the report, presentation, representations made at the meeting and information contained in the addendum, it was proposed by Councillor Gifford and seconded by Councillor Williams that the application should be refused.

The Committee therefore

**Resolved** that W/23/1743 be **refused** as Members noted the concentration of HMOs was significantly over the 10% stipulated in Local Plan Policy H6 and that the proposal did not satisfy the main thoroughfare/ mixed use exception within the Policy. It should not be applied in this case because Brunswick Street was not a main thoroughfare, and the HMO concentration was such that it would not be appropriate to allow this application here.

### **145. W/23/1695 - 140-142 Parade, Royal Leamington Spa**

The Committee considered an application from C/O Agent for the painting of the shopfront. This was a retrospective application.

## **PLANNING COMMITTEE MINUTES (Continued)**

The application was presented to Committee because of an objection from the Royal Leamington Spa Town Council having been received.

The officer was of the opinion that the proposal preserved the character and appearance of the Conservation Area and was not considered to cause harm to its wider setting. It was recommended that the proposal should be approved.

Councillor Stevens of Royal Leamington Spa Town Council addressed the Committee speaking in objection.

Following consideration of the of the report, presentation and representation made at the meeting, it was proposed by Councillor Gifford and seconded by Councillor Dray that the application should be granted in accordance with the recommendation in the report.

The Committee therefore

**Resolved** that W/23/1695 be **granted**, subject to the following condition:

<b>No.</b>	<b>Condition</b>
(1)	the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 'Technical Signs - B' submitted on 24 November 2023 and '596856-2 - B' submitted on 25 January 2024 and specification contained therein.

**Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and HE1 of the Warwick District Local Plan 2011-2029.

### **146. W/23/0988 – The Old Nursery, 6, Mill Road, Royal Leamington Spa**

The Committee considered an application for D & J Whitehead for the erection of a replacement dwelling.

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

The officer was of the opinion that the amended proposal was considered acceptable in principle and were of an acceptable standard of design that would preserve the character of the Conservation Area. The proposal would not result in an unacceptable adverse impact on the amenity of neighbouring uses by reason of overbearing effect, loss of light or privacy. There was also an acceptable impact on the amenity of future occupiers. The development did not pose risk to highway safety. It was recommended the application should be approved.

## **PLANNING COMMITTEE MINUTES (Continued)**

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

The Committee therefore

**Resolved** that W/23/0988 be **granted**, subject to the following conditions:

- (1) the development hereby permitted shall begin no 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) (LS)1.0.1/A, (LS)1.2/A, (LS)1.3/A, (LS)1.6/A, (LS)2.0/A, (LS)2.1/A, (LS)2.4/A, (LS)3.0/B, (LS)3.1/A, (LS)3.2/A submitted on 29th September 2023 and (LS)2.2/A submitted on 3rd November 2023 and specification contained therein.

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

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

- a) How the development will reduce carbon emissions and utilise renewable energy;
- b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
- c) Details of the building envelope (including U/R values and air tightness);
- d) How the proposed materials respond in terms of embodied carbon;



## **PLANNING COMMITTEE MINUTES (Continued)**

- e) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised;
- f) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs, and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

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

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

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

- (4) prior to the commencement of the development hereby approved (including all preparatory work), the tree protection measures in the arboricultural method Statement in the Tree Survey report from Tree Safe reference TS/JW.23 dated 15 September 2023, as shown on their Tree Protection Plan, together referred to as the scheme of protection, shall be adopted.

The development thereafter shall be implemented in strict accordance with the approved scheme of protection, which shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

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

## **PLANNING COMMITTEE MINUTES (Continued)**

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

Narrow spectrum lighting should be used to avoid the blue-white wavelengths

Lighting should be directed away from vegetated areas

Lighting should be shielded to avoid spillage onto vegetated areas

The brightness of lights should be as low as legally possible;

Lighting should be timed to provide some dark periods;

Connections to areas important for foraging should contain unlit stretches.

**Reason:** In accordance with NPPF, ODPM Circular 2005/06;

- (6) no part of the development hereby permitted shall be commenced until a scheme for the provision of a bat boxes/bat roosting features to be erected on/within buildings within the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme to include details of box type, location, and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity.

**Reason:** In accordance with NPPF, ODPM Circular 2005/06;

- (7) 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

## **PLANNING COMMITTEE MINUTES (Continued)**

amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (8) 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;

- (9) 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 protect the amenity of future occupiers of the dwelling, in accordance with Policy BE3 of the Warwick District Local Plan 2011 – 2029;

## **PLANNING COMMITTEE MINUTES (Continued)**

- (10) 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;

- (11) flood storage compensation shall be carried out, in accordance with the details submitted, including plan [LS] 1.7 'Proposed Floodplain Compensation', submitted to the Local Authority on 6 February 2024, unless otherwise agreed in writing by the Local Planning Authority, in consultation with the Environment Agency.

**Reason:** To minimise flood risk and enhance the flood regime of the local area; and

- (12) finished floor levels shall be set no lower than 51.905m AOD (600mm plus 1% plus climate change flood level) unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To protect the proposed dwelling from flood risk for the lifetime of the development.

(Councillor Sinnott left the Committee for this item and did not vote on it because he was the Portfolio Holder for Communities and Leisure.)

### **147. W/23/1211 – South Lodge (West Lodge), Jephson Gardens, Royal Leamington Spa**

The Committee considered an application for Warwick District Council for the Change of use from tourist information office to Safe Space and support centre. Part of this application was retrospective.

## **PLANNING COMMITTEE MINUTES (Continued)**

The application was presented to Committee because the application had been submitted by Warwick District Council and was not for a routine minor development.

The officer was of the opinion that the change of use of the existing building to a new Sui Generis use within the Urban Area Boundary, Town Centre, and Creative Quarter of Royal Leamington Spa. Based on the information provided and subject to a condition the principle of the development was supported by Policies TC1 and CT1 and NDP Policy RLS17. Furthermore, the proposal was in line with the spirit of Policy HS8 and NDP Policy RLS6. Officers were satisfied that the development would not give rise to any adverse with respect to impacts on the character of the area, heritage, residential amenity, highways and parking, flood risk matters, biodiversity and ecology, climate mitigation and adaption or community safety. The development was therefore considered to represent a sustainable form of development and it was recommended that planning permission be granted.

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

The Committee therefore

**Resolved** that W/23/1211 be **granted**, subject to the following condition:

<b>No.</b>	<b>Condition</b>
(1)	the building hereby permitted shall be used as a Safe Space and Support centre, office use and community use as outlined in the Supporting Information and E-mail from the Applicant received on 15 December 2023 only.

**Reason:** In order that the local planning authority have the opportunity of reviewing the impact of any variation to the use on the amenities of occupants of other properties in the vicinity, highways and parking and flood risk having regard to Policies BE3, FW1, TR1 and TR3 of the Warwick District Local Plan 2011-2029.

(The meeting ended at 7.40pm)

CHAIRMAN  
16 April 2024

# Planning Committee

Minutes of the meeting held on Wednesday 13 March 2024 at Shire Hall, Market Place, Warwick, at 6.00pm.

**Present:** Councillor Boad (Chairman); Councillors Cron, R Dickson, Dray, B Gifford, Luckhurst, Tangri, Sinnott, and Williams.

**Also Present:** Principal Committee Services Officer –Sophie Vale; Legal Advisor – Sue Mullins; Development Manager – Gary Fisher.

## 148. **Apologies and Substitutes**

- (a) Apologies for absence were received from Councillors Margrave, Noonan, Phillips, and Sullivan; and
- (b) Councillor Dray substituted for Councillor Collins and Councillor Sinnott substituted for the Labour Vacancy.

## 149. **Declarations of Interest**

Minute Number 152 – W/23/1221 – 26 Wellesbourne Road, Barford

Councillor Tangri declared an interest as he knew the applicant. He therefore did not take part in the debate and did not vote on this item.

Minute Number 153 – W/24/0178 - Town Hall, Parade, Royal Leamington Spa

Councillor Sinnott declared an interest as he was a Member of the Cabinet and the applicant for this item was Warwick District Council. He therefore did not take part in the debate and did not vote on this item.

## 150. **Site Visits**

The Committee acknowledged that they had all made frequent visits to W/24/0178 - Town Hall, Parade, Royal Leamington Spa in their capacity as Councillors.

## 151. **W/23/0824 – Land at, Goggbridge Lane, Hampton Road, Warwick**

This item was withdrawn from the agenda.

At 6.06pm, Councillor Tangri left the room.

## 152. **W/23/1221 – 26 Wellesbourne Road, Barford**

The Committee considered an application from Mr and Mrs Aujla for the double storey side and rear extensions.

This application was presented to Committee because it was recommended for refusal and more than five support comments had been received.

## **PLANNING COMMITTEE MINUTES (Continued)**

The officer was of the opinion that the proposals were considered to have an unacceptable impact on the character and quality of the street scene and Conservation Area through the proposed layout and scale of the development. The proposals would have an unacceptable impact on the living conditions of neighbouring dwellings. The proposals therefore contravene Local Plan Policies BE1, HE1, the Residential Design Guide SPD, and Neighbourhood Plan Policies B6 and B7. It was recommended this application should be refused.

An addendum circulated prior to the meeting advised of additional public objections received and the following officer clarification:

As this was an amended scheme following a previous planning permission, the report had not repeated every detail from the original assessment. However, for the avoidance of doubt it was confirmed that the amendments did not change the assessment in relation to highways / parking, ecology and trees, which remained as set out in the report for the 2022 planning permission (Ref. W/22/0483).

Mr Kalam addressed the Committee, speaking in support of the application.

Following consideration of the report, presentation, information contained in the addendum and the representation made at the meeting, it was proposed by Councillor Williams and seconded by Councillor Luckhurst that the application be refused.

The Committee therefore

**Resolved** that W/23/1221 be **refused**, for the following reasons:

- | <b>No.</b> | <b>Reasons</b>   |
|------------|--|
| (1)        | policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Furthermore, the Residential Design Guide SPD provides a detailed framework which should be followed in order to achieve good design. This stipulates that first floor side extensions should be set in a minimum of 1m from the side boundary. In addition, Neighbourhood Plan Policy B7 requires that applications take into account the general character, scale, mass, and layout of the site. |

The NPPF places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design.

The street scene is characterised by the regular spacing of properties, with the spaces between

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## **PLANNING COMMITTEE MINUTES (Continued)**

### **No.**

### **Reasons**

the properties forming an important feature in defining the character of the area. In the opinion of the Local Planning Authority, by reason of the proximity of the first floor extension to the side boundary (in conflict with the requirements of the Residential Design Guide SPD), the proposal would lead to the creation of a terracing effect and be harmful to the character of the area.

The proposal is thereby considered to be contrary to the aforementioned policies; and

- (2) policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In addition, Local Plan Policy HE1 states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Neighbourhood Plan Policy B6 states that development will not be permitted where it has a detrimental impact on the Conservation Area.

In the opinion of the Local Planning Authority the proposal would cause less than substantial harm to the significance of the conservation area by reason of overly increasing the massing of an already large structure which would push too close to the boundary which would be uncharacteristic of the Conservation Area. No public benefits have been identified to outweigh this harm.

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

At 6.20pm, Councillor Tangri re-entered the room. Councillor Sinnott left the room at this point.

### **153. W/24/0178 - Town Hall, Parade, Royal Leamington Spa**

The Committee considered an application from Warwick District Council for the proposed site hoarding comprising of 62 panels with a maximum height of 2.4m in connection with refurbishment works being undertaken at the Town Hall. This application was a revision to previously approved application, W/23/1411.



## **PLANNING COMMITTEE MINUTES (Continued)**

The application was presented to Committee because it was an application made by the District Council and related to a District Council owned building.

The officer was of the opinion that the proposed hoarding was necessary for the duration of the construction and refurbishment works at the Town Hall. Their scale, height, position and visual appearance was considered appropriate in terms of their impacts on the heritage assets, amenity and highway safety and as such the works were considered compliant with the relevant provisions of the Development Plan. It was recommended that the application should be granted.

An addendum circulated prior to the meeting advised of additional consultation responses and the following clarifications:

- For the avoidance of doubt, this was a new application for a revised form of works to those recently approved under W/23/1411. The number of hoarding panels had been increased from 54no. to 62no. to reflect their revised position, while the content shown on the panels remained the same.
- Cllr Dickson raised the possibility of graffiti on the panels and what could be done to safeguard against this so as not to detract from the amenity of what is proposed. The Case Officer advised that it would not be possible for the Local Planning Authority to legislate for this or control it through an enforceable planning condition. It was also noted that Advertisement Consent was recently approved for a very similar form of proposed works, without such safeguards in place.

The addendum also included the following additional condition requested by WCC Highways:

*The minimum width the footway will be reduced to as a result of the hoarding is 1.2 metres, thus allowing highway users to safely continue to use the footway. **Reason:** To maintain pedestrian connectivity in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.*

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

The Committee therefore

**Resolved** that W/24/0178 be **granted**, subject to the standard five conditions, plus the condition set out in the report, and the additional condition contained within the addendum:

- | <b>No.</b> | <b>Condition</b>   |
|------------|--|
| (6)        | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 241990-PUR-00-XX-DR-A-9000 Rev.P03; 'Proposed Site Hoarding Graphics - Concept Drawing Rev.03' and 'Site Item 4c / Page 4 |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
|            | Hoarding Concept Proposals Issue 03: February 2024' and specification contained therein, submitted on 09 February 2024.<br><b>Reason:</b> For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and |
| (7)        | the minimum width the footway will be reduced to as a result of the hoarding is 1.2 metres, thus allowing highway users to safely continue to use the footway.<br><br><b>Reason:</b> To maintain pedestrian connectivity in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.            |

At 6.28pm, Councillor Sinnott re-entered the room.

### 154. **Appeals Report**

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

In response to questions from Members, the Development Manager explained that there had been a change in the way that the Council calculated its five-year housing land supply arising from changing national guidelines. This change had been introduced recently and the method of calculation was one of the issues raised during the course of the appeal against the decision regarding application *W/23/1115 - Land at Warwickshire Police HQ, Woodcote Lane, Leek Wootton*. The Council had identified that it had 7.4 years' worth of housing land and awaited the outcome of the appeal to see whether the Inspector agreed.

The Development Manager also explained that in appeals, any costs sought were considered separately from the main substance of the appeal by the Planning Inspector. They were only awarded in circumstances where the party who was the subject of the claim was considered to have behaved unreasonably during the appeal.

