



## Planning Committee

Wednesday 8 January 2020

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa, on Wednesday 8 January 2020 at 6.00pm.

Councillor Boad (Chairman)

Councillor Morris (Vice Chairman)

Councillor M Ashford

Councillor N Murphy

Councillor R Dickson

Councillor W Roberts

Councillor T Heath

Councillor J Weber

Councillor J Kennedy

Vacancy

Councillor V Leigh-Hunt

### **Emergency Procedure**

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

### **Agenda Part A – General**

#### **1. Apologies & Substitutes**

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

#### **2. Declarations of Interest**

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

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

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

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

#### **3. Site Visits**

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

**4. Minutes**

- (a) To confirm the minutes of the meeting held on 3 December 2019.  
**(Pages 1 to 51)**
- (b) To confirm the minutes of the meeting held on 4 December 2019.  
**(To follow)**

**Part B – Planning Applications**

To consider the following reports from the Head of Development Services:

- 5. \*WITHDRAWN\* W/18/0092 - Land at Princes Drive, Edmondscote, Royal Leamington Spa (Pages 1 to 21)**

**\*Major application\***

- 6. W/18/1635 - Land East of Kenilworth, Glasshouse Lane/ Crewe Lane, Kenilworth (Pages 1 to 30)**

**\*Major application\***

- 7. W/19/0933 - Land on the North Side of Birmingham Road, Hatton (Pages 1 to 2)**

- 8. \*WITHDRAWN\* W/19/1133 - Land at Ward Hill, Warwick Road, Littleworth, Norton Lindsey (Pages 1 to 17)**

**\*Major application\***

- 9. W/19/1285 - 2 Penns Close, Cubbington (Pages 1 to 3)**

**Part C – Other matters**

- 10. Appeals Report (To follow)**

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) **in accordance with Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please call 01926 456114 (Monday to Thursday 8.45am to 5.15pm and Friday 8.45am to 4.45pm) or email [committee@warwickdc.gov.uk](mailto:committee@warwickdc.gov.uk) any time after the publication of this agenda, but before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.**

- (d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.
- (e) occasionally, items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via **the Council's website**, and where possible, the applicant and all registered speakers (where applicable) will be notified.

Published Monday 23 December 2019

General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.

Telephone: 01926 456114  
E-Mail: [committee@warwickdc.gov.uk](mailto:committee@warwickdc.gov.uk)

For enquiries about specific reports, please contact the officers named in the reports.

You can e-mail the members of the Committee at

[planningcommittee@warwickdc.gov.uk](mailto:planningcommittee@warwickdc.gov.uk)

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The agenda is available in large print on request, prior to the meeting, by telephoning (01926) 456114

# **Planning Committee**

Minutes of the meeting held on Tuesday 3 December 2019 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillor Boad (Chairman); Councillors Ashford, R. Dickson, Heath, Kennedy, Leigh-Hunt, Morris, and Weber.

**Also Present:** Principal Committee Services Officer – Mrs Dury; Legal Advisor – Mr Howarth; Head of Development Services – Mr Barber; and Site Delivery Officer – Mr Sittambalam; Principal Planning Officer – Ms Hammond-Charles; Warwickshire County Council Highways Officer – Mr Simm; Warwickshire County Council Infrastructure Officer – Ms Neale; Coventry City Council Highways Officer – Mr Hall.

The Chairman gave Members five minutes to check the information provided in the addendum which had been circulated to them via email that afternoon. It had also been published on the Council's website.

## **103. Apologies and Substitutes**

An apology for absence was received from Councillor Roberts.

## **104. Declarations of Interest**

There were no declarations of interest.

## **105. Site Visits**

To assist with decision making, Councillors Ashford, Boad, Dickson, Heath, Leigh-Hunt, Morris, and Weber had visited the following application site on Saturday 30 November 2019.

W/18/0643 – Land at Kings Hill Lane, Stoneleigh.

## **106. W/18/0643 – Land at Kings Hill Lane, Stoneleigh**

The Committee considered an outline application with access from Lioncourt Strategic Land Limited, Lioncourt Homes (Development No. 17) Limited, for a development of up to 2,500 dwellings (C3); 4,000 square metres of mixed use floor space (A1, A2, A3, A4, A5, B1, C2, D1 and D2); primary school, secondary school, open space and associated infrastructure.

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

The officer was of the opinion that the location of development, quantum and land use would comply with National and WDLP policies. More detailed matters would be addressed at the reserved matters stage.

It was considered that matters relating to the balance of how development would come forward within Kings Hill had been suitably addressed at this stage to ensure that future development was not impeded, that the District

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

Centre would be able to serve the eventual allocation and that there would be commensurate social infrastructure to service the site and wider area.

The main planning considerations in determining this application had been set out and considered above and demonstrated in accordance with Local Plan Policy. The application had also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and it was considered and the proposals also complied with the NPPF.

Matters relating to Highways England would be clarified through addendum along with their recommended conditions.

A legal agreement pursuant s106 of the Town and Country Planning Act had been agreed to the following planning obligations:

### Affordable Housing

- 45% Social Rent (450 units)
- 25% Affordable Rent (250 units)
- 15% Shared Ownership (150 units)
- 15% Discount Market Value (150 units)

### Air Quality

- £1,128,982 – Air Quality Mitigation (or commensurate on-site provision)

### Ecology

- £3,700 – Ecological Monitoring Costs

### Health

- Delegated authority to agree NHS contributions to South Warwickshire and Coventry & Warwickshire NHS Trusts
- £1,710,755 and 0.501ha – CCG of land towards an on-site solution or £1,283,113 - towards and off-site expansions/improvement

### Road Infrastructure Works

- £8,500,000 A46 Link Road Scheme
- Delegated authority to balance road funds to A46/A45 Festival Island
- £500,000 Dalehouse Lane/Knowle Hill
- £12,000 Extension of 40mph on Stoneleigh Road

### Sustainable Transport

- £500,000 Interim bus service (St Martins Parcel)
- £500,000 Interim bus service (Stoneleigh Road Parcel)
- £4,000,000 Full bus service
- £129,000 Road safety initiatives
- £50,000 South of Coventry rail feasibility study
- £2,500 Sustainable travel info
- Delegated authority to balance sustainable transport funds for CCC/WCC

### Walking/Cycling

- £450,000 Cycle access to Kenilworth
- £500,000 Cycle access to Leamington Spa
- £750,000 Cycle access to Coventry
- £50,000 Coventry bike share scheme (located at District Centre and schools)

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

- £96,284 Public Rights of Way Improvements
- Delegated authority to balance walking/cycling funds for CCC/WCC

### Library

- £54,720 – Library contribution

### Police

- £134,090 – Police (recruitment/equipment and vehicles)
- £360,528 or 50sqm of police accommodation to Home Office standards

### Education

- £2,085,285 – Early years
- £10,425,425 – Primary
- £445,395 – Primary SEN
- £3,589,789 – Secondary
- £1,008,524 – Post-16 Education
- £595,350 – Secondary/Post-16 SEN
- 8.2ha Serviced land for secondary school (valued at 7,313,533)
- 2.65ha Serviced land for primary school

### Sports & Leisure

#### On-Site

- Changing Facilities (approx. 50sqm)
- 1 x Adult Football Pitch
- 1 x Youth Football Pitch
- 2 x Mini Soccer Pitch
- 1 x Rugby Union Pitch
- £1,078,295 Abbey Fields swimming pool
- £1,005,047 Sports hall at Kings Hill
- £161,140 Outdoor artificial sports at Kings Hill
- £773,310 Outdoor pitches at Kings Hill

The application had addressed the main considerations and would accord with relevant policy. It was therefore recommended that outline planning permission should be granted subject to the conditions set out in the report.

An addendum circulated at the meeting gave details of 11 additional letters of objection that had been received. One representation of support was received which was reflective of the supporting points set out in the Committee report. The addendum also advised of objections from Bubbenhall Parish Council.

Coventry City Council Highways Department had provided its advice on the proposals in respect of the local road network and congestions issues and ways to mitigate this. On the basis of the information submitted for assessment, Coventry City Council Highways officers did not object to the proposed development proceeding, subject to conditions set out in the addendum.

Financial contributions were proposed to ensure that options for sustainable travel were realistic and deliverable. Rather than building more capacity on the local and regional road network, there remained a more immediate

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

need to encourage new residents to use public transport, walking, cycling and car share. Coventry City Council required financial contributions as follows:

- £750,000 to be secured toward cycle improvements between the site and Coventry City Centre (including Green Lane);
- £4,500,000 to be secured for bus services, including £500,000 for an interim bus service during the early stages of the development. The eventual service(s) will include the provision of public transport rapid transit; and
- Financial contributions towards mitigation of the impact of road transport on air quality.

Coventry City Council also required a residential travel plan to back up the measures outlined above. The mechanism for its delivery was yet to be agreed as was its inclusion within the potential financial obligations.

It was noted that Highways England had proposed a condition in relation to the submission of a construction environmental management plan (CEMP). **Coventry City Council's name** was to be added into the list of authorities which needed to be consulted because of the residential nature of the locality within the City boundary. There were also two schools adjacent to the site on Green Lane which would limit the opportunity for site-bound traffic to use this route for highway safety reasons.

The addendum advised on a response given by Highways England to the proposals. Since receiving notification of the application in May 2018, Highways England had issued a number of recommendations that the application should not be determined until the impact of the proposed development on the safe and efficient operation of the Strategic Road Network was satisfactorily assessed. This included both transport and boundary impacts, given the close proximity of the site to the A46 Trunk Road.

Discussions had been ongoing with regards to the impact of traffic at the A46 Stoneleigh Junction. It was noted that this junction experienced congestion during the peak hours, and therefore Highways England would not accept any significant additional traffic at this junction until such time its capacity was improved. Warwickshire County Council (WCC) had secured planning permission to improve capacity at the junction through the construction of a grade separated roundabout (known as the WCC Full Roundabout Scheme). It was accepted by Highways England that this WCC Full Roundabout Scheme provided sufficient capacity for the full development. Construction had not yet commenced, but was expected to start in Spring 2020.

The addendum advised of some amendments to planning obligations in respect of highway contributions as follows:

- £750,000 to be secured toward cycle improvements between the site and City Centre (including Green Lane) as opposed to solely along the Green Lane/A45 corridor.

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

- The funds toward the full bus service payable toward CCC would now be toward public transport services to allow for alternative public transport options in future.
- The contribution to the A46 Link Road would be able to be spent on sustainable transport improvements to facilitate modal shift in the event that the scheme did not come forward.

Additional conditions were proposed to be included should permission be granted in respect of:

- An interim transport assessment to be submitted.
- An interim development restriction for Phase 1A (N) compliance.
- Details of Electrical Charge Points to be submitted.
- Development restriction for Phase 1A (S) (Compliance).
- Development Restriction for Phase 1A (N) (Compliance).
- Safeguarded Transport Route Details to be submitted.
- Residential Travel Plan to be submitted.
- Scheme of Highway Improvements to be Submitted.

There were also amendments to conditions 2, 39 and 53.

Finally, the addendum advised of an amendment to the report on page 30 as follows:

### Sustainable Transport

- ~~£50,000 South of Coventry rail feasibility study~~
- £500,000 Interim bus service (St Martins Parcel)
- £500,000 Interim bus service (Stoneleigh Road Parcel)
- £4,000,000 Full bus service
- £129,000 Road safety initiatives
- £96.284 Public Rights of Way Improvements
- £50,000 South of Coventry rail feasibility study
- £2,500 Sustainable travel info

The following people addressed the Committee:

- Councillor Davies, representing Finham Parish Council, which objected to the proposals;
- Councillor K Dickson, speaking on behalf of Kenilworth Town Council, which had objected to the proposals;
- Councillor Sawdon, representing the objections of his constituents in Wainbody Ward, Coventry City Council; and
- Mr Davies, representing the applicant.

Members were advised by Planning Officers that the only proper basis on which they could refuse the outline application was if a material consideration did not comply with the Local Plan.

Members asked questions to be confident that all was being done to mitigate the impact of the proposals. Amongst the subject matters covered in these questions were:

- testing undertaken on traffic flow and volumes to ensure that the traffic volumes would not be too great. Highways England had

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

ensured that rigorous testing be undertaken and a financial contribution would form part of the s106 contribution for improvements to traffic flow black spots;

- measures to be undertaken to mitigate flooding risks with condition 57 specifically set to address these;
- assurances that highway improvements would have been carried out before more than 700 houses were built. The Council had the option to delay or refuse reserved matters applications that exceeded the 700 houses if the highway improvements had not been implemented, plus more than 700 houses without having met the highways improvements commitments could be subject to enforcement;
- timescales when financial contributions would be paid;
- the blend of affordable housing and the need to take into account not just WDC's policy, but also Coventry City Council's policy;
- that requesting a detailed plan for the railway station could not form one of the conditions of planning consent because this was **unreasonable and not within the Developer's gift. £50,000 had been** set as a financial contribution to develop a feasibility study;
- primary and secondary school provision and the implications of the staged approach to building as the numbers of pupils increased. It was noted that the school provision would grow as the years progressed but to fulfil the need of secondary schooling to start with, temporary arrangements might be necessary at Finham Park and Kenilworth schools; and
- arrangements on sustainable transport options. It was also noted that Coventry City Council had plans to provide a rapid transit system from Kings Hill to the City Centre, although this rapid transit system was outside the remit of this application.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Heath and seconded by Councillor Ashford that the application should be granted. An additional clause was added to condition 11 dealing with the consideration and evaluation of a site wide District heating scheme.

The Committee therefore

**Resolved** that W/18/0643 be **granted** in accordance with the report and addendum subject to conditions and a legal agreement pursuant to s106 of the Town & Country Planning Act 1990 (as amended) to secure obligations as summarised below:

### **Obligations:**

#### Affordable Housing

- 450 units - Social Rent
- 250 units - Affordable Rent
- 150 units - Shared Ownership
- 150 units - Discount Market Value

#### Environment

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

- £1,128,982 – Air Quality Mitigation (or commensurate on-site provision)
- £3700 – Ecological Monitoring Costs

### Services

- £1,710,755 and 0.501ha –towards an on-site health centre or £1,283,113 – for off-site expansions/improvements
- £360,528 or 50sqm of police accommodation
- £134,090 – Police
- Delegated authority to agree NHS contributions to South Warwickshire and Coventry & Warwickshire NHS Trusts

### Highways

- £9,012,000 - Road Infrastructure Works
- £5,050,000 - Sustainable Transport
- £1,750,000 - Walking/Cycling
- £750,000 to be secured toward cycle improvements between the site and City Centre (including Green Lane) as opposed to solely along the Green Lane/A45 corridor
- The funds toward the full bus service payable toward Coventry City Council will now be toward public transport services to allow for alternative public transport options in future
- The contribution to the A46 Link Road would be able to be spent on sustainable transport improvements to facilitate modal shift in the event that the scheme does not come forward

### Education

- £18,149,768 – Full range education
- 8.2ha Serviced land for secondary school (valued at 7,313,533)
- 2.65ha Serviced land for primary school
- £54,720 – Library contribution

### Sports & Leisure

- On-Site pitches
- Changing Facilities (approx. 50sqm)
- £3,017,792 – Sports Facilities
- £90,000 - Monitoring Fee

Authority is delegated to the Head of Development Services in consultation with the Chair of Planning Committee to finalise the terms of the Section 106 agreement. This may include agreeing minor variations or clarification of the sums tested, but any significant variations will be subject to further consideration by planning committee.

