

Planning Committee: 14 July 2020

Item Number: 4

Application No: [W 19 / 0531](#)

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

01926 456527 dan.charles@warwickdc.gov.uk

Registration Date: 07/05/19

Expiry Date: 06/08/19

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

Outline application for the erection of two no. blocks of residential accommodation of up to 90 bed spaces together with undercroft parking. FOR Chalice Build Ltd

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

RECOMMENDATION

Planning Committee are 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 within two months of the date of the Committee resolution, 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

This is an outline planning application for the demolition two existing buildings known as Milverton House and Drummond House and the erection of 2 new blocks of residential accommodation to incorporate up to 90 bed spaces together with associated parking. Whilst the total number of bed spaces is identified, the overall allocation of individual residential units has not been determined in this proposal.

The existing buildings form part of the Court Street industrial estate and represent fairly modern and utilitarian commercial premises.

Indicative proposals identify a building up to 4 storeys in height on both sites with the Milverton House building staggered in height from 1 to 4 storeys.

The site lies within an area identified within the Local Plan as being within the Town Centre Boundary of Leamington Spa and is allocated for residential development, forming part of allocation H16. This allocation identifies a total of 75 dwellings within the allocation area.

The site is outside the boundary of, but in fairly close proximity to the Royal Leamington Spa Conservation Area and the Canal Conservation Area.

THE SITE AND ITS LOCATION

Milverton House and Drummond House are modern industrial buildings split into a number of smaller units. Both buildings are single storey in scale and of unremarkable design.

The site of Milverton House backs onto residential properties on Tower Street to the west that are a row of maisonettes with the rear garden areas abutting the site boundary.

To the immediate north of Milverton House lies a vacant building that appears to have originally been a chapel/church but was last in use as commercial premises.

To the north and west of this building lies the recently extended Court Street car park. Court Street runs north/south to the east of Milverton House and beyond this lies the associated property, Drummond House.

To the south of the site is the access road serving Tower Street and beyond this lies the Waterside medical centre.

Drummond House is a similar, modern, single storey building of utilitarian character. This building is flanked to the east and south by other commercial premises. To the north of the site is a newly constructed residential block. Directly to the west is the site currently occupied by Milverton House.

PLANNING HISTORY

No relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS5 - Presumption in Favour of Sustainable Development
- DS11 - Allocated Housing Sites
- PC0 - Prosperous Communities
- TCP1 - Protecting and Enhancing the Town Centres
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix of Housing
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity

- TR1 - Access and Choice (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
- HS1 - Healthy, Safe and Inclusive Communities
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - April 2019)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Canal Conservation Area DPD
- Creative Quarter "Big Picture" Document.

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objection for the following reasons;

1. The proposed development would contravene Local Plan Policy H6(a) and is not on a main thoroughfare.
2. The scale, massing and height of the development and the potential for overlooking would have a negative impact on residents in Tower Street.
3. The development fails to preserve or enhance the appearance and character of the Conservation Area.
4. Policy RLS1 (4) of the emerging Neighbourhood Plan for Leamington supports specific types of residential development in the Court Street area as defined in allocation H16 of the Local Plan - namely, community-led housing and live/work units to support the Creative Quarter aspirations. The development proposed in this application does not deliver this.
5. Policy RLS 5 (a) of the emerging Neighbourhood Plan requires proposals for new housing development to provide a mix of homes and specifically to support affordable owner occupation in South Leamington - there is as yet no confirmation of what proportion of affordable housing will be included in this development as per Local Plan Policy H2.

WCC Highways: Following receipt of Transport Survey, no objection. Recommend contribution of £20,000 be secured to improve pedestrian/cycling links.

WCC Ecology: The proposal involves demolition of two buildings but from the photographs provided neither appears to be suitable for bats. Given that the surrounding area is not particularly well connected to the canal or other suitable foraging habitats it is not likely that bats are present. I recommend that informative notes with regards to bats and nesting birds are attached to any permission granted. The development represents an opportunity to enhance a site of low ecological value through landscaping which is beneficial to wildlife, and through providing opportunities for wildlife such as bat bricks integrated into the new buildings at a suitable location. I recommend that a condition for a Combined Ecological and Landscaping Scheme is attached to any outline permission granted.

WCC Landscape: While there may not be any vegetation of value within the site boundary there are trees growing within the garden space to the Tower Street dwellings which overhang the site boundary to the proposed Milverton House and mature buddleias and cotoneasters adjacent to the proposed Drummond House. This planting helps to soften what is otherwise a very sterile environment and should be retained or replaced as appropriate.

