

Planning Committee: 13 August 2019

Item Number: 7

Application No: [W 19 / 0322](#)

Town/Parish Council: Kenilworth
Case Officer: Lucy Hammond

Registration Date: 01/03/19

Expiry Date: 31/05/19

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Land On East Side Of, Warwick Road, Kenilworth, CV8 1FE

Full planning application for residential development of 7 dwellings, including vehicular access, pedestrian and cycle links, public open space, car parking, landscaping, drainage & associated works. FOR Bovis Homes West Midlands Region

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to ensure that the seven dwellings approved by this permission remain subject to the same obligations and terms of the original S.106 agreement that was agreed as part of the outline permission granted for the wider site (W/17/2150).

Planning Committee are 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.

In the event that additional information is received in pursuance of any of the pre-commencement conditions before the decision is issued, Planning Committee are also recommended to delegate authority to the Head of Development Services to re-word such conditions accordingly.

Should a satisfactory Section 106 Agreement not have been completed within one month of the date of decision, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that proposed agreement.

DETAILS OF THE DEVELOPMENT

This is a full planning application for the construction of seven dwellings at the front of the wider site that is already subject to an outline planning permission, approved by W/17/2150. While the red line site area is drawn around the whole site, the detailed development for which planning permission is sought relates to the construction of 7no. dwellings, the access off Warwick Road, the associated

open space which incorporates an area set aside for the provision of a LEAP and associated landscaping.

THE SITE AND ITS LOCATION

The application site is located to the south of Kenilworth, east of the Warwick Road and adjacent to the Kenilworth Cricket Club. The site in its entirety (around which the red line application site boundary is drawn) measures 5.83ha in area and comprises agricultural land which is generally bounded by mature field boundary hedgerows and trees. The northern site boundary is bounded by the private gardens of the properties in Swift Close (accessed off Newey Drive). The Kenilworth Cricket Club lies adjacent to part of the western site boundary, enclosed to the south by a timber post and rail fence and to the east by hedgerows interspersed with some trees and gaps. The rest of the western site boundary is bounded by the Warwick Road. The railway line follows the eastern site boundary, the other side of which is Bullimore Wood. The southern boundary of the site is defined by an existing mature mixed tree and hedgerow line.

The site comprises allocated site H41 in the Local Plan and has been removed from the Green Belt following the adoption of the Warwick District Local Plan 2011-2029. There is a Grade II listed farmhouse opposite the site, approximately in line with the position of the proposed new access into the development off Warwick Road.

For the purposes of this full planning application, while the application site is the extent of the allocated site, the built development sought as part of this application relates only to the first seven units near the Warwick Road frontage and the associated access and landscaping works.

PLANNING HISTORY AND RELEVANT BACKGROUND TO THIS APPLICATION

W/17/2150 - Outline application with all matters reserved except for access for the erection of up to 125 dwellings together with vehicular/pedestrian access from Warwick Road; green infrastructure including a play area, other open space and landscaping; sustainable drainage; and other related infrastructure - Approved 26.09.2018

The aforementioned planning permission is subject to a S.106 Agreement which sets out a number of obligations and financial contributions that are required as part of the approved scheme. There are also a number of pre-commencement conditions attached to the outline permission which are required to be discharged prior to the commencement of any development on the site.

The subsequent Reserved Matters (RM) application which is pursuant to condition 1 of the approved outline has since been submitted to the Local Planning Authority for consideration and is now pending under the reference W/19/0784. While this is a separate application to the one currently before Members it is important to note that this relates to the whole site and the development of 125 dwellings, as per the approved outline permission. For the avoidance of doubt, the layout plan, landscaping drawings etc all show the same

development as that which is illustrated on the submitted plans for the proposed 7no. units that form the subject of this separate full planning application.

In the interests of clarity, Members are advised that the developers took the decision to submit a separate full planning application for these seven units to allow them the option, in theory, of making an earlier start on site (on the first seven units), pending the determination of the later RM application for the rest of the site. Two conditions on the outline permission (related to the Masterplan and Design Code) specifically precluded the submission of the RM application until these conditions had been discharged so while work was underway to produce the necessary documents to the Council in pursuance of these conditions, the separate full application was submitted for consideration.