**Resolved** that the appeals report be noted.

(The meeting ended at 6.38pm)

CHAIRMAN  
16 April 2024

**Planning Committee:** 16 April 2024

**Item Number:** 5

**Application No:** [W 23 / 1746](#)

**Town/Parish Council:** Whitnash  
**Case Officer:** Dan Charles

**Registration Date:** 04/12/23

**Expiry Date:** 04/03/24

01926 456527 dan.charles@warwickdc.gov.uk

**Land On The South Side Of, Chesterton Gardens, Leamington Spa**

Outline planning application for a residential development of up to 190 dwellings with associated access, landscaping and public open space. FOR AC Lloyd

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This application is being presented to 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 are also recommended to delegate authority to the Head of Place, Arts and Economy in consultation with the Chair of Planning Committee to finalise the terms of the Section 106 agreement including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test together with alterations to the final list of conditions.

Should a satisfactory Section 106 Agreement not have been completed within 4 months from the date of Committee and, in the opinion of Officers, there is no ongoing progress towards the satisfactory completion of the Section 106 Agreement, Planning Committee are recommended to delegate authority to the Head of Place, Arts and Economy to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

**DETAILS OF THE DEVELOPMENT**

This is an outline application with all matters reserved except for access for the erection of up to 190 dwellings together with all ancillary works.

The overall site area is 9.59 hectares, with a developable area of 6.2 hectares, giving a development density of approximately 32 dwellings per hectare.

**THE SITE AND ITS LOCATION**

The site is currently agricultural land to the south of the new development known as Emperor Boulevard.

The site abuts the new dwellings to the north but is separated from them by a public bridleway that runs along the entire site boundary. This bridleway also forms an agricultural access track serving properties to the east of the site.

The eastern side of the site abuts open land and part of this area falls within Flood Zones 2 and 3 comprising the flood plain of Whitnash Brook.

To the south lies open agricultural land which also forms part of the wider housing allocation H03.

The western boundary flanks the railway line that runs the length of the boundary. Beyond the railway line lies residential development.

The northern and western boundaries of the site are defined with mature hedgerows. To the east, the boundary is a combination of hedgerows and trees.

The site is predominantly flat with no significant change in levels.

### **PLANNING HISTORY**

**W/20/0617:** Outline planning application for a residential development of up to 200 dwellings with associated access, landscaping and public open space. (all matters reserved apart from access) - **REFUSED 12.02.2021. APPEAL ALLOWED 12.08.2021.**

**Appeal Commentary:** In allowing the appeal the Inspector opined at Paragraph 67;

*"In conclusion, it is abundantly clear to me that there are only limited impacts to be weighed against a number of significant benefits – chief among them, but certainly not exclusively, is the provision of market and affordable housing. There are benefits in all three dimensions of sustainability, and the site is entirely suitable to accommodate residential development, in principle and of this scale. There is no reason to withhold planning permission in this case and I conclude that the appeal should be allowed."*

In allowing the appeal, the Inspector also awarded full costs against the Council. In concluding the costs application, the Inspector stated;

*"I conclude that the Council's actions prevented or delayed development which should clearly be permitted and accorded with the development plan and national policy. There can be little doubt that had the Council not refused planning permission contrary to the recommendation of its professional officers, that an appeal would not have been necessary. Although the Council did review its case this did not come soon enough and was only done after the second application failed. The Appellant had exhausted its free go and was left without a permission. It had no choice but to continue with the appeal in order to try and secure a consent. Taking into account all of the points raised I consider that there is compelling evidence of unreasonable behaviour by the Council in this case."*

**W/21/0590:** Outline planning application for a residential development of up to 200 dwellings with associated access, landscaping and public open space - **REFUSED 28.05.2021.**

**W/22/0232:** Application for approval of Reserved Matters for residential development of 200 dwellings relating to appearance, landscaping, layout and scale in pursuance of outline planning permission W/20/0617 – This application received a resolution to grant at the 13 December 2022 Planning Committee. The proposal was subject to a holding direction from the Department for Levelling Up, Housing and Communities (DLUHC) so was not issued. Following an extended period of consideration, the DLUHC determined that they wished to call in the application. The applicants thereafter **WITHDREW the application on 08.06.2023.**

**W/23/1766:** Reserved Matters application for a residential development of 185 dwellings with associated access, landscaping and public open space pursuant to outline planning permission W/20/0617 – **PENDING CONSIDERATION.**

### **RELEVANT POLICIES**

- National Planning Policy Framework

#### Warwick District Local Plan 2011-2029

- DS1 - Supporting Prosperity
- DS2 - Providing the Homes the District Needs
- DS3 - Supporting Sustainable Communities
- DS4 - Spatial Strategy
- 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
- 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
- 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
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- FW4 - Water Supply
- HE4 - Archaeology
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions

#### Whitnash Neighbourhood Plan (2011-2029)

- W4 - Building Design Principles
- W6 - Protection and Enhancement of Whitnash Brook and Brook Valley
- W9 - Landscape Design Principles
- W10 - Improving Accessibility for All
- W11 - Housing Mix
- W14 - Sustainable Design
- W15 - Flood Resistance and Resilience
- W16 - Design to Reduce Surface Water Run Off
- W17 - Reducing Flood Risk through Landscaping

#### Guidance Documents

- Parking Standards (Supplementary Planning Document- June 2018)
- Open Space (Supplementary Planning Document - April 2019)
- Distance Separation (Supplementary Planning Guidance)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Affordable Housing (Supplementary Planning Document - June 2020)

### **SUMMARY OF REPRESENTATIONS**

**Whitnash Town Council:** Objection: Environmental issues during construction where residents have been asked to keep their windows closed. Also concerned about all the construction and builders' vehicles using Church Lane during the construction period. Will there be restrictions on access during the construction?

**Councillor Will Roberts:** Objection on the following grounds;

- The impact of the construction traffic using this route and the impact of traffic once the homes have been occupied from increased traffic and

congestions. Will also result in additional noise and disturbance to existing households.

- The lack of public transport to the new site and lack of local amenities.

**Royal Leamington Spa Town Council:** Objection;

- Inadequate access route with one way in and out of the site. This will have a considerable traffic and air quality impact on this area of Leamington with the loss of amenity for existing Leamington residents.
- The allocation of this housing site H03 was identified in the Local Plan as being subject to a second access route and the TC would like this key issue resolved ahead of any development on the site. Future alternative access via Campion School cannot be taken into consideration until secured.
- Lack of public buses servicing the first phase of development. The unsustainability of the proposed site would encourage the use of cars as the go-to mode of transport for future residents contrary to Objective 4 of RLS NP
- Negatively affect air quality contrary to Local Plan Policy TR1.
- The TC supports the comments and issues raised by consultees being addressed and resolved prior to the application being decided.
- Whilst this site is not within the Leamington Spa boundary, should it go ahead, it will impact on the amenity of existing Leamington residents as well as on the town's traffic, air quality, roads, schools, doctor surgeries, leisure facilities, parks and open spaces, hence the reason for these objections.

**Radford Semele Parish Council:** **Objection** - consider the indicative landscaping proposals to be inadequate. Consequently, the parish council objects to the application. The outline proposals for landscaping to the east of the housing area require strengthening to respect the transition to the rural area to the east of the Whitnash Brook. The proposals for the southern boundary appear to be for a hard boundary. It cannot be assumed that this will be dealt with by the grant of a future planning permission. The inadequacy of the developer's proposals for landscaping reflects the inadequate proposals under reserved matters application W/23/1766.

**WDC Arboricultural Officer:** No objection: Based upon the limited information available from BCA Design there is no objection in principle to the proposal. Their Tree Retention, Protection and Removal Plan, reference 2228-21-101 S5 P3, provides information about the location of barrier fencing, and a suitable specification, as well as the location of ground protection measures, but no specification for them. Recommend the addition of a condition to secure this detail.

**WDC Conservation Officer:** No objection.

**WDC Environmental Protection Officer:** Following earlier comments made on W/20/0617, no objection to the proposal subject to conditions relating to noise mitigation, air quality mitigation, construction management plan and contaminated land condition.

**WDC Housing Strategy:** The scheme proposes a policy compliant level of affordable housing and subject to this being agreed in a S106 agreement along with the tenure mix, I have no objections at this stage. General guidance is given on matters such as design and space standards which will be considered at reserved matters stage. If outline consent is granted, I would be happy to work with the applicant to help them develop an acceptable affordable housing scheme.

**WDC Open Space Officer:** No objection in principle. Make a number of recommendations relating to the indicative layout. Pleased to see inclusion of equipped play area. Final detail will be secured at reserved matters stage and through the Section 106 Agreement.

**WDC Sports Development Officer:** Request S106 Contribution towards improvements to local sports facilities to mitigate for the increased demand as a direct result of this development.

**WDC Waste Management:** From a waste management perspective there are a number of private roads/driveways on the plans but there are no Bin collection points. We operate a kerbside collection for refuse and recycling and as such all containers need to be presented on the kerbside however this does not include private roads/driveways. In these areas the developer must ensure that there are enough bin collection points at the end of the private roads which are accessible by the refuse collectors. In addition, each bin collection point must be big enough to accommodate a minimum of 3 x wheelie bins per property. The bin collection points do need to be made a condition of planning to ensure that they are built and the residents are aware to use them otherwise refuse and recycling collections will not take place.

**WCC Archaeology:** The proposed development site has previously been subject to a programme of evaluative archaeological fieldwork comprising a geophysical survey and subsequent trial trenching; a copy of the trial trenching report has been submitted with the information accompanying this application. Other than features indicative of medieval or post-medieval cultivation practices no significant archaeological deposits or features were identified by the fieldwork. Considering these results and the information held by the Warwickshire Historic Environment Record I have concluded that the proposed scheme is unlikely to have a significant archaeological impact. I therefore have no archaeological comments to make with respect to this application.

**WCC Ecology:** No objection - Although this application is for five more dwellings than W/23/1766, the illustrative layout submitted appears very similar.

I have not had the opportunity to assess the Biodiversity Net Gain (BNG) calculation, but as we have already accepted that W/23/1766 can deliver a gain in habitat units, and with this application proposing such a similar layout, I was working on the basis we would accept this application will also deliver BNG.

The application is supported by both a Local Wildlife Site Impact Assessment/Mitigation Strategy Report and Preliminary Ecological Appraisal. These collectively recommend that a Construction Environmental Management



Plan, Landscape Ecological Management Plan and scheme of artificial night-lighting are required. Presumably, the intention will be to secure these by condition, as was done by the Planning Inspector when granting via appeal W/20/0617.

**WCC Flood Risk Management (LLFA):** Based on the information submitted, no objection to the proposal.

**WCC Highways:** No objection subject to the imposition of conditions and Section 106 requests.

**WCC Landscape:** Objection - Despite the enhancements along the Whitnash Brook Valley, the proposals do not provide a strong enough landscape framework within the rest of the development. I am therefore unable to support the application.

**WCC Rights of Way:** Comments – Public Bridleway W119 runs along the track along northern boundary of site. Note measures have been included to prevent vehicles turning onto bridleway. No objection in principle to the access crossing the bridleway. Surface of bridleway should be acceptable for equestrian use. Recommend conditions and notes to secure an acceptable for of development.

**Active Travel England:** No comment to make and development should be assessed against ATE Standing Advice.

**Environment Agency:** Following receipt of hydraulic model, we remove our objection and recommend the imposition of a condition to secure an acceptable form of development.

**Forestry Commission:** There is no ancient woodland affected and consequently we have no comment to make on this occasion. However, it is Government Policy to replace any trees lost through development and we trust therefore, the Local Planning Authority will take this into account during their decision-making process.

**Natural England:** No Objection - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

**Network Rail:** Have provided comments on the process the developer must go through to carry out works adjacent to the railway line. Recommend a range of conditions and informative notes for works adjacent to railway.

**NHS Coventry and Warwickshire ICB:** Request Section 106 Contribution of £99,522 towards improvements towards primary medical care facilities to mitigate for the impact of the increased demand as a result of the development.

**South Warwickshire University NHS Foundation Trust:** Request Section 106 Contribution of £183,530.08 towards improvements towards acute and planned healthcare facilities to mitigate for the impact of the increased demand as a result of the development.

**Stagecoach:** No objection. Confirm that this phase of development will not be serviced by buses.

**Warks Police Designing Out Crime Officer:** I note that this application makes no reference to security, crime prevention or the nationally accredited Secured by Design scheme, within the Design & Access Statement. There is a clear opportunity within the development to achieve the Secured by Design SILVER award. I therefore recommend that these properties be built to a minimum standard that complies with Secured By Design (New Homes 2019) Silver and this be made a condition of this application.

**Public Response:** A total of 88 letters of objection received making the following comments;

- No material change from earlier application.
- Without new access, no dwellings should be built.
- Traffic calming scheme would be insufficient.
- Planning Inspector clearly stated in the appeal decision of 2013 that no further development should take place on the land off the then-newly-built Chesterton Gardens estate unless a new access road is created - alleviating the traffic and noise concerns that will be unavoidable without it.
- Harm to features of archaeological importance.
- Unavoidable impact on the local environment.
- Already an excess of 4,000 homes being built.
- Impact on wildlife habitats.
- Destruction of the remaining rural aspect of Whitnash.
- Damage has already been done by existing development.
- Loss of character of area.
- Impact on rural landscape.
- Loss of charm and community.
- Loss of Green Belt land.
- Should not build on greenfield sites.
- Loss of agricultural land.
- Increased traffic noise and pollution.
- Closing windows is not feasible or reasonable during summer.
- Loss of light and privacy to adjacent dwellings.
- Harm from noise disturbance and dust during building works.
- Access through Brimstone End is unrealistic and no certainty that an alternative solution can be provided.
- Acoustic fence could result in noise of railway being deflected onto existing dwellings.
- Site is in an area that is subject to flood alerts due to proximity of Whitnash Brook.
- Increased air pollution from traffic.
- Proposed crossing of bridlepath could result in vehicular conflict.
- Access not acceptable for construction traffic.
- Existing roads are not designed to be used as a thoroughfare.
- Lack of infrastructure to support new dwellings.
- Would be preferable to build a school on the site.
- Nature Reserve has already been harmed.

- Would limit existing traffic using railway bridge if permanent restriction is put in place.
- Contrary to guidance within the NPPF.
- Cycle routes and paths in the area are inadequate.
- Already been many accidents and development will make things worse.
- Houses should be built on brownfield sites, not greenfield.
- Information submitted with the application is out of date or disingenuous.
- Submitted drainage details are inadequate.
- Schools and Doctors surgeries already over-subscribed.

