

Planning Committee: 04 November 2025

Item Number: 5

Application No: [W 25 / 0455](#)

Town/Parish Council: Leamington Spa
Case Officer: Dan Charles

01926 456527 dan.charles@warwickdc.gov.uk

Registration Date: 27/03/25

Expiry Date: 26/06/25

Milverton House, Court Street, Leamington Spa, CV31 2BB

Variation of Conditions 4 and 5 of planning permission W/19/0531 (Outline application for the erection of two no. blocks of residential accommodation of up to 90 bed spaces together with undercroft parking) to allow for revisions to access, scale and layout of the approved scheme. FOR Chalice Build Ltd

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

RECOMMENDATION

Planning Committee is recommended to GRANT planning permission for the variation of conditions 4 and 5 of outline planning permission W/19/0531 to allow for revisions to access, scale and layout of the approved scheme.

DETAILS OF THE DEVELOPMENT

This application is made under section 73 of the Town and Country Planning Act 1990 that relates to the determination of applications to develop land without compliance with conditions subject to which a previous planning permission was granted, subject to the revised/new conditions meeting the requirements of 'Use of Planning Conditions' (ID: 21a Updated 06.03.2014) of the PPG.

In deciding an application under Section 73, the Local Planning Authority must only consider the disputed condition that is the subject of the application – it is not a complete re-consideration of the application (PPG Paragraph 031 Reference ID: 21a-031-20140306). In this case the applicant is seeking a variation to the wording of a condition through the use of a Section 73 application (PPG Paragraph 13 Reference ID: 17a-013-20140306).

On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

This application seeks the variation of conditions 4 and 5 that define the parameters of development for any subsequent reserved matters application.

The current conditions are set out below;

Condition 4

The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 17/53/05c, and specification contained therein, submitted on 17 June 2019

Condition 5

The reserved matters submission shall be submitted in accordance with the general parameters as set out on drawing numbers 17/53/07D, 17/53/08D, 17/53/09D, 17/53/11C, 17/53/12D, 17/53/14A and 17/53/15A submitted on 17 September 2019.

THE SITE AND ITS LOCATION

The application site comprises of two separate land parcels that lie on opposite sides of Court Street, Leamington Spa. The western parcel contains Milverton House and the eastern parcel contains Drummond House, both of which form single storey industrial buildings.

The Milverton House site backs onto residential properties on Tower Street; these neighbouring dwellings form a row of maisonettes with their rear garden areas abutting the application site boundary. Tower Street flanks the southern boundary of Milverton House, with the Waterside Medical Centre lying beyond. To the immediate north of Milverton House is a building that is being redeveloped for education and community use as part of planning permission W/23/1048. Court Street public car park lies slightly further to the north.

Drummond House is flanked to the south and east by some commercial premises. To the north, on the opposite side of Cumming Street, is a modern residential block.

The application site lies within the Town Centre Boundary of Leamington Spa and forms part of Housing Allocation H16 (as identified on the Local Plan Policies Map).

The site is not within a Conservation Area, but is in close proximity to the boundaries of the Royal Leamington Spa Conservation Area and Canal Conservation Area.

PLANNING HISTORY

W/19/0531 - Outline application for the erection of two no. blocks of residential accommodation of up to 90 bed spaces together with undercroft parking – **GRANTED 07.12.2022.**

W/24/1134 - Approval of Reserved Matters (Appearance and Landscaping) pursuant to outline planning permission ref: W/19/0531 for the erection of 2no. blocks

RELEVANT POLICIES

- National Planning Policy Framework
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS2 - Housing Design
- RLS3 - Conservation Area
- PC0 - Prosperous Communities
- Warwick District Local Plan 2011-2029
- DS5 - Presumption in Favour of Sustainable Development
- DS11 - Allocated Housing Sites
- RLS4 - Housing Character Outside the Conservation Areas
- TC1 - Protecting and Enhancing the Town Centres
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix of Housing
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HE1 - Protection of Statutory Heritage Assets
- HS1 - Healthy, Safe and Inclusive Communities
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- 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
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Open Space (Supplementary Planning Document - April 2019)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Canal Conservation Area DPD
- Creative Quarter "Big Picture" Document

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Object on the following grounds;

- Scale, massing and height and potential for overlooking would have a negative effect on the residents of Tower St and constitutes over-development.
- Does not meet RLS1(4) that supports development of Court Street for community-led housing and live/work units to support Creative Quarter aspirations.
- Does not meet RLS5(a) that seeks a mix of homes and specifically to support affordable owner-occupation in South Leamington.
- Support objection of WCC Landscape Officer.