For the avoidance of doubt, the seven dwellings proposed are seven **of** the total 125; they are not seven additional units on top of the 125. The layout plans for both schemes overlayed on one another show the same detail for the first 7no. units of the scheme. If approved, since this is a standalone full planning application, all the same conditions imposed on the outline permission would need to be re-imposed on the full application and the permission would be subject to a legal agreement ensuring that these seven units are still caught by all relevant S.106 obligations, contributions etc.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029)
- DS15 - Comprehensive Development of Strategic Sites (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- Kenilworth Neighbourhood Plan
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)

- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Open Space (Supplementary Planning Document - June 2009)
- Parking Standards (Supplementary Planning Document)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Air Quality & Planning Supplementary Planning Document (January 2019)
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- Neighbourhood Plan

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Neither support nor object but make the following comments:

- note that the proposed for 7 would not trigger the need for affordable housing provision, but that the site overall is expected to deliver the required amount of affordable housing
- TC is pleased to note compliance with NDP Policies KP9, 12 and 15
- it is disappointing to see the buildings set back further from Warwick Road
- there is sympathy for nearby residents who are concerned about the access and noise
- there is an assumption the LEAP will be fenced for safety
- there is an assumption that any speed limit reduction on Warwick Road will be implemented prior to occupation of the dwellings

Leek Wootton & Guy's Cliffe Parish Council (adjoining PC): Objection due to ongoing concern remains the access arrangements and the highway safety impacts of the overall development

WCC Highways: No objection subject to conditions and notes

Lead Local Flood Authority: No objection subject to conditions and notes

Environmental Health: No objection subject to conditions and notes

Housing: No objections; the application proposes less than 11 units and as such does not trigger the need for affordable housing

WCC Landscape: No objections but recommendations made for the type of planting proposed

Open Space team: No objections overall but requests made for additional information/clarification

WCC Ecology: Request made for revised BIA calculation to be undertaken

Sport England: Concerns regarding the fact the ball stop mitigation has not yet been agreed or approved and could have implications on the proposed scheme for 7 units

Public response:

7 letters of objection received raising the following concerns:

- Access is unsuitable
- Additional traffic resulting from the development will create highway safety concerns
- The site edges onto the Green Belt and is unsuitable from an aesthetic point of view
- Unsustainable design of buildings proposed
- 7 more dwellings is excessive
- This would be detrimental to the surrounding area
- There would be an impact on wildlife
- It is difficult to comment on the scheme for 7 without knowing what the rest of the site entails; the site could become disjointed
- Other comments made relate to the wider site and are therefore not applicable to the proposed scheme for the 7 units

1 neutral letter (from Kenilworth Cricket Club) received raising the following points:

- There is no objection to the 7 dwellings or the security fencing/ball stop netting that will be proposed
- The maintenance of such fencing should be for the developer
- In agreement with the comments and recommendations of the EHO

ASSESSMENT

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

- principle of development;
- impact on the character and appearance of the area;
- impact on the living conditions of neighbouring dwellings;
- provision of appropriate living environment for future occupants of the proposed development;
- impact on heritage assets;
- access and parking / highway safety;
- drainage and flood risk;
- ecological impact;
- open space;
- ball stop mitigation;
- environmental health considerations;
- housing mix; and
- section 106 contributions.

Principle of development

The principle of development has previously been established through the approval of the outline permission for development of the whole site for up to 125 dwellings. Nevertheless, this is a standalone full application for seven units at the front of the site and for the avoidance of doubt, the principle of residential development on this site is supported by Policy DS11 of the Local Plan, in which this site is identified as allocated site H41. Subject to an assessment being made of the relevant material planning considerations therefore, the site is considered acceptable in principle for residential development.