Should a satisfactory Section 106 Agreement not have been completed by 3 March 2020, authority is

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

delegated 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 agreement.

In the event that Coventry City application FUL/2018/0842 be refused, Officers have delegated authority to impose the following condition if at the time of issuing planning permission, an approved planning permission for the access has not been issued:

### **Development Restriction (St. Martins Road/Green Lane)**

*Notwithstanding details contained within the approved documents, no submission of Reserved Matters within the area denoted under 'PHASE 1A (N)' of drawing number L.0384\_39 shall commence until such time that full planning permission has been issued for the access arrangements that would provide a connection from the site to the road network within the Coventry City Council's administrative boundary.*

**Reason:** *In the interests of comprehensive development and highway safety in accordance with Policies DS15 and TR1 respectively of the Warwick District Local Plan 2011-2029.*

#### **Conditions:**

##### **(1) Reserved Matters to be Submitted**

Details of the:

- a) Appearance of the building(s);
- b) Landscaping of the site;
- c) Layout of the site and its relationship with adjoining development; and
- d) The scale of building(s)

(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 full accordance with these reserved matters as approved.

**Reason:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended);

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

### **(2) Approved Plans**

The development hereby permitted shall be carried out in accordance shown on the site location plan and the approved access drawings and specification contained therein;

1. Figure 2.9 – 01 – Stoneleigh Road/Kings Hill Lane Signalised Site Access Junction
2. Figure 2.11 – 02 – Proposed Bus Gate (No General Site Access)
3. SK048A – 02 – Proposed Site Access – St. Martin's Rd/Green Lane

**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) Time Limit for Reserved Matters**

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

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

### **(4) Time to Commence 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);

### **In the event that the Coventry City Council application is not approved:**

Development Restriction (St. Martins Road/Green Lane) (Compliance)

Notwithstanding details contained within the approved documents, no submission of Reserved Matters within the area denoted under 'PHASE 1A (N)' of drawing number L.0384\_39 shall commence until such time that full planning permission has been issued for

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

the access arrangements that would provide a connection from the site to the road network **within the Coventry City Council's** administrative boundary.

**Reason:** In the interests of comprehensive development and highway safety in accordance with Policies DS15 and TR1 respectively of the Warwick District Local Plan 2011-2029;

### **Comprehensive Masterplanning**

- (5) Site-Wide Framework Plan (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to submission of the first reserved matters application a site-wide framework plan to include:

- a) An overall plan of development parcels;
- b) Site-wide phasing plan; and
- c) Infrastructure delivery strategy

Shall be submitted to and approved in writing by the Local Planning Authority. The subsequent timing and content of applications shall accord with the Framework Plan unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of comprehensive development in accordance with Policy DS15 of the Warwick District Local Plan (2011-2029);

- (6) Future Order of Applications (Compliance)

Notwithstanding details contained within the approved documents, the sequence of planning applications following determination of this outline proposal shall be as follows:

- 1) Reserved Matters application for spine road, structural landscaping and drainage
- 2) Reserved Matters for Phase 1A (North and South)
- 3) Reserved Matters for Phased 1B/1C

The phases shall be read in accordance with drawing L.0384\_30 Rev D – Figure 2.7 Indicative EIA Phasing Plan

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

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

- (7) Remove Permitted Changes of Use  
(Compliance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no permitted changes contained therein shall be enacted within the development hereby permitted.

For the avoidance of doubt this shall include changes from C3 dwellinghouse to C4 Houses in Multiple Occupation.

**Reason:** To manage the balance of sustainable communities in accordance with Policy SCO of the Warwick District Local Plan (2011-2029);

- (8) Schedule of District Centre Floor space to be Submitted

Notwithstanding details contained within the approved documents, prior to occupation of the 1000<sup>th</sup> dwelling or marketing of the site for the District Centre (whichever is sooner), details to include:

- a) A schedule of the proposed land uses;
- b) Details of management/ownership; and
- c) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The approved schedule shall be implemented unless otherwise agreed in writing by the Local Planning Authority.

Where single units that include retail, meeting places, tourism, cultural and sports development in excess of 500sqm of gross floor space, an impact test shall be submitted.

**Reason:** To manage the impact of District Centre uses on the wider area in accordance with Policies CT1 and TC2 of the Warwick District Local Plan (2011-2029);

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

(9) Schedule of Community Centre Accommodation & Management to be Submitted

Notwithstanding details contained within the approved documents, prior to occupation of the 1000<sup>th</sup> dwelling or marketing of the site for the Community Centre (whichever is sooner), details to include:

- a) A schedule of accommodation;
- b) Details of management/ownership; and
- c) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The approved schedule shall be implemented unless otherwise agreed in writing by the Local Planning Authority and transferred to the relevant ownership/management body.

**Reason:** In the interests of comprehensive development in accordance with Policy DS15 of the Warwick District Local Plan (2011-2029);

(10) Details of Community Recreation Area to be Submitted

Notwithstanding details contained within the approved documents, prior to occupation of the 1000<sup>th</sup> dwelling or opening of the Secondary School (whichever is sooner), details of the Community Recreation Area to include:

- a) Details of the on-site pitches;
- b) Changing room space;
- c) Parking provision
- d) How proposals will de-carbonise major development;
- e) Community use information;
- f) Future management arrangements; and
- g) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The Community Recreation Area shall be implemented in accordance with the approved details and retained thereafter.

**Reason:** To ensure that recreation facilities are delivered in a comprehensive manner in

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

accordance with Policy DS15 of the Warwick District Local Plan (2011-2029);

### **Design**

- (11) Site Wide Masterplan to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to the submission of reserved matters application for any phase of the development hereby approved, a Site Wide Masterplan to include:

- a) Illustrative details of how the proposed layout of development has been designed with due regard to the surrounding urban and rural context;
- b) Land form topography as existing and proposed;
- c) Land use plan and character areas (including densities and building heights);
- d) Movement corridors within the site (including principal roads, public transport corridors, footpaths, cycleways and green corridors) and demonstrating how these relate to existing movement networks in the wider area;
- e) Key infrastructure (including SUDs, significant utility provision, schools, district/local centres);
- f) Landscape corridors and open space network;
- g) Public open space;
- h) Structural planting landscape areas;
- i) Street lighting arrangements and any other lighting to public space;
- j) A phasing plan including triggers for delivery of key elements of supporting infrastructure;
- k) A statement establishing how the development proposals accord with the principles set out in the Site Wide Design Code; and
- l) Consideration and evaluation of a site-wide District heating scheme.

Shall be submitted to and approved in writing by the Local Planning Authority. The Site Wide Masterplan shall be used in the assessment of

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

future applications unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029;

(12) Site Wide Design Code to be Submitted  
(Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to the submission of reserved matters application for each phase of the development hereby approved, a Site Wide Design Code to include:

- a) Hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas);
- b) Development blocks including built form and massing and relationship with adjoining development areas/blocks including areas of transition between development parcels (including the relationship between built form and adjoining open space);
- c) Building types;
- d) Building heights;
- e) The means to accommodate the parking of vehicles and cycles;
- f) Sustainable Urban Drainage features;
- g) Key spaces, open spaces and green features;
- h) Architectural language and detailing;
- i) A scheme of strategic landscaping (including site sections, site visuals, site levels, structural landscaping and hedgerow retention)
- j) Design principles for street tree planting and other structural planting landscaping areas;
- k) Design principles on hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long-term management;

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

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

Shall be submitted to and approved in writing by the Local Planning Authority. The Site Wide Design Code shall be used in the assessment of future applications unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029;

### **(13) Landscaping Standards (Compliance)**

Notwithstanding details contained within the approved documents, the landscaping scheme(s) approved under any subsequent reserved matters application(s) shall be:

- a) Carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation;
- b) Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted;
- c) All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of

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

Practice for General Landscape Operations.

**Reason:** To ensure a satisfactory standard of appearance of the development and to protect and enhance the amenities of the area, in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;

(14) Details of BREEAM Rating (or equivalent) to be Submitted

Notwithstanding details contained within the approved documents, prior to construction on the site for the District Centre, details of a pre-assessment and design stage assessment by an accredited BREEAM assessor demonstrating:

- a) How the development will be designed and constructed to achieve as a **minimum BREEAM standard 'very good'** (or any future national equivalent)
- b) That the development achieves as a **minimum BREEAM standard 'very good'** (or any future national equivalent)

Shall be submitted to and approved in writing by the Local Planning Authority to discharge (a).

The development shall not be occupied unless and until a completion stage assessment by an accredited BREEAM assessor demonstrating that the development achieves as a minimum **BREEAM standard 'very good' (or any future national equivalent)** has been submitted to and approved in writing by the Local Planning Authority to discharge (b).

Should the BREEAM standard not be used as the performance measure, then the applicant shall appoint a suitably qualified professional for the assessment.

**Reason:** To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan (2011-2029);

(15) Details of Water Consumption to be Submitted

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

Notwithstanding details contained within the approved documents, prior to construction of the development within its relevant phase. A scheme showing:

- a) How a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved.

Shall be submitted to and approved in writing by the Local Planning Authority. No dwelling/unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

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

### **(16) Details of Energy Hierarchy to be Submitted**

Notwithstanding details contained within the approved documents, prior to commencement of development within its relevant phase. A scheme based on the following energy hierarchy:

- 1) Reducing the need for energy;
- 2) Energy efficiency;
- 3) Maximising the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives; and
- 4) Efficiently using fossil fuels from clean technologies

To include:

- a) Proposed methods of heating/cooling;
- b) Details of the infrastructure to incorporate the measures;
- c) Details of management/ownership; and
- d) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. No dwelling/unit shall be first occupied until the works within the approved scheme have been

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

completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

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

**Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of the National Design Guide (2019);

### **(17) Sustainability Statement to be Submitted**

Notwithstanding details contained within the approved documents, prior to construction of each phase of development. A Sustainability Statement to include:

- a) How the development will reduce carbon emissions and utilise renewable energy;
- b) Address overheating issues;
- 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) Address air quality issues; and
- g) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The development phase shall subsequently be implemented in accordance with the approved details and retained thereafter.

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

### **(18) Scheme of Open Space to be Submitted**

Notwithstanding details contained within the approved documents, prior to commencement of development under each reserved matters

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

consent, a scheme of open space for that reserved matters consent to include details of:

- a) How mixed open space facilities will be incorporated into the development;
- b) Informal open space;
- c) **Appropriate children's play facilities;**
- d) Outdoor sport facilities;
- e) Allotment gardens;
- f) Management arrangements; and
- g) Program of delivery

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 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;

### **Historic Environment**

#### (19) Details of Archaeological Evaluation to be Submitted

Notwithstanding details contained within the approved documents, prior to the submission of any Reserved Matters applications for any phase of the development hereby permitted:

- a) a programme of archaeological evaluation shall be undertaken in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the local planning authority. A report detailing the results of this fieldwork is to be submitted to the Local Planning Authority prior to, or concurrently with, the Reserved Matters submission;
- b) An Archaeological Mitigation Strategy document shall be submitted to the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development. Dependent upon the results of the trial trenching, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits of national importance.

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

Unless otherwise agreed in writing with the Local Planning Authority, no development shall take place in any development phase until the Archaeological Mitigation Strategy document for that development phase has been approved in writing by the Local Planning Authority and any fieldwork detailed in the approved Archaeological Mitigation Strategy document has been completed to the satisfaction of the Local Planning Authority. The post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the approved Mitigation Strategy document.

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

### **(20) Details of the SAM Landscape Management to be Submitted**

Notwithstanding the details contained within the approved documents, prior to the commencement of any development within **land at the 'Deserted Medieval Village located to the east of the site adjacent Kings Hill Lane'** SAM, a Landscape Management Plan to include:

- a) Proposed path surfaces and routes;
- b) Details of street furniture;
- c) Information/interpretation panels;
- d) Planting; and
- e) Management of the SAM

shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape management plan shall be implemented in full thereafter. Any subsequent transfer of ownership/management shall maintain the approved scheme of landscape management unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To manage the future harm and public benefit of the Scheduled Ancient Monument in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029;

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

### **Amenity**

#### (21) Details of Noise Mitigation to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to the submission of any Reserved Matters applications for any phase of the development hereby permitted, a noise mitigation scheme to include:

- a) Detailed arrangements to protect residents of the development from noise arising from the activities at Finham Park School and the Alvis Sports and Social Club entering habitable rooms together with the provision of quiet garden areas shielded from noise; and
- b) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and retained thereafter.

**Reason:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

#### (22) Details of Flood Light Mitigation to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to the submission of each Reserved Matters applications for any phase of the development hereby permitted within a 100m radius of Alvis Sports Club or other sports provision, a lighting assessment for:

- a) Flood lights at Alvis Sports and Social Club;
- b) A scheme of mitigation for the layout and orientation of residential dwellings; and
- c) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The

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

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

**Reason:** To ensure appropriate levels of amenity for residents of the development and to protect them from potential adverse effects of luminance levels from outside the development in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

(23) Low Emission Strategy to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to the submission of any Reserved Matters applications for any phase of the development hereby permitted, a Low Emission Strategy for that phase to include:

- a) Proposed mitigation measures; and
- b) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The Low Emission Strategy shall thereafter be in accordance with the approved details.

**Reason:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029 and the aims and objectives of national guidance within the NPPF;

## **Natural Environment**

(24) Ground Investigations and Mitigation to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to the commencement of development under each Reserved Matters Consent, ground investigations to include:

- 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

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

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; and
- d) Program of delivery (if applicable)

Shall be submitted to and approved in writing by the Local Planning Authority. Any remediation shall thereafter be carried out in accordance with the approved details.

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

### **(25) Contamination not Previously Discovered (Compliance)**

Notwithstanding details contained within the approved documents, if during development, contamination not previously identified, is found to be present at the site:

- a) No further development shall take place within that area of Reserved Matters Consent (unless otherwise agreed in writing with the planning authority for an addendum to the method statement);

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

- b) This addendum to the method statement must detail how this contamination shall be dealt with; and
- c) Program of delivery (if applicable)

Shall be submitted to and approved in writing by the Local Planning Authority. Any remediation shall thereafter be carried out in accordance with the approved details.

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

### **(26) Verification of Remediation to be Submitted**

Notwithstanding details contained within the approved documents, in the event that any phase of future development requires land remediation agreed through an approved method statement;

- a) Upon completion of the remediation 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; and
- b) A post remediation sampling and monitoring which 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.

Shall be submitted to and approved in writing by the Local Planning Authority. Any mitigating/monitoring works shall be carried out in accordance with the approved details.

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

### **(27) Construction Method Statement to be Submitted (pre-construction)**

Notwithstanding details contained within the approved documents, prior to commencement of development under any Reserved Matters

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

Consent, a Construction Method Statement to include:

- a) Any temporary measures required to manage traffic during construction;
- b) Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction;
- c) Dust management and suppression measures – level of mitigation determined using IAQM guidance;
- d) Wheel washing;
- e) 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;
- f) Concrete crusher if required or alternative procedure;
- g) Delivery times and site working hours;
- h) Site lighting;
- i) Access and protection arrangements around the site for pedestrians, cyclists and other road users;
- j) Restrictions on burning and details of **all temporary contractors' buildings**;
- k) Plant and storage of materials associated with the development process;
- l) External safety and information signing notices;
- m) Complaints procedures, including complaints response procedures and dedicated points of contact; and
- n) Best practicable means shall be employed at all times to control noise and dust on the site including:
  - Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays.
  - 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.