WDC Conservation Officer: Comments as per RM submission - do not support this proposal.

- Original outline set parameters in terms of height, scale and footprint.
- Variation seeks to enlarge the buildings that we originally raised concerns over.
- Proposal would create a dominant and overwhelming presence resulting in harm to both the Leamington Spa and Canal Conservation Areas.
- Design approach is not supported as per previous comments.

WDC Environmental Protection Officer: No objection to amended details. Still have concerns over the impact from railway and nearby industrial units.

WCC Ecology: No representations on this application.

WCC Highways: No objection. Recommend informative notes.

WCC Landscape Officer: Make the following comments;

- Alterations propose larger footprint and less room for roof garden.
- Reduced space for delivery of landscaping and any landscaping would be limited due to scale of building.
- Milverton House has much reduced outdoor amenity space.
- Would be improved if communal garden added to first floor.
- Will living walls still be used.
- Would seek some landscaping to roof gardens.
- Concerns of overlooking and overshadowing still apply.
- Drummond House plan does not indicate roof garden.

Public Response: A total of 59 Objections received, 29 on original plans and 30 on revised plans, making the following comments;

Original plans submission

- No measures in place to effectively mitigate in perpetuity noise disturbance from long established business.
- Lacks attention to good acoustic design.
- 78 flats is over-development and many below space standards.
- Exceeds Local Plan allocation.
- Accommodation unsuitable for students.
- No accessible accommodation for people with disabilities.
- Cycle parking facilities inadequate.
- Not fully addressed inadequacy of bin storage.

- Increased height and footprint will further dominate surroundings.
- Communal terraces could invade on privacy of other units.
- Landscaping issues ignored.
- Lack of reference to on-site management and maintenance.
- Lack of clarity over who properties are for.
- Agree with comments of Landscape Officer.
- Parking already limited and will be worse with this development.

Revised submission

- Revised details lack detail and are difficult to understand.
- No issues have been addressed with revised submission.
- Do not demonstrate how landscaping will be incorporated.
- Previous concerns over impact on properties on Tower St still remain.
- Show larger footprint than previous scheme and a reduction in natural environment.
- Will result in the loss of Action 21 premises which is an important local charity based project.
- Proposal will not support ongoing regeneration aspirations for the area.
- No local benefits from proposed development.
- Increased traffic and pollution.
- No need for additional student accommodation.
- Area cannot cope with additional residents.

ASSESSMENT

History/Background

Outline Planning Permission was granted on 7 December 2022 for the erection of two no. blocks of residential accommodation of up to 90 bed spaces together with undercroft parking.

Following this decision, a reserved matters approval was submitted in pursuance of the outline permission under application reference W/24/1134. Following assessment by the case officer, the Reserved Matters was refused for the following reasons;

1. Plans conflict with outline parameters.
2. Failure to provide high standard of design.
3. Failure to provide acceptable living conditions for future occupants.
4. Inadequate cycle parking and bin storage arrangements.

This application is seeking a variation to Condition 4 of the outline planning permission in order to seek revisions to the parameters to address the concerns raised within the previously refused reserved matters.

During the course of consideration, the scheme has been amended to better reflect the previously approved parameters with some minor changes to the scheme including provision of revised access points, which were also set on the previous outline.

The scheme is an outline application with some matters reserved. The matters being assessed as part of this proposal are access, layout and scale.

Matters relating to appearance and landscaping are reserved for later consideration under a separate reserved matters application.

Principle of Development

Paragraph 38 of the National Planning Policy Framework (NPPF) states that Local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Outline Planning Permission W/19/0531 is a current permission with a timescale for submission of Reserved Matters of 7 December 2025. Therefore, the principle of residential development on this site has been established and cannot be revisited as part of this submission.

Consideration of the current application can only include issues related to the changes to the requested conditions. Whilst a Section 73 application issues a new planning permission for the development (if approved), it cannot revisit the principle of development of an extant planning permission, nor can it revisit matters that do not form part of the submission.

Five Year Housing Land Supply

The latest 5 Year Housing Land Supply states that Warwick District Council has a 2.34 Year Housing Land Supply.

When a LPA is unable to demonstrate a five-year supply of housing land, all of its policies for delivering housing are deemed to be out of date. The NPPF states that planning applications should instead be decided based on the presumption in favour of sustainable development contained within Paragraph 11(d) of the NPPF, known as the 'tilted balance'.