Impact on the character and appearance of the area

The proposed seven units would front the Warwick Road and provide the entry into the rest of the developed site. Four units are proposed set back off a private road inside the site, while the other three are set back even further from Warwick Road, providing an appropriate space to the frontage for open space and a LEAP. It is important to acknowledge that details of the LEAP are not for consideration as part of this application since this is being dealt with separately through the discharge of conditions process, pursuant to the outline permission.

All seven units proposed are detached and range from 3-bed to 5-bed. They are well spaced apart, each having their own garages and a predominant use of brick with some elements of render is proposed for the materials. The styles of the dwellings vary; most are double gabled properties but some incorporate additional features such as small forward projecting gables, catslide roofs, bay windows and porch canopies. Additionally, regard has been had to architectural detailing such as cills and lintels, eaves and verges, fenestration and feature brickwork, including the creation of brick arches and piers around some of the entrance doors. There is sporadic use of timber framing on the apex of the forward projecting gable which adds visual interest to the street scene and the corner plots (in this case Plots 4 and 38) are dual aspect, providing as much of an active frontage on its side gable as the principal elevation which would face the spine road into the development.

Warwick Road, south of the gyratory, i.e. closest to the development site, is characterised by a mix of building styles and house types which incorporate a range of the same features and architectural detailing that the proposed development seeks to incorporate. In terms of materials, it is noted that the nearest residential buildings north of the application site are constructed mainly from brick although there is render in the street scene as well. Some buildings are a mix of both brick and render which is replicated in two of the seven dwellings proposed in this application.

Overall, the proposed seven units that would front the Warwick Road and provide the entry into the rest of the allocated site would create a street scene with its own identity, which at the same time, would reflect the existing characteristics of the surrounding built development. It is considered that the proposal would not result in any material visual harm to the character of the area and surrounding context and it is appropriate to impose a materials condition requiring samples of the materials to be used on the proposed dwellings to ensure that the bricks are an appropriate colour and texture.

A comment received from a local resident suggests that the site's proximity to the Green Belt (to the south) makes the site unsuitable from an aesthetic point of view. The presence of the Green Belt south of the site is acknowledged, however, it is important to note that the site itself was taken out of the Green Belt and allocated for residential development, the principle of which has already been established through an earlier outline permission. Green Belt is not a landscape designation; development that does not satisfy the exceptions in the NPPF is harmful by definition. However, in this case, given the site is not in the Green Belt, the development cannot harm its openness.

The development is considered to accord with Policy BE1 of the Local Plan.

Impact on the living conditions of neighbouring dwellings

The nearest neighbouring dwellings to the application site are those on the opposite side of the road, west of the access into the application site. Waterside Cottage, closest to the Warwick Road carriageway, sits on its own and is the closest property to the proposed dwellings, being directly opposite proposed Plots 1 and 2. A collection of eight properties, all former farm buildings that have since been converted to residential, sit further south and these are set further back from Warwick Road and are positioned opposite the open space proposed in the south west corner of the application site.

In view of the distance separation between the fronts of the existing and the proposed properties there would be no material harm arising by reason of overbearing, overlooking or overshadowing and the development is acceptable in accordance with Policy BE3 of the Local Plan.

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

The proposed dwellings are positioned such that they would satisfy or exceed the distance separation required where properties share back to back or back to side relationships. Although there are some units which have a back to side relationship, the property is orientated such that it would be akin to a more typical side to side relationship and subject to obscure glazing being used on the first floor windows (which serve bathrooms, stairwells and/or dressing areas) this would be acceptable.

The proposed garden areas accord with the guidance set out in the Residential Design Guide and for the most part are well in excess of the minimum space required per dwelling type. Accordingly officers are satisfied that the development is acceptable in this respect and accords with Policy BE3 of the Local Plan.

Impact on heritage assets

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

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." Policy HE1 of the Local Plan expects development proposals to have appropriate regard to the significance of designated heritage assets. Where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal.

The nearest listed building is Wootton Grange Farm House, located approximately 30m away from the nearest edge of the application site, but in total, approximately 50m away from the nearest proposed built development. No conservation objections are raised to this development and the impact of these seven units across the site's frontage on the setting of the heritage asset is considered neutral.