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

Shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period.

**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;

### **Landscaping and Open Space**

#### (28) Scheme of Tree & Hedgerow Protection to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of development under any Reserved Matters Consent that includes the operation of heavy equipment, machinery or materials being brought onto the site for any phase of development hereby approved, a scheme of tree and hedgerow protection to include details of:

- a) The protection of all existing trees and hedges to be retained on site.
- b) 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.

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 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;

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

### (29) Strategic Landscaping Scheme to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to submission of any Reserved Matters application for each phase of development, a scheme of strategic landscaping to include:

- a) Site sections;
- b) Site visuals;
- c) Site levels;
- d) Structural landscaping; and
- e) Hedgerow retention.

Shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be adhered to through the future submission of Reserved Matters application.

**Reason:** To manage the landscape character impacts of the proposal in accordance with Policy NE4 of the Warwick District Local Plan 2011-2019;

### **Ecology**

### (30) Ecological and Landscaping Scheme to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of development under each reserved matters consent a combined ecological and landscaping scheme to include details of:

- a) Accordance with the principle Biodiversity Impact Assessment;
- b) Landscaping including a river corridor strategy (if applicable);
- c) Any lake/pond creation;
- d) Retention of the Veteran Trees and species rich hedgerows; and
- e) Program of delivery.

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 retained thereafter.

**Reason:** In accordance with NPPF, ODPM Circular 2005/06 and Policy NE2 of the Warwick District Local Plan 2011-2029;

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

### **(31) Landscape and Ecological Management Plan to be Submitted (Pre-Commencement)**

Notwithstanding details contained within the approved documents, prior to commencement of development under each reserved matters consent, a Landscape and Ecological Management Plan for that reserved matters consent to include details of:

- a) Accordance with the principle Biodiversity Impact Assessment;
- b) Planting and maintenance of all new planting;
- c) Species used and sourcing of plants;
- d) Invasive plant species eradication and biosecurity for invasive plant species;
- e) Habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement;
- f) Provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles, hedgehog shelters and passes); and
- g) Program of delivery.

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 retained thereafter.

**Reason:** To ensure a net biodiversity gain in accordance with Policy NE3 of the Warwick District Local Plan 2011-2029 and the NPPF;

### **(32) Scheme of Protection for the Ancient Woodland/Local Wildlife Site to be Submitted (Pre-Commencement)**

Notwithstanding details contained within the approved documents, prior to commencement of development under any reserved matters consent which has an uninterrupted site boundary that adjoins an Ancient Woodland, a scheme of protection for any ancient woodland or local wildlife site within the vicinity of the development to include details of:

- a) A barrier, such as a wire fence, which should be erected before works start.

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

This fenced area should include a buffer zone of at least 50 metres between the development and the boundary of the local wildlife site. It is important NOT to allow access, or storage of materials within this buffer zone, otherwise soil compaction is likely to occur, with subsequent damage to the ground flora;

- b) Mitigation measures in the event of damage; and
- c) Program of delivery.

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 retained thereafter.

**Reason:** To ensure the protection of important habitats during development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;

### **(33) Bats & Lighting Mitigation Scheme to be Submitted (Pre-Commencement)**

Notwithstanding details contained within the approved documents, prior to commencement of development under any reserved matters consent, a Bats and Lighting Mitigation Scheme to include:

- a) Land parcel mitigation plan;
- b) Site-wide integration measures; and
- c) Program of delivery.

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 retained thereafter.

The Local Planning Authority expects lighting to be restricted along Finham Brook corridor and all around the development especially to the north west where it will be located at least 50 metres from Wainbody Ancient Woodland, and to be kept to a minimum at night across the whole site and include dark areas where appropriate and around the Ancient Woodland and Finham Brook in order to minimise impact on emerging and foraging bats. This can include measures such as:

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

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

- 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 the NPPF and Policies BE1 and NE2 of the Warwick District Local Plan 2011-2029;

(34) Bat Survey to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of development under each Reserved Matters consent, a further bat survey to include:

- a) survey of the medium and low potential trees, to include appropriate activity surveys in accordance with BCT Bat Surveys – Good Practice Guidelines;
- b) a detailed mitigation plan including a schedule of works and timings;
- c) where applications are within 100m T143 a full detailed survey shall be conducted; and
- d) Program of delivery.

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 retained thereafter.

**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;

(35) Construction & Ecological Management Plan to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of development under each Reserved Matters consent, a Construction and Ecological Management Plan (CEMP) to include:

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

- a) details concerning pre-commencement checks for badger, bats, breeding birds, great crested newts, reptiles and otters;
- b) Great Crested Newt mitigation plan;
- c) a reptile mitigation plan;
- d) Bat mitigation plan including a method statement if required for tree felling;
- e) Otter mitigation;
- f) Badger mitigation plan;
- g) appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site; and
- h) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

**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;

### **(36) Scheme of Protection for Finham Brook to be Submitted (Pre-Commencement)**

Notwithstanding details contained within the approved documents, prior to commencement of development under any reserved matters consent, a scheme for the provision and management requiring a scheme to be agreed to protect a 5-metre-wide buffer zone within **the application site's** side of the Finham Brook Tributary and an 8-metre-wide buffer zone on the application side where the Finham Brook forms the southern boundary. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The scheme shall include:

- a) plans showing the extent and layout of the buffer zone;
- b) details of any proposed planting scheme (for example, native species);
- c) details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus

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

- production of detailed management plan;
- d) details of any proposed footpaths, fencing, lighting; and
- e) Program of delivery.

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 retained thereafter.

**Reason:** Development that encroaches on watercourses has a potentially severe impact on their ecological value, e.g. artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected in accordance with Policies NE1 and NE2 of the Warwick District Local Plan 2011-2029;

### **(37) Scheme of Great Crested-Newt Mitigation to be Submitted (Pre-Commencement)**

Notwithstanding details contained within the approved documents, prior to commencement of development under each reserved matters consent, a scheme of schedule of great crested-newt mitigation measures to include:

- a) a method statement;
- b) Timing of works;
- c) Protection measures;
- d) Enhancement details;
- e) Monitoring;
- f) Further survey if deemed necessary); and
- g) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

**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;

### **(38) Scheme of Reptile Mitigation to be Submitted (Pre-Commencement)**

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

Notwithstanding details contained within the approved documents, prior to commencement of development under each reserved matters consent, a scheme of schedule of great crested-newt mitigation measures to include:

- a) A method statement for translocation;
- b) Timing of works;
- c) Protection measures;
- d) Enhancement details;
- e) Monitoring;
- f) Further survey if deemed necessary);  
and
- g) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

**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;

## **Highways**

### **(39) Construction Management Plan to be Submitted (Pre-Commencement)**

Notwithstanding details contained within the approved documents, prior to the commencement of development under each Reserved Matters applications hereby permitted, a Construction Management Plan to include:

- a) Construction Phasing Plan;
- b) Details and measures to prevent mud, debris and obstacles on the highway network;
- c) HGV Routing Plan, with no construction traffic heading west along Stoneleigh Road past Woodfield Primary school, nor travel north west past Finham Primary School in the interests of highway safety;
- d) Identify the location of the site compound, deliveries and serving area, HGV holding area, and car parking provision for contractors within the development site;
- e) Strategic HGV Routing Plan evidence considering construction traffic impact at

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

the A46 Stoneleigh junction appropriate to conditions at the time; and

- f) A Communication Strategy with the Local Community with a point of contact for residents to raise matters with.

Shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and retained thereafter.

**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;

### **(40) Highway Restrictions During Construction (Compliance)**

Notwithstanding details contained within the approved documents, the following restrictions relating to the road network shall be observed through the construction phase of the development:

- a) No HGV movements during the construction phase will take place Monday to Friday during the time periods 07:30 – 09:15 and 16:30 – 18:00, to ensure that HGV movements are limited during the peak travel periods.
- b) No construction traffic will wait on the adopted Highway managed or maintained by Warwickshire County Council or Coventry City Council in the interests of highway safety.

Shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and retained thereafter.

**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;

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

### **(41) Details of Protected Walking & Cycling Routes to be Submitted**

Notwithstanding details contained within the approved documents, prior to the commencement of development of each Reserved Matters applications hereby permitted, scheme of protected routes to include:

- a) Identified walking and cycling routes between the northern and southern development parcels during the construction phase;
- b) Relevant development required to implement protected routes;
- c) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and retained thereafter.

**Reason:** In order to provide and maintain access to the new primary school within the development site. In order to prevent additional vehicular traffic and promote sustainable modes of transport in accordance with Policies BE3 and TR1 of the Warwick District Local Plan 2011-2029;

### **(42) Details of Access to Phase 1A (S) to be Submitted (Stage 1)**

Notwithstanding details contained within the approved documents, prior to occupation of dwellings within the area denoted under '**PHASE 1A (S)' (Stoneleigh Road Access)** of drawing number L.0384\_39 site access details to include:

- a) Detailed access proposal; and
- b) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be carried out in accordance with the approved details as evidenced by the issuing of a Certificate of Substantial Completion by the relevant Highway Authority.

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

**Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

(43) Details of Access to Phase 1A (S) to be Submitted (Stage 2)

Notwithstanding details contained within the approved documents, dwellings within the area denoted under '**PHASE 1A (S)' (Stoneleigh Road Access)** of drawing number L.0384\_39, no more than 100 dwellings shall be occupied until site access details to include:

- a) The second phase (signalisation) site access arrangements from the Stoneleigh Road; and
- b) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be carried out in accordance with the approved details. No more than 300 dwellings shall be occupied on any part of '**PHASE 1A (S)' until the approved highway** access works have been completed as evidenced by the issuing of a Certificate of Substantial Completion by the relevant Highway Authority.

**Reason:** In the interests of highway safety in accordance;

(44) Details of Access to Phase 1A (N) to be Submitted

Notwithstanding details contained within the approved documents, prior to occupation of dwellings within the area denoted under '**'PHASE 1A (N)' (St. Martins Road Access)** of drawing number L.0384\_39 site access details to include:

- a) Detailed access proposal; and
- b) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be carried out in accordance with the approved details as evidenced by the issuing of a Certificate of Substantial Completion by the relevant Highway Authority.

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

**Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

### **(45) Details of Bus Gate/Emergency Access to Phase 1A (N) to be Submitted**

Notwithstanding details contained within the approved documents, prior to occupation of dwellings within the area denoted under '**'PHASE 1A (N)' (St. Martins Road Access)**' of drawing number L.0384\_39 access details to include:

- a) Detailed bus gate and emergency access onto Green Lane; and
- b) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be carried out in accordance with the approved details as evidenced by the issuing of a Certificate of Substantial Completion by the relevant Highway Authority.

**Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

### **(46) Details of Spine Road to be Submitted**

Notwithstanding details contained within the approved documents, no more than 400 of the dwellings hereby permitted shall be occupied across the development site until the detailed design and technical drawings for the Link Road between St Martins Road and Stoneleigh Road (the Spine Road) to be designed to:

- a) Carriageway width of 7.3 metres;
- b) With 2metre verges;
- c) 3 metre footway / cycleways either side of the carriageway

Shall be submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be carried out in accordance with the approved details.

**Reason:** In order to provide and maintain access to the new primary school within the development site. In order to prevent additional vehicular traffic and promote sustainable modes of transport in accordance with Policies BE3 and TR1 of the Warwick District Local Plan 2011-2029;

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

### **(47) Development Restriction for Spine Road Completion (Compliance)**

Notwithstanding details contained within the approved documents, no more than 700 of the dwellings hereby permitted shall be occupied across the development site until the Spine Road detailed within the condition titled '**Details of Spine Road to be Submitted**' has been implemented in accordance with the approved details as evidenced by the issuing of a Certificate of Substantial Completion by the relevant Highway Authority.

**Reason:** In order to prevent additional vehicular traffic and promote sustainable modes of transport in accordance with Policies BE3 and TR1 of the Warwick District Local Plan 2011-2029;

### **(48) Development Restriction for Any Dwelling Occupation (Compliance)**

Notwithstanding details contained within the approved documents, no dwelling shall be occupied until such time that a scheme of improvement comprising of either:

- a) Signalisation of the A46/Stoneleigh Junction; or
- b) A46 Stoneleigh Junction Scheme; or
- c) An equivalent scheme of highway improvement

Has become operational unless otherwise agreed in writing by the Local Planning Authority. In the event that a scheme of highway mitigation is implemented at the A46 Stoneleigh junction, this condition will not be considered relevant.

**Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

### **(49) Development Restriction for Operation of Stoneleigh Junction (Compliance)**

Notwithstanding details contained within the approved documents, no more than 700 dwellings shall be occupied until such time that:

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

- a) Warwickshire County Council's A46 Stoneleigh Junction Scheme; or
- b) An equivalent scheme of highway improvement

Has become operational unless otherwise agreed in writing by the Local Planning Authority. In the event that an agreed scheme of highway mitigation is implemented at the A46 Stoneleigh junction, this condition will not be considered relevant.

**Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

### **(50) Mitigation at the B4115/Birmingham Road/Stoneleigh Road to be Submitted**

Notwithstanding details contained within the approved documents, prior to occupation of dwellings within the area denoted under '**'PHASE 1A (S)' (Stoneleigh Road Access)**' of drawing number L.0384\_39 details of the mitigation to include:

- a) A scheme at the B4115 / Birmingham Road / Stoneleigh Road offset crossroads junction;
- b) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The mitigation scheme shall thereafter be carried out in accordance with the approved details as evidenced by the issuing of a Certificate of Substantial Completion by the relevant Highway Authority.

**Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

### **(51) Mitigation at the B4113 St Martins Road / B4115 Priority Junction to be Submitted**

Notwithstanding details contained within the approved documents, prior to occupation of dwellings within the area denoted under '**'PHASE 1A (N)' (St. Martins Road Access)**' of drawing number L.0384\_39 details of the mitigation to include:

- a) A scheme at the B4113 St Martins Road / B4115 priority junction;

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

### b) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The mitigation scheme shall thereafter be carried out in accordance with the approved details as evidenced by the issuing of a Certificate of Substantial Completion by the relevant Highway Authority.

**Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

### (52) Details of Bus Infrastructure to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of development under each reserved matters consent, a scheme of bus infrastructure to include:

- a) Detailed plans for the location of bus infrastructure;
- b) The design of any bus shelters;
- c) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and retained thereafter.

**Reason:** In order to prevent additional vehicular traffic and promote sustainable modes of transport in accordance with Policies BE3 and TR1 of the Warwick District Local Plan 2011-2029;

### (53) Non-Residential Travel Plan to be Submitted

Notwithstanding details contained within the approved documents, prior to occupation of the District Centre, any Employment Uses or Educational Facilities under any reserved matters consent, a detailed Travel Plan to include:

- d) Measures to reduce single occupancy car trips to/from the site;
- e) Encourage modal shift; and
- f) Program of delivery.

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

Shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved details.