It is important to provide external green space for either residential and / or student accommodation to visually tie with the tree and shrub planting around adjacent buildings and car parking areas and provide a setting for the new buildings. The Design and Access Statement makes reference to using both living walls, to soften the elevations towards the existing houses, and potential roof garden(s). Internal courtyard areas are indicated and these should include areas for tree / shrub planting too.

WCC Infrastructure: Request S106 Contributions totalling £6,885 towards Library improvements, Sustainable Travel Packs, Road Safety Improvements and associated Monitoring fee.

WCC Flood Risk Management: Request more details about on-site treatment of surface water

South Warwickshire NHS Trust: Request S106 contribution of £22,492 towards local hospital improvements to mitigate the impact of the proposed development.

Canal & River Trust: No Comment.

Inland Waterways Association: IWA are neutral to these proposals which are sufficiently screened from the canal corridor for their mediocre designs to cause any detriment to the views of the area for canal-side users.

WDC Tree Officer: Having reviewed the documents that support the application I have no tree-related comments to make as no trees of any particular arboricultural merit appear to be directly, or indirectly, impacted by the development proposal.

WDC Environmental Health: Concern over impact of noise from adjacent commercial units. Satisfied that this can be mitigated through off-site works secured through the Section 106 Agreement.

WDC Waste Management: No objections regarding this planning application as long as the developer follows our refuse and recycling storage requirements. We would recommend 60 Litres refuse capacity per person therefore the developer will need to provide 5400 litres total capacity (5 x 1100 Litre bulk bins). This will need to be split based on how many residents are in each building as we wouldn't want residents walking across the road with bags of waste. We would also recommend the same quantity of recycling bins for the properties (5 x 1100 Litre bulk bins). I would also like to add that we do have issues with refuse collections in that area due to the parked cars and also the size of roads.

WDC CCTV: No objection.

Severn Trent: No objection. Development will be subject to connection with existing mains sewerage and surface water drainage systems controlled by Severn Trent which are subject to separate agreements under the Water Industry Act.

Conservation Advisory Forum: CAF feels that the site presents the opportunity for an interesting development that contributes positively to the setting of both Leamington Conservation Area and the Canal Conservation Area. CAF however considers the mass and scale proposed as disproportionate to the established urban character of the surroundings, particularly when considered in context with 2 storey houses on Tower St. Although recognised that this is an outline application, concern was also expressed that there was no indicative landscaping scheme proposed. CAF considers that, as currently proposed, the scheme does not respect the setting of the 2 Conservation Areas, as it fails to preserve or enhance their appearance and character.

Public Response: A total of 9 letters of objection received making the following comments;

- Concerns about traffic/transport issues proposal would bring to an already congested area.
- Does not commit to 40% affordable housing.
- Will compound an existing parking problem.
- Will cause harm to amenity of residents on Tower St from overlooking/overshadowing.
- Would be better as two storey dwellings with individual parking allocation.
- Building looks undistinguished and unlikely to enhance the area.
- Potential for contaminated land.
- The design of the elevations is extremely unimaginative, and completely unsympathetic to the local environment.
- Already an excessive amount of student accommodation in the area.
- Contrary to HMO Policy.
Could become student accommodation.

ASSESSMENT

History/Background

Upon first submission, the scheme incorporated a number of student Houses in Multiple Occupation (HMO's). Due to the high number of existing HMO's within

the 100 metre radius of the site, the applicants removed the provision of student accommodation from the scheme.

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

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

Principle of Development

The site lies within the Urban Area of Royal Leamington Spa. In this area, the general principle of residential development is acceptable as set out in Policy H1.

The site is allocated for residential development as allocation H16. In the final Inspectors Report on the Local Plan, the allocation was described as follows;

"The site at Court Street, Leamington (H16) consists of a former BT Depot, a Council owned car park and a collection of other buildings. The former BT Depot is currently being redeveloped for student accommodation and there are two other planning permissions for small scale residential development within the overall site. Adequate car parking serving this part of the town would remain following the development of the site. The site is adjacent to the retail area within the Town Centre and the proposed allocation provides the opportunity to deliver regeneration and physical enhancements. It would make a valuable contribution to housing supply and to the range of housing types available."

The proposal falls wholly within the allocation area and would provide residential units in line with the overall allocation of approximately 75 dwellings. Existing permissions within the allocation for residential were granted prior to the adoption of the new Local Plan so Officers are satisfied that the principle of development for a scheme of up to 90 bed spaces and not 90 units would be acceptable. An anticipated mix of 1 and two bedroom apartments would fall within the 75-unit allocation and would therefore be in accordance with the Local Plan.

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

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

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

The Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

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

The scheme as proposed advocates undercroft parking to provide an off-street solution to the existing area that is already constrained. The use of an undercroft would also remove cars associated with the development from view, leading to an improved aesthetic for the area that is currently heavily dominated by on-street parking.