In making this assessment, regard has been had to the weight that should be given to the desirability of preserving the special interest and setting of the heritage assets and the proposal is considered to accord with Policy HE1 of the Local Plan.

Access and parking / Highway safety

Although the Highways Authority initially raised an objection to the proposed development, additional information was required which has since been provided by the applicant. The Highways Officer subsequently confirmed that the only outstanding matter related to the requirement to discharge one of the conditions from the outline permission relating to the provision of bus infrastructure. However, this is a full planning application in its own right, which stands apart from the outline which has gone before and the Highways Authority has moved to a position of no objection subject to conditions requiring the construction of the access and estate roads to the appropriate specification together with the necessary improvements to allow for the provision of bus infrastructure.

The appropriate number of parking spaces are provided based on the number of dwellings and dwelling types that are proposed in this application and it is noted there are additional parking bays along the spine road to provide an overflow/visitor spaces.

Overall officers are satisfied that the development would not be detrimental to highway safety and as such the development accords with Policies TR1 and TR3 of the Local Plan.

Drainage and flood risk

A Flood Risk Assessment was carried out and submitted with this application, to which the Lead Local Flood Authority has raised no objection subject to conditions. It is proposed to add conditions requiring the submission of a surface

water drainage scheme together with details of maintenance and long term management. Officers are satisfied that the development is acceptable in this regard and accords with Policy FW2 of the Local Plan.

Ecological impact

The response from the County Ecologist in respect of this application made reference to the previous outline application and suggested that the layout now was different to what had previously been agreed. Accordingly a revised BIA calculation was requested. It must be remembered that this is a standalone full application which is separate to the outline already approved and the reserved matters which will inevitably follow. Comments in relation to the outline therefore, for example, in reference to the CEMP and LEMP are separate matters to be dealt with either through the discharge of conditions process pursuant to the outline permission or will be picked up in the subsequent reserved matters submission.

For the purposes of this full application therefore, there is no approved layout which has gone before and this layout for the proposed seven units stands alone to be considered on its own merits. It follows therefore, that if approved, relevant conditions to impose would require the submission of a CEMP and LEMP together with update ecological surveys which were required as part of the previous permission.

Based solely on this proposed 7-unit scheme, officers are satisfied that the development accords with Policy NE2 of the Local Plan, subject to the imposition of appropriate conditions on this separate standalone full application.

Other matters

Open space

The Open Space officer had previously provided some comments on this application which largely relate to the detail which is being dealt with either through the discharge of conditions process pursuant to the outline permission and/or would be picked up in the reserved matters. For the purposes of a seven unit scheme, there would not normally be any requirement for open space obligations/contributions since it is below the thresholds. That said, it is noted that some of the comments regarding landscaping have been taken into account by the applicant and the landscaping drawings updated accordingly. The LEAP is not part of this application and is being dealt with as a condition pursuant to the outline. Similarly, the details of the SUD's would be expected to be submitted by condition which is to be re-imposed on any forthcoming planning permission for this 7-unit scheme. Overall the full application is considered acceptable in this regard.

Ball stop mitigation

Comments have been made by both Sport England and the adjacent Cricket Club about the proposed ball stop mitigation which is proposed along the north and west boundaries of the site. This is a condition requirement on the outline and for the same reason would become a condition requirement on any separate full

planning permission approved at the site for these seven units, particularly having regard to the fact that Plot 1 borders the northern site boundary along which part of the ball mitigation measures would be required.

Environmental health considerations

The Environmental Health Officer made some comments in relation to air quality, contaminated land, noise and construction methods. Looking at this application in isolation, i.e. a standalone application for seven dwellings, it is considered appropriate to impose standard conditions requiring an air quality mitigation scheme to accord with the SPD, a site investigation, a scheme of mitigation to protect residents from road noise and a construction method statement. Subject to the imposition of these conditions the development is considered acceptable in this regard and accords with Policies BE3 and NE5 of the Local Plan.