**Reason:** In order to prevent additional vehicular traffic and promote sustainable modes of transport in accordance with Policies BE3 and TR1 of the Warwick District Local Plan 2011-2029;

### **Railway**

#### **(54) Risk Assessment & Method Statement to be Submitted (Pre-Commencement)**

Notwithstanding details contained within the approved documents, prior to commencement of any phase of development hereby approved that would involve development within 10m of the operational railway. A Risk Assessment and Method Statement to include:

- a) Details of a suitable trespass proof steel palisade fence of a minimum height of 1.8m adjacent to the boundary with the railway/railway land. The fence including foundations must be wholly constructed and maintained within the applicant's land ownership footprint;
- b) Measures to ensure that their proposal, both during construction and as a permanent arrangement, does not affect the safety, operation or integrity of the existing operational railway / Network Rail land;
- c) Drainage management to ensure that drainage does not increase Network Rail's liability, or cause flooding pollution or soil slippage, vegetation or boundary issues on railway land;
- d) Details of all excavation and earthworks within 10m of the railway boundary to determine if the works impact upon the support zone of Network Rail land and infrastructure as well as determining relative levels in relation to the railway;
- e) Details of proximity of future development to the railway boundary. Less than 2m from the railway boundary to the edge of structures could result in construction and future maintenance works being undertaken on Network Rail land;

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

- f) Proposals for the site should take into account the recommendations of, 'BS 5837: 2012 Trees in Relation to Design, Demolition and Construction', which needs to be applied to prevent long term damage to the health of trees on Network Rail land so that they do not become a risk to members of the public in the future.

Shall be submitted to and approved in writing by the Local Planning Authority. The Risk and Method Statement shall be adhered to in accordance with the approved details.

**Reason:** To protect railway assets in accordance with the National Planning Policy Framework;

## **Water Management**

- (55) Surface Water Drainage Scheme to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of each phase of development hereby approved, a Surface Water Drainage Scheme based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development to include:

- a) Site-wide surface water drainage strategy/accordance with approved site-wide strategy;
- b) Provide provision of surface water attenuation storage in accordance with '**Science Report SC030219 Rainfall Management for Developments**';
- c) Demonstrate that the surface water drainage system(s) are designed in accordance with '**The SuDS Manual**', CIRIA Report C753;
- d) 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

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

- and 1 in 100 year plus climate change return periods;
- e) Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network;
  - f) 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;
  - g) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details.

**Reason:** To prevent the increased risk of flooding; to improve and protect water quality and to improve habitat and amenity in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029;

### **(56) Foul Drainage Scheme (Pre-Commencement)**

Notwithstanding details contained within the approved documents, prior to commencement of each phase of development hereby approved, a Foul Drainage scheme to include:

- a) A drainage strategy for the disposal of foul sewage; and
- b) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented in accordance with the approved details prior to the first occupation of the relevant phase of development.

**Reason:** To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies BE1, FW2 and NE5 of the Warwick District Local Plan 2011-2029;

### **(57) Details of Sustainable Drainage Design to be Submitted (Pre-Commencement)**

Notwithstanding details contained within the approved documents, prior to commencement of each phase of development hereby

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

approved, details of sustainable drainage design in line with the SuDs manual CIRIA C753 and ES Addendum Appendix 1.3  
Groundwater monitoring to include:

- a) Site-wide sustainable drainage design principles;
- b) Measures to ensure the required storage capacity remains available during times of high groundwater;
- c) Assess the impact of fluvial flooding on groundwater levels adjacent to the Finham Brook tributary corridor; and
- d) Measures to mitigate the risk of groundwater mounding adjacent to Sustainable Drainage Systems.

Shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented in accordance with the approved details prior to the first occupation of the relevant phase of development.

**Reason:** To prevent groundwater ingress into the development drainage system, and prevent the increased risk of flooding in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029;

### **(58) Details of Ditch Network Management to be Submitted (Pre-Commencement)**

Notwithstanding details contained within the approved documents, prior to commencement of each phase of development hereby approved, details of ditch management to include:

- a) A management and maintenance strategy for construction materials from entering or silting up the ditch network
- b) Details to ensure that no silt or chemicals can leave the phase being constructed shall be provided and any detrimental impact to the ditch network shall be repaired; and
- c) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented in accordance with the approved details prior to the first occupation of the relevant phase of development.

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

**Reason:** To ensure the development does not have impacts off site to flood risk and that the ditch network downstream can function as intended in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029;

(59) Details of Finished Floor Levels to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of each phase of development hereby approved, details of finished floor levels to include:

- a) Finished floor levels being set at 600mm above the 1% flood event plus relevant climate change allowance; and
- b) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The floor levels shall be implemented in accordance with the approved details prior to the first occupation of the relevant phase of development.

**Reason:** To reduce the risk of flooding to the proposed development and future users in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029;

(60) Treatment of Surface Water during Construction to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of each phase of development hereby approved, details of surface water treatment to include:

- a) A scheme to treat and remove suspended solids from surface water run-off during construction works;
- b) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

**Reason:** To ensure there is no deterioration in water quality from sediment run-off during

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

construction in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029;

(61) Surface Water Maintenance Strategy to be Submitted

Notwithstanding details contained within the approved documents, prior to occupation of each phase of development hereby approved, details of surface water drainage measures will be maintained to include:

- a) How surface water systems shall be maintained and managed for the life time of the development;
- b) The name of the party responsible, including contact name and details; and
- c) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented in accordance the with approved details.

**Reason:** To ensure the future maintenance of the sustainable drainage structures in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029;

(62) Details of Water Supplies and Fire Hydrants to be Submitted

Notwithstanding details contained within the approved documents, prior to occupation of each phase of development hereby approved, details of firefighting provisions to include:

- a) Details of adequate water supplies;
- b) Details of fire hydrants; and
- c) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented in accordance with the approved details.

**Reason:** In the interests of Public Safety from fire, and the protection of Emergency Fire Fighters;

(63) Works in Accordance with Flood Risk Assessment (Compliance)

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

Notwithstanding details contained within the approved documents, the development shall be carried out in accordance with a Flood Risk Assessment (FRA) specifically adhering to:

- a) Limits to 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 411l/s for the entire site. Individual parcel discharge rates should be derived accordingly;
- b) Finished floor levels are set no lower than 150mm above existing ground level; and
- c) 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

**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, FW2 and NE2 of the Warwick District Local Plan 2011-2029;

### **Additional Conditions stipulated in the Addendum:**

Highways

#### **(64) Interim Transport Assessment to be Submitted**

Notwithstanding details contained within the approved documents, in the event that an interim scheme of signalisation at the A46 Stoneleigh Junction has been implemented, prior to the occupation of the 701<sup>st</sup> dwelling, an interim transport assessment to include:

- a) Investigation of highway capacity for the remaining 1800 dwellings;
- b) Details of highway mitigation if required; and
- c) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The mitigation scheme (if applicable) shall thereafter be carried out in accordance with the approved

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

details as evidenced by the issuing of a Certificate of Substantial Completion by the relevant Highway Authority.

The requirement of this condition shall only be applicable if the interim scheme at the A46 Stoneleigh Junction is implemented.

**Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (65) Interim Development Restriction for Phase 1A (N) (Compliance)

Notwithstanding details contained within the approved documents, dwellings within the area **denoted under 'PHASE 1A (N)' (St. Martins Road Access)** of drawing number L.0384\_39, no more than 200 dwellings shall be occupied until a secondary emergency access / bus gate onto Green Lane has become operational unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (66) Details of Electrical Charge Points to be Submitted

Notwithstanding details contained within the approved documents, prior to commencement to each Reserved Matters for residential development, a scheme of electrical charge points to include:

Specification and location of charge points;

- a) Measures to safeguard to future installation of charge points; and
- b) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved.

**Reason:** In the interests of decarbonising private transportation in accordance with Policy CC1 of the Warwick District Local Plan 2011-2029.

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

(67) Development Restriction for Phase 1A (S)  
(Compliance)

Notwithstanding details contained within the approved documents, dwellings within the area **denoted under 'PHASE 1A (S)' (Stoneleigh Road Access)** of drawing number L.0384\_39 shall be limited to no more than 400 dwellings shall be occupied in total until such time that the spine road linking the access at Stoneleigh Road to the vehicular access at Green Lane is operational unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

(68) Development Restriction for Phase 1A (N)  
(Compliance)

Notwithstanding details contained within the approved documents, dwellings within the area **denoted under 'PHASE 1A (N)' (St. Martins Road Access)** of drawing number L.0384\_39 shall be limited to no more than 300 dwellings shall be occupied in total until such time that the spine road linking the access at Stoneleigh Road to the vehicular access at Green Lane is operational unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

(69) Safeguarded Transport Route Details to be Submitted

Notwithstanding details contained within the approved documents, prior to occupation of the 701<sup>st</sup> dwelling a safeguarded route for a dedicated transport method to include:

- a) Alignment of the route;
- b) Utility presence within the proposed route;
- c) Details of landscaping and drainage;
- d) Details of management/ownership; and
- e) Program of delivery

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

Shall be submitted to and approved in writing by the Local Planning Authority. The approved route shall be retained free of development to an agreed timescale with the highway authority to allow for the integration of a future mode of transport.

**Reason:** In order to prevent additional vehicular traffic and promote sustainable modes of transport in accordance with Policies BE3 and TR1 of the Warwick District Local Plan 2011-2029;

### **(70) Residential Travel Plan to be Submitted**

Notwithstanding details contained within the approved documents, prior to occupation of each Reserved Matters application that includes residential development, a detailed Travel Plan to include:

- a) Measures to reduce single occupancy car trips to/from the site;
- b) Encourage modal shift; and
- c) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved details.

**Reason:** In order to prevent additional vehicular traffic and promote sustainable modes of transport in accordance with Policies BE3 and TR1 of the Warwick District Local Plan 2011-2029; and

### **(71) Scheme of Highway Improvements to be Submitted**

Notwithstanding details contained within the approved documents, no more than 400 dwellings shall be occupied within the area denoted **under 'PHASE 1A (N)' (St. Martins Road Access)** of drawing number L.0384\_39 until a programme of highway improvements to include:

- a) a programme defining trigger points for the implementation and completion of highway schemes at A46 Stoneleigh Junction and A45/A46 Stivichall Interchange;

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

- b) Assessment of the improvement scheme Stivichall Interchange associated with the Whitley South development (Drawing Reference: 15-0752 0100-101 Rev E);
- c) Scheme of highway improvements including further schemes identified for the Stivichall Interchange; and
- d) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The program shall be implemented in accordance with the approved details.

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

(The meeting ended at 7.43pm)

CHAIRMAN  
8 January 2020

# **Planning Committee**

Minutes of the meeting held on Wednesday 4 December 2019 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillor Boad (Chairman); Councillors Ashford, Davison, R. Dickson, Heath, Kennedy, Leigh-Hunt, Morris and Weber.

**Also Present:** Civic & Committee Services Manager – Mrs Tuckwell; Legal Advisor – Mrs Sharma; Development Services Manager – Mr Fisher; Business Manager - Development Management – Mr Young.

## **107. Apologies and Substitutes**

- (a) There were no apologies made.
- (b) Councillor Davison substituted for Councillor Roberts.

## **108. Declarations of Interest**

Minute Number 114 & 115 – W/19/0674 and W/19/0980LB – 6 Jury Street, Warwick

Councillor Ashford declared an interest because he was a Town Councillor.

All Councillors declared an interest because the applicant was Warwick District Council.

Minute Number 111 – W/19/1544 – 4 Markham Drive, Whitnash

Councillor Heath declared an interest because the application site was in his Ward.

Minute Number 109 – W/19/1772 – Land at the Valley, Radford Semele

Councillor Leigh-Hunt declared an interest because the application site was in her Ward and she would address the Committee objecting to the application. She therefore left the Committee whilst this application was being considered and did not vote on it.

Minute Number 112 – W/19/1340 – Land at Common Lane, Kenilworth

Councillor Kennedy declared an interest because he was a Town Councillor and the application site was in his Ward.

## **109. W/19/1772 – Land at the Valley, Radford Semele**

The Committee considered an application from Mr Aghdasi-Sisan for the erection of a dormer bungalow, with provision of access, parking and associated drainage infrastructure.

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

The application was presented to Committee because more than five letters of support had been received, and the application was recommended for refusal.

The officer was of the opinion that the proposed development was not considered to be in a location identified by Local Plan Policy H1 as suitable for housing and was not acceptable in principle. The proposed development was also considered to be harmful to the rural character and appearance of the area and contrary to Local Plan Policy BE1. The development was therefore recommended for refusal.

An addendum circulated at the meeting advised Members that as mentioned in the report, further responses were awaited from the Lead Local Flood Authority in respect of revised information received from the applicant and from WCC Fire and Rescue. Those responses had not yet been received. Therefore, in addition to the substantive recommendation, the addendum requested Members to authorise the Head of Development Services in consultation with the Chair of Planning Committee to consider those responses once received and if required, to add further reasons for refusal to the decision.

The following people addressed the Committee:

- Councillor Sabin, representing Radford Semele Parish Council, which objected to the proposals;
- Mr Wood, objecting;
- Mr Aghdasi-Sisan, the applicant; and
- Councillor Leigh-Hunt, District Councillor, objecting.

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

The Committee therefore

**Resolved** that W/19/1772 be **refused** for the reasons set out below. Authority is delegated to the Head of Development Services in consultation with the Chair of Planning Committee to consider any further responses from the Lead Local Flood Authority in respect of revised information received from the applicant and from WCC Fire and Rescue and if required, to add further reasons for refusal to the decision.

Refusal reasons:

- (1) Policy H1 of the Warwick District Local Plan 2011-2029 sets out a settlement hierarchy for the location of new housing to encourage sustainable patterns of development. Under Policy H1, housing sites have been identified and allocated. In the open countryside, Policy

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

H1 directs new housing to sites adjacent to the boundary of an urban area or to any of the identified 'Growth Villages' or other named villages suitable for limited infill.

The application site is not within any of the above sites and no evidence of local need has been submitted with the application.

The development is therefore considered to constitute an unsustainable form of development contrary to the aforementioned policy; and

- (2) Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. New development will be expected to harmonise with or enhance the existing settlement, and relate well to local topography and landscape features. The Council has also adopted The Warwickshire Landscape Guidelines as Supplementary Planning Guidance (SPG)

The application site is considered to make a positive contribution to the open and rural character and appearance of the area.

In the opinion of the Local Planning Authority, the proposed development would provide a more continuous row of built form than the existing arrangement and would result in a more suburban appearance to this frontage, which would detract from, and be harmful to the rural character of the area through the loss of the open nature of the site.

The development is thereby considered to be contrary to the aforementioned policy and SPG.

(Councillor Morris joined the meeting during this item and did not vote on it.)

### **110. Site Visits**

There were no site visits made.

### **111. W/19/1544 – 4 Markham Drive, Whitnash**

The Committee considered an application from Mr Atwal for the erection of a two-storey side extension, single-storey front porch and one additional parking space to the side.

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

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

The officer was of the opinion that the scheme was acceptable having regard to the character of the street scene, the existing built form, and the impact on the amenity of neighbouring properties. The proposals would also be acceptable in terms of car parking and ecological impacts.

Mr Overton addressed the Committee, objecting to the application.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Heath and seconded by Councillor Ashford that the application should be granted.

The Committee therefore

**Resolved** that W/19/1544 be **granted**, subject to the following conditions:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 02D and 04, and specification contained therein, submitted on 24th October 2019 and 20th November 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) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029;
- (4) the additional access to the site for vehicles shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; and

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

(5) the extensions hereby permitted shall not be occupied until space has been provided within the site for the parking of three cars in accordance with the approved site plan no. 04. The approved parking spaces shall be retained at all times. **Reason:** In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

### **112. W/14/1340 – Land at Common lane, Kenilworth**

The Committee considered a Variation of Section 106 Agreement from Bloor Homes Ltd and Bluemark Projects Ltd for planning permission reference W/14/1340 - Erection of up to 93 dwellings together with open space, drainage infrastructure and access from Common Lane (outline application including details of access).