This states that for decision making:

Where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In weighing up this scheme, it is noted that the principle of development has already been established for this site through the grant of outline planning permission meaning that the site has an existing permission for residential development.

In considering the current application, Officers are mindful of the need to deliver new housing in order to improve the supply position. In this case, Officers are satisfied that there are no matters which would significantly or demonstrably outweigh the benefits of allowing a revision to the parameters of the scheme to support the 5-year housing land supply on sites that are already allocated within the Local Plan.

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

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

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

The Residential Design Guide 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.

The site is submitted in outline form only. The previously approved parameters plans provided an indicative design for the purposes of layout and scale demonstrating that the proposed blocks could be constructed in a contemporary design using render and coloured panels to provide a vibrant scheme that would be seen to complement the proposed Creative Quarter by providing a scheme that removes the existing utilitarian buildings and provides a more innovative approach to architecture within the local area.

The revised parameters plans submitted are more indicative in nature and seek to merely set overall scale parameters without details demonstrating any design or potential finishes which would be assessed at reserved matters stage.

The scheme does retain the provision of undercroft parking to provide an off-street solution to the existing area that is already constrained. The use of an undercroft

would also remove cars associated with the development from view, leading to an improved aesthetic for the area that is currently heavily dominated by on-street parking.

The local area has a mix of scale of buildings from single to 4 storey buildings which are also constructed in a number of differing styles. The proposal as shown on the indicative drawings seeks the provision of a four storey building to be located on each site with the building located on the site of Milverton House stepped down to single storey to omit the bulk and mass from having a detrimental impact on the character and setting of the properties on Tower Street.

Overall, Officers are satisfied that the revised parameters submitted are acceptable compared to the approved plans and present an ideal opportunity to provide a contemporary residential development at an appropriate scale within the allocation that, subject to negotiations on design at reserved matter state, would enhance the character and appearance of the area to create a development that reflects the Creative Quarter in design terms.

Impact on character of the adjacent Conservation Areas

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.

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

Warwick District Local Plan Policy HE1 (protection of Heritage Assets) states development will be expected to respect the setting of conservation areas and important views both in and out of them.

Whilst not within either the Royal Leamington Spa Conservation Area or Canal Conservation Area, the site is in close proximity to both.

The proposal seeks the provision of residential accommodation on an allocated site. It is noted that the scheme is outline only and so would be subject to a later application for reserved matters to confirm the final appearance of the scheme.

As this is outline only, the assessment is based upon the general principle of the development and an assessment of the layout and scale. The development has already been assessed as acceptable in principle.

The submitted parameters plans provided a basic framework for any future proposal. As per the previous outline submission, concern has been raised from the Conservation Officer regarding the indicative drawings and how they would potentially sit with the character of the adjacent Conservation Areas.

Officers have noted this concern but clearly acknowledge that the plans are indicative only and whilst the general scale and layout is being considered, the final appearance of the scheme would be subject to a later reserved matters

submission. This would be subject to negotiation in order to provide a suitable scheme that respects the character of the Conservation Areas.

At this stage, the principle of development is considered acceptable and the layout and scale of the proposed building would not cause harm to the Conservation Areas. Further work on this element would be carried out at reserved matters stage. The form of development can be guided through planning conditions to secure appropriate materials and detailing together with robust landscaping to provide an acceptable form of development.

Impact on adjacent properties

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

The site of Milverton House lies in close proximity to the rear of properties fronting onto Tower Street to the west of the site.

The refused reserved matters submission was considered to have an overlooking and overbearing impact on the properties on Tower Street. The revised parameters would result in a development that is not as large in scale as those reserved matters details and has reverted to a scale more akin to the original outline parameters. In terms of the impacts cited, it is noted that this would be assessed at reserved matters stage where the final design will be considered

Officers consider that the impact would be acceptable as a result of the revised parameters. Consideration would still be made at reserved matters stage once a revised scheme has been submitted, however, in terms of scale, the proposed revised parameters plan is considered acceptable.

The site of Drummond House has the new development at 7 Court Street to the immediate north on the opposite side of Cumming Street. This building has a number of windows facing the proposed development. The separation distance between the new property and the existing development is approximately 11 metres across a public highway where the general guidance is to seek 15 metres in this situation.