Housing mix

A scheme of less than 11 units would not require the provision of affordable housing, however it is noted that these are seven of the total 125 across the wider site and the reserved matters application will be expected to deliver the requisite housing mix and percentage of affordable housing.

S.106 contributions / obligations

A scheme of seven units would normally fall below the thresholds which trigger the need for S.106 obligations and financial contributions. However, since this forms part of a wider site, the seven units are seven of the total of 125 which have been given outline permission and the red line extends around the allocated site in its entirety, it is appropriate to ensure that these seven units remain tied to the original S.106 obligations set out in the original legal agreement which accompanies the outline planning permission. To that end, work is currently underway on a subsequent legal agreement which will ensure that the seven dwellings, if approved, remain caught by the same obligations.

SUMMARY / CONCLUSION

The principle of development is acceptable having regard to Policy DS11 and the fact this is allocated site H41 in the Local Plan. The seven units proposed along the site's frontage would be constructed from appropriate materials which reflect the surrounding vernacular and the house types and architectural styles would be characteristic of the surrounding area. There would be no material visual harm arising from the proposals. The development is acceptable in terms of residential amenity to both existing and future occupiers and there would be no detriment to the heritage asset, highway safety, flooding, ecology, air quality, noise and contaminated land. Appropriate conditions imposed will require the submission of necessary information, for example the ball top mitigation proposed along the boundary with the Cricket Club, to ensure the development is acceptable and a subsequent legal agreement will ensure the seven units approved by this scheme will continue to be subject to the same obligations and contributions as set out in the original outline permission. For these reasons it is recommended that planning permission be granted.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and the following approved drawings:

001, P18-2572_09 Rev:A, HTPD_X307 INF, HTPD_X414-F, HTPD_X518-F-01, HTPD_X518-F-02, HTPD_X520-F-01, HTPD_X520-F-02, HTPD_X531-F-01, HTPD_X531 02, HTPD_AGD2vt-AGS2vt and HTPD_AGS2vtX2 and specification contained therein, submitted on 1 March 2019;

Kenill-SK02 Rev.A and specification contained therein, submitted on 1 April 2019;

18/323-01 Rev.E and specification contained therein, submitted on 26 July 2019; and

P18-2572_08 Rev:E, P18-2572_10 Rev:B, P18-2572_11 Rev:B, P18-2572_12 Rev:B and P18-2572_13 Rev:B and specification contained therein, submitted on 31 July 2019;

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 part of the development hereby permitted shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved FRA, *Land off Warwick Road, Kenilworth_M-EC_21088/11-17/5100_November 2017* 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:
 - Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
 - Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 8.41l/s for the site.
 - Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in '*Science Report SC030219 Rainfall Management for Developments*'.
 - Demonstrate detailed design (plans, network details and

calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.
- Provide evidence to show a section 106 agreement from Severn Trent Water to connect to the existing surface water network.
- Provide a maintenance plan to the LPA giving details on how the entire surface water systems shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA.

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.

- 4 No part of the development hereby permitted shall commence unless and until a suitable scheme for the provision of appropriate mitigation measures to be implemented that minimise any risks associated with the proximity of the cricket club to the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details. **REASON:** In the interests of visual amenity and to safeguard the amenity of future occupiers in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 6 No part of the development hereby permitted shall commence until: -
1. (a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:
 - A risk assessment to be undertaken relating to human health
 - A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
 - An appropriate gas risk assessment to be undertaken
 - Refinement of the conceptual model
 - The development of a method statement detailing the remediation requirements(b) The site investigation has been undertaken in accordance with details approved by the planning authority and a risk assessment has been undertaken.
(c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and

surface waters using the information obtained from the site investigation, has been submitted to the planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the planning authority prior to the remediation being carried out on the site.

2. All development of the site shall accord with the approved method statement.
3. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the planning authority for an addendum to the method statement). This addendum to the method statement must detail how this contamination shall be dealt with.
4. Upon completion of the remediation detailed in the method statement a report shall be submitted to the planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.'