The application was presented to Committee because it sought a variation of a Section 106 Agreement.

The officer was of the opinion that Local Plan Policy DM2 provided for Section 106 requirements to be changed in circumstances where a development was unviable. This had been proven by the Viability Report that had been submitted by the applicant, and this had been verified by the **Council's independent development viability experts. Therefore**, in the **officer's opinion**, the Section 106 agreement should be amended as requested.

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

The Committee therefore

**Resolved** that W/14/1340 be **granted** and authority be delegated to the Head of Development Services to vary the Section 106 agreement in relation to the tenure of affordable housing as set out in the report.

### **113. W/19/0498 – 1 Farley Street, Royal Leamington Spa**

The Committee considered an application from Dezinebuild Ltd for demolishing 1A Farley Street (with the exception of the gables which were to be retained), the erection of replacement two-storey building and proposed conversion of 1 Farley Street to provide 2 no. two bedroom dwellings.

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

The officer was of the opinion that the principle of development, in terms of both the loss of the employment use and the provision of new residential

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

development in this location, was considered acceptable in accordance with both Policies EC3 and H1 of the Warwick District Local Plan 2011-2029. The revised plans which followed previous advice from the conservation officer would not result in any visual harm to the character of the area or the street scene and it was considered that the development would preserve and enhance the character and appearance of the Royal Leamington Spa Conservation Area. There would be no impact on the setting of the nearest listed buildings.

Having regard to the fact that the buildings already existed on site, there would be no additional physical impacts on the amenity of neighbouring properties by reason of loss of light or overbearing impacts. Through the **buildings' proposed change** of use to dwellings, the minimal increase in height and the introduction of some new fenestration, officers did not consider there would be any material harm by reason of overlooking or loss of privacy that could not be mitigated by a condition requiring the two rooflight windows in No.1a to be obscure glazed since they were only intended to serve non-habitable rooms in any event.

Whilst the proposed gardens did not accord with the standards set out in the Residential Design Guide, officers were satisfied that the development was acceptable in the overall planning balance, due to the town centre location, the provision of some outdoor space for each dwelling, the availability of parks and gardens in the town centre within close proximity of the application site and the retention and enhancement of a non-designated heritage asset.

The updated Parking Survey accorded with the Parking Standards SPD and had resulted in no objection being raised by the County Highways Authority. Officers were therefore satisfied the development would not be detrimental to highway safety and there were no environmental health or drainage/flooding concerns related to the development subject to recommended conditions to be imposed to any forthcoming permission.

For these reasons it was recommended that planning permission should be approved subject to the conditions set out in the report.

An addendum circulated at the meeting advised of one additional third party letter of representation received objecting on the grounds of parking. The objection was that the Parking Survey was flawed; that local residents had a better understanding of the local area; that in not objecting to this application, the County Council was endorsing the widespread parking on pedestrian pavements and the blocking of access for waste collection and emergency vehicles.

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

The Committee therefore

**Resolved** that W/19/0498 be **granted**, subject to the following conditions:

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

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 1005-01 Rev.A and specification contained therein, submitted on 25 March 2019, approved drawings 1005-02 Rev.A and 1005-03 Rev.A and specification contained therein, submitted on 24 June 2019 and approved drawing 1005-04 and specification contained therein, submitted on 25 June 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 development and subsequent use of the development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles 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 existing connection into the STW combined sewer system is in sufficient condition to continue to achieve a gravity connection to this point.
  - Demonstrate that the surface water drainage system(s) are designed in accordance with '**The SuDS Manual**', CIRIA Report C753.
  - Provide and implement a maintenance plan to the LPA giving details on how surface water systems shall be maintained and managed 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; and to ensure the future maintenance of the sustainable drainage structures;
- (4) no part of the development hereby permitted shall commence until a Construction Method

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

Statement 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 and include the following:

### Noise

- Work which is likely to give rise to noise off-site shall be restricted to the following hours:
  - Mon-Fri 8 am - 5pm,
  - Sat 8am -1pm,
  - No working Sundays or Bank Holidays.
- Delivery vehicles are not allowed to arrive on site:
  - Mon – Fri before 8am or after 4.30 pm
  - Sat before 8am or after 1 pm
  - No deliveries on Sundays or Bank Holidays.
- Delivery vehicles are not permitted to wait outside the construction site before the site is open for working.
- Best practicable means shall be employed at all times to control noise. The Contractor shall employ the best practicable means to reduce to a minimum the noise produced by his operations and shall comply with the general recommendations in BS 5228: 1984 '**Noise Control on Construction and Open Sites**'.

Without prejudice to the generality of the **Contractor's obligations imposed by the above** statement, the following shall apply:

- All vehicles, mechanical plant and machinery used for the purpose of the works associated with the Contract shall be fitted with proper and effective silencers and shall be maintained in good and efficient working order.
- **All compressors shall be "noise reduced"** models fitted with properly lined and sealed acoustic covers which shall be kept closed whenever the machines are in use and all ancillary pneumatic percussion tools shall be fitted with mufflers or silencers of the type recommended by the manufacturers.

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

- Whenever possible only electrically-powered plant and equipment shall be used.
- Acoustic screens shall be used to protect any noise sensitive development where deemed necessary by the Head of Health and Community Protection for Warwick District Council or his representative.
- All plant and machinery in intermittent use shall be shut down in the intervening periods between work.

### Dust

- Unloading shall only take place within the site itself.
- Regular sweeping of access roads to the site must be carried out where mud is likely to affect residents and/or highway safety. In dry conditions, damping down of road surfaces should be carried out to control dust. A vehicle wheel wash will be provided to minimize carry-over to the highway.
- On-site dust shall be controlled by use of "**best practicable means**" to prevent dust arising from road surfaces, wind whipping of stock piles, handling of dusty materials, crushing, compacting and cutting and grinding operations.

### Smoke

- There shall be no burning on site.

### Light

- External work lighting, flood lighting, security lights must not cause light nuisance to neighbouring occupiers. Particular attention must be paid to the siting and orientation of lights to avoid glare.

**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;

- (5) no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted

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

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;

- (6) no development shall be carried out above slab level unless and until large scale details of doors and windows (including a section showing the window reveal, heads and cill details) at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029;
- (7) the development shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of access has been closed and the kerb has been reinstated in accordance with the standard specification of the Highway Authority. **Reason:** In the interest of highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029;
- (8) prior to the occupation of the development hereby permitted, the rooflight windows in the north east facing rear elevation of the two storey building hereby permitted 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 windows 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; and
- (9) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order

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

revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of any dwellinghouse hereby permitted. **Reason:** That due to the restricted nature of the application site and its relationship with adjoining properties, it is considered important to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

### **114. W/19/0674 – 6 Jury Street, Warwick**

The Committee considered an application from Warwick District Council for the installation of replacement of kitchen extraction system, and it was considered at the same time as application W/19/0980 LB – 6 Jury Street, Warwick.

The application was presented to Committee because Warwick District Council was the applicant.

The officer was of the opinion that based on the requirement for a replacement extraction unit and the proposed design being the most appropriate in terms of controlling the levels of noise and odour whilst minimising the potential impacts on the listed building and the conservation area, the proposal was considered acceptable.

An addendum circulated at the meeting advised Members that the applicant had put forward a strong justification for the size and siting of the flue on the grounds that it would replace an existing harmful extraction unit and the proposed flue would effectively manage the levels of odour and noise.

The proposed flue had been sited so as to minimise the impact on the adjacent listed buildings; the flue would extend upward in a gap between no.6 and no.4 Jury Street so as to not obscure the rear elevation of either building. The nearest listed building at no.4 Jury Street benefited from a modern extension to the rear that benefited from a high parapet wall that ran adjacent to the location of the proposed flue. There would be some views of the flue from the rear of the listed buildings. However, the existing modern extension to no.4 Jury Street would obscure most views of the flue from no.4 Jury Street. The flue would be powder coated black to match the existing downpipes to the rear of the listed buildings which was considered sympathetic to its setting. It was also considered that the design was an improvement on the existing extraction unit.

The harm to the setting of the listed buildings would be less than substantial, however, it was considered that the proposal would be an improvement on the existing extraction unit and would provide a public benefit in terms of replacing a harmful extraction unit that had little or no odour control. The proposal was therefore considered to satisfy the requirements of Policy HE1 and para 196 of the NPPF.

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

The addendum also advised that the application site was located in a mixed use area with commercial units at ground floor and residential units to the upper floors. Environmental Health were satisfied that the proposed flue would not have a detrimental impact on the amenity of the adjacent residential properties in terms of noise and odour. Officers were also satisfied that the location of the flue would not result in visual intrusion to those upper floor uses to the extent that planning permission should be refused.

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

The Committee therefore

**Resolved** that W/19/0498 be **granted**, subject to the following conditions:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing CATA-002B1 & CATA-003C and Kitchen Ventilation quotation by Caterquip Ventilation submitted on 22nd May 2019 and approved drawing AT/6JC/02 submitted on 24 May 2019, and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) the flue hereby approved shall be powder coated in black prior to first use and maintained as such in perpetuity. **Reason:** To ensure the development respects the character of the Conservation Area in accordance with Policy HE1 and BE1 of the Warwick District Local Plan 2011-2029; and
- (4) Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum

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

etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

**Reason:** To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

### **115. W/19/0980 LB – 6 Jury Street, Warwick**

The Committee considered an application from Warwick District Council for the replacement of a kitchen extraction system.

The application was presented to Committee because Warwick District Council was the applicant.

The officer was of the opinion that based on the requirement for a replacement extraction unit and the proposed design being the most appropriate in terms of controlling the levels of noise and odour whilst minimising the potential impacts on the listed building, the proposal was considered acceptable.

An addendum circulated at the meeting advised Members that the applicant had put forward a strong justification for the size and siting of the flue on the grounds that it would replace an existing harmful extraction unit and the proposed flue would effectively manage the levels of odour and noise.

The proposed flue had been sited so as to minimise the impact on the adjacent listed buildings; the flue would extend upward in a gap between no.6 and no.4 Jury Street so as to not obscure the rear elevation of either building. The nearest listed building at no.4 Jury Street benefited from a modern extension to the rear that benefited from a high parapet wall that ran adjacent to the location of the proposed flue. There would be some views of the flue from the rear of the listed buildings. However, the existing modern extension to no.4 Jury Street would obscure most views of the flue from no.4 Jury Street. The flue would be powder coated black to match the existing downpipes to the rear of the listed buildings which was considered sympathetic to its setting. It was also considered that the design was an improvement on the existing extraction unit.

The harm to the setting of the listed buildings would be less than substantial, however, it was considered that the proposal would be an improvement on the existing extraction unit and would provide a public benefit in terms of replacing a harmful extraction unit that had little or no odour control. The proposal was therefore considered to satisfy the requirements of Policy HE1 and para 196 of the NPPF.

The addendum also advised that the application site was located in a mixed use area with commercial units at ground floor and residential units to the upper floors. Environmental Health were satisfied that the proposed flue would not have a detrimental impact on the amenity of the adjacent residential properties in terms of noise and odour. Officers were also satisfied that the location of the flue would not result in visual intrusion to

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

those upper floor uses to the extent that planning permission should be refused.

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

The Committee therefore

**Resolved** that W/19/0980 LB be **granted**, subject to the following conditions:

- (1) the works hereby permitted shall begin no later than three years from the date of this consent.  
**Reason:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing CATA-002B1 & CATA-003C and Kitchen Ventilation quotation by Caterquip Ventilation submitted on 22nd May 2019 and approved drawing AT/6JC/02 submitted on 24 May 2019, and specification contained therein.  
**Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and
- (3) the flue hereby approved shall be powder coated in black prior to first use and maintained as such in perpetuity. **Reason:** To ensure an appropriate form of development for this Listed Building in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029.

### **116. W/19/0807 – 1 The Elms, Leek Wootton**

The Committee considered an application from Mr Hughes for the erection of a rear kitchen extension.

The application was presented to Committee because of the number of objections received. It was important to note all objections were in reference to the part of the proposal to move the boundary fence which was no longer a part of this application. No objections were received regarding the single storey rear extension.

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

The officer was of the opinion that the proposals related to a single storey rear extension which complied with local plan policies BE1 and BE3. There was no impact on the street scene or the neighbouring dwellings and their current levels of amenity.

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

The Committee therefore

**Resolved** that W/19/0807 be **granted**, subject to the following conditions:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 01 EXISTING AND PROPOSED ROOF PLAN, 01 PROPOSED BASE PLAN AND REAR ELEVATION and 02 EXISTING AND PROPOSED PLANS AND ELEVATIONS, and specification contained therein, submitted on 15/05/2019. **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; and
- (3) All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

### **117. Planning Appeals Report**

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

**Resolved** that the report be noted.

(The meeting ended at 7.41pm)

CHAIRMAN  
8 January 2020

**Planning Committee:** 08 January 2020

**Item Number:** 6

**Application No:** [W 18 / 1635](#)

**Registration Date:** 28/08/18

**Expiry Date:** 27/11/18

**Town/Parish Council:** Kenilworth  
**Case Officer:** Dan Charles  
01926 456527 dan.charles@warwickdc.gov.uk

### **Land East of Kenilworth, Glasshouse Lane/ Crewe Lane, Kenilworth**

Demolition of existing farmhouse and agricultural buildings and outline planning application for residential development of up to 620 dwellings (Use Class C3), land for a primary school, (Use Class D1) including means of access into site (not internal roads), parking and associated works, with all other matters (relating to appearance, landscaping, scale and layout) reserved FOR Catesby Estates Plc

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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, subject to the conditions listed at the end of this report and a Section 106 Agreement to secure the necessary financial contributions/obligations as set out in the report.

Planning Committee are also recommended to delegate authority to the Head of 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.

Should a satisfactory Section 106 Agreement not have been completed by 6 March 2020, 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 agreement.

### **DETAILS OF THE DEVELOPMENT**

The proposal is for an outline application for up to 620 dwellings together with a one-form entry primary school. All matters are reserved other than access.

Two accesses are proposed to the site. The primary access would be provided from Glasshouse Lane via a new 4 arm roundabout serving the site, Glasshouse Lane and Stansfield Close. The proposal also includes the provision of a 3-metre wide shared footway/cycleway to link into the footway/cycleway link proposed for the High School application (W/19/0655).

The secondary access would be from Crewe Lane which is proposed to be a re-prioritised junction with traffic from Crewe Lane giving way to traffic exiting the

application site. Crewe Lane is also proposed to be stopped up to prevent through traffic although access will be retained to serve the golf club and dwellings accessed via the existing Crewe Lane.

Both accesses would be connected by the creation of a spine road which also forms part of the wider Kenilworth Strategic Extension as a whole. The final position and layout of the Spine Road would be considered at Reserved Matters stage.

It is proposed to provide 40% of the dwellings as affordable units. As the scheme is outline, the position and layout of the affordable housing is not yet known.

An indicative layout has been provided demonstrating how the 620 units can be accommodated on the site together with the primary school and areas of open space, play areas and allotment provision to meet the needs of the development.

## **THE SITE AND ITS LOCATION**

The site is designated as the H40 Housing Allocation which forms part of the wider Kenilworth Strategic Extension that consists of the H40, H06, E1 and ED2 allocations.