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

Overall, Officers are satisfied that the scheme presents an ideal opportunity to provide a contemporary residential development at an appropriate scale within the allocation that subject to negotiations on design at reserved matter state would enhance the character and appearance of the area to create an area that represents the Creative Quarter in design terms.

Impact on character of the adjacent Conservation Areas

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

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

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

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

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

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

The indicative plans provided demonstrate a contemporary structure. Concern has been raised from the Conservation Officer regarding the indicative drawings and how they would potentially sit within the character of the adjacent Conservation Areas. Officers have noted this concern but clearly acknowledge that this are indicative only and whilst the general scale and layout is being considered, the final appearance of the scheme would be subject to a later reserved matters submission. This would be subject to negotiation in order to provide a suitable scheme that respects the character of the Conservation Areas.

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

Impact on adjacent properties

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

The site of Milverton House lies in close proximity to the rear of properties fronting onto Tower Street to the west of the site. Officers raised concern with the applicants regarding the potential for overbearing and loss of light to occur to the residents of the properties as a result of the development.

In providing revised details, the indicative drawings show a staggered design that diminishes in scale to the rear, ensuring that the massing of the building is greatly reduced where adjacent to the boundary. The revised indicative design demonstrates that the distance guideline separations can be achieved, meeting both the required 12m separation from a two storey dwelling to a blank wall of the two storey elements of the building and 16 metres for the taller elements of the building. The staggered design increases the distance with each additional storey and Officers are satisfied that this approach is acceptable. The final design will be considered at reserved matters stage to ensure that appropriate separation distance are achieved to comply with the required standards.

The site of Drummond House has the new development at 7 Court Street to the immediate north on the opposite side of Cumming Street. This building has a number of windows facing the proposed development. The separation distance between the new property and the existing development is approximately 11 metres across a public highway where the general guidance is to seek 15 metres in this situation. The indicative drawings show a blank elevation facing the adjacent property of 3 storey scale. Officers note that the required distance separation where over a public street are generally reduced due to the public nature of the elevation. Also, the proposed building does not have any facing

windows that would result in direct window to window conflict. On balance and noting that the final proposal would be assessed at Reserved Matters stage, I consider the proposal would not result in any significant demonstrable harm to the amenity of the property at 7 Court Street.

Officers are satisfied that an appropriate scheme can be achieved to protect the amenity of neighbouring properties. This would be subject to negotiations at reserved matters stage where a full assessment would be made of the final detailed proposals.

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

Amenity of future occupiers

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

One area of concern has arisen that may affect the living conditions of future residents and that is the ongoing commercial activity to the rear of the site from the units located on Cumming Street in terms of the use of a compressor. The applicant has been engaging with the owners of the adjacent site and agreement is in place to provide a solution to this by replacing the compressor with a new model to the satisfaction of the Environmental Health Officer. As the site to the rear does not fall within the control of the applicant, it is proposed to secure a solution through the Section 106 Agreement to be agreed to the satisfaction of the Environmental Health Officer. In addition, it is proposed to condition a range of details to be submitted for the reduction of noise for future occupiers. This is generally related to high levels of insulation, moving primary room windows away from the rear elevation of Drummond House together with high specification glazing to further limit potential noise ingress. With this range of measures, Officers are satisfied that the living conditions of future residents would be acceptable.

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

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

Highway Safety

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

The proposal has been the subject of negotiations between Warwickshire County Highways and the applicant's highways consultant. The preliminary response was one of objection as the impact on local highway safety was not considered to have been satisfactorily mitigated for. Following negotiations, the applicants provided a detailed transport assessment and survey work to demonstrate that the proposed scheme would be acceptable in highway safety terms. This has been assessed by the County Highways Officer who is satisfied that the scheme would not be detrimental to highway safety.

The scheme as indicatively proposed seeks to provide undercroft parking across the two buildings for a total of 53 spaces together with secure cycle parking facilities. As the final breakdown of properties is not known, the overall parking requirement cannot be assessed. However, the provision of 53 off-street parking spaces in this location is considered of significant benefit for the scheme.

Notwithstanding the above, the site lies in close proximity to the facilities of Leamington Spa town centre which allows for day to day living without a reliance on the private car.

In addition to the above, the Highways Officer has recommended a contribution towards improved walking and cycling measures between the site and town centre, public transport interchanges and other key destinations, including directional signage and other minor improvements to pedestrian / cycling infrastructure in the vicinity of the site

The Highway Authority considers that contribution of £20,000 towards this scheme is reasonable for a development of this scale and at this location and this can be secured through the Section 106 Agreement.