### **Applicant's Summary Statement**

This proposal is a renewal of an extant outline planning approval granted at appeal, where the Inspector previously concluded there were considerable planning benefits of the application and no reasons whatsoever to warrant refusal.

There have been no material changes to the proposal since that approval and the site remains allocated in both the Local Plan and the Neighbourhood Plan.

The application adheres to all policy requirements and is for a highly sustainable development which includes:

- Open space provision in excess of Council guidelines;
- Biodiversity net gain in excess of 10%;
- Reductions in carbon emissions in excess of the Net Zero Carbon DPD;
- Solar panels, air source heat pumps and electric vehicle charging points for every home.

In accordance with national and local policy the planning application should therefore be approved.

### **ASSESSMENT**

#### **History/Background**

Planning application W/20/0617 sought outline planning permission for up to 200 dwellings. The application was referred to Committee with a recommendation to grant planning permission. The application was refused at Planning Committee on 2 grounds;

- Inadequacy of single vehicular access.
- Unacceptable impact on residential amenity as a result of single access point.

The applicants submitted an appeal against this decision and a fresh application was also submitted under reference W/21/0590 to seek to resolve matters prior to the Public Inquiry taking place. Application W/21/0590 was also overturned at Committee and refused contrary to the Officers' recommendation.

On the basis of the above, the appeal proceeded to a Public Inquiry and the decision of the Planning Inspectorate was to uphold the appeal and issue outline planning permission for the development whilst awarding full costs against the Council for unreasonable behaviour in refusing the application.

A subsequent reserved matters application for the detailed design and layout of the scheme was submitted for consideration under application reference W/22/0232. This application was considered by Committee in December 2022 and received a unanimous resolution to approve in line with the recommendation of Officers.

Prior to the issue of the decision, the Department for Levelling Up, Housing and Communities (DCLUH) submitted a holding directive to WDC not to issue the decision until consideration had been given as to whether the application should be "called in" for determination by DCLUH.

Following an extended period of consideration by DCLUH, a formal notification was received in May 2023 stating that the application was proposed to be called in by the Secretary of State. Following this formal notification, the applicants withdrew the application.

This current application is for a new outline permission for development of the site as the currently extant outline permission expires on 11 August 2024.

The key difference between this scheme and the extant outline permission is a minor decrease in overall numbers with this proposal seeking permission for up to 190 dwellings in comparison to the 200 dwellings approved under the extant scheme.

## **Principle of Development**

### Important Information

This application is for a new standalone outline application. This would not replace the existing and currently extant outline permission that is still valid until 11 August 2024 and would sit alongside it albeit with a longer implementation period.

The extant outline planning permission does however form a significant material consideration for the assessment of this current scheme. In this particular case, the Committee are essentially considering whether there are any differences between this and the previously approved outline application which would be sufficient to lead to the consideration of a different outcome.

### 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.

It should be noted that the five-year supply figure includes new housing provision arising from the existing permission on this site.

### Local Plan

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 Leamington Spa 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 H03 Allocation within the Local Plan identified an estimated 500 dwellings.

The application site is identified within the Local Plan as a site for new housing development as part of a strategic H03 allocation. The H03 allocation is a wider allocation and identifies up to 500 dwellings across the wider site.

This scheme for up to 190 dwellings represents the northern area only where it abuts the existing, recently completed housing development known as Emperors Boulevard which itself was a strategic allocation under the previous Local Plan regime.

This development is the first phase of development in pursuance of allocation H03. The reason for this phased approach is that it is envisaged the wider allocation will be served by a new access road adjacent to Campion School. The negotiations over the acquisition of the land and delivery of the additional access are still ongoing at the current time.

In light of this, and in terms of the delivery of new housing, this first phase has been modelled to ensure that an acceptable level of new traffic from the existing access point without that additional access is achieved without resulting in highway safety implications.

### Conclusion on Matters of Principle

In summary, this proposal is an outline application for 190 dwellings on a site allocated for residential development within the Local Plan which falls within the allocation as set out within H03 of 500 dwellings.

In the case of this site, the scheme has demonstrated that 190 dwellings can be comfortably accommodated on the application site and achieve a very high level of quality together with a level of public and other open space that exceeds all the thresholds for a scheme of this scale.

The site has also been masterplanned to demonstrate that this first phase of development is acceptable in its own right but can also be appropriately assimilated with the wider allocation at the point when a further application comes forward with the provision of a secondary access being provided adjacent to Campion School to allow the facilitation of further development on the wider allocation.

The proposal is therefore considered to be acceptable in principle having regard to Policies H1 and DS11 of the Local Plan.

#### Assessment of the proposed housing provision

Paragraph 50 of the NPPF states that local planning authorities should plan for a mix of housing, based on current and demographic trends, market trends and the needs of different groups in the community. It goes on to state that local planning authorities should identify the size, type, tenure and range of housing that is required in different locations.

In accordance with these requirements, all development must accord with the Strategic Housing Market Assessment for Warwick District that requires a mix of housing sizes of 1, 2, 3 and 4+ bedroomed dwellings based upon the market assessment for the area.

The applicant has confirmed that a comprehensive mix of unit types will be proposed ranging from one bedroomed to four+ bedroomed houses, which can be controlled by a suitably worded condition to ensure that this is followed at reserved matters stage. An affordable housing allocation of 40% will be incorporated into the design and these dwellings will be integrated across the site to ensure tenure blindness. This element would be assessed at reserved matters stage.

The affordable housing will be secured by a Section 106 agreement to accord with Policy SC11.

#### **Design**

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

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 on the character of the local area.

The Warwick District Residential Design Guide sets out steps to 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.

The application is currently in outline form, so the detail of the proposal is limited. However, as part of the submission, an indicative Masterplan has been submitted to demonstrate that a high-quality scheme can be provided on the site to meet the aspirations of the Design Guide as well as National Guidance within the NPPF.

The Indicative Masterplan sets out the scheme that incorporates the 190 dwellings as well as all open space requirements to the level that exceeds the required standards for a scheme of this scale.

The site is currently an open agricultural field and all hedgerows around the perimeter of the site are to be retained. As the site forms part of a larger agricultural field, the proposed southern boundary of the site is not currently delineated. A new boundary feature will be required along this boundary, however, this would be assessed at reserved matters stage.

The eastern area of the scheme lies within Flood Zones 2 and 3 so has been set aside as Open Space with associated planting enhancements to provide a reinforced green buffer between the proposed dwellings and land to the east. The proposal also retains the mature woodland areas around the edges of the site.

The indicative Masterplan demonstrates that the scheme is in compliance with the Garden Suburbs guidance document through the provision of a primary road through the site which is constructed to the required specification of the County Highways Authority that is flanked by grass verges with tree planting together with associated footway and cycleway provision. The tree lined avenue continues in a circuitous route through the development with a hierarchy of roads that naturally link from this primary access route to serve the properties.

A central spine of Public Open Space through the site is identified together with a large area of open space to the east of the site that contains a proposed play area, allotments and surface water attenuation features. Where the equipped play, allotments and surface water attenuation features are proposed, the scheme has been subject to hydraulic modelling to demonstrate that these areas fall outside of the flood zone areas.

The application has been submitted with a Design and Access Statement that sets out a range of design principles for the new development. These design features form a solid basis for the design rationale across the site in order to deliver a high-quality development and Officers consider that this detail can be expanded upon through the imposition of a condition requiring the submission of a detailed Design Code to inform the developments coming forward under the reserved matters submissions. This is also appropriate as it will set the framework for the future phase(s) of development as they come forward.

Subject to the imposition of conditions, Officers are satisfied that the scheme will result in a development of very high design standards.

### **Impact on visual amenity and the character of surrounding area**

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high-quality layout and design in all developments that relates well to the character of the area.

Views from outside the site are mitigated by the presence of the railway line that flanks the western boundary and benefits from existing mature boundary planting along the route. A public bridleway runs along the northern boundary of the site that provides an offset from the existing housing on the development to the north.

As part of the proposal, the site boundaries would be improved with additional planting to provide a more appropriate rural edge to the site. Existing hedgerows and woodland areas are proposed to be retained and supplemented with additional planting where necessary.

It is noted by Officers that the site forms part of a strategic allocation on greenfield land so will obviously result in a change of character from open farmland to residential development. The location of the overall site represents a logical area for the development and will be edged by residential development to the north and west. The southern area also forms part of the residential allocation so the future situation would see additional housing in this area. The eastern boundary is already set to a wooded area which will be bolstered and form a definitive boundary to the settlement.

When viewed from the surrounding area, the development would be seen as a natural continuation of the existing urban form of Leamington Spa and would not be out of character or amount to unacceptable development within the context of the wider built form.

The scheme as identified on the indicative masterplan identifies areas of open space that form an integral element of the overall proposal. The result of the increased green spaces is a development that seeks to significantly bolster the amount of tree planting within the site and the retention of appropriate areas of open green space within the development that give an overall feeling of a development site that is sensitive to the edge of the town and creates a green and 'leafy' form of development that is appropriate for this location.

At this stage, it is acknowledged that the masterplan drawing is indicative only and the overall landscaping strategy for the site would be provided at reserved matters stage. However, the indicative masterplan clearly demonstrates that the provision of a phase of up to 190 dwellings would provide for appropriate areas of additional planting and green space within the site. The scheme includes a parameters plan which does set out the areas of development which would define any future applications for reserved matters.

Any proposed landscaping scheme would be subject to negotiation with the Landscape and Ecology Officers to agree a suitable solution for the treatment of the site and this will be submitted as part of the reserved matters application.



The proposal is therefore considered acceptable having regard to Policy BE3 of the Local Plan.

### **Impact on residential amenity**

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

#### Impact on existing properties

As this development is outline only, there is no specific layout other than the indicative masterplan. Whilst this does not form the final layout of the scheme, it does satisfactorily demonstrate that appropriate separation distances can be provided between the development sites to provide an appropriate level of amenity for the occupiers of the dwellings on the site and no impact as a result of the development would occur that would result in demonstrable harm to existing properties.

The western perimeter of the site abuts the railway and beyond this is residential development. This naturally forms a significant buffer between existing and proposed properties, greatly in excess of the required standards set out in the residential design guide.

To the north the properties on the indicative plan have a front-to-front relationship with the existing houses to the north. The site is separated by the frontage of the existing dwellings including private drives as well as a separate bridleway. The indicative drawing shows a significant separation distance between properties, greatly in excess of the required standards set out within the residential design guide.

The majority of the remaining site would abut open countryside where there would be no near neighbours who would be directly affected by the residential development of the site.

Notwithstanding the above, it is noted that this scheme is coming forwards as the first phase of a larger development that would extend to the south of this site. Whilst indicative, Officers note that the dwellings on this boundary have been designed to face this boundary with an access road in front. This would allow any future phase to mirror that relationship to allow for acceptable separation distances.

The ample landscaping and public open space shown on indicative plans will assist in ensuring the new development provides a high-quality residential environment. Such details will be considered in greater detail at the reserved matters stage.

The earlier proposal granted on appeal was the subject of significant assessment by the Environmental Health Officer in terms of potential noise disturbance to

existing dwellings and a significant amount of engagement was carried out with the applicant's acoustic specialist.

The noise assessments provided by the applicant's acoustic consultant were assessed by the Environmental Health Officer who acknowledged the findings identified within the report identifying that six existing residential properties on Brimstone End would experience an increase of road traffic noise as a result of the proposed access route into the new development with the largest noise impacts being predicted to occur at 1 to 6 Brimstone End which are located closest to the roadside.

Given the identified noise impacts to the six dwellings on Brimstone End, the developer agreed for the provision of additional noise mitigation measures to these existing residents which was secured through the legal agreement attached to the appeal scheme. The mitigation measures proposed were for the developer to install upgraded glazing to the facades of the properties to improve noise insulation. The Inspector in allowing the appeal determined that this was an appropriate method to satisfactorily mitigate the identified noise impacts.

The scheme was submitted in pursuance of the legal agreement attached to permission reference W/20/0617 and all of the windows to the properties have been upgraded to the satisfaction of the Council's Environmental Health Officer. As a result of these existing upgrades having already been secured, Officers are satisfied that no additional works are required.

The applicant has advised that a traffic calming scheme will be delivered by Warwickshire County Council through the contributions in the Section 106 agreement which includes a 20mph speed restriction beyond the St Fremund Way and Withy Bank junction.

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

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

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

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

The site lies adjacent to the railway line which is identified as being a significant noise source that would have an impact on the future occupiers of the development site. In response to this, the applicants have carried out significant noise

monitoring across the site. This monitoring has identified that the site would be subject to increased noise as a result of the proximity to the railway line.

In assessing the proposal, the Consultant has provided a mitigation strategy to provide appropriate screening to the development to overcome the current increased noise environment. The indicative proposal that has been modelled is the provision of acoustic fencing along the site boundary.

No details of the acoustic fence have been provided at this stage and this can be controlled by suitable planning conditions to ensure the acceptability of the proposal. Officers are satisfied that the acoustic fence would be adequately screened by existing trees and vegetation with further work being carried out to the appearance of the fence to mitigate for its visual appearance.

Officers are satisfied that the development accords with Policy BE3 of the Local Plan.

### **Highway Safety**

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

The proposal has been assessed by Warwickshire County Council (WCC) as Highway Authority. It is noted that no objection was raised to the currently consented scheme at this location (W/20/0617).

The current proposal is for a slightly lower number of dwellings, however it was considered by Warwickshire County Highways that due to differing travel patterns post Covid, some additional reviews of the proposal were required.

The same trip rates were used as previously agreed. However, whereas the previous application relied on 2011 Census journey to work data to distribute residential trips from the proposed site, the new application has used WCC's 2023 Mobile Network Dataset (MND). The MND has used data, incorporating the existing residential developments off St Fremund Way as well as residential developments to the east of Whitnash, as a proxy site for the trip distribution.

The trip distribution produced by the MND analysis is similar to the one produced by the Census analysis for the previous TA and shows no significant difference in distribution at the Chesterton Drive/Sydenham Drive/Prospect Road junction.

The junction assessments show that the Chesterton Drive/St Fremund Way junction that serves the existing development will continue to operate within capacity with the delivery of a further 200 dwellings.

Some impacts are shown at the roundabout junction of Prospect Road/Chesterton Drive, but mitigation has been identified that reduces these impacts and allows

the junction to operate within capacity. Delivery of this scheme will make the impact of this development acceptable.