The land itself is largely open fields with a number of buildings associated with agricultural activity. There is a Scheduled Ancient Monument (SAM) to the southern boundary of the site where adjacent to the A46 boundary.

The site is an open parcel of grassland. The boundaries of the site to the east, south and west are made up of hedgerows.

## **PLANNING HISTORY**

No relevant planning history.

## **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029)
- DS10 - Broad Location of Allocated Sites for Housing (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)
- HO - Housing (Warwick District Local Plan 2011-2029)

- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- H15 - Custom and Self-Build Housing Provision (Warwick Local Plan - 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE2 - Developing Strategic Housing Sites (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- BE5 - Broadband Infrastructure (Warwick District Local Plan 2011-2029)
- BE6 - Electronic Communications (Telecommunications and Broadband) (Warwick 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)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS3 - Local Green Space (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS5 - Directing 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)
- CC3 - Buildings Standards Requirements (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)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029)
- NE1 - Green Infrastructure (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)
- DM2 - Assessing Viability (Warwick District Local Plan 2011-2029)
- Guidance Documents
- East of Kenilworth Development Brief
- Custom and Self Build Housing SPD.
- Distance Separation (Supplementary Planning Guidance)

- Affordable Housing (Supplementary Planning Document - January 2008)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Open Space (Supplementary Planning Document - April 2019)
- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Kenilworth Design Advice (Shops, Warwick Road area)
- Neighbourhood Plan
- Kenilworth Neighbourhood Plan

## **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council:** Objection:

- Consider the principle is acceptable.
- The proposal does not leave any additional housing in the surplus school site.
- Path and cycle routes need to clearly connect with other development and that is not clear from the current submission.
- Traffic arrangements at the Knowle Hill/Crewe Lane junction have not taken into consideration the potential additional 70 homes or the school traffic on this already busy junction.
- The traffic assessment ought to reflect the need for improvement.
- No apparent direct link with the school is provided.
- Conditions should refer to the Kenilworth Neighbourhood Plan.
- At the detailed stage, care should be taken for noise abatement from A46 traffic which should not be detrimental to setting of the Scheduled Ancient Monument or Ancient Woodland.
- There is concern at the potential effect on the rugby club.
- There is a need to assess the impact of HS2 traffic.
- The proposed layout encourages leaving the site towards Coventry/Leamington rather than Kenilworth.
- Cycleways should be a feature of the development together with safer access to Kenilworth Town Centre.
- Recommend that some affordable housing is designed for the needs of older people.

Following the revision of plans: Comments and objections still stand and the following additional observations are made: -

- Concern is expressed that the new primary school will cause increased traffic.
- Surprise is expressed at the location of the Primary School so close to the secondary school and in a cul-de-sac with no obvious drop-off zone.

**Stoneleigh and Ashow Parish Council:** Objection - Concerned about all traffic using Crewe Lane onto the B4115.

**Councillor Trevor Wright:** Expresses significant concerns regarding overall traffic management: -

- Crewe Lane is classified as a minor road and cannot accommodate two lanes safely.
- Crewe Lane remains a commuting run to both the east and the west as a result of A45 works.
- The road is a significant safety risk and incapable of handling the additional traffic from both the development and the proposed school.
- The current plan is untenable even if there is only an exit point from the development with a roundabout planned for both exit & entrance points onto Glasshouse Lane.
- The potential volumes of traffic splaying into Stoneleigh, Ashow and surrounding areas are now both critical and unacceptable.
- The proposed route and plans around the use of Crewe Lane is flawed and lacks understanding with regards to safety, traffic movements and travel to work data.
- Highways England will be making significant changes to the A46 Stoneleigh junction which will include the compound access for HS2 and an HS2 construction village near to the junction.
- Stoneleigh, Ashow and surrounding areas have been badly hit in the past two years with increasing levels of traffic due to the developments I have already indicated.
- This development adds to the very real and current problems already raised and they include, HS2, Coventry Gateway South, Kings Hill and A45 & A46 developments.
- The development plan is both flawed in its structure and consideration taking little or no account of the immediate or surrounding areas.
- It is recognised that there is an important and compelling need to improve the national housing stock and affordable housing however this should not be at the cost of established (and in this case historical) communities.
- The developers in this case have not understood the issues the area is currently being asked to deal with, along with the issues with regards to increased traffic flows within the vicinity.
- I strongly urge the Planning Committee to reject the current plans based on viability, traffic management, highways structures and amenities.
- The developer should consider alternatives to support the access to both the development and the proposed school to minimise the traffic disruption in the area and this should include a revision of the access and entrance points to the development avoiding both Crewe Lane, Glasshouse Lane and Birches Lane, Kenilworth.
- This could include exits & entrance points on to either the A46, A452 or a junction spear off the A46 Kenilworth junction.
- Restrictions must be imposed on HGV traffic using Crewe Lane along with changes to the highway structure.
- Finally, the timing of this development is critical and coordination across all the major developments is vital if we are to avoid sustained and constant disruption making the whole area not a great place to live, work or bring up the next generation.

On the basis laid out above, I strongly object to the application as is currently presented and I encourage the Planning Committee to do the same.

**WDC Housing Strategy:** Housing Strategy expects the amount of affordable housing on the proposed development to comply with policy H2 and welcomes the applicant's commitment to provide this.

**WDC Environmental Health:** Following negotiations with the applicant's specialist consultants, no objection subject to conditions regarding noise mitigation, contaminated land, Construction Management Plans and Air Quality improvement works on site together with a contribution of £499,842 towards wider Air Quality Mitigation measures.

**WDC Sport and Leisure:** Request a contribution of £969,641 towards indoor and outdoor sports improvements to address the increased demand as a result of the proposed development.

**WDC Tree Officer:** The arboricultural work is thorough and will require detailed submissions at the reserved matters stage for the final landscaping proposals. Recommend a further Arboricultural Method Statement to set out the works at the final design stage together with the imposition of a tree protection measures condition.

**WDC Open Space Officer:** Based upon the indicative masterplan submitted, it is considered that the development will meet or exceed the required on-site open space typologies. Final details can be secured at the reserved matters stage. Recommend that open space is transferred to the District Council through the Section 106 Agreement together with a contribution towards the provision of a central Multi-Use-Games-Area facility to serve the wider site.

**WDC Policy:** Recommend contributions towards secondary education land, community facilities, pedestrian wayfinding and a central Multi-Use-Games Area totalling £1,402,529.11 to be secured through the Section 106 Agreement towards central facilities to serve the wider allocation. The final breakdown of this figure is detailed within the report.

**WCC Ecology:** Following detailed discussions and the submission of updated information, recommend ecological conditions together with a Biodiversity Offsetting Contribution of £821,046 to be secured through the Section 106 Agreement.

**WCC Highways:** Following negotiations with the applicants Transport Consultants, there is no objection to the scheme subject to conditions and contributions to wider highways improvements of £3,129,636 to mitigate the increased pressure on the public highway as a result of the proposed development.

**WCC Flood Risk Management:** No objection subject to a detailed drainage condition.

**WCC Landscape:** The site falls within Arden Parklands landscape type. Due to the nearby Grade II\* Registered Park and Garden at Stoneleigh Abbey, it is appropriate to design the landscaping with a parkland theme. The indicative landscaping shown would benefit from this approach. Species selection should

be native and typical of the Arden Landscape setting and should comply with latest acceptable species lists.

**Warwickshire Fire and Rescue:** No objection subject to a fire hydrant condition.

**Warwickshire Police Major Projects Officer:** Recommend a contribution of £130,959 towards increased policing to mitigate for the increased demand as a result of the proposed development.

**Warwickshire Police Designing Out Crime Officer:** Recommend that the development be built with regard to Secured by Design standards.

**South Warwickshire NHS Trust:** Recommend a contribution of £736,544.85 towards NHS improvements to mitigate the increased demands as a result of this development.

**South Warwickshire Clinical Commissioning Group:** Recommend a contribution of £244,055 towards improved doctors surgery provision to mitigate for the increased demand as a result of the proposed development.

**Highways England:** Recommend improvement works to the Thickthorn A46 junction to improve traffic flows to mitigate the impact of the development. The scheme has been agreed and can be secured through a Section 278 Agreement and/or Section 106 Contributions. Concern over the impact of surface water run-off impacting on the capacity of the existing culvert under the A46.

**Historic England:** No objection to the application on heritage grounds, providing the agreement over the management of the scheduled monument and the design changes / issues with the acoustic barrier are addressed and secured as part of an outline approval. The impact of the scheme on the setting and significance of the heritage assets will depend on the final design, layout and appearance proposed in the Reserved Matters application(s). It is therefore important that future applications ensure that this is fully assessed (in line with NPPF Paragraph 189), building upon the work which has been done for this outline application. Future applications should also consider where their detailed design could further reduce and minimise the adverse impact of the proposals, and what other opportunities there are to enhance the significance and understanding of the historic environment.

**Woodland Trust:** The development has potential to impact upon the ancient woodland. If granted, recommend planting buffers and screening during construction works.

**Warwickshire Wildlife Trust:** Recommend that hedgehog mitigation is incorporated within the Construction and Environmental Management Plan (CEMP).

**Severn Trent:** No objection subject to a detailed drainage condition.

**Public Response:** A total of 14 letters of objection, 4 neutral comments and 1 support comment have been received

### Objection Comments

- The layout doesn't seem to deal with the local present and future road network safety issues.
- The access to Glasshouse Lane is aimed at being convenient and does not sufficiently take into account the complicated road safety issues.
- The roundabout appears to be too large.
- The roundabout is harmful to the occupants of Stansfield Close.
- It would be preferable to have a new junction at the entrance to the Woodside Conference Centre.
- Multiple accidents have occurred on this road over the years.
- The allotments are in the wrong place.
- There will be too many access points close together.
- The proposal is harmful to wildlife.
- The development will create a harmful new town on the side of Kenilworth which will feel at odds with the existing character of the town.
- Such a large development will ruin the peaceful atmosphere of the town.
- The proposal will ruin the small town community feel of Kenilworth.
- Additional traffic will be horrendous and add to existing congestion.
- Concern over the piecemeal basis of the development.
- Construction traffic for the site and HS2 will put additional pressure on the road network.
- Additional strain on facilities and utilities will result.
- All dwellings should be low carbon, sustainable homes.
- All dwellings should benefit from solar panels.
- There is no mention of custom/self-build properties.
- Noise must be satisfactorily mitigated.
- Has Air Quality been adequately addressed?
- The Transport Assessment is considered inadequate.
- The drainage is inadequate to deal with increased surface run-off.

### Neutral Comments

- Concerns expressed about infrastructure for additional traffic.
- The speed limit should be reduced.
- The new school and additional traffic could be detrimental to highway safety.
- There is concern over traffic modelling and mitigation works.
- The mitigation works to the highways must be completed before the new dwellings are built.
- Objection to the re-prioritising of Crewe Lane.
- Note that an acoustic barrier is proposed and the need to be sure that this is acceptable.

### Support Comment

- Would love to buy a house on this development and become part of the community.

## **HISTORY/BACKGROUND**

The application site is covered by the East of Kenilworth Development Brief to guide the new development on this allocated strategic extension to the town of Kenilworth.

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

In preparing the Development Brief, Warwick District Council has undertaken extensive consultation with key stakeholders including Warwickshire County Council, Kenilworth Town Council, landowners, land promoters and infrastructure providers to seek views and inform the content of the document in accordance with the **Council's Statement of Community Involvement**.

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

The document is applicable to all development proposals relating to the site and development within the area identified for the sustainable urban extension will need to accord with the Local Plan, guidance within this SPD, other relevant Development Plan Documents including the Kenilworth Neighbourhood Plan, other relevant Supplementary Planning Guidance/Documents and any other material considerations, including the National Planning Policy Framework (NPPF).

## **ASSESSMENT**

### **Principle of Development**

#### Five Year Housing Land Supply

The most up to date Five Year Housing Land Supply (5YHLS) figures state that as of 1 April 2019, the District Planning Authority is able to demonstrate a 6.37-year Housing Land Supply.

#### Local Plan

The application site is identified within the Local Plan as a site for new housing development as part of the wider strategic urban extension to the East of Kenilworth. The land forms the H40 allocation.

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

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

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

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

This application seeks the provision of up to 620 dwellings together with a one-form entry primary school. It is intended that an additional one-form entry primary school will be proposed within the H06 allocation to the west of the site to meet the requirements of DS11. Members will be aware that the new secondary school has been previously considered under application reference W/19/0655.

It is noted that the figure of 640 dwellings was identified by the Inspector in the final report into the Local Plan that the figure of 640 could include a number of dwellings from the residual employment land.

The additional community facilities are anticipated to be provided centrally within the overall allocation and are to be funded by all parties developing the site.

#### Kenilworth Neighbourhood Plan

Kenilworth Neighbourhood Plan Policy KP4 identifies the land as appropriate for the provision of the new dwellings where it is in accordance with an adopted Development Brief and Policy DS15 of the Local Plan. The policy sets out a framework of requirements from any future development in terms of design and layout. This matter would be assessed at Reserved Matters stage.

#### Self-Build Housing

The Development Brief and Kenilworth Neighbourhood Plan seek a proportion of units to be provided on a self/custom build basis. The applicants have agreed to provide these units on the site on a pro-rata basis of the overall identified need for these types of dwellings. This will be secured by condition.

#### Conclusion on Matters of Principle

In summary, the proposal is for 620 dwellings on a site allocation for residential development within the Local Plan. The site also delivers the one-form entry primary school and will contribute the wider infrastructure requirements identified as necessary within the East of Kenilworth allocation. The development accords with the identified housing numbers and the submitted

indicative masterplan identifies that the site can be delivered with high standards of public open space and landscaping together with an appropriate level of on-site facilities such as the provision of allotments.

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

#### Assessment of the proposed housing provision

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

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

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

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

#### **Design**

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

Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF insofar as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The Warwick District 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.

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

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

The Indicative Masterplan sets out the scheme that incorporates the 620 dwellings, the primary school as well as all required open space requirements to the level required for a scheme of this scale.

A key aspect of the scheme is the retention of existing hedgerows that run through the site to retain wildlife corridors through the site as well as providing a mature green buffer between properties to aid with the landscaping of the scheme.

The indicative Masterplan demonstrates that the scheme is in compliance with the Garden Suburbs guidance document through the provision of a primary Spine Road through the site from which a hierarchy of roads naturally link from this primary access route to serve the properties. The main Spine Road is indicated with a highway to the required specification of the County Highways Team that is flanked by wide grass verges with tree planting together with associated footway and cycleway provision.

The application has been submitted with a Design and Access Statement that sets out a range of design principles for the new development. These design features form a solid basis for the design rationale across the site in order to deliver a high quality development and Officers consider that this detail can be expanded upon through the imposition of a condition requiring the submission of a detailed Design Code to inform the developments coming forward under the reserved matters submissions.

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

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

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

Policy KP13 of the Kenilworth Neighbourhood Plan requires new development to have a positive response to the site characteristics and surroundings.

Views from outside the site are mitigated by existing mature boundary planting along the public highway along Glasshouse Lane and the A46. There are currently views of the site from Crewe Lane as this boundary is partially defined

by simple post and rail/wire fencing adjacent to the existing farm access. As part of the proposal, the site boundaries would be improved with additional planting to provide a more appropriate rural edge to the site. Existing hedgerows are proposed to be retained and supplemented with additional planting where necessary.

