

Planning Committee: 12 September 2023

Item Number: 6

Application No: [W 22 / 1877](#)

Town/Parish Council: Leek Wootton

Case Officer: Dan Charles

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Registration Date: 28/11/22

Expiry Date: 27/02/23

**Land at Warwickshire Police HQ, Woodcote Lane, Leek Wootton, CV35
7QA**

Application for Outline Planning Permission for up to 83no. dwellings (including affordable housing), access, internal roads and footpaths, car parking, public open space, landscaping, drainage and other associated works and infrastructure (all matters reserved except for the vehicular access to the site) FOR Cala Homes (Cotswolds) Ltd

This application is subject to an appeal to the Planning Inspectorate against the non-determination of the application by the LPA within the statutory 13-week period.

In the case of a non-determination appeal, a steer from Planning Committee on the decision it was likely to have made on the application, had it been determined, guides the Council's submissions on the appeal and forms the basis of the Council's case at the appeal.

Members are not therefore being asked to determine the application as this is now in the hands of the Planning Inspectorate. The proposal is in front of Members for consideration of the decision that would likely have been made by the Local Planning Authority if it had been in a position to formally determine the application.

Background

This appeal was originally scheduled to be heard by a Public Inquiry in July 2023. In light of the appeal timetable, the application was considered by Members at the Planning Committee meeting on 20 June 2023 where the Officer's recommendation was two-fold, namely.

1. Should the applicant satisfactorily overcome all of the outstanding issues as set out within the body of the report (Highways, Ecology and Drainage) by the date for submission of the Council's Statement of Case, that no objection be made to the granting of permission, subject to conditions and the signing of a Section 106 Agreement to secure the financial and other obligations, as set out within this report.
2. Should the applicant not satisfactorily overcome any or all of the outstanding issues as set out within the body of this report by the date for submission of the Council's Statement of Case, to refuse and defend the appeal for the reasons set out in this report.

Members at that Planning Committee meeting agreed with the two-fold recommendation, but also added harmful impact on Heritage Assets as a reason for refusal.

Following this, the applicants requested that the Public Inquiry be adjourned so that the scheme could be subject to some minor amendments under the "Wheatcroft Principle". A summary of the PINS guidance on the Wheatcroft Principle is set out below.

Where, exceptionally, amendments are proposed during the appeals process, the Inspector will take account of the Wheatcroft Principles when deciding if the proposals can be formally amended. In the 'Wheatcroft' judgment, the High Court considered the issue of amendments in the context of conditions and established that "the main, but not the only, criterion on which... judgment should be exercised is whether the development is so changed that to grant it would be to deprive those who should have been consulted on the changed development of the opportunity of such consultation" (Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]. This decision has since been confirmed in Wessex Regional Health Authority v SSE [1984] and Wadehurst Properties v SSE & Wychavon DC [1990] and Breckland DC v SSE and T. Hill [1992]). It has subsequently been established that the power to consider amendments is not limited to cases where the effect of a proposed amendment would be to reduce the development (See Breckland DC v. Secretary of State for the Environment (1992) 65 P&CR.34).

Whilst amendments to a scheme might be thought to be of little significance, in some cases even minor changes can materially alter the nature of an application and lead to possible prejudice to other interested people.

The Inspector must consider if the suggested amendment(s) might prejudice anyone involved in the appeal or if the amendment would result in impacts on people or the environment that have not been properly assessed. They may reach the conclusion that the proposed amendment(s) should not be considered and that the appeal has to be decided on the basis of the proposal as set out in the application.

It is noted that the PINS guidance states that if an appeal is made, the appeal process should not be used to evolve a scheme. It is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the LPA and interested parties at the application stage.

The amendments sought by the applicant are as follows.

- The vehicular access into the Paddock Land from Woodcote Drive would be downgraded. There would now be no vehicular access into the development from this location.
- A pedestrian and cycle link into the scheme would however be retained at this location to maintain pedestrian and cycle permeability through the wider site.
- The existing access track serving East Lodge would be retained as existing. There would be no need to widen this to create a standard 5.5m road width as previously proposed.