Across the wider network, as assessed in the South Leamington microsimulation model, there are increased network delays of 14% per vehicle in the AM peak (2020 scenario), rising to 18% (in the 2025 scenario) demonstrating increased pressure on a sensitive part of the network as a result of the development.

There are journey time increases along Radford Road/High Street/Old Warwick Road suggesting impacts at the Bath Street area and the Foundry roundabout. There are also impacts on journey time on Europa Way, both northbound and southbound, in the AM peak.

The modelling shows impacts on queue lengths at several key junctions across the wider network, including the Sydenham Drive/Radford Road signalised junction. The modelling outcomes are similar to the approved scheme under W/20/0617.

The technical note accompanying the application accepts that there are impacts on the wider network which will be mitigated by schemes identified in the Infrastructure Delivery Plan through assessment of the Local Plan and that proportional contributions towards these schemes will be expected.

The Highway Authority has undertaken a thorough and robust assessment of the development proposals. Based on this assessment, the Highway Authority is satisfied that the development proposals will not have a detrimental impact on the safety, operation or capacity of the local highway network, and accord with Paragraphs 114, 115 and 116 of the NPPF, December 2023. Therefore, the response of the Highway Authority to the above planning application is one of no objection, subject to conditions and Section 106 obligations.

The primary access point forms part of this outline application and remains as previously proposed and approved which is an access from Brimstone End that enters the site across the existing bridleway. No changes have been proposed to this access since the earlier approval and this is considered acceptable.

From this access point, the highway will extend through the site via a primary spine road and serve the minor residential roads and private drives. These elements will, however, be considered at reserved matters stage, but the street hierarchy is considered to be acceptable.

In terms of bus service, Stagecoach have confirmed that it would not propose to enter the site at this stage. Notwithstanding this, the scheme has been designed so that, should Phase 2 come forward with the provision of the new access adjacent to Champion School, a circular route for buses is provided. Space is set out on the indicative site plan for future bus stops within this current phase to provide the facilities to future occupants ensuring all dwellings are within 400 metres walking distance to the nearest bus stop, in line with County Council policy as stipulated in the Warwickshire Local Transport Plan. With the current proposal, the site is 400 metres to the bus stop on St Fremund Way from the site access point and 320 metres from the Northeastern corner of the site to the bus stop on Whitnash Road.

Whilst it is accepted that the current situation would result in a number of dwellings being in excess of the 400-metre requirement, Officers note that this situation remains as per the extant permission for the site which has been accepted by both County Highways and the Planning Inspector.

In terms of sustainable transport methods, the submitted indicative Masterplan indicates a range of routes through the site together with the connection to the existing bridleway that runs along the northern boundary of the site. In addition to the details on site, wider improvements to the provision of cycleways forms an integral part of the proposed highways works. The spine road is proposed to provide a full off-road cycle way through the core of the site and the indicative masterplan also proposes a number of other recreational cycle routes giving a range of choice for cyclists.

Alongside the cycling improvements, pedestrian accessibility is also a key element of the proposal. The proposed links are designed to be pedestrian and cycle friendly allowing a range of choice for sustainable transport methods. As part of the Section 106 package, contributions are proposed to provide improved pedestrian wayfinding to encourage pedestrian movement rather than vehicular movement to and from the town centre and other destinations in the town.

In addition, a contribution to improve existing Public Rights of Way in the local area is also proposed. This will improve public accessibility to the surrounding countryside for leisure walking activities.

Finally, part of the Highways Contributions will specifically provide for improvements to off-road cycling routes throughout the town and surrounding areas.

The site has been the subject of a comprehensive assessment of the level of traffic/impacts from not just the application site but the earlier phases of development. This cumulative assessment has been considered by Warwickshire County Highways who, subject to the imposition of appropriate conditions and associated contributions, raise no objection on highway safety grounds.

The proposal is considered to comply with Policies TR1 and TR3 of the Local Pla

### **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 scheme has demonstrated that the built development will be located away from the adjacent brook and nature reserve to ensure that the development does not have a detrimental impact on the environmental sensitivities of the area.

The County Ecologist has assessed the submitted ecological survey work and considers that the indicative scheme as set out would result in a net Biodiversity

gain that meets or exceeds the mandatory 10% as the indicative layout is similar to that proposed on reserved matters application W/23/1766 where the proposal is well in excess of the required 10% net gain. This would be assessed at Reserved Matters stage to ensure that the scheme results in the required net Biodiversity gain. This can be secured through an appropriately worded condition.

The Ecologist has also suggested a number of conditions to safeguard protected species and secure a suitable Construction and Environmental Management Plan; a Landscaping and Ecological Management Plan; tree protection measures; and a lighting scheme, together with explanatory notes regarding protected species.

Subject to the imposition of the requested conditions, Officers are satisfied that the development is acceptable having regard to Policy NE3 of the Local Plan.

### Sustainability

Warwick District Council has declared a climate emergency. As part of this declaration, the Council is taking steps towards becoming a net-zero carbon organisation. A key element of this is the introduction of the Net Zero Carbon DPD that is currently being progressed but not yet adopted. 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 to adapt to the future impacts of, climate change through the inclusion of adaptation measures such as;

- a) using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
- b) optimising the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading, in accordance with Policy NE1;
- c) incorporating water efficiency measures, encouraging the use of grey water and rainwater recycling, in accordance with Policy FW3;
- d) minimising vulnerability to flood risk by locating development in areas of low flood risk and including mitigation measures including SuDS in accordance with Policy FW2.

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

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

The applicants have provided a detailed Energy and Sustainability Statement within their submission regarding energy saving matters that are proposed to be brought forward with any subsequent reserved matters applications. This statement seeks to address the Net Zero Carbon DPD requirements.

The key aspect that the applicants are seeking to achieve is the adoption of the 'fabric first' approach to building construction to limit the energy demand on the new dwellings by ensuring that they are highly efficient and well insulated. This approach results in a net reduction in energy demand at source rather than using other measures to reduce carbon emissions. Thereafter, the statement advises that it is proposed to utilise Air Source Heat Pumps and Solar PV Panels on every dwelling within the development. The statement has calculated that the proposal would result in a 75% reduction in Carbon emissions across the site together with a 13.2% improvement in energy usage across the site.

Overall, the sustainability aims of the proposal are considered to be acceptable and in accordance with the requirements of the emerging net carbon zero DPD and this can be secured by condition to ensure these significant benefits are delivered for the scheme.

It is considered appropriate to require the submission of the final energy strategy together with a further detail of how the energy and sustainability matters secured through the conditions have been implemented through the use of an additional compliance condition. Further consideration of additional energy saving measures can also be carried out once the detailed layout has been determined to ensure that the final development helps to achieve the District Councils climate change objectives.

Subject to the required conditions, the proposal is considered acceptable.

## **Other Matters**

### Trees/Hedgerows

The site is currently an open field delineated by mature hedging. Other than the field boundaries, there is limited vegetation located within the main site area.

Officers note that other than the removal of some small sections to facilitate access, the existing hedgerows have been retained within the Parameters Plan and this is reflected on the indicative masterplan which demonstrates how these are incorporated into the scheme. These hedgerows provide a good level of mature planting within the site to soften the development from the initial stages whilst also retaining existing wildlife corridors which are ecologically beneficial across the site.

In addition to the retained hedgerows, a significant part of the proposal is to enhance the tree planting on the site as part of the development to create a softening effect to provide an appropriate environment for the new housing that will also mitigate the potential impact on the open countryside. This has the added benefit of significantly increasing the level of tree planting within the site and this is to be welcomed, from both an aesthetic viewpoint as well as a biodiversity viewpoint.

The specific types of trees and final landscaping design will be subject to a further submission through the reserved matters, but at this stage, the indicative

masterplan submitted shows significant additional tree planting which is appropriate for this land.

### 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 site was assessed under the earlier application reference W/20/0617. The results of this survey work and trial trenching were submitted in a report with the supporting information as part of the current application. The County Archaeologist has considered the proposal and noted that the site has some archaeological potential but is satisfied with the level of survey work undertaken across the site. The Archaeologist has recommended that no further investigative and evaluative archaeological fieldwork is required for this application.

Officers are satisfied that the proposal is in accordance with Policy HE4 of the Local Plan.

### Air Pollution

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

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

Appropriate mitigation measures 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. In addition to this, a request for Type 3 Air Quality Mitigation to fund local projects is required totalling £67,405.

The Air Quality mitigation funds can be used for a wide range of projects to mitigate air quality impacts such as highways works to improve traffic flows in busier areas such as the town centre in order to minimise queuing traffic or feasibility studies for larger projects that are to be funded by CIL.

In addition to the funding, the proposal also requires on-site works to be provided to reduce emissions at source, such as the provision of electric car charging points,



provision of secure cycle storage for all properties, and 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 and public transport improvements together with sustainable transport improvements for cycling/walking 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. By maximising the use of sustainable transport methods, this will aid in further reducing the impact on air quality as a result of the development.

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. The air quality contributions would be secured through the Section 106 Agreement.

### Waste Storage

Whilst the scheme is only in outline form at this stage, the proposal has been considered by the Waste Management Team on the basis of the indicative layout supplied.

The Officer notes that there are a number of private roads/driveways on the plans but there are no Bin collection points identified. The District Council operates a kerbside collection for refuse and recycling and as such all containers need to be presented on the kerbside but this does not include private roads/driveways. In such areas the developer must ensure that there are enough bin collection points at the end of the private roads which are accessible by the refuse collectors.

In addition, each bin collection point must be big enough to accommodate a minimum of 3 x wheelie bins per property. The bin collection points do need to be made a condition of planning to ensure that they are built and the residents are aware to use them otherwise refuse and recycling collections will not take place.

This can be secured by appropriate condition to ensure that the reserved matters layout identifies the location and required size of the bin collection points to serve any private drives.

### Health and wellbeing

The site contains large areas of open space for use by future occupants. The area of land set out for open space on the parameters plan exceeds the Council's requirements for all types of on-site open space provision. Whilst the final detail and form of the open space areas will be provided within the Reserved Matters submission for later consideration, the actual areas are defined within the parameters plan so will not be altered in terms of overall area.

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 outline scheme subject to a financial contribution towards additional policing requirements for the area as a result of the additional dwellings.

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 up to 190 dwellings would create significant 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 drafting of the associated Section 106 Agreement has been 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 190 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:

- Sustainable Travel Promotion - £2,000.
- Libraries - £4,159.
- Education and Learning - £2,766,976.
- Public Rights of Way Improvements - £7,797.01.
- Off-site Highway Improvements including cycling - £720,000.
- Road Safety Contribution - £9,500.
- NHS Hospitals - £183,530.08.

- NHS ICB - £99,522.
- Warwickshire Police - £33,645.
- Indoor Sports Facilities - £157,316.
- Outdoor Sports Facilities - £75,161 (grass and artificial pitches).
- Air Quality Mitigation - £67,405.
- Bus Stop contribution of £5,000 per bus stop.
- Bus Stop Real Time Information Board contribution of £4,000 per unit.
- Maintenance of Real Time Information Board at £2,500 per unit.

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

- 40% Affordable Housing
- Adoption of Open Space Areas.
- Adoption of SUDS.
- Local Labour Agreement.
- Monitoring Fee.

## **Conclusion**

This application seeks to provide a new outline planning permission for up to 190 dwellings to effectively extend the existing extant outline planning permission granted on appeal under reference W/20/0617. There has been no material change in circumstances since the previous grant of planning permission on appeal. In line with the Inspectors conclusion to the appeal proposal, the scheme is considered to provide benefits in all three dimensions of sustainability, and the site is entirely suitable to accommodate residential development, in principle and of this scale. There is no reason to withhold planning permission in this case and he concluded that the appeal should be allowed.

The application site is allocated within the Local Plan for residential development as part of allocation H03 which identifies approximately 500 dwellings for the wider area of the site and forms a first phase of development pending further negotiations into the second access point.

The indicative Masterplan demonstrates that the scheme retains existing green features and delivers a high-quality environment with accessible sustainable transport links to the surrounding areas together with areas of open space that are in excess of the requirements set out within the Open Space SPD.

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

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

## **CONDITIONS**

1

### **Reserved Matters**

Details of the appearance, landscaping, layout and scale of the development (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in strict accordance with these reserved matters as approved.

**REASON:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

2

### **Submission of Reserved Matters Timescale**

Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

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

3

### **Commencement of Development**

The development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later.

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

4

### **In Accordance with Plans**

The development hereby approved shall be carried out in accordance with the details shown on the following plans:

- Location Plan 4648-01 Rev. E
- Land Use Parameters Plan 4648-03 Rev. N
- Access Plan 20376-01 Rev E.

**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.

5

### **Illustrative Plans**

The development hereby approved shall be carried out in general accordance with the details shown on the additional plans and documents:

- Illustrative Masterplan 4648-04 Rev. C
- Design and Access Statement – Robothams, Nov. 2023

**REASON:** In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS15, BE2 of the Warwick District Local Plan 2011-2029.

## 6

### **Construction Environmental Management Plan (CEMP)**

The development hereby permitted shall not commence on any phase of development until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority for that phase of development. The CEMP shall be compliant with the British Standard on Biodiversity BS 42020:2013 published in August 2013. In discharging this condition, the Local Planning Authority expect to see details concerning pre-commencement checks and monitoring for protected and notable species, and habitats as deemed appropriate. In addition, appropriate working practices and safeguards for other wildlife that are to be employed whilst works are taking place on site should be included. The CEMP shall include a timetable for the implementation of measures stated. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

**REASON:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan.

## 7

### **Landscape and Ecological Management Plan (LEMP)**

No phase of development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan (LEMP) for that phase of development has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include details of planting and maintenance of all new planting. Details of species used, and sourcing of plants should be included. The plan shall also include details of tree and hedgerow retention; habitat enhancement/creation measures and management, such as ponds, wildflower grasslands; and the provision of habitat for protected species. The LEMP shall also include details on soil management to make best use of the high-quality soils on site - detailed guidance to inform this matter is available in Defra 'Construction Code of Practice for the Sustainable Use of Soils on

Construction Sites'. Such approved measures shall thereafter be implemented in full.

**REASON:** To protect, enhance and/or restore habitat biodiversity in accordance with Policy NE3 of the Warwick District Local Plan 2011-2029.

## 8

### **Protected Species Contingency and Local Wildlife Site Protection**

Prior to the submission of reserved matters, a scheme for the protection of the Local Wildlife Site shall be submitted to and approved in writing by the Local Planning Authority. The Local Wildlife Protection scheme shall include:

- Adequate measures to protect existing trees, scrub and ground flora of the adjacent Local Wildlife Sites during development.
- Details of an appropriate barrier(s), such as a wire fence, to be erected before works start.