Impact on Ecology/Protected Species

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

The proposal has been assessed by the County Ecologist who has noted that the development involves the demolition of two buildings that having been assessed, appear to be suitable for bats. The Ecologist notes that the surrounding area is not particularly well connected to the canal or other suitable foraging habitats and has therefore concluded that it is not likely that bats are present.

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

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

Drainage

In terms of foul sewage and surface water drainage, it is indicated that the dwellings are proposed to connect to the mains sewers in the local area. This has been considered by Severn Trent who have raised no objection as the scheme would be subject to separate approvals with Severn Trent directly. It is appropriate to attach a condition seeking the details of the drainage to be submitted and approved.

In terms of on-site surface water mitigation, the Lead Local Flood Authority have requested some additional information to ensure that the surface water treatment is acceptable. This can be secured by an appropriately worded condition.

Impact on local services

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

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 on this site would have a material impact on or need for a variety of local resources.

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 - £900.
- Libraries - £985.
- Off-site Highway Improvements including cycling - £20,000.
- Road Safety Contribution - £4,500.
- NHS Hospitals - £22,492.
- County Council Monitoring Fee - £500

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

- 40% Affordable Housing.
- Local Labour Agreement.
- Noise mitigation scheme.
- Monitoring Fee.

It is also anticipated that an off-site contribution towards open space is required although confirmation of this from the Green Space Team has not yet been received. Carrying out the appropriate calculations based upon 90 bed spaces, this would equate to an off-site contribution of £200,880 for the enhancement of existing local facilities. This figure is in draft form only and the final figure will be confirmed within the update sheet.

In addition, should further requests be received, these will be noted within the update sheet.

Other Matters

Trees/Hedgerows

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

Conclusion

The site is allocated for residential development within the Warwick District Local Plan for up to 75 residential units. The scheme is considered to accord with the allocation. Site specific matters can be controlled by appropriate conditions and Section 106 obligations.

CONDITIONS

1 Reserved Matters

Details of the appearance and landscaping of the development (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in strict accordance with these reserved matters as approved. **REASON:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

2 Submission of Reserved Matters Timescale

Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

3 Commencement of Development

The development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

4 Approved Plans

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

5 The reserved matters submission shall be submitted in accordance with the general parameters as set out on drawing numbers 17/53/07D, 17/53/08D, 17/53/09D, 17/53/11C, 17/53/12D, 17/53/14A and 17/53/15A submitted on 17 September 2019. **REASON** : For the avoidance of doubt and to define the scale and form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

6 **Ecological and Landscaping Scheme**

No works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the Local Planning Authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of tree/shrub species planting. The agreed scheme to be fully implemented before/during development of the site as appropriate. **REASON:** To protect and enhance the ecological quality of the site in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.

7 **Submission of drainage details**

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

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

Thereafter, the development shall be carried out in strict accordance with the approved details. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

8 **Noise Mitigation**

The development hereby permitted shall not be commence unless and until details of sound proofing have been submitted to and approved in writing by the local planning authority and the development has been completed in full accordance with the approved details. **REASON:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

9 No development shall commence unless and until details of surface and foul water drainage works have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

10 The development hereby permitted (including any works of demolition) shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.

11 **Low Emission Strategy**

No phase of the development shall commence unless and until a Low Emission Strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policies NE5 and TR1 of the Warwick District Local Plan 2011-2029 and the aims and objectives of national guidance within the NPPF 2019.

12 **Details of External Lighting**

Prior to the commencement of the development, full details of all permanent lighting on the site shall be submitted to and approved in writing by the Local Planning Authority. This should follow the Institute of Lighting Professionals' Guidance Note 01/20: Guidance notes for the reduction of obtrusive light. The lighting shall be installed according to an approved plan which will need to be submitted by the applicant. The lighting should be maintained in perpetuity. Such works, and use of that lighting and/or illumination, shall be carried out and operated only in strict accordance with those approved details. **REASON:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029

14 **Samples of Materials**

No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

15 **Site Levels/Finished Floor Levels**

No development other than site clearance and preparation works shall take place on any phase of the development until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on that phase and the relationship with adjacent phases have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments.

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

17 **Landscape Replacement Planting**

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

season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations.

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

18 **Water Efficiency**

Notwithstanding details contained within the approved documents, prior to construction of each phase of residential development a scheme for that phase demonstrating how water efficiency measures have been incorporated into the development and shall demonstrate how, consideration has been given to the incorporation of grey water and rainwater recycling measures, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved measures have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with the any relevant manufacturer’s specifications. **REASON:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policies FW3 and CC1 of the Warwick District Local Plan 2011-2029.