- As a consequence, the internal layout of the scheme would need to change to reflect the fact that all of the Paddock Land would now be served off the primary access off Woodcote Lane. However, the internal layout was never a matter for approval at the Outline stage.
- There is now no indicative parameters plan.

In support of these changes, the associated assessments were updated to reflect the changes, including the Ecology Report, Heritage Report and Arboricultural Report.

In response to the request for changes, the applicants have carried out a full reconsultation with all statutory and non-statutory consultees, all of the residents of Leek Wootton and have also displayed site notices around the application site to notify all interested parties of the revisions.

In officers' opinion, the changes are minor in nature and do not significantly alter the scheme. In addition, no parties are considered to have been prejudiced as the consultation exercise has allowed full scrutiny of the revisions submitted.

Officers are therefore satisfied that the revisions are acceptable under the Wheatcroft Principles. It should be noted that the Planning Inspector will make the final decision on this matter.

RECOMMENDATION

As this report relates to a non-determination appeal, Planning Committee is asked to resolve that no objection be made to the granting of permission, subject to conditions and the signing of a Section 106 Agreement to secure the financial and other obligations, as set out within this report.

DETAILS OF THE DEVELOPMENT

This is an outline application with all matters reserved, except for access, for the erection of up to 83 dwellings together with all ancillary works. The site is in two parts: the main area of land known as The Paddock together with a smaller parcel of land known as The Old Tennis Court.

Access into the development is proposed from a primary access from Woodcote Lane together with secondary accesses serving part of the site accessed from Woodcote Drive.

The overall site area is 3.8 hectares.

THE SITE AND ITS LOCATION

The main element of the site (the Paddock) is roughly triangular in shape. The area is formed of open grassland that previously formed part of the Warwickshire Police Headquarters. The site is bounded by mature hedgerows to all boundaries interspersed with a significant number of tree species. Further trees are located across the site.

Within the main "triangle" lies a substantial dwelling known as Broome House which sits on square plot to the southern edge of the land. In addition to this dwelling, an additional property known as East Lodge lies on the eastern edge of the site.

The smaller element of the land (The Old Tennis Court) has been used as an overflow parking area and dog training area associated with the use of the land as the Police HQ. The land is bounded by hedgerows and mature trees with an existing access from Woodcote Drive. The land is set to hardstanding and open grassland.

The site is not within the Green Belt and is not within a Conservation Area.

PLANNING HISTORY

W/23/1115: Application for Outline Planning Permission for up to 83no. dwellings (including affordable housing), access, internal roads and footpaths, car parking, public open space, landscaping, drainage and other associated works and infrastructure (all matters reserved except for the vehicular access to the site) – PENDING CONSIDERATION.

W/22/0465: Erection of 83 dwellings (including affordable housing), access, internal roads and footpaths, car parking, public open space, landscaping, drainage and other associated works and infrastructure – PENDING CONSIDERATION.

RELEVANT POLICIES

- National Planning Policy Framework
- Leek Wootton and Guy's Cliffe Neighbourhood Plan (2018-2029)
- LW1 - Protecting and enhancing local landscape character
- LW2 - Protecting and enhancing local wildlife
- LW3 - Protecting and enhancing built heritage
- LW4 - Design guidelines for Historic site of Woodcote
- LW5 - Former Police Headquarters Woodcote (115)
- LW8 - Housing in Hill Wootton
- LW10 - Minimising the impacts of Traffic from New Developments
- LW11 - Traffic Management and Transport Improvements
- LW12 - New Communications Technologies
- Warwick District Local Plan 2011-2029
- DS1 - Supporting Prosperity
- DS2 - Providing the Homes the District Needs
- DS5 - Presumption in Favour of Sustainable Development
- DS6 - Level of Housing Growth
- DS7 - Meeting the Housing Requirement
- DS10 - Broad Location of Allocated Sites for Housing
- DS11 - Allocated Housing Sites
- DS22 - Former Police HQ, Leek Wootton
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing

- H2 - Affordable Housing
- H4 - Securing a Mix of Housing
- H10 - Bringing forward Allocated Sites in the Growth Villages
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE2 - Developing Strategic Housing Sites
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities
- 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
- HE1 - Protection of Statutory Heritage Assets
- HE4 - Archaeology
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Affordable Housing (Supplementary Planning Document - June 2020)
- Developer Contributions (Supplementary Planning Document - July 2020)
- Open Space (Supplementary Planning Document - April 2019)

SUMMARY OF REPRESENTATIONS

Leek Wootton and Guys Cliffe Parish Council: Object, for the following reasons:

- Over-development of the site compared to the development proposed by Warwickshire Police and its draft masterplan and contrary to the objectives and adopted policies with the Neighbourhood Development Plan (NDP) and Warwick Local Plan.
- Number of properties for the site does not recognise, develop or complement the character of the site as required by Policy DS22 and Policies LW1, LW3, LW4 and LW5 of the NDP. Support comments from WCC Landscape that development on the edge of the village should be lower density.

- Rather than provide a small play area within the open space, it would aid integration of development into the community by supporting improvements in village as set out in Policy LW9 of the NDP.
- No information provided on the balance of the site not forming part of the application as required by Policy DS22.
- Cala Homes does not control the woodland area edged in blue. This is noted in the documents as providing for environmental improvements, offset and public open space. Lack of control of this land means that these objectives cannot be realised, contrary to Policies LW1 and LW2 of the NDP.
- Proposal seeks to remove significant numbers of trees and hedgerows which will alter the character of the site and approach to Leek Wootton Conservation Area. This is contrary to NDP Policies LW1 and LW2 and Local Plan Policy NE4.
- Overdevelopment of the site results in compact development with no opportunities for additional planting to soften the impact of the site.
- Do not consider that the Ecology reports submitted are acceptable.
- Support Natural England's comment that site is one of heritage, woodland and paddock and hence requires overriding reasons to develop in accordance with the NPPF.
- Few services within village that residents can walk to so will be reliant on car.
- No proposals to balance the needs of residents to park on Woodcote Lane.
- Transport Modelling Assessment is incorrect and unclear about how police traffic is taken into consideration.
- Visibility at Anchor junction between Woodcote Lane and Warwick Road is substandard and development will increase the level of traffic through the junction.
- Modal shift targets in travel plan are unrealistic.
- For the above highway reasons, application fails to comply with Policy LW10 of the NDP.

The Parish Council's comments have been supported by reports from a Planning Consultant, Transport Consultant and Ecology Consultant.

Further Comment: Continue to object to development. Consider the proposed Wheatcroft Amendments to be major and not minor.

WDC Waste Management: No objection. Development will be served by 123+ Waste Collection system and will need to store 3 wheeling bins and food caddy at each property. Access roads will need to be built to withstand the laden weight of collection vehicles and have sufficient turning space.

WDC Arboricultural Officer: No objection. The comprehensive Tree Survey Report and Arboricultural Impact Assessment from RPS, reference JSL4106_770 and dated 9 March 2022, provides a good analysis of the tree stock, as well as a detailed Arboricultural Method Statement and Tree Protection Plan overlaid upon the then current site layout. Should that layout change then there may be a need to change the tree protection measures that have been recommended.

WDC Conservation Officer: Comment that the proposal conflicts with Policy DS22 of the Local Plan which seeks to ensure that proposals protect and enhance the historic assets and their setting and secure the sustainable long-term future

of Woodcote House as a Grade 2 listed building. The proposal is therefore contrary to this policy as no works are proposed to Woodcote House as part of the scheme. Whilst I appreciate that the latest submission is an Outline application, I am unable to support this proposal without having further indicative information. In terms of the proposed layout, I share the concerns raised by the Landscape Officer. There still appears to be a condensed arrangement of dwellings, contrary to the site's semi-rural setting at the edge of Leek Wootton.

Further Comment: I have no objection in principle to development on this site. As the parameters for height, scale and massing have been removed from this latest application, I suggest that these can be dealt with during a Reserved Matters application. I note from