This area should include a sufficient buffer zone between the development/associated works and the boundary of the Local Wildlife Site. Thereafter, the approved protection scheme shall be implemented in full prior to any construction works on site and shall remain for the duration of the development.

**REASON:** To ensure that protected species and important habitats are not harmed by the development in accordance with Policy NE3 of the Warwick District Local Plan 2011-2029.

## 9

### **Infrastructure Phasing Plan**

Prior to the commencement of development, a strategy for the phasing of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The phasing strategy shall define: (a) the development to be delivered within each phase of the development; (b) indicative timescales; and (c) details of the coordination of housing and infrastructure delivery, including triggers for delivery of infrastructure and the arrangements to prevent interruption of delivery across phase and phase boundaries to include the provision of the spine road, accesses, public open space including SUDS, allotment provision, and acoustic screening of the development. Thereafter, the development shall be carried out in strict accordance with the phases established in the phasing strategy as approved by the Local Planning Authority.

**REASON:** To ensure that the site is developed in a comprehensive manner in accordance with Policy DS15 of the Warwick District Local Plan 2011-2029.

## 10

### **Construction Method Statement**

No development shall commence on site until a Construction Method Statement, which shall include the following:

- (a) the parking of vehicles of site operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials used in constructing the development;
- (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (e) wheel washing facilities;
- (f) measures to control the emission of dust and dirt during construction;
- (g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- (h) details of measures for the control of noise during construction works;
- (i) details of construction Phasing, HGV Routing Plan and time restrictions on HGV access.

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction methods.

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

## 11

### **Low Emission Strategy**

Prior to submission of any reserved matters application an appropriate scheme of Type 1 and 2 mitigation in accordance with Warwick District Council's Air Quality Supplementary Planning Document (January 2019) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in full in accordance with the approved details.

**REASON:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policies NE5 and TR1 of the Warwick District Local Plan 2011-

2029 and the aims and objectives of national guidance within the NPPF 2019.

## 12

### **Site Wide Drainage Strategy**

No development shall take place until a detailed surface water drainage scheme for the site, based on the sustainable drainage principles contained within Outline Drainage Strategy LIW-JBAU-XX-XX-RP-0001 Rev. A01-C01 (JBA, Feb. 2024), the approved Flood Risk Assessment LIW-JBAU-SI-XX-RP-HM-0001 Rev. A3-C03 (JBA, Nov. 2023) and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall include the following information:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753 through the submission of plans and cross sections of all SuDS features.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rainstorm to the Q Bar Greenfield runoff rate of 28.5 l/s.
- Demonstrate the provisions of surface water run-off attenuation storage are provided in accordance with the requirements specified in 'Science Report SC030219 Rainfall Runoff Management for Developments'.
- Demonstrate detailed design (plans, network details and calculations) of the surface water drainage scheme including details of all attenuation and outfall arrangements. Calculations should demonstrate the performance of the designed system for the critical storm duration for at least the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods. The calculations should be supported by a plan of the drainage network with all manholes and pipes labelled accordingly.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing. Water must not be directed toward properties nor flow onto third party land. Overland flow routing should look to reduce the impact of an exceedance event.

In addition, the following mitigation measures shall be adhered to;

- All built development, including the attenuation pond and allotments are located outside of the design flood extent (i.e. on land above the 100 year river flood level, plus climate change); and
- There shall be no raising of ground levels on land at or below the design flood level (100 year river flood level, plus climate change).



Thereafter, each reserved matters phase submitted shall include a compliance statement together with appropriate detailed methodology to demonstrate that the drainage for that phase is in accordance with the overarching drainage strategy for the site.

**REASON:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies FW1, FW2 and NE4 of the Warwick District Local Plan 2011-2029.

### 13

#### **Details of Boundary Treatments**

The development hereby permitted shall only be undertaken in strict accordance with details of boundary treatment design and materials, which have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted.

**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 Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029.

### 14

#### **Drainage Maintenance Plan**

No occupation and subsequent use of the development shall take place until a detailed maintenance plan, written in accordance with CIRIA C753, is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details, shall be provided to the LPA and LLFA within the maintenance plan.

**Reason** To ensure the future maintenance of the sustainable drainage structures in accordance with Policies FW1, FW2 and NE4 of the Warwick District Local Plan 2011-2029.

### 15

#### **Tree Protection Scheme**

No phase of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on that phase has been submitted to and approved in writing by

the Local Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2012 Trees in Relation to Design, Demolition and Construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

**REASON:** To protect trees and other features on site during construction in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029.

16

### **Details of External Lighting**

Prior to the commencement of the development, full details of all permanent lighting on the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with Warwickshire County Ecology. This should follow the Institute of Lighting Professionals' Guidance Note 01/20: Guidance notes for the reduction of obtrusive light. The lighting shall be installed according to an approved plan which will need to be submitted by the applicant. The lighting should be maintained in perpetuity. In discharging this condition, the Local Planning Authority expects due consideration to be given to biodiversity.

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

**REASON:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and that appropriate measures are taken in relation to protected species and the strategic transport network in accordance with Policies TR1, BE3, NE2, NE4 and NE5 of the Warwick District Local Plan 2011-2029.

17

### **Biodiversity Net Gain**

No development shall commence unless and until a scheme ("the scheme") to ensure that there is a net biodiversity gain as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity offsetting metric as applied in the area in which the site is situated at the relevant time and the scheme shall include:

(a) Proposals for on-site mitigation (full details of which will be provided in relation to each phase of development in accordance with Condition 6 of these conditions)

(b) A management and monitoring plan.

The scheme shall be implemented in full accordance with the requirements of the scheme.

**REASON:** To ensure net gains in biodiversity, in accordance with the requirements of the NPPF.

## 18

### **Railway Protection Measures**

In order to ensure that works to the site do not adversely impact the safe operation of the adjacent railway, prior to the commencement of the development, the following details shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail;

- A method statement and risk assessment for all works adjacent to the boundary with the railway.
- Details of appropriate vehicle safety protection measures along the boundary with the railway.
- Full details of ground levels, earthworks and excavations to be carried out near to the railway boundary.
- details of the disposal of both surface water and foul water drainage being directed away from the railway.
- Details of any vibro-impact works on site including a risk assessment and method statement
- Details of scaffolding works within 10m of the railway boundary
- Details of a demolition methodology statement (including mitigation measures) for any demolition works.

**REASON:** To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway.

## 19

### **Sample Materials**

No phase of development shall be carried out above slab level unless and until a schedule of the external facing materials to be used in that phase has 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.

20

### **Site Levels/Finished Floor Levels**

No development other than site clearance and preparation works shall take place on any phase of the development until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on that phase and the relationship with adjacent phases 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.

21

### **Water Efficiency**

No phase of development shall be carried out above slab level unless and until a scheme for that phase demonstrating how water efficiency measures have been incorporated into the development and shall demonstrate how, consideration has been given to the incorporation of grey water and rainwater recycling measures, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved measures have been completed in strict accordance with the approved details.

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

22

### **Energy and Sustainability Statement**

The development hereby permitted shall be carried out in accordance with the details contained within the document titled Energy & Sustainability Statement Rev E dated November 27, 2023.

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

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

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

23

### **Construction Hours**

The hours of operation for construction works and deliveries shall be restricted to 07:30-17:00 Monday to Friday and 08:00-13:00 on a Saturday. No work is permitted to take place on Sundays or Public Holidays without the prior written permission of the Local Planning Authority. Furthermore, during term time delivery vehicles shall not be allowed to arrive on site between 08:30- 09:30 or between 15:00 and 16.30 Monday to Friday.

**REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029.

24

### **Noise Mitigation Measures (Residential)**

As part of the submission of any reserved matters relating to the layout of the dwellings adjacent to the railway line hereby permitted, a detailed scheme for the proposed means of noise attenuation from the adjacent railway line shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail. The scheme should ensure that proposed measures whilst acoustically effective are designed to minimise visual impacts and impacts upon ecological features and trees. The scheme shall be implemented in accordance with the approved details prior to the first occupation of any dwelling and shall be retained thereafter in perpetuity and any approved mitigation measures shall be implemented in accordance with the approved programme.

**REASON:** To protect residents of the development from the adverse effects of noise from within and outside the development in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.

25

### **Provision of Hydrants**

No phase of development hereby permitted shall be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire-fighting purposes for that phase of 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 fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029.

26

### **Landscape Replacement Planting**

The landscaping approved under Condition 1, shall be completed in all respects for that phase of development within the first planting season following the first use of the dwellings within that phase. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the Local Planning Authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in strict accordance with British 9 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.

27

### **Retention of Existing Trees/Hedges**

The existing tree(s), hedges and shrub(s) indicated to be retained on the plans approved under Condition 1 shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the Local Planning Authority. Any tree(s), hedge(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s), hedge(s) and shrub(s) of such size and species details of which must be submitted to and approved by the Local Planning Authority. All tree(s), hedge(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces).

**REASON:** To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the

visual amenities of the area in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.

## **Housing Mix**

The type and size of dwellings submitted as part of any reserved matters application shall broadly accord with the following mix:

	<b>One Bed</b>	<b>Two Bed</b>	<b>Three Bed</b>	<b>Four Bed +</b>
Market mix	5-10%	25-30%	40-45%	20-25%
Affordable mix	30-35%	25-30%	30-35%	2-5%

**REASON:** To ensure that the housing meets the needs of the District as required by Local Plan Policy H4 of the Warwick District Local Plan 2011-2029 and the NPPF.

28

29

## **Cycle Parking**

Prior to the commencement of each phase of development, details of cycle storage, for that phase shall be submitted to and approved in writing by the Local Planning Authority. The agreed cycle parking shall be provided before first occupation of that part of the site and be retained as such thereafter.

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

30

## **Car Parking Plans**

As part of any reserved matters applications submitted under Condition 1, plans showing car parking within that phase shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the agreed car parking provision shall be provided before first occupation of that part of the site and be retained as such thereafter.

**REASON:** In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS15, BE2 of the Warwick District Local Plan 2011-2029.

31

## **Removal of Permitted Development Rights C3 to C4**

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 permitted changes from C3 dwelling house to C4 Houses in Multiple Occupation shall be enacted within the development hereby permitted.

**REASON:** To manage the balance of sustainable communities in accordance with Policy SC0 of the Warwick District Local Plan 2011-2029.

## 32

### **Provision of Allotments**

Prior to the occupation of 50% of the dwellings, the allotments and associated infrastructure shall be laid out in full accordance with an Allotment Delivery and Management Plan that shall first have been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of the location of the allotments, laying out of individual plots, infrastructure, boundary fencing, car parking areas and any proposed storage structures. Once laid out the allotments shall be appropriately managed, maintained and kept in a tidy condition for use as allotments for the lifetime of the development as set out within the Management Plan.

**REASON:** To ensure adequate infrastructure is provided in a timely manner as part of the comprehensive development of this strategic site in the interests of the sustainable development in accordance with Policy DS15 of the Warwick District Local Plan 2011-2029.

## 33

### **Contamination not Previously Discovered**

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 ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in



accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

34

#### **Traffic Management Scheme**

Prior to first occupation of the first dwelling in the development, the proposed Traffic Management Scheme shall be delivered in general accordance with drawing 20376-02.

**REASON:** In the interest of highway safety and to protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029.

35

#### **Site Access**

Prior to first occupation of the first dwelling in the development, the site access shall be delivered in general accordance with drawing 20376-01 Rev E.

**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.

36

#### **Detail of Trespass Proof Fence**

Prior to occupation of the site the developer is to provide a suitable trespass proof fence adjacent to the boundary with the railway; the fencing details to be submitted to the council and Network Rail for agreement.

**REASON:** To protect the adjacent railway from unauthorised access.

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**Planning Committee:** 16 April 2024

**Item Number:** 6

**Application No:** [W 23 / 0841](#)

**Town/Parish Council:** Warwick  
**Case Officer:** Millie Flynn

**Registration Date:** 09/06/23

**Expiry Date:** 08/09/23

01926 456140 millie.flynn@warwickdc.gov.uk

**Woodloes Farm, Woodloes Lane, Guys Cliffe, Warwick, CV35 7RE**

Demolition of existing timber sunroom side extension, lean-to, outbuilding and garage; Proposed internal and external works, repairs, alteration and all associated works to Grade II\* Woodloes Farmhouse including the erection of a rear extension, garage, gates and wall; Internal and external works of alteration, extension and conversion of Grade II listed/curtilage listed barns to 4no. dwellings, along with the demolition of some modern agricultural structures and all other associated works and landscaping. FOR Luddridge Wood Limited

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This application is being presented to Planning Committee due to the number of objections received.

**RECOMMENDATION**

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report.

**DETAILS OF THE DEVELOPMENT**

The application seeks permission for the demolition of existing timber sunroom side extension, lean-to, outbuilding and garage. Along with proposed internal and external works, repairs, alteration and all associated works to Grade II\* Woodloes Farmhouse including the erection of a rear extension, garage, gates and wall. The proposal also includes internal and external works of alteration, extension and conversion of Grade II listed/curtilage listed barns to create 4no. new dwellings, along with the demolition of some modern agricultural structures and all other associated works and landscaping.

**THE SITE AND ITS LOCATION**

The application site relates to a sizable farmyard complex positioned a short distance to the north of Warwick, set within open countryside. The site is washed over by the Green Belt. The primary farmhouse building is distinguished by its Grade II\* listed designation, reflective of its impressive architectural standing and historic significance. The wider farmyard complex features a number of disused agricultural buildings of widely varying scale, design and age. The most notable of these structures is a large timber panelled barn to the southern edge of the site, which is Grade II listed in its own right. All brick built agricultural structures are considered to be Curtilage Listed in association with the barn and main farmhouse.

Notwithstanding the above heritage significance, much of the site has fallen into a state of disrepair, with varying levels of restorative works required to bring the site back into functional use.

## **PLANNING HISTORY**

No relevant planning history.

## **RELEVANT POLICIES**

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- BE4 - Converting Rural Buildings
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE5 - Protection of Natural Resources
- HE1 - Protection of Statutory Heritage Assets
- HE4 - Archaeology
- DS18 - Green Belt
- H1 - Directing New Housing
- H14 - Extensions to Dwellings in the Open Countryside
- TR1 - Access and Choice
- TR3 - Parking
- FW3 - Water Conservation
- CC1 - Planning for Climate Change Adaptation
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Agricultural Buildings and Conversion - Barns (Supplementary Planning Guidance)

## **SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** No objection.

**Leek Wootton and Guy's Cliffe Parish Council:** Supports the application on grounds that the proposal seeks to restore the Grade II\* Listed farmhouse and associated outbuildings.