It is noted by Officers that the site forms part of the urban extension to Kenilworth so will obviously result in a change of character from open farmland to residential development. The location of the overall site represents a logical area for the development and will be edged by existing highways which form a definitive boundary to the settlement.

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

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

At this stage, it is acknowledged that the masterplan drawing is indicative only and the overall landscaping strategy for the site would be provided at reserved matters stage. However, the indicative masterplan clearly demonstrates that the provision of a scheme for 620 dwellings would provide for appropriate areas of additional planting and green space within the site. Any proposed landscaping scheme would be subject to negotiation with the Landscape Officer to agree a suitable solution for the treatment of the site and this will be submitted as part of the reserved matters application.

The proposal is therefore considered acceptable having regard to BE3 of the Local Plan and Policy KP13 of the Kenilworth Neighbourhood Plan.

## **Impact on heritage assets and features of Archaeological Importance**

### Heritage Assets

Paragraph 129 of the NPPF requires Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Regard should also be had to the Ancient Monuments and Archaeological Areas Act 1979, which makes provisions for the investigation, preservation and

recording of matters of archaeological or historical interest and (in connection therewith) for the regulation of operations or activities affecting such matters.

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.

Policy KP13 of the Kenilworth Neighbourhood Plan sets out a range of design principles and states that in terms of Heritage Assets, their settings in the locality must be in accordance with their significance.

In this case there are no listed buildings or conservation areas either within or in close proximity of the application site. There is however one designated heritage asset to which consideration must be given which is identified as Roman Settlement at Glasshouse Wood which lies to the south of the application site. This is designated as a Scheduled Ancient Monument (SAM). The SAM is within the site ownership boundary.

The SAM is clearly acknowledged within the submitted Design and Access Statement and Heritage Statement and the location of the SAM has informed the illustrative masterplan for the site, which has been designed to acknowledge the importance of the SAM.

Although indicative, the area of the application site to the south, i.e. in closest proximity to the SAM has been designed to have an offset of at least 15 metres from the nearest element of the works, in this case, a perimeter footpath.

It is proposed that there will be no lighting, hard surfaces or play equipment within the area of the SAM to help maintain the character. Currently, there are a number of earthworks that have taken place which would be removed. The proposal would be to incorporate simple paths through the SAM to aid in increasing awareness of the SAM whilst also providing significantly improved natural surveillance. The level of tree planting on the northern boundary of the SAM is limited to provide views through into the SAM and also views through to the proposed housing from the SAM.

A management plan to be secured by an appropriate planning condition is considered as a necessary mechanism through which to ensure the long term management and maintenance of this part of the site and it is therefore intended to require the submission of such a management plan by condition, imposed on any forthcoming planning permission at this outline stage. It is envisaged that the content of any such management plan will relate to the way in which the land is to be laid out and used now and in the future, as well as setting out the relevant measures that will be taken regarding its long term maintenance.

Historic England have been consulted accordingly on the proposals. During pre-application discussions, Historic England expressed some concerns about the proximity of the development to the SAM area to the south of the site. In response to this, the indicative Masterplan was updated to provide an offset from the SAM of at least 25-30 metres from the nearest proposed dwellings. In

addition, an open area of allotments is proposed to provide an open buffer on the western side of the SAM.

Historic England acknowledge that the impact of the scheme on the setting and significance of the heritage assets will depend on the final design, layout and appearance proposed in the Reserved Matters application(s). It is therefore important that future applications ensure that the impact is fully assessed and addressed in accordance with guidance set out in Paragraph 189 of the NPPF.

The future reserved matters application(s) should also consider where their detailed designs could further reduce and minimise the adverse impact of the proposals, and what other opportunities there are to enhance the significance and understanding of the historic environment. This can be incorporated into the proposed management plan.

In conclusion, regard has been had to all the positive steps the applicant has sought to take and the measures intended to be implemented to safeguard the long term management and maintenance of the area of the site in closest proximity to the SAM and the area of the SAM itself. In recognising that the scale of the development will inevitably have some impact on the setting of the heritage asset which in Historic England's opinion will result in some harm, their advice is to ensure that the Local Planning Authority is satisfied that there is a clear management framework and management plan to mitigate the harm and that this is weighed accordingly against the public benefits of the scheme as per the relevant tests set out in the NPPF.

The proposal is therefore considered acceptable having regard to Policy HE1 of the Local Plan and Policy KP13 of the Kenilworth Neighbourhood Plan

### Archaeology

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

The results of the survey work and trial trenching were submitted in a report with the supporting information as part of the current application. The County Archaeologist has considered the proposal and noted that the site has high archaeological potential and recommended that further investigative and evaluative archaeological fieldwork should be secured by an appropriately worded condition.

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

### **Impact on residential amenity**

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

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

#### Impact on existing properties

The western perimeter of the site predominantly abuts the area of land to be used for the secondary school where the dwellings would be adjacent to the periphery of the playing fields only. The majority of the remaining site would abut open countryside where there would be no near neighbours that would be directly affected by the residential development of the site.

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

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

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

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

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

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

The site lies adjacent to the A46 which is identified as being a significant noise source that would have an impact on the future occupiers of the development site. In response to this, the applicants have carried out significant noise monitoring across the site. This monitoring has identified that the site would be subject to increased road traffic noise as a result of the proximity to the A46.

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

the provision of acoustic fencing along the site boundary. Due to the differing levels, there are two distinct elements proposed.

Firstly, an acoustic fence totalling 6 metres in height is proposed to be located within the existing tree belt to the southern area of the site. Whilst significant in height, the mass of the structure would be located within the mature tree belt and would be adequately screened by existing trees and vegetation with further work being carried out to the appearance of the fence to mitigate for its visual appearance.

The second area is to be located on the edge of the tree belt within the site. This would be a 4-metre-high acoustic fence on a 2-metre-high raised bund. Whilst significant in height, this would be set against the backdrop of trees and there is sufficient space in front of the fenced area to allow for substantial planting to offset the visual appearance of the fence itself.

The proposal has been assessed by the Environmental Health Officer who is satisfied with the technical information submitted to demonstrate that an appropriate solution can be provided to mitigate the noise of the A46 for future occupiers. As the details at this stage are indicative, a condition is proposed for the final scheme to be submitted with appropriate supporting methodology and survey work to ensure that the scheme is acceptable in both practical terms and visual amenity terms.

Officers are satisfied that the development accords with Policy BE3 of the Local Plan and Policy KP13 of the Kenilworth Neighbourhood Plan.

## **Highway Safety**

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

Policy KP5 of the Kenilworth Neighbourhood Plan states that in considering proposal for new developments that result in additional traffic, priority should be given to pedestrians and cyclists, improve safety and assist traffic flow whilst also accommodating the needs of public transport.

The proposed development is to be served by two access points that connect onto Glasshouse Lane on the western side of the development which is proposed to extend through the site via a central spine road and connect to the second access onto on the eastern side of the development. Both of the access points have been assessed by the County Highways Officer who has raised no objection to the access points subject to conditions ensuring they are constructed to the relevant standards.

The application has been submitted with a Transport Assessment that included strategic transport modelling of the wider area to assess the transport implications on the surrounding area. The Transport Assessment has identified that works are required to the Thickthorn Island that serves the A46 to the south

of Kenilworth and works have been identified to increase the capacity of the slip roads to mitigate for the additional traffic associated with the development.

Significant work has been undertaken by the applicants Transport Consultant in conjunction with Highways England and Warwickshire County Highways to identify measures to mitigate the impact on the A46 that runs adjacent to the site. The works have been agreed in principle with Highways England and County Highways and will be delivered under a Section 278 Agreement to deliver the works to ensure that the improvements are in place to mitigate for the additional traffic associated with the development. The final sign-off of these works is awaited from Highways England although all technical matters have been agreed.

Additional works to the local road network have also been identified. In particular, St Johns Gyratory is proposed to be improved to mitigate the additional traffic associated with the development. These works will be delivered by the County Highways Authority and contributions are proposed to be secured through the Section 106 Agreement to allow the works to mitigate for the increased traffic as a result of the proposed development.

A key aspect of the site is the delivery of the central spine road connecting Glasshouse Lane and Crewe Lane which is integral to ensuring that the increased traffic associated with the site is mitigated for adequately. In addition to the spine road, it is also necessary to connect the proposed school land to the spine road to allow for the early delivery of the primary school to respond to the increase demand for school places as a result of the development. The County Highways Officer has considered that the appropriate trigger for the delivery of the spine road link is prior the occupation of the 200<sup>th</sup> dwelling. This delivery can be controlled by an appropriately worded planning condition.

Within the site, provision has been made for bus stops and a turning area to allow the extension of the local bus service into the site to serve the needs of the future occupants. A Section 106 contribution is proposed to secure an extended/improved bus route to service the site as well as the provision of **Town Centre 'Hopper' service to link the sites with the town centre and Kenilworth Railway Station.**

The submitted indicative Masterplan indicates a range of routes through the site together with the connection of the combined cycle/footway on Glasshouse Lane into the proposed cycle/footways proposed as part of the Kenilworth School submission. Wider improvements to the provision of cycleways forms an integral part of the proposed highways works. The cycling improvements will build upon the existing improvement works secured in the High School proposal and further works to support the proposed Kenilworth to Leamington Cycle Link. A key aspect of the sustainable nature of this development is the strong provision of cycling opportunities to support the aims of the Development Brief, the Neighbourhood Plan and the NPPF in promoting and enhancing sustainable transport methods.

The site has been the subject of a comprehensive assessment of the level of traffic/impacts from this site whilst taking into consideration the proposed school

further along Glasshouse Lane and the other development coming forward as part of the East of Kenilworth Urban Expansion.

Subject to the imposition of appropriate conditions and associated contributions, no objection is raised on highway safety grounds and the proposal is considered to comply with Policies TR1 and TR3 of the Local Plan and Policies KP5 and KP9 of the Kenilworth Neighbourhood 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 County Ecologist has assessed the submitted ecological survey work and has undertaken a Biodiversity Impact Assessment (BIA). The biodiversity impact score

has been calculated by the County Ecologist as resulting in a net biodiversity loss, which is contrary to NPPF.

The County Ecologist considers that some of the loss of Bio-diversity can potentially be offset through the design of the scheme at Reserved Matters stage subject to assurances that this will be implemented. Any residual loss of Bio-diversity as a result of this application can be appropriately mitigated through a Bio-diversity offsetting contribution of £821,046. This can be secured and agreed through the Section 106 agreement.

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

Subject to the required obligations in the Section 106 Agreement and the imposition of the requested conditions, Officers are satisfied that the development is acceptable having regard to Policy NE3 of the Local Plan.

### **Other Matters**

#### Drainage

In terms of surface water drainage, the site is within Flood Zone 1, and it is proposed to install balancing ponds within the limits of the site to ensure run-off does not exceed existing green field rates plus allowance for climate change.

The Lead Local Flood Authority has raised no objection to the scheme, subject to detailed design to be secured by condition.

The proposed surface water run-off will be mitigated through the Sustainable Urban Drainage Systems which will ensure that surface run off is minimised. The site naturally drains into a culvert underneath the A46 Road. Highways England raised concern regarding the potential impact of this on the strategic

road network. As the SUDS includes all drainage within the site, it has been agreed that the maintenance of the SUDS would involve ensuring that the culvert is not affected by the development. The SUDS Maintenance is a clause set out within the Section 106 Agreement and the final wording is currently being agreed with Highways England.

In terms of foul sewage, it is indicated that the dwellings are proposed to connect to the mains sewers in the local area. This would be subject to separate approvals with Severn Trent. It is appropriate to attach a condition seeking the details of the drainage to be submitted and approved.

#### Trees and Hedgerows

The site is currently a range of fields delineated by mature hedging. Other than the field boundaries, there is limited vegetation located within the site area.

Officers note that the existing hedgerows have been retained within the indicative masterplan which demonstrates how these are incorporated into the scheme. These hedgerows provide a good level of mature planting within the site to soften the development from the initial stages whilst also retaining existing wildlife corridors which are ecologically beneficial across the site.

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

The specific types of tree and final landscaping design will be subject to a further submission through the reserved matters but at this stage, the indicative masterplan submitted shows significant additional tree planting which is appropriate for this land.

#### Air Pollution

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

Appropriate mitigation measures such as electric vehicle (EV) recharging provision and other locally specific measures to be used to minimise and/or offset any emissions from new development can be secured by condition. In addition to this, a request for Air Quality Mitigation to fund local projects is required totalling £499,842.

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

Officers are satisfied that these are technical matters and the specific details can be secured by the requested condition so as to make the proposed development acceptable. The highways contributions would be secured through the Section 106 Agreement.

#### Health and wellbeing

The site contains large areas of open space for use by future occupants. The area of land set out for open space meets the requirements for all types of open space provision. The final detail and form of the open space areas will be provided within the Reserved Matters submission for later consideration.

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

Warwickshire Police have raised no objection to the outline scheme subject to a financial contribution towards additional policing requirements for the area as a result of the additional dwellings.

In general terms it is proposed to ensure that the development follows Secured by Design principles through the imposition of an appropriate condition. This will assist in minimising the potential for crime and improve community safety for future residents.

#### Impact on local services

The proposed development of up to 620 dwellings would create significant additional demand for local services and to mitigate this, contributions towards community facilities would be required.

Negotiations into the levels of contributions are still ongoing and must be resolved to the satisfaction of the Local Planning Authority before a decision can be issued.

Having considered the available evidence, the contributions are considered to be in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. A development of 620 dwellings on this site would have a material impact on or need for affordable housing, education, open space, health care, sports facilities, drainage, monitoring costs, and rights of way, employment/training for locals and highway matters.

This is a particular issue given the cumulative impact that is expected from the substantial level of housing growth proposed across this area of Kenilworth as

well as across the District as a whole. It is reasonable to expect a development of this size to contribute towards the additional costs associated with meeting these increased demands. The relevant consultees are currently seeking to identify specific projects and locations where this money would be spent. Therefore, it is considered that appropriate contributions are necessary to make the development acceptable in planning terms and subject to being directly related to the development, are fairly and reasonably related in scale and kind to the development (as required by Regulation 122).

The necessary contributions identified would be secured through an appropriate Section 106 Legal Agreement. At the current time, the following financial contribution requests have been received;

Sustainable Travel Packs - £6,200.  
Libraries - £13,571.  
Education and Learning - £6,316,822.  
Public Rights of Way Improvements - £11090.42  
Off-site Highway Improvements including cycling - (£3,129,636)  
Safer Routes to School Funding - £15,000  
Road Safety Contribution – £33,000  
Public Transport (Bus Service) Improvement - £500,000.  
NHS Hospitals - £713,527.82.  
NHS Clinical Commissioning Group - £244,045.  
Warwickshire Police - £130,959.  
Indoor Sports Facilities - £722,014.  
Outdoor Sports Facilities - £253,720.  
Biodiversity Offsetting – £821,046.  
Air Quality Mitigation - £499,842.

In line with the East of Kenilworth Development Brief, the following additional contribution requests are being sought to provide the centralised facilities across the site that are being requested on a pro-rata basis apportioned to each site across the East of Kenilworth Strategic Extension;

Secondary Education Land Contribution – £221,428.57  
Community Centre Construction Contribution – £885,713.40  
Community Centre Running Costs Contribution – £74,887.32  
Community Centre Staffing Costs Contribution – £146,142.68  
Pedestrian Wayfinding Contribution – £8,857.14  
Central Multi-Use Games Arena (MUGA) Contribution - £65,500.