The revised parameters plans have been revised to be similar in scale to the existing. The final proposal would be assessed at Reserved Matters stage and Officers consider that subject to an appropriate final design, the proposal would not result in any significant demonstrable harm to the amenity of the property at 7 Court Street.

Officers are satisfied that the revised parameters plans would allow for the delivery of an appropriate scheme that will protect the amenity of neighbouring properties. This would be subject to negotiations at reserved matters stage where a full assessment would be made of the final detailed proposals.

Overall, Officers are satisfied that subject to an acceptable scheme being delivered at reserved matters stage, the scheme would not have a detrimental impact on the amenity of nearby residents.

Amenity of future occupiers

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

One area of concern that arose on the previous outline was the ongoing commercial activity to the rear of the site from the units located on Cumming Street in terms of the use of a compressor. The applicants engaged with the owners of the adjacent site and agreement was put in place to provide a solution to this by replacing the compressor with a new model to the satisfaction of the Environmental Health Officer.

As the site to the rear did not fall within the control of the applicant, the requirement was secured within the Section 106 Agreement that required the details of the new compressor and any associated maintenance to be agreed to the satisfaction of the Environmental Health Officer.

In addition, a condition was imposed requiring a range of details to be submitted for the reduction of noise for future occupiers. This is generally related to high levels of insulation, moving primary room windows away from the rear elevation of Drummond House together with high specification glazing to further limit potential noise ingress. With this range of measures, Officers are satisfied that the living conditions of future residents would be acceptable.

Officers acknowledge that the submitted reserved matters scheme was refused on the grounds of the impact on future occupiers. Any future reserved matters would need to address this reason for refusal and demonstrate that the revised scheme overcomes these issues.

As this is an outline proposal, no detailed plans are being assessed at this stage. However, Officers are satisfied that subject to an assessment of the final design, the scheme can provide appropriate living conditions for future occupiers in terms of outlook.

Subject to the required conditions, Officers are satisfied that the scheme is acceptable.

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 approved proposal was the subject of negotiations between Warwickshire County Highways and the applicant's highways consultant which culminated in the submission of a detailed transport assessment and survey work to demonstrate that the proposed scheme would be acceptable in highway safety terms. This was

assessed by the County Highways Officer who was satisfied that the scheme would not be detrimental to highway safety.

The scheme remains as indicatively proposed indicating an undercroft parking solution across the two buildings for a total of 53 spaces together with secure cycle parking facilities.

As previously identified, the final breakdown of properties is not known at this stage, the overall parking requirement cannot be assessed. However, the site lies in close proximity to the facilities of Leamington Spa town centre which allows for day to day living without a reliance on the private car, and therefore, the provision of 53 off-street parking spaces in this location is considered of significant benefit for the scheme.

Secure cycle parking is also proposed for the scheme to provide a realistic option for sustainable transport to and from the site.

The key difference with this proposal is the revision of the proposed access point to the car parking that was set within the previous parameters. Following consideration, the County Highways Officer has confirmed that there is no objection to a revision to the access location.

The proposal is therefore considered acceptable having regard to Policies TR1 and TR3 of the Local Plan.

Impact on Ecology/Protected Species

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

The proposal was previously assessed by the County Ecologist who noted that the development involves the demolition of two buildings that having been assessed, appear to be suitable for bats. The Ecologist noted that the surrounding area is not particularly well connected to the canal or other suitable foraging habitats and has therefore concluded that it is not likely that bats are present. Notwithstanding this assessment, conditions were recommended to ensure that any protected species are adequately mitigated for.

The development represents an opportunity to enhance a site of low ecological value through landscaping which is beneficial to wildlife, and through providing opportunities for wildlife such as bat bricks integrated into the new buildings at a suitable location. A condition for a Combined Ecological and Landscaping Scheme has been requested to achieve that aim.

Officers therefore consider that subject to the inclusion of the requested condition, the proposal is acceptable having regard to Policy NE3.

Drainage

In terms of foul sewage and surface water drainage, this remains as per the approved scheme insofar as it is indicated that the dwellings are proposed to connect to the mains sewers in the local area.

The scheme would be subject to separate approvals with Severn Trent directly and a condition previously imposed to secure details of the drainage to be submitted and approved is to be carried forwards.

Likewise, surface water treatment is to be secured by an appropriately worded condition.

Impact on local services

The proposed development of up to 90 bed spaces would create additional demand for local services and to mitigate this, contributions towards community facilities would be required.

The previous application was subject to a Section 106 Agreement to secure funding for local infrastructure and this would be retained as part of this submission.