**Historic England:** No objection, subject to conditions attached.

**WCC Highways:** No objection.

**WCC Ecology:** No objection, subject to conditions attached.

**WCC Landscape:** Objection.

**WCC Archaeology:** No objection, subject to condition attached.

**WCC Public Rights of Way:** No objection, subject to advisory notes.

**WDC Environmental Health:** Object to the proposal until further information is provided (awaiting re-consultation response - will be reported to Members in Update Report).

**WDC Waste Management:** No objection.

**WDC Conservation Officer:** No objection, subject to conditions.

**WDC Tree Officer:** No objection, subject to condition attached.

**The Gardens Trust:** No objection.

**Public Response:**

2 support comments received.

2 neutral comments received; however, it should be noted that the 2 comments highlighted concerns of highway/ pedestrian safety.

15 objections received on the following grounds.

- Increased traffic generated by proposals.
- Dangerous impact on highway safety.
- Impact on footpath network used by pedestrians.
- Construction traffic/noise.
- Impact on trees/landscape along Woodloes Lane.
- The development has a heavy carbon footprint.
- Impact on wildlife and the local environment.
- Queries regarding the ongoing maintenance of the lane.
- Query the necessity of the single storey rear extension.

**ASSESSMENT**

The main issues relevant to the consideration of the assessment of this application are as follows:

- Principle of development
- Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified.
- Design, Layout and Impact on Listed Buildings
- Removal of Permitted Development Rights
- Archaeological impact
- The impact on the living conditions of nearby dwellings and living conditions for the future occupiers of the site.
- Parking and Highway safety
- Rights of way
- Ecological impacts
- Landscape
- Impact on trees

- Noise
- Land contamination.
- Refuse
- Low Emissions Strategy
- Climate Change
- Water Efficiency
- Other matters

### Principle of Development

The principle of development in this instance is a two-fold assessment; firstly consideration must be given as to whether or not this is an appropriate location for the creation of 4no. new dwellings, having regard to the provisions of Policy H1 of the Local Plan. Secondly, whether or not the proposals constitute appropriate development in the Green Belt.

### The principle of 4no. dwellings in this location

Given a significant element of the proposal comprises the creation of four new dwelling units on the site, the principle of siting new residential uses in this location must be considered.

Paragraph 83 of the National Planning Policy Framework indicates that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Policy H1 of the Warwick District Local Plan 2011-2029 sets out where (in terms of location) and the circumstances in which, new housing development will be permitted. For sites such as this, which are not within an Urban Area, Growth Village or Limited Infill Village, the policy states that elsewhere within the open countryside, housing development will be permitted where (inter alia) the development would re-use redundant or disused buildings in accordance with Policy BE4 and lead to an enhancement to the immediate setting. This policy requirement echoes the provisions of the NPPF which states the same.

Policy H1 of the Warwick District Local Plan 2011-2029 sets out where (in terms of location) and the circumstances in which, new housing development will be permitted.

The adopted Warwick District Local Plan 2011-2029 has a settlement hierarchy for the location of new housing to encourage sustainable patterns of development. Under Policy H1 housing sites have been identified and allocated. Policy H1 directs new housing to sites which meet the following criteria:

- a) Within the Urban Areas
- b) Within the allocated housing sites at Kings Hill Lane and Westwood Heath
- c) Within the boundaries of Growth Villages and Limited Infill Villages
- d) in the open countryside, where the site is adjacent to the boundary of the urban area or a growth village and meets several other criteria
- e) Elsewhere within the open countryside; where:
  - i. the development is for rural affordable housing, in accordance with Policy H3.
  - ii. the development is for a rural worker in accordance with Policy H12.

- iii. the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.
- iv. the development would re-use redundant or disused buildings in accordance with Policy BE4 and lead to an enhancement to the immediate setting; or
- v. the design of the dwelling is of very exceptional quality or innovative nature

Whilst the site lies within relatively close proximity to the northern edge of Warwick, for the purposes of Local Plan Policy H1 it can only be considered to lie within the open countryside under exception (e), noting that it is not directly adjacent to the boundary of the Urban Area, with a significant demarcation between the edge of the town and the clearly self-contained farmyard application site.

For sites such as this, which are not within an Urban Area, Growth Village or Limited Infill Village, the policy states that elsewhere within the open countryside, housing development will be permitted where (inter alia) the development would re-use redundant or disused buildings in accordance with Policy BE4 and lead to an enhancement to the immediate setting. This policy requirement echoes the provisions of the NPPF which states the same.

Local Plan Policy BE4, which relates to the conversion of rural buildings, states that proposals to re-use and adapt existing rural buildings will be permitted subject to the following criteria:

- the building is of permanent and substantial construction.
- the condition of the building, its nature and location, make it suitable for re-use or adaptation.
- the proposed use or adaptation can be accommodated without extensive rebuilding or alterations to the external appearance of the building.
- the proposal retains and respects the special qualities and features of listed and other traditional rural buildings.
- the appearance and setting of the building following conversion protects, and where possible enhances, the character and appearance of the countryside.

The barns proposed for conversion are structurally sound, of brick and tile construction which are evidently in very good condition and therefore suitable for re-use. The proposal seeks to retain all existing openings and work within the parameters of the barns as they stand currently, with only a few minor additional features in order to ensure the complete re-use of the internal layout. Accordingly, the appearance and setting of the barns following conversion seeks to protect the character and appearance of the countryside. Officers also note that the proposal would represent the optimal viable use of the heritage asset and would also secure its future.

It is therefore concluded that the principle of development is acceptable in accordance with Policies H1 and BE4, subject to an assessment being made of the other relevant considerations which are set out below. Therefore, the principle of converting the barns to 4no. dwellings is acceptable in principle.

Whether the proposal would constitute appropriate development in the Green Belt and, if not, whether very special circumstances exist which would outweigh the harm by reason of inappropriateness and any other harm identified

A key consideration in relation to this site is whether the proposals constitute appropriate development in the Green Belt and, if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and other harm identified.

Paragraph 142 of the NPPF states that the essential characteristics of Green Belts are their openness and their permanence. A fundamental aim of Green Belt policy is to prevent urban sprawl. Paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. Exceptions include extensions which do not result in disproportionate additions over and above the size of the original building. Local Plan Policy DS18 states that the Council will apply national policy to proposals within the Green Belt. Local Plan Policy H14 states that extensions to dwellings in the Green Belt that represent an increase of more than 30% to the gross floorspace of the original building are likely to be considered disproportionate.

The glossary of the NPPF confirms that the 'original building' means a building as it existed on 1st July 1948, or if constructed after 1 July 1948, as it was originally built.

Policy DS18 of the Warwick District Local Plan 2011-2029 states that the Council will apply Green Belt policy in accordance with government guidance as set out in national policy.

For the purposes of this assessment the two main elements of the scheme have been discussed separately.

### ***Farmhouse***

The submitted Structural Report notes that there are some previous extensions to the farmhouse, however these are understood to be pre-1948 and therefore have been considered as part of the original dwelling. Officers note that there was previously a single storey conservatory side addition, of which has been removed. The Local Authority agreed that this structure should be included as part of the original dwelling as photographs dated 1957 shows the structure in situ, it is also understood to have been present in 1948. Unfortunately, there is no exact figure of its size and therefore, whilst Officers are mindful of such development it hasn't explicitly been included as part of the calculations below.

It should also be noted that the applicant has considered the floor area of the basement, which the LPA would not consider. Therefore, such figures do not form part of the overall calculations.

### ***Gross Floor Area Calculations***

Existing Floor Area = ~656.99 sqm

It should be noted that the proposal for the farmhouse involved the removal of the vandalised side sunroom and the lean-to.

Proposed Floor Area = ~721.61sqm

Percentage increase = ~ 9.8%

Therefore, the erection of a single storey rear extension to the main farmhouse is considered to constitute appropriate development in the Green Belt.

#### *Farmhouse Garage*

Amendments have been made since the initial submission of the application to reduce the overall size and scale of the garage.

The submitted Planning Statement refers to the garage being considered an extension to the main the dwelling. This was the case of *Seven Oaks District Council v SOS and DAWE 1997* (the DAWE judgement) which concerned an extension to a detached garage. It was found that a domestic adjunct such as a garage could be regarded as part of the existing dwelling in the absence of any physical attachment between the two buildings. However, this does not mean that all domestic adjuncts can be considered to be part of the original dwelling. The domestic adjunct "test" is concerned with the role of the building and its relationship to the main building both functionally and visually. As stated in the DAWE judgement, whether or not a domestic adjunct can be considered to be part of the existing dwelling is "a matter of fact and degree in every case."

Officers note that the existing garage is in close proximity, and it may have been used incidentally to the main house. However, it is considered by virtue of the design and appearance of the building, it cannot be considered as an extension. Therefore, Officers concluded that the replacement outbuilding should not be materially larger than the one its replacing.

#### *Gross Floor Area Calculations*

Existing Floor Area = ~26.67sqm

Proposed Floor Area = ~ 48.20 sqm

Percentage increase = ~ 80.72%

As the calculations show, the replacement garage is materially larger than the one it replaces and would result in inappropriate development in the Green Belt.

Whilst the proposal in quantitative terms represents development, which is materially larger than its replacement, Officers note that it is essential to consider the proposal in qualitative terms and its impact on openness. It is noted that the demolition of existing structures across the site would result in a lesser impact on the openness of the Green Belt and that there is a reduction in overall development across the entire site by 636 sqm. Therefore, it is noted that the proposal will increase the sense of openness within the application site and there will be a betterment in the quantity and quality of overall development. Therefore, on balance the replacement garage is considered to constitute appropriate development in the Green Belt.



### *Boundary Wall to Farmhouse*

It is considered that the overall betterment in development across the application site, as discussed above, taken together with the Conservation Officer s' support to reinstate the boundary wall to the front of the farmhouse, to reflect the lost historic wall in this area, results in appropriate development in the Green Belt.

### ***Barn Conversions***

#### *Gross Floor Area Calculations*

Existing Floor Area = ~1,786.54 sqm

Proposed Floor Area = ~ 1,186.83 sqm

Percentage increase = ~ -33.56%

From the calculations shown above it is clear in terms of the quantitative assessment there is an overall reduction in built form, in comparison to what currently exists at the site. Both the qualitative and quantitative assessments above conclude that the proposal would not have a greater impact on the openness of the Green Belt than the existing development.

#### *Removal of the staggered wall from Unit 1*

Officers considered the staggered wall between Units 1 and 4, to constitute inappropriate development in the Green Belt, of which there is no Permitted Development fallback position for as it would be erected within the curtilage of a Listed Building. However, Officers suggested that landscaping would be encouraged for such boundary treatments/segregation of the site. This would also allow for Unit 1 to benefit from its own private amenity space. The scheme has subsequently been amended to address such concerns.

#### *Additional Hardstanding across the site*

The additional hardstanding constitutes an engineering operation. Engineering operations which preserve openness and do not conflict with the purposes of including land within the Green Belt is one of the exceptions to inappropriate development listed in paragraph 155 of the NPPF. The proposal is considered to fall within this exception.

The proposed hardstanding is considered to constitute an appropriate form of development in the Green Belt and is considered acceptable in regard to preserving the openness of the Green Belt.

#### *Installation of Air Source Heat Pumps*

The plant equipment, owing to its scale and impacts could be loosely considered as an "engineering operation" which is listed within paragraph. 155 of the NPPF as being appropriate development in the Green Belt. The test associated with any development under paragraph 155 is that it must preserve openness and not conflict with the purposes of including land within the Green Belt.

Given its location within the site, they would not be seen to impact the openness of the Green Belt from wider vantage points. It is therefore considered that the proposed development preserves openness and does not conflict with the purposes of including land within the Green Belt.

On this basis, the proposal is considered an appropriate form of development in the Green Belt and is in accordance with the NPPF and Local Plan Policies DS18 and H14.

#### Design, Layout and Impact on Listed Buildings

The NPPF places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Local Plan Policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan requires 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 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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 207 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan Policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely

affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

Local Plan Policy BE4 states that the reuse of rural buildings is acceptable where the proposed use or adaptation can be accommodated without extensive rebuilding or alteration to the external appearance of the building, and the proposal retains and respects the special qualities and features of listed and other traditional rural buildings.

The application site is an integral part of the village and is an important site. Each element of the scheme is turned to below. Notwithstanding this, the current condition of the building/ application is noted, and efforts to sensitively restore the heritage asset while securing its optimum viable use through modernization and refurbishment to return it to a habitable state is supported.

The Conservation Officer has been consulted and raises no objection to the proposal, subject to conditions attached to any granted approval. Likewise, Historic England consider the proposal reasonable to bring back the derelict site into use and to ensure its future preservation.

### ***Farmhouse***

The submitted details illustrate that the core of works to the existing Grade II\* Listed farmhouse on the site would comprise internal restoration and refurbishment works. Overall, the works proposed are considered to be acceptable, being relatively minor in nature in terms of disturbance to historic fabric.

The proposed internal alteration of a partition allows for a currently intersected window to be reopened and the historic plan form of the building is relatively unaltered. The addition of the rear extension, previously proposed to the side elevation, is felt to sit comfortably with the building and requires little alteration to the existing fabric of the main farmhouse. Historic England note that the proposed extension at this location offers a much neater solution, without impacting the integrity of the Listed Farmhouse.

The proposed alterations to the partition of Bedroom 5 will need to be carefully managed and whilst the timbers are to be reused, the panels should also be of a suitable construction so that this is undertaken in a sensitive manner.

The loss of the small outbuilding to the rear garden, which is in a very poor state of repair and is likely late nineteenth century, and the removal of the dilapidated sunroom are not felt to detract from the significance and character of the building.

Amendments have been made since the submission of the original application to reduce the overall size and scale of the proposed replacement garage to the front of the farmhouse. The proposed replacement now incorporates two bays and a bin store. This is now considered to be a more sensitive and appropriate size. Officers consider the proposed materials to be most appropriate, offering a lightweight structure that does not compete with the main farmhouse.

