

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

Town/Parish Council: Whitnash
Case Officer: Dan Charles

Registration Date: 04/12/23
Expiry Date: 04/03/24

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

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

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

RECOMMENDATION

Planning Committee is recommended to GRANT planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to secure the necessary financial contributions/obligations as set out in the report.

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

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

DETAILS OF THE DEVELOPMENT

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

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

THE SITE AND ITS LOCATION

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

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

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

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

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

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

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

PLANNING HISTORY

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

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

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

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

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

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

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

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

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- DS1 - Supporting Prosperity
- DS2 - Providing the Homes the District Needs
- DS3 - Supporting Sustainable Communities
- DS4 - Spatial Strategy
- DS10 - Broad Location of Allocated Sites for Housing
- DS11 - Allocated Housing Sites
- DS15 - Comprehensive Development of Strategic Sites
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix of Housing
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE2 - Developing Strategic Housing Sites
- BE3 - Amenity
- BE5 - Broadband Infrastructure
- BE6 - Electronic Communications (Telecommunications and Broadband)
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities
- HS3 - Local Green Space
- HS4 - Improvements to Open Space, Sport and Recreation Facilities

- HS5 - Directing Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- FW4 - Water Supply
- HE4 - Archaeology
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions

Whitnash Neighbourhood Plan (2011-2029)

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

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

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

Councillor Will Roberts: Objection on the following grounds;

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

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

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

Royal Leamington Spa Town Council: Objection;

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

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

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

WDC Conservation Officer: No objection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Applicant's Summary Statement

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

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

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

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

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

ASSESSMENT

History/Background

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

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

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

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

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

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

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

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

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

Principle of Development

Important Information

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

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

Five Year Housing Land Supply

The most up to date Five Year Housing Land Supply (5YHLS) figures state that as of 1 April 2023, the District Planning Authority is able to demonstrate a 7.16 year Housing Land Supply.

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

Local Plan

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

Policy DS11 sets out the allocations of housing development and gives an overall figure for each of the allocated sites. The overall allocation for new dwellings on the H03 Allocation within the Local Plan identified an estimated 500 dwellings.

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

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

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

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

Conclusion on Matters of Principle

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

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

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

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

Assessment of the proposed housing provision

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

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

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

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

Design

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

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

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

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

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

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

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

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

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

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

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

Impact on visual amenity and the character of surrounding area

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

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

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

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

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

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

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

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

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

Impact on residential amenity

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

Impact on existing properties

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Highway Safety

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Impact on Ecology/Protected Species

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

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

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

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

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

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

Sustainability

Warwick District Council has declared a climate emergency. As part of this declaration, the Council is taking steps towards becoming a net-zero carbon organisation. A key element of this is the introduction of the Net Zero Carbon DPD that is currently being progressed but not yet adopted. In addition, all efforts are to be made to reduce overall carbon emissions across the district to as close to zero as possible by 2030.

Policy CC1 of the Local Plan states that all development is required to be designed to be resilient to, and to adapt to the future impacts of, climate change through the inclusion of adaptation measures such as;

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

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

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

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

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

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

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

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

Other Matters

Trees/Hedgerows

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

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

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

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

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

Archaeology

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

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

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

Air Pollution

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

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

Appropriate mitigation measures for Type 1 and Type 2 mitigation are items such as electric vehicle (EV) recharging provision and other locally specific measures to be used to minimise and/or offset any emissions from new development can be secured by condition. In addition to this, a request for Type 3 Air Quality Mitigation to fund local projects is required totalling £67,405.

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

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

provision of secure cycle storage for all properties, and improvements to cycle/footways to promote sustainable transport objectives. These details are to be secured by condition and agreed with the Environmental Health Officers.

In addition to the above requirement, it is noted that contributions towards local infrastructure and public transport improvements together with sustainable transport improvements for cycling/walking have been requested by the Highways Authority in respect of this proposal, together with pedestrian wayfinding improvements. These contributions seek to assist in the provision of alternative forms of sustainable transport opportunities from the site. By maximising the use of sustainable transport methods, this will aid in further reducing the impact on air quality as a result of the development.

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

Waste Storage

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

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

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

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

Health and wellbeing

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

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

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

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

Impact on local services

The proposed development of up to 190 dwellings would create significant additional demand for local services and to mitigate this, contributions towards community facilities would be required.

Negotiations into the levels of contributions have been resolved to the satisfaction of the Local Planning Authority and drafting of the associated Section 106 Agreement has been able to proceed.

Having considered the available evidence, the contributions are considered to be in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. A development of 190 dwellings on this site would have a material impact on or need for affordable housing, education, open space, health care, sports facilities, drainage, monitoring costs, and rights of way, employment/training for locals and highway matters.

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

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

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

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

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

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

Conclusion

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

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

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

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

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

CONDITIONS

1

Reserved Matters

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

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

2

Submission of Reserved Matters Timescale

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

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

3

Commencement of Development

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

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

4

In Accordance with Plans

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

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

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

5

Illustrative Plans

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

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

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

6

Construction Environmental Management Plan (CEMP)

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

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

7

Landscape and Ecological Management Plan (LEMP)

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

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

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

8

Protected Species Contingency and Local Wildlife Site Protection

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

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

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

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

9

Infrastructure Phasing Plan

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

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

10

Construction Method Statement

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

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

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

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

11

Low Emission Strategy

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

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

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

12

Site Wide Drainage Strategy

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

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

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

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

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

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

13

Details of Boundary Treatments

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

REASON: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029.

14

Drainage Maintenance Plan

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

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

15

Tree Protection Scheme

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

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

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

16

Details of External Lighting

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

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

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

17

Biodiversity Net Gain

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

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

(b) A management and monitoring plan.

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

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

18

Railway Protection Measures

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

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

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

19

Sample Materials

No phase of development shall be carried out above slab level unless and until a schedule of the external facing materials to be used in that phase has been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

REASON: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual

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

20

Site Levels/Finished Floor Levels

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

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

21

Water Efficiency

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

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

22

Energy and Sustainability Statement

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

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

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

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

23

Construction Hours

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

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

24

Noise Mitigation Measures (Residential)

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

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

25

Provision of Hydrants

No phase of development hereby permitted shall be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire-fighting purposes for that phase of the site

has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details.

REASON: In the interest of fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029.

26

Landscape Replacement Planting

The landscaping approved under Condition 1, shall be completed in all respects for that phase of development within the first planting season following the first use of the dwellings within that phase. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the Local Planning Authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in strict accordance with British 9 Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations.

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

27

Retention of Existing Trees/Hedges

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

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

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

Housing Mix

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

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

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

28

29

Cycle Parking

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

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

30

Car Parking Plans

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

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

31

Removal of Permitted Development Rights C3 to C4

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no permitted changes from C3 dwelling house to C4 Houses in Multiple Occupation shall be enacted within the development hereby permitted.

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

32

Provision of Allotments

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

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

33

Contamination not Previously Discovered

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

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

34

Traffic Management Scheme

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

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

35

Site Access

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

REASON: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

36

Detail of Trespass Proof Fence

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

REASON: To protect the adjacent railway from unauthorised access.