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

- 7 The development hereby permitted shall not commence until a scheme of mitigation including detailed arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To protect residents of the development from the adverse effects of traffic noise from the outside the development in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 8 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:
 - 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

- Dust management and suppression measures – level of mitigation determined using IAQM guidance
- Wheel washing
- 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:
 - o 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.
 - o 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, TR3 and NE5 of the Warwick District Local Plan 2011-2029.

- 9 The development hereby permitted shall not commence until a Construction and Environmental Management Plan (CEMP) 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 and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

REASON: To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF) and Policy NE2 of the Warwick District Local Plan 2011-2029.

- 10 No part of the development hereby permitted shall commence until a

detailed Landscape and Ecological Management Plan (LEMP) 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, woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure a net biodiversity gain in accordance with NPPF and Policies NE3 and NE4 of the Warwick District Local Plan.

- 11 The development hereby permitted (including demolition) shall not commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists– Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation 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.
- 12 No part of the development hereby permitted shall commence unless and until an updated reptile survey has been carried out at the appropriate time of year and during appropriate weather conditions, by a suitably qualified ecologist. Appropriate mitigation measures as recommended following results of the survey to be agreed between the applicant and the District Council (with advice from WCC Ecological Services), and incorporated into the development design. **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.
- 13 No part 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 site has been submitted to and approved in writing by the District 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 ground levels be altered or any excavation take place without the prior consent in writing of the District 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 Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.

- 14 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 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.
- 16 Prior to the occupation of the development hereby permitted, the first floor windows in the rear elevations of Plots 4 and 38 shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **REASON:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.
- 17 The development shall not be occupied until the public highway at Warwick Road has been improved so as to provide for Bus Infrastructure works in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 18 The development hereby permitted shall be carried out strictly in accordance with the approved Flood Risk Assessment (*Ref. 21088/11-17/5100 Rev.A March 2018*) and documents listed below, and in particular the following mitigation measures detailed within the FRA:
 - Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change)

- critical rain storm to 8.4l/s for the whole site
- Provide provision of surface water attenuation storage as stated within the FRA to provide attenuation up to the 1 in 100 year event plus 40% (allowance for climate change), in accordance with 'Science Report SC030219 Rainfall Management for Developments' for the whole site
- Surface water is to be provided via a minimum of two trains of treatment using the proposed above ground drainage features within the drainage design

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme.

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.

- 19 The access to the site for vehicles shall not be used unless a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highways Authority.
REASON: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 20 The development hereby permitted shall not be occupied unless and until the estate roads (including footways, verges and footpaths) serving it have been laid out and substantially constructed in accordance with the standard specification of the Highway Authority.
REASON: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 21 No part of the development hereby permitted shall be occupied until a detailed maintenance plan is implemented and provided to the Local Planning Authority giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the part responsible, including contact name and details shall be provided to the Local Planning Authority within the maintenance plan. **REASON:** To ensure the future maintenance of the sustainable drainage structures in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029.
- 22 The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority".
REASON: In the interests of Public Safety from fire, and the protection of Emergency Fire Fighters.

- 23 No part of the development hereby permitted shall be occupied unless and until a scheme has been submitted to and approved in writing by the local planning authority indicating how and when mixed open space facilities will be incorporated into the development, to include informal open space, appropriate children's play facilities, outdoor sport facilities and allotment gardens. The scheme shall be implemented in strict accordance with the approved details and shall be retained thereafter.
REASON: To ensure appropriate open space and recreational facilities are provided to serve the development in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029.
- 24 The development hereby permitted shall not be occupied until details of all external light fittings and external light columns have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the District Planning Authority expects lighting to be restricted across ponds and semi-improved grassland and trees/hedgerows and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:
- Lighting should be directed away from vegetated areas
 - Lighting should be shielded to avoid spillage onto vegetated areas
 - The brightness of lights should be as low as legally possible
 - Lighting should be timed to provide some dark periods
 - Connections to areas important for foraging should contain unlit stretches
- REASON:** In accordance with NPPF and Policies BE1 and NE2 of the Warwick District Local Plan 2011-2029.
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