## ***Barn Conversions***

The submitted scheme proposes the conversion of several existing outbuildings/barns within the wider farmyard area. Whilst one of these structures is listed in its own right (Unit 4) the remainder are curtilage listed in association with both that unit and the wider farm site. The Grade II\* listing of the main farmhouse dictates that both the conversion of barns themselves and impact on the wider setting of the main dwelling will be important heritage considerations of the scheme.

It should be noted that amendments have been made to reduce the overall glazing within openings throughout the barn complex. Initially, Officers considered that the overall impact of the glazing was considered to be too residential in nature and the overall proposal has been vastly improved by its reduction, of which aligns with the Council's Agricultural Buildings and Conversion SPD.

### *Unit 1*

Unit 1 comprises a 4no. bedroom dwelling.

The re-contouring of the ground level is considered to be acceptable as this will move the earth away from the rear wall reducing any potential damp issues. Furthermore, in order to reduce the overall requirement for the subdivision, it was recommended that the bedrooms be located at ground floor level and the upper floor kept open plan, of which has been considered and employed.

The lobby area to be rebuilt, along with the addition of a sedum roof is considered to be an acceptable feature as the existing structure on this footprint has little to no architectural or historical value.

The rebuilding of the rear brick wall is considered to be necessary due to instability.

### *Unit 2*

Unit 2 comprises a 4no. bedroom dwelling.

The original roof to this barn (also the roof to Unit 4) has been lost and replaced with a far lower metal structure and tin covering in more recent times. The replacement of this with a higher roof will provide a more suitable living space but is also considered necessary in order to re-roof in an appropriate material due to the pitch needed. However, it should be noted the increase in height will not rise above the Listed barn. The upper floor does not extend the length of the building and at least one third of the structure has been left open to ground floor level. It is recommended that the proposed replacement roof is to be made of handmade brindle plain tiles, opposed to slate, in order to sit comfortably within the setting of the courtyard.

The insertion of an extended window to the rear wall was considered acceptable in principle, as the gable requires rebuilding due to serious cracking. However, Officers note that the initial design for the window was considered to be out of keeping. Whilst the existing window is a later addition, the existing design is a

short, squat window. Therefore, the plans have been amended since the original submission to now include a long, slim arrow slit window, which minimises the aperture size so that it's not a wide, long and uncharacteristic opening but rather clearly a modern alteration, which is still sympathetic to its setting.

### *Unit 3*

Unit 3 comprises a 3no. bedroom dwelling.

Officers raised concern regarding the addition of the glazed link and whether it complied fully with Local Plan Policy BE4. However, in order to prevent further subdivision of the site and create a viable unit that includes the North East range, on balance, this is considered to be acceptable. The proposed glazed link will result in a small addition in footprint as it will sit in the space of an existing structure over the entrance to the courtyard. Whilst this element of the scheme is contrary to the Councils Agricultural Buildings Guidance, as it would result in less subdivision and alteration to existing fabric, the benefit of ensuring a viable use for the space was considered to outweigh harm on this occasion.

### *Unit 4*

Unit 4 comprises a 4no. bedroom dwelling.

This unit is Listed in its own right; however Officers also acknowledge that the structure is in a very poor state of repair with brick panels collapsing. The proposed alteration works are considered acceptable however the brick arched troughs to the kitchen are to be retained as they are historic fabric and clear indicator of the previous agricultural nature of the building. It is noted that the number of openings and glazing proposed has been limited and it is considered that the historic fabric has been retained.

### *Removal of proposed domestic sheds*

Officers considered the addition of the sheds, to serve each unit, to compromise the overall integrity of the site by degrading the uniform and historic plan form of the barns and courtyard. They are also considered contrary to Local Plan Policy BE4, as the proposed additions would alter the external appearance of the barns.

Officers also noted that the proposed domestic sheds are relatively small scale, when considered against a 'normal' domestic garden shed, therefore such storage could be accommodated internally. Therefore, the amended plans have subsequently omitted the sheds for each unit from the scheme.

### *Boundary Treatments*

The Conservation Officer notes that the reinstatement of a boundary wall to the front of the farmhouse to reflect the lost historic wall in this area is considered acceptable. Furthermore, the use of planting between Units 1 and 4 are considered to be acceptable forms of subdivision. The use of brick paving to subdivide the courtyard is also a welcome addition, of which is considered to have low visual impact.

### *Installation of Air Source Heat Pumps*

The proposal includes the installation of air source heat pumps. Officers note that whilst this is a modern form of development nearby to the listed building, the proposed pumps are not visible from the streetscene due to their locations within the site and have been kept away from principal views. Moreover, the development is mainly positioned away from the Listed Building, so would not be viewed as disturbing the heritage asset.

Officers note that whilst there will be some alterations to historic fabric, it is considered such alterations are secured with harm minimised where possible and will result in the optimum viable use for these spaces as residential dwellings, as the site not considered viable as a working agricultural farmstead, supported by the property's vacant nature and the structures which have already fallen into disrepair.

The proposed development is therefore considered to comply with Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the National Planning Policy Framework, Local Plan Policies BE1 and HE1 and the Residential Design Guide SPD. It is considered that, following minor amendments, the works will preserve the architectural and historic significance of the site.

### Removal of Permitted Development Rights

Given the location of the new dwellings and the sensitivity of the setting, coupled with the fact that they are curtilage listed structures due to their historic relationship with the Grade II\* Listed Farmhouse and the Grade II Listed Barn, it is considered reasonable to restrict permitted development rights in order to protect the setting of the heritage assets and the rural character. This is in line with the consultation response of both Historic England and the Conservation Officer.

### Archaeological Impact

WCC Archaeology have assessed the application and note that the application site lies within an area of significant archaeological potential. Woodloes Farm is a Grade II\* Listed 16th century farmhouse. South Barn, which lies within close proximity of the farmhouse, is Grade II Listed. The proposed development also lies within the Site of Possible Medieval Moat at Woodloes Farm.

The submitted Archaeological Desk Based Assessment acknowledges the potential for this site to contain archaeological remains dating to the Roman, medieval and post-medieval periods. Therefore, it is recommended that a condition is attached requiring the provision of a Written Scheme of Investigation has been approved in writing by the Local Planning Authority. The applicants must also secure the implementation of a programmed building recording in accordance with the WSI, of which must be submitted to and approved by the LPA. This is considered to be reasonable and will be attached to any granted approval.

The proposal is therefore considered to be in accordance with Local Plan Policy HE4.

### The impact on the living conditions of nearby dwellings and living conditions for the future occupiers of the site

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. Development should not cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide SPD provides a framework for Policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45-degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

For the purposes of the assessment, the two main elements of the scheme have been discussed separately.

#### ***Farmhouse***

##### *Impact on living conditions of nearby dwellings*

Officers note that whilst the proposal includes an extension to the rear of the existing farmhouse, the proposal is set within a large plot, therefore there is no breach of the 45-degree line.

##### *Living conditions for the future occupiers*

The proposed alterations/extension to the Farmhouse would provide adequate living conditions for the future occupiers and would provide adequately sized private amenity areas in accordance with the Council's adopted Residential Design Guide SPD.

#### ***Barn Conversions***

##### *Impact on living conditions of nearby dwellings*

Given the location of the farm site and lack of immediately adjacent neighbours, no element of the proposal is considered to result in the generation of material harm by way of loss of light, outlook or overlooking to neighbouring sites/properties.

Officers note the subdivision of the site to accommodate 4no. new barns, still meets the required minimum separation distance across the site as set out in the Council's Residential Design Guide SPD.

##### *Living conditions for the future occupiers*

It is noted that bedrooms no.4 of both units 2 and 4 would be served wholly by rooflights. However, a section drawing has been provided to demonstrate that the occupier of each room will still benefit from both adequate light and outlook.

The proposed dwellings would provide adequate living conditions for the future occupiers. The submitted proposed site plan indicates that each unit will be

afforded adequately sized private amenity space. Officers note that the private garden for Unit 4 looks smaller than most, however it has been confirmed that the area surrounding the pond will also be within that unit's ownership. It is noted that this area is not overlooked by any other unit on the site and is therefore considered sufficient additional private amenity space.

It should also be noted that the application site benefits from extension land beyond the red line boundary, of which can be accessed by occupiers of the new dwellings.

The development is therefore considered to provide adequate living conditions for the future occupiers of the dwelling and would not have an unacceptable harmful impact on neighbouring residential amenity. The proposed development is considered to be in accordance with the NPPF, adopted Local Plan Policy BE3 and the Council's Residential Design Guide.

#### Parking and 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.

Objections have been received with concerns regarding the impact the proposals will have on highway and pedestrian safety. Many of the objections state that the proposed access is frequently used by pedestrians and cyclist and the intensified use of the access could cause harm to those users.

Both the farmhouse and the proposed dwellings would be accessed via the existing lane/driveway.

The Highways Authority have been consulted and raise no objection to the proposed development. WCC Highways initially had concerns around conflicting vehicle movement at the junction of Woodloes Lane and Coventry Road, it should be noted this is the only section of the access drive which falls within the Public Highway. However, such concerns have been overcome and addressed in the submitted Transport Statement. Therefore, the Highways Authority raise no objection to the proposals.

Objections also query the maintenance of the road during this time. During the course of the application, Officers liaised with the Highways Authority with regards to ownership on the access to Woodloes Farm, and the Highways Authority have stated that the access is privately owned but is designated as a footpath with vehicular rights. Therefore, Woodloes Farm benefits from vehicular access rights, but whether that extends to any additional properties over and beyond that of the original farmhouse is a civil matter between the respective owners. Since the submission of the formal application further information has come forward in the form of Covenants and Title Deeds, however it should be noted that such matters are not material considerations for the assessment of this planning application and are considered civil matters for those affected.



Officers note there is ample space to the frontage of the farmhouse to accommodate 3 car parking spaces as per the Council's adopted Vehicle Parking Standards SPD. The submitted proposed site plan details 3 spaces for Units 1,2 and 4 and 2 spaces for Unit 3, Officers therefore consider the proposal to meet the requirements as set out in the Parking SPD and there is ample space within the site boundaries to store cycles.

The development is therefore considered to be in accordance with Local Plan policies TR1 and TR3 and the Vehicle Parking Standards SPD.

### Rights of Way

WCC Rights of Way have been consulted and raise no objection to the proposal. It is noted that public footpath WB3 passes close to the eastern boundary of the application site and also crosses the site access. Public footpath WB2 also runs along the track used for access to the site, namely Woodloes Lane.

Whilst raising no objection, the Rights of Way team requested advisory notes are attached to any granted approval, relating to the access of the public footpaths.

### Ecological Impacts

Policy NE2 of the Local Plan seeks to protect designated areas and species of national and local importance for biodiversity and geodiversity. Policy NE3 of the Local Plan states that new development will only be permitted where it protects, enhances and/or restores habitat biodiversity.

Objections have been received with concerns regarding the impact the proposal will have on wildlife and the surrounding environment.

The County Ecologist has been consulted on the proposal and notes that having further considered the submitted Ecology Report and Biodiversity Metric, along with information stating that the pond will remain and is not proposed to be drained. The County Ecologist is of the view that the ecological risk of this application can properly be mitigated for, and the biodiversity loss caused by the development can be resolved with on-site habitat and hedge creation and enhancements as set out within the reports carried out by Ridgeway Ecology. However, it is suggested that conditions are imposed securing the protection of protected species and achievement of Biodiversity Net Gain. These will be attached to any granted approval.

This approach is reasonable and necessary to ensure that the proposal complies with the NPPF and Local Plan.

### Impact on Trees

Policy NE4 of the Local Plan states that new development proposals should aim to either conserve, enhance or restore important landscape features in accordance with the latest local and national guidance.

Objections have been received with concern relating to the impact the proposal will have on tree roots and the surrounding environment.

The Council's Tree Officer has been consulted on the submitted tree-related documents and has concluded that whilst some of the trees at the site will be impacted by the proposed development, the overall impact upon the landscape is considered to be both slight and short-term. The submitted Arboricultural Appraisal Report also notes that the trees that are to be retained can be protected from harm during the development, as outlined in the report.

The Tree Officer concluded that the assessment of potential impacts is thorough and concludes there will be no adverse impact upon public amenity. They have advised that if recommended for approval, a condition should be imposed to secure the implementation of the proposed tree protection measures set out in the report. In order to protect the leafy and rural character of the site and biodiversity, it would be considered reasonable and necessary to impose the recommended condition.

It is noted that WCC Landscape raised concerns regarding the proposed landscaping plan and lack of details submitted. Therefore, if recommended for approval, a condition should be imposed to secure the submission of full details of the proposed landscape proposal, including the exact species, locations, numbers and sizes of plants at plants. Officers consider this condition to be reasonable and necessary for the purposes of the development.

WCC Landscape also raise concerns regarding the impact on TPO Trees; T7, T20-23 and T25 along the northern and southern edges to the access track located to the south of the site. However, as stated above the Council's Tree Officer has been consulted and considered the proposal to have an acceptable impact on both the trees and surrounding amenity.

#### Noise

As additional information was required, the Council's Environmental Health Officer was re-consulted, and their comments are outstanding but will be added to the Update Report for Members in advance of the meeting.

#### Land Contamination

As additional information was required, the Council's Environmental Health Officer was re-consulted, and their comments are outstanding but will be added to the Update Report for Members in advance of the meeting.

#### Refuse

Waste Management have been consulted and have no objection to the proposed development. There is no material change in circumstance in regard to the waste provision for the farmhouse, refuse vehicles already access the site.

Officers note that adequate waste storage has been provided within the proposed boundaries of the new dwellings, such collection provisions will continue with the

new properties having collection area so that the refuse can be put out for collection along the main access track.

### Low Emissions Strategy

Warwick District Council has adopted an air quality and planning supplementary planning document (AQ SPD) (2019) to tackle the cumulative air quality impacts of new development in the district. The AQ SPD 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. The guidance sets out a range of locally specific measures to be used to minimise and/or offset the emissions from new development. The proposed development would be classified as a minor scheme under the AQ SPD and therefore Type 1 mitigation measures will be necessary. The provision of electric vehicle charging points for the new dwellings could be secured by condition.

The development is therefore considered to be in accordance with Local Plan Policy NE5.

### Sustainability

Policy CC1 of the Local Plan requires all development is required to be designed to be resilient to, and adapt to the future impacts of, climate change through the inclusion of the following adaptation measures where appropriate. Policy CC2 seeks to ensure proposals are designed, in terms of its location and scale, to minimise any adverse impacts on adjacent land uses and local residential amenity.

An appropriate Sustainability Statement has been submitted as part of the formal application; this will ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019).