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

- 40% Affordable Housing
- Transfer of land to the County Council for the primary school
- Appropriate mechanism for securing Biodiversity Offsetting Payments.
- Adoption of Open Space Areas.
- SUDS Maintenance.
- Local Labour Agreement.
- Monitoring Fee.

## **Conclusion**

The application site is allocated within the Local Plan for residential development as part of allocation H40 which identifies approximately 640 dwellings for this area of the site, and forms part of the wider East of Kenilworth Strategic Urban Expansion that seeks to provide approximately 1400 dwellings together with a range of associated community facilities.

The development is only in outline form at this stage but the indicative site plan demonstrates that the site is capable of accommodating a very high quality scheme of up to 620 dwellings which is acceptable in overall terms including in respect of the integration of built development within the surrounding landscape and the site provides additional benefits in securing an appropriate highway linkage to the adjacent site to provide a comprehensive development across the overall allocation.

Technical Matters relating to highway safety and the mitigation of increased demand on the highway network have been satisfactorily addressed and these works are to be secured through contributions within the Section 106 Agreement. The site specific matters can be controlled by planning condition.

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

## **CONDITIONS**

- 1 Details of the appearance, landscaping, layout and scale of the development (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in strict accordance with these reserved matters as approved.  
**REASON:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended).
- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 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 The access to the development hereby permitted shall be carried out in accordance with the details of the proposed accesses to the highway in accordance with plan references 17377-07-03 Rev A received on 24 August 2018 and 17377-12-03 Rev B received on 3 October 2019 unless otherwise agreed in writing by the Local Planning Authority in

consultation with the County Highways Department. Thereafter, the approved accesses shall be carried out in general accordance with the approved details prior to the first occupation of any dwellings constructed on the site. **REASON:** In the interest of highway safety and to ensure appropriate access is available for the future occupiers of the dwellings having regard to Policies TR1 and BE3 of the Warwick District Local Plan 2011-2029.

- 5 No development shall take place under any reserved matters consent until a construction phasing plan of the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the phases established in the phasing plan as approved by the local planning authority. **REASON:** To ensure the proper phasing of the development.
- 6 The development hereby permitted shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. The CEMP needs to be compliant with the British Standard on Biodiversity BS 42020: 2013 published in August 2013. In discharging this condition, the LPA expect to see details concerning pre-commencement checks and monitoring for protected and notable species, and habitats as deemed appropriate. In addition, appropriate working practices and safeguards for other wildlife 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), ODPM Circular 06/2005 and Saved Policy NE2 of the Warwick District Local Plan.
- 7 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local 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 the pond, wildflower grasslands; provision of habitat for protected species. The plan should also include details on soil management to make best use of the high quality soils on site -detailed guidance to inform this matter is available in Defra '**Construction Code of Practice for the Sustainable Use of Soils on Construction Sites**'. Such approved measures shall thereafter be implemented in full. **Reason:** To enhance biodiversity in accordance with NPPF.
- 8 The development hereby permitted shall not commence until: -
  - 1(a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This must be

submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:

- 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 local planning authority and a risk assessment has been undertaken.
- (c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion and shall be approved in writing by the local planning authority prior to the remediation being carried out on the site.

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

**REASON:** To safeguard health, safety and the environment in accordance with Policies NE4 and NE5 of the Warwick District Local Plan 2011-2029.

- 9 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 in perpetuity. **REASON:** To protect residents of the development from the adverse effects of traffic noise

from outside the development in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.

- 10 No part of the development (including any works of demolition) hereby permitted shall commence until a construction method statement has been submitted to and approved in writing by the local planning authority in consultation with the County Highways Authority. Thereafter, the approved statement shall be strictly adhered to throughout the construction period. The submitted statement shall provide for:
- A construction phasing plan.
  - An HGV routing plan.
  - 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 **contractor's buildings**
  - Plant and storage of materials associated with the development process
  - External safety and information signing notices
  - Complaints procedures, including complaints response procedures and dedicated points of contact
  - Best practicable means shall be employed at all times to control noise and dust on the site including:
    - Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays.
    - Delivery vehicles should not be allowed to arrive on site between 7:30am and 9:15am and 4.30pm and 6:00pm Mon – Fri.

The measures indicated within the Construction Management Plan shall be implemented prior to the commencement of the development and maintained for the duration of the works, unless otherwise agreed in writing by the local planning authority. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties,

the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029.

- 11 No residential phase of the development shall take place unless and until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details.  
**REASON:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029 and the aims and objectives of national guidance within the NPPF 2018.
- 12 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority demonstrating that surface water runoff does not exceed runoff from the undeveloped site and does not increase the risk of flooding off-site. Post development runoff volumes and peak flow rates will be limited to the Greenfield discharge rate for all rainfall return periods up to and including the 100 year plus 30% (for climate change) as outlined within the Flood Risk Assessment. On-Site surface water attenuation will be provided to the 1:100 Climate change (30%) standard using Sustainable Urban Drainage Systems. The site drainage strategy will demonstrate the appropriate assessment and adoption of SUDS techniques. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details. **REASON:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies FW1, FW2 and NE4 of the Warwick District Local Plan 2011-2029.
- 13 The development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029.
- 14 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: 2005, a Guide for Trees in relation to 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 Policy NE4 of the Warwick District Local Plan 2011-2029

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

- a. low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps.
- b. the brightness of lights should be as low as legally possible.
- c. lighting should be timed to provide some dark periods.
- d. connections to areas important for foraging should contain unlit stretches.

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

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

- 17 Prior to the occupation of 200 dwellings, a spine road linking Glasshouse Lane and Crewe Lane [including a formal crossing facility at the Glasshouse Lane junction and works shown on drawings 17377-12b-03 and 17377-07a-03] shall be constructed to the standard specification of the Local Highway Authority and be open to all traffic.
- REASON:** To ensure adequate access is provided in a timely manner in the interests of the safety of road users and cyclists/pedestrians in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 18 Prior to first occupation of the first dwelling in the adjacent phase of development, the site access and footway/ cycleway works as shown on drawing 17377-12b-03 shall be delivered. **REASON:** To ensure adequate access is provided in a timely manner in the interests of the safety of road users and cyclists/pedestrians in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 19 Prior to first occupation of the first dwelling in the adjacent phase of development, the site access as shown on drawing 17377-07a-03 shall be delivered. **REASON:** To ensure adequate access is provided in a timely manner in the interests of the safety of road users and cyclists/pedestrians in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 20 Prior to the opening of the spine road linking Glasshouse Lane and Crewe Lane, as required by condition 1, the developer is required to provide a minimum of 1 eastbound and 1 westbound bus stop at a position to be agreed with the Local Highway Authority. **REASON:** To ensure adequate access is provided in a timely manner in the interests of the safety of road users and cyclists/pedestrians in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 21 Any reserved matters application for any residential phase of the development shall be submitted be submitted in accordance with the details of the Design Code for the approved development as set out in the document titled "Design and Access Statement incorporating Site Wide Masterplan & Design Code March 2018" unless otherwise agreed in writing through the submission and approval of a revised Site Wide Masterplan. **REASON:** In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029.
- 22 Any reserved matters application for any residential phase of the development shall be submitted in accordance with the details of the Design Code for the approved development as set out in the document titled "Design and Access Statement incorporating Site Wide Masterplan & Design Code March 2018" unless otherwise agreed in writing through the submission and approval of a revised Design Code. **REASON:** In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029.
- 23 The development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details. **REASON:** In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029.
- 24 Any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition one shall be completed in all respects, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning

authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of 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.

- 25 The existing tree(s) and shrub(s) indicated on the submitted plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.
- 26 The mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the Strategic Housing Market Assessment at the point of submission unless an alternative strategy is agreed in writing by the Local Planning Authority. **REASON:** To ensure that the housing meets the needs of the District as required by Local Plan Policy H4 of the Warwick District Local Plan 2011-2029 and the NPPF.
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**Planning Committee:** 8 January 2020

**Item Number:** 7

**Application No:** W/19/0933

**Town/Parish Council:** Hatton

**Case Officer:** Dan Charles

01926 456527 dan.charles@warwickdc.gov.uk

### **Land On The North Side Of Birmingham Road, Hatton**

Full Planning Application - 150 Dwellings (Class C3); New Vehicular Access from Birmingham Road; New Temporary Vehicular Access for Sales and Construction from Birmingham Road; & Associated Works infrastructure

For Taylor Wimpey UK Ltd

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### **INTRODUCTION**

This report relates to the above planning application which was referred to Planning Committee on 5 November 2019 where it was resolved to grant planning permission subject to the signing of a Section 106 Agreement.

This proposal seeks some minor alterations to the content of the Section 106 Agreement in terms of the required contributions for which Committee approval is required.

### **RECOMMENDATION**

Planning Committee are recommended to resolve to agree the proposed changes to the Section 106 agreement to allow;

- The removal of the requirement to provide a contribution towards Stanks Island Highway Improvement Works.
- The inclusion of the contribution of £59,045 for the NHS Clinical Commissioning Group (Doctors Surgeries).

### **HISTORY**

**W/17/2415** - Full planning application for construction of 150no. dwellings (Class C3); a new vehicular access from Birmingham Road; a new temporary access for sales and construction from Birmingham Road; associated drainage and infrastructure; public open space; landscaping and all other ancillary and enabling works – **WITHDRAWN 24.04.2018**

### **DETAILS OF THE CHANGES**

- To remove the requirement for a contribution towards Stanks Island improvement works.
- To include a contribution of £59,045 towards NHS Clinical Commissioning Group (Doctors Surgeries) to mitigate the impact of the development.

## **RELEVANT POLICIES**

- National Planning Policy Framework
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)

## **ASSESSMENT**

The main issue relevant to the consideration of this is whether the amended details would continue to enable the delivery of a sustainable development that mitigates its impact through appropriate infrastructure contributions having regard to the **Council's policies and national planning guidance**.

The first issue relates to the highways contribution towards ongoing works at Stanks Island.

The original Committee Report stated that a contribution towards the Stanks Island improvement works had been requested subject to a final figure to be confirmed. Following an assessment of the ongoing works, it was confirmed that the Stanks Island Project was already fully funded and no additional contributions were required to deliver these works. This was reported verbally by the Highways Officer present at the meeting but was not addressed in the submitted minutes of the Committee.

This report therefore seeks authority to formally omit this request from the Section 106 Agreement.

In light of the above, Members should note that the scheme still provides a contribution of £540,000 towards strategic Highways improvement projects and measures to improve walking and cycling.

The second issue is seeking authority to include the CCG request of £59,045 towards improvement works for primary health care facilities (Doctors Surgeries) to mitigate the impact of the development.

The Committee report noted this request within the Consultation Response section but this was not included in the list of contributions identified within the Financial Contributions section in the report.

For the avoidance of doubt, this report seeks authority from Members to include the request to be included within the Section 106 Agreement.

## **SUMMARY / CONCLUSION**

The proposed changes to the Section 106 Agreement require authority from Members to update the terms of the Section 106 Agreement to omit the Stanks Island request and include the CCG request.

These elements have been fully justified and Members are requested to authorise the changes as set out within this report.

**Planning Committee:** 08 January 2020

**Item Number:** 9

**Application No:** [W 19 / 1285](#)

**Registration Date:** 27/08/19

**Expiry Date:** 22/10/19

**Town/Parish Council:** Cubbington

**Case Officer:** George Whitehouse  
01926 456553 george.whitehouse@warwickdc.gov.uk

### **2 Penns Close, Cubbington, Leamington Spa, CV32 7LX**

Variation of condition 2 of application reference W/19/0287: Erection of a front dormer, front porch and two storey side extension with dormer (Retrospective)  
(Set down reduced from previously approved) FOR Mr & Mrs Hyam

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This application is being presented to Committee as the Parish Council supports the application and it is recommended for refusal.

### **RECOMMENDATION**

It is recommended that Planning Committee refuse this application for the reasons set out in this report.

### **DETAILS OF THE DEVELOPMENT**

Planning permission is sought to vary condition 2 of application W/19/0287.

W/19/0287 gave consent for the erection of a front dormer, front porch and two storey side extension with dormer (Retrospective). This application was granted as the plans were amended to accord with the Council's Residential Design Guide.

The as built extensions differ from the previously approved proposals.

As built there is no significant set down of the roof ridge from the original dwelling as required by the Residential Design Guide. There is a small visual break of around 0.1m between the extension and the original building which is represented on the plans.

### **THE SITE AND ITS LOCATION**

Penns Close is a cul-de-sac off High Street which is comprised of semi-detached and detached bungalows. 2 Penns Close is a semi-detached bungalow

### **PLANNING HISTORY**

W/18/0543: Erection of a front dormer, porch and two storey side extension (GTD)

W/19/0287: Erection of a front dormer, porch and two storey side extension (GTD)

W/19/1568: Landing and steps to facilitate access to garden (under consideration)

ENF/124/19: Construction of an extension without compliance with the approved drawings.

## **RELEVANT POLICIES**

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

## **SUMMARY OF REPRESENTATIONS**

**Public:** 5 letters of public support on the grounds that the extension has been constructed to a high standard and enhances the street scene.

## **ASSESSMENT**

### Design

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.

The Council's adopted Residential Design Guide SPD (2018) gives guidance to help make the assessment of good design under Policy BE1. The RDG states that in order to appear as subservient additions, side extensions should not be greater than 2/3rds of the width of the original dwelling house. There should be also be a set down of the roof ridge of a minimum of 225mm.

The side extension as approved is greater than 2/3rds the width of the original dwelling. Therefore the key factor in ensuring a subservient design was the previously approved 225mm set down.

The as-built roof design differs from the previously approved drawing in that it provides a lesser set down between the existing dwelling roof and the new roof ridge line of the extension such that in the street scene the difference in ridge height isn't discernible as built. Consequently, when viewed from the street the extension appears as a continuation of the plane of the existing roof.

Since the as built extensions are not considered to read as subservient additions they are not considered to comply with Local Plan Policy BE1, the objective of which is promoting good design (which the RDG gives guidance on). In addition to this, by not building a subservient extension this application does not take into account any local design standards or style which is a requirement of NPPF paragraph 130. The as built development is therefore considered to fail to

harmonise within the wider area which is characterised by dwellings with subservient additions.

The quality of the approved development is considered to have materially diminished between the previously approved design and the as built development for which permission is now sought. Paragraph 130 of the NPPF specifically advises local planning authorities to seek to ensure that this does not occur. The proposals do not comply with the Council's adopted Residential Design Guide and therefore the objectives of local plan policy BE1. It is considered the application should be refused on this basis.

#### Impact on the amenity of neighbouring occupiers.

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.

There is no additional impact on the amenity of neighbouring occupiers as a result of this application above that of the previously approved application. The raised platform and stairs that are an existing feature do not form part of this application and are under consideration under application reference W/19/1568.

#### Summary

The quality of the approved development is considered to have materially diminished between the previously approved design and the as built development which is proposed to be regularised under this variation of condition 2 application. The proposed (as-built) extensions are not subservient to the original dwelling, do not comply with the Council's adopted Residential Design Guide and therefore the objectives of local plan policy BE1. It is recommended for this reason that planning permission is refused.

#### **REFUSAL REASONS**

- 1 Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design.

The proposed (as-built) extension by reason of the absence of a sufficiently set down ridge height is not subservient to the character and form of the original dwelling and therefore comprise an inappropriate form of development which is harmful to the wider street scene, contrary to the Council's adopted residential design guide.

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