Other Matters

Trees/Hedgerows

The site currently has no tree or hedgerow planting. As part of the proposed scheme, soft landscaping would be provided to enhance the green characteristics of the site. This is considered a positive enhancement to the existing character of the area. The exact landscaping details will be secured at reserved matters stage.

Previously Imposed Conditions

Issuing any permission under Section 73 of the Act is tantamount to issuing a new permission for the entire development. As a consequence, any decision notice must replicate all previous conditions which are still relevant.

Where pre-commencement conditions have been discharged, these will be updated to reflect the submitted details accordingly.

It is noted that all pre-commencement conditions were discharged prior to Bellway acquiring the site. As a result some conditions are currently being re-discharged to reflect the Bellway product and site layout. Where these pre-commencement conditions are still awaiting formal discharge, these will be carried forward as originally drafted.

All compliance conditions will be carried forward from the previous decision.

Conclusion

The site is allocated for residential development within the Warwick District Local Plan for up to 75 residential units. The scheme is considered to accord with the allocation.

The revised parameters are considered to be acceptable and the proposal is therefore recommended for approval.

Site specific matters can be controlled by appropriate conditions and the detailed scheme will be assessed through the submission of reserved matters.

CONDITIONS

1 Reserved Matters

Details of the appearance and landscaping 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 7 December 2021 (the date of the original outline 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 Approved Plans

The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 23-66-S78-02 insofar as it relates to the red line boundary and points of access, and specification contained therein, submitted on 27 March 2025.

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 **Parameters Plans**

The reserved matters submission shall be submitted in accordance with the general parameters as set out on drawing number 23-66-PL33A submitted on 9 September 2025 and drawing number 23-66-PL32B submitted on 10 October 2025.

REASON : For the avoidance of doubt and to define the scale and form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

6 **Ecological and Landscaping Scheme**

No works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the Local Planning Authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of tree/shrub species planting. The agreed scheme to be fully implemented before/during development of the site as appropriate.

REASON: To protect and enhance the ecological quality of the site in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.

7 **Submission of drainage details**

No development shall commence unless and until a detailed surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The details shall include;

- Provide hydraulic modelling calculations should confirm the proposed impermeable area used.
- Demonstrate how the proposed discharge rates identified in the calculations were calculated. A minimum of 50% betterment on the existing brownfield rate should be provided.
- If discharging to a drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any discharge to their system should be presented for consideration.
- Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.

Thereafter, the development shall be carried out in strict accordance with the approved details.

REASON: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

8 **Noise Mitigation**

The development hereby permitted shall not commence unless and until details of sound proofing have been submitted to and approved in writing by the local planning authority and the development has been completed in full accordance with the approved details.

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

9 **Submission of Drainage Details**

No development shall commence unless and until details of surface and foul water drainage works have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details.

REASON: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

10 **Construction Management Plan**

The development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; site working hours and delivery times; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. The development hereby permitted shall only proceed in strict accordance with the approved CMP.

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

11 **Low Emission Strategy**

No phase of the development shall commence unless and until a Low Emission Strategy for that phase has been submitted to and approved in

writing by the Local Planning Authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details.

REASON: To ensure mitigation against air quality impacts associated with the proposed development, in accordance with 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 **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. 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. 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 in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029

13 **Sustainability Statement**

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

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

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

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

14 **Samples of Materials**

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

15 **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 or any subsequently approved amendments.

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

16 **Landscape Replacement Planting**

Any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition 1 shall be completed in all respects, within the first planting season following the first occupation of the development. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the Local Planning Authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall

be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations.

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

17 **Water Efficiency**

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

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

18 **Use Class Restriction**

The development hereby permitted shall be used solely for purposes falling within the C3 Use Class only and shall not be used at any time for purposes falling within the C4 Use Class (Small Houses in Multiple Occupation) or for use as Purpose Built Student Accommodation.

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

19 **Occupancy Restriction**

No unit hereby permitted shall be occupied solely by persons enrolled in a full time course of further or higher education.

REASON: To ensure a satisfactory form of development and to ensure compliance with Warwick District Local Plan (2011-2029) Policy H6 (Houses in Multiple Occupation and Student Accommodation).

20 **Building For Life Construction Statement**

No development above slab level shall commence until a Construction Statement demonstrating how the design of the buildings will achieve Building For Life Standards and how this standards will be implemented within the construction of the building.

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).