### Water Efficiency

Further information has also been submitted in compliance with Local Plan Policy FW3, which Officers consider to be satisfactory.

### Other Matters

Objections were raised regarding noise and vehicle during the construction phase. As the works proposed are considered minor development, these matters are considered to be short lived and not grounds to withhold planning permission and the decision notice would include guidance on good working practices.

An objection queries the necessity of the single storey rear extension, further stating that rooms in the main building have been assigned uses not usually expected in a residential dwelling e.g. snooker room. However, Officers do not consider it appropriate to comment on the future use of each room. The use of each room proposed is considered incidental to the main dwelling and therefore considered acceptable.

An objection has been received stating that the proposal/development has a heavy carbon footprint. Officers consider the proposal to include measures which tackle the climate crisis, through the introduction of low carbon technologies and EVCPs, of which all factors carry positive weight in the planning balance.

## **CONCLUSION**

The proposal is considered acceptable in principle and is considered to constitute appropriate development in the Green Belt. The proposed development is not considered to cause harm to the Listed Building and wider rural setting. In addition, the proposals are not considered to have a harmful impact upon the amenity of the neighbouring properties in relation to outlook and amenity. The proposals are in accordance with the aforementioned policies, and it is therefore recommended for approval.

## **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 1508-P09 A and 1508-P02A submitted on 9th June 2023, 1508-P10 submitted on 10th August 2023, 1508-P01C, 1508-P04C, 1508-P05B and 1058-L02C submitted on 8th September 2023 and 1508-P03B, 1508-P06C, 1508-P07B and 1508-P08C submitted on 12th September 2023 and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 No development shall take place until a Written Scheme of Investigation (WSI) for a programme of archaeological work has been submitted to and approved in writing by the Local Planning Authority.

The archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved Written Scheme of Investigation, shall be undertaken in accordance with that document.

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

- 4 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a Written Scheme of Investigation

which has been submitted by the applicant and approved in writing by the local planning authority.

The fieldwork, analysis, publication of results and archive deposition detailed in the approved Written Scheme of Investigation, shall be undertaken in accordance with that document.

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

- 5 Prior to the commencement of the development hereby approved (including all preparatory work), the tree protection measures in the Arboricultural Appraisal Report from MWA Arboriculture Ltd reference DEV230116-1049Amd1 dated 9 May 2023 and shown on the appended Tree Protection Plan dated 16 October 2023, together referred to as the scheme of protection, shall be adopted. The development thereafter shall be implemented in strict accordance with the approved scheme of protection, which shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
- 6 The development hereby permitted shall not commence until a detailed schedule of bat mitigation measures (to include timing of works, ecologist supervision of destructive roof works, toolbox talk, replacement roost details, to include type, location, and timetable for installation, monitoring and further survey if deemed necessary) has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation measures shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development.
- 7 The development hereby permitted shall not commence until details (to include location, height from ground level, luminance in candelas, horizontal spread, and hours of operation) of all external light fittings and external light columns have been submitted to and approved by the Local Planning Authority. Any external lighting proposed should conform to the protocols set out in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018) The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition, the Local Planning Authority expects lighting to be restricted in proximity to trees, hedges, and the proposed bat boxes and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways: · Lighting should be directed away from vegetated areas · Lighting should be shielded to avoid spillage onto vegetated areas · The brightness of lights should be

as low as legally possible; · Lighting should be timed to provide some dark periods; Connections to areas important for foraging should contain unlit stretches. **Reason:** In the interests of protecting the nature conservation value of the canal and in accordance with NPPF, ODPM Circular 06/2005.

- 8 The development hereby permitted (including site clearance) shall not commence until a Biodiversity Management Plan (BMP) to include a detailed schedule of habitats and protected species mitigation, and biodiversity enhancement measures including habitat management and long-term monitoring, to result in a biodiversity net gain (to include location of measures, installation timescale, timing of works and species lists for proposed planting has been submitted to and approved in writing by the Local Planning Authority. Such measures should be shown on all applicable annotated site plans and elevations, such approved mitigation and enhancement measures shall thereafter be implemented in full and maintained in strict accordance with the approved details in perpetuity. **Reason:** To enhance the nature conservation value of the site and ensure biodiversity net gain in accordance with NPPF, ODPM Circular 2005/06.
- 9 The development hereby permitted shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition, the Local Planning Authority expect to see details concerning pre-commencement checks for protected species e.g. Amphibians, badger, bats and breeding birds) and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site to include: timing of works, supervision of vegetation clearance, toolbox talk, mitigation measures should protected species be found, and reasonable avoidance measures. The agreed Construction Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011 - 2029.
- 10 The development hereby permitted shall not commence unless and until a hard and soft landscaping scheme, including timetable for works, has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in accordance with the approved timetable; and all planting shall be carried out in accordance with the approved timetable. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s)

shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 11 No development on the farmhouse shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **Reason:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.
- 12 No development on the farmhouse shall be carried out above slab level unless and until samples of the external facing materials and internal wall and floor finishes 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 and to minimise harm to historic fabric and ensure a high standard of design and appearance through the use of appropriate materials for the heritage assets, to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.
- 13 Any demolition works of building materials bonded to the principal or curtilage listed buildings shall be carried out by hand. **Reason:** To minimise harm to historic fabric and ensure a high standard of design and appearance for this Listed Building, to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.
- 14 Each dwelling hereby permitted shall not be occupied until at least one 16amp (minimum) electric vehicle recharging point for that respective dwelling has been installed in accordance with details shown on drawing 1508-P01 Rev C. Once the electric vehicle recharging point(s) has been installed and prior to first occupation of that dwelling, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.

- 15 Each dwelling hereby permitted shall not be occupied unless and until its respective refuse and recycling storage areas have been constructed or laid out in strict accordance with the approved plans and made available for use by the occupants of the dwelling. 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.

- 16 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 development shall take place which falls within Part 1, or Part 2 Class A of this Order. **Reason:** Due to the particular character of the area and nature of the proposals it is considered necessary to ensure that no further development is carried out which would detract from the appearance of the area and affect the amenity of adjacent properties in accordance with Policies BE1 and BE4 of the Warwick District Local Plan 2011-2029.

- 17 All rooflights shall be Conservation Style only (flush fitting with central vertical glazing bar) and maintained as such. **Reason:** To ensure an appropriate standard of design and appearance, and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029.

- 18 Both the farmhouse and 4no. new dwellings hereby permitted shall not be occupied unless and until the elements of site shown to be demolished on the approved plans have been demolished in their entirety and all associated materials permanently removed from the site. **Reason:** To secure appropriate development in the Green Belt and to comply with Local Plan DS18 and the NPPF.

- 19 The development hereby permitted shall be carried out strictly in accordance with the details of Sustainability, Water Efficiency and Energy Statement ref: P2266/SER/CB submitted to the Local Planning Authority on 9th June 2023. The development shall be carried out in strict accordance with these approved details, or any details subsequently approved in writing by the Local Planning Authority. **REASON:** To ensure the creation of well-designed sustainable buildings and in accordance with





**Planning Committee:** 16 April 2024

**Item Number:** 7

**Application No:** [W 23 / 1797](#)

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

01926 456539 [thomas.senior@warwickdc.gov.uk](mailto:thomas.senior@warwickdc.gov.uk)

**Registration Date:** 13/03/24

**Expiry Date:** 08/05/24

**28 Newnham Road, Lillington, Leamington Spa, CV32 7SW**

Erection of a two storey side extension, single storey rear extension and single storey front extension. FOR Mrs G Reyat

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This application is being presented to Planning Committee as the applicant is a current employee of Warwick District Council.

**RECOMMENDATION**

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report.

**DETAILS OF THE DEVELOPMENT**

The applicant seeks planning permission for the erection of a two-storey side extension, single storey rear extension and single storey front extension.

**SITE AND LOCATION**

The application site relates to a two-storey semi-detached property located on Newnham Road, Lillington. The application property itself is comprised of brick, with hung tiles present at first floor level to the front elevation of the property. The streetscene itself is characterised by pairs of semi-detached dwellings of similar styles, with a number of properties within the streetscene benefiting from the provision of both single and two storey side extensions that are of a similar design to the proposed scheme.

**RELEVANT PLANNING HISTORY**

No relevant planning history.

**RELEVANT POLICIES**

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- TR3 - Parking
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Parking Standards (Supplementary Planning Document- June 2018)

- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS4 - Housing Character Outside the Conservation Areas

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council** - No objection.

**WCC Ecology** - No representations received at present, expected before meeting.

**Public Response** - A comment has been made by the occupier of 26 Newnham Road in relation to the impact the proposal will have upon the boundary wall.

## **ASSESSMENT**

### Design and impact on character and appearance of the streetscene

The NPPF (2023) places an increased emphasis on the importance of achieving good quality design as a key aspect of sustainable development. Paragraph 135 states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate external facing materials. Development is expected to function well and add to the overall quality of the area by appearing sympathetic to the local character and history.

Local Plan Policy BE1 echoes paragraph 135 of the NPPF and states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Proposals are expected to demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use. Proposals are also expected to reinforce or enhance the established urban character of streets and reflect, respect and reinforce local architectural distinctiveness.

The 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.

Neighbourhood Plan Policy RLS4 relates to housing character outside of the Conservation Areas. In residential areas, the policy requires applicants to demonstrate how proposals have taken into account and responded to the predominant character (including local building styles and materials) in the street/road/locality within which the proposed development is situated.

The Residential Design Guide SPD sets out a number of design requirements which proposals for two-storey side extensions are required to adhere to. The proposed two-storey side extension is to be set away from the shared boundary by 1 metre at first floor level, as required within the SPD to avoid the potential creation of a terracing effect. In addition, the first floor of the proposed two-storey side extension is set back from the front façade of the property by 450mm, whilst also being set down from the ridgeline of the original dwellinghouse by 225mm, with this providing an addition that will remain subordinate to the original dwellinghouse. The Residential Design Guide SPD also sets out how side

extensions should be no more than 2/3 of the width of the original property, with the proposed side extension also being in accordance with this design requirement. In light of the above assessment and considering the clear precedent within the streetscene for extensions of a similar scale and style, the proposed two-storey side extension is considered acceptable from a design perspective, providing a subservient addition to the original dwellinghouse that both maintains and reinforces the overarching character of the wider streetscene.

The proposed scheme also includes the erection of a single storey rear extension, with the siting of this element of the scheme meaning that the proposed extension will have a limited impact on the character of the streetscene. Nevertheless, the single storey rear extension is considered to be both acceptable and appropriate in design terms, providing an addition that is of a suitable scale and form.

Finally, the proposed scheme also includes the erection of a very minor, pitched-roof single storey front extension. This addition is considered to be of an acceptable, subservient design that will enhance both the character of the appearance of the dwellinghouse itself, but also reinforce the character of the wider streetscene, with there being numerous examples of similar small-scale front extensions.

In light of the above assessment, it is considered that the amended scheme would be in accordance with Local Plan Policy BE1 and the Residential Design Guide SPD

#### Impact on neighbouring properties and the current and future occupiers of the development

Warwick District Local Plan Policy BE3 requires that development must have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide SPD provides a design framework for Policy BE3 and states how extensions should not breach a 45 degree line taken from the nearest habitable room of the neighbouring property. This aims to prevent any unreasonable effect on the neighbouring dwelling, by reason of loss of light, unneighbourly effect or disturbance/intrusion from nearby uses. Policy BE3 also requires that all development should ensure that acceptable standards of amenity space are provided for existing and future occupiers of the development site.

In respect of the proposed scheme there is no breach of the 45-degree line when taken from the nearest habitable room of No.26 Newnham Road, however there is set to be a breach of the 45-degree line from the adjoining semi-detached property. Whilst the proposed rear extension is set to breach the 45-degree line when taken from the centre-point of the nearest ground floor habitable window of the adjoining property, the proposed rear extension will only extend from the rear wall of the dwellinghouse by 3 metres. A 3 metre rear extension would be able to erected by the applicant under permitted development, so it is therefore considered that this would represent an acceptable fallback position. The impact-based approach of central government legislation has indicated that the level of harm caused by developments of this size is not materially harmful to the amenity of neighbouring properties and therefore, in this scenario, it is considered that on balance the potential harm caused by this breach of the 45-degree line would not be significant enough to justify a refusal of planning permission.

The proposed development is considered to have an acceptable impact upon the amenity of current and future occupiers of the subject dwelling, with the applicant also benefiting from ample private amenity space that is in accordance with the Residential Design Guide SPD.

Overall, with regard to the above noted considerations, it is viewed that the scheme would not result in the generation of material harm to neighbouring amenity, by way of loss of light, outlook, or privacy and as such lies in accordance with Local Planning Policy BE3.

### Ecology

Local Plan Policy NE2 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to the wider biodiversity objectives and connectivity. Policy NE2 goes on to state that all proposals likely to impact on these assets will be subject to an ecological assessment.

Comments are awaited on the submitted preliminary bat roost assessment from the County Ecologist, but these will be added to the Update Report for Members in advance of the meeting.

### Parking

Local Plan 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 SPD. The proposed scheme will increase the number of bedrooms in the dwellinghouse from three to four. This increase will result in the additional need of one car parking space to be in accordance with the Parking Standards SPD, with a three bed dwelling requiring 2 allocated spaces and a four bed property requiring 3 allocated spaces. The application property has enough space within the curtilage of the dwellinghouse to accommodate three vehicles as per the standards set out by the Parking Standards SPD. The proposal is therefore considered to accord with the Parking Standards SPD and is therefore also in accordance with Local Plan Policy TR3.

### Other Matters

A comment has been left by the occupier of No.26 Newnham Road in relation to the impact that the proposed scheme will have upon the connecting boundary walls that are present between the two properties. Whilst these points have been duly noted, the issues raised are private civil matters and are not material planning considerations.

## **SUMMARY AND CONCLUSION**

The proposal is considered to constitute good quality design in respect of providing a subservient addition which enhances the existing dwellinghouse whilst respecting the surrounding buildings in terms of its scale, form and adoption of appropriate materials. The proposal is also considered to have an acceptable

impact on neighbouring amenity levels and parking. As such, the proposal is in accordance with the aforementioned policies, and it is therefore recommended for approval.

## **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
  - 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 23/19-02 A, and specification contained therein, submitted on 02/04/2024. **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 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
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**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

01926 456527 dan.charles@warwickdc.gov.uk

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

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

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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

<b>Bedrooms</b>	<b>Total</b>	<b>% Proposed</b>	<b>WDC requirement</b>	<b>Difference</b>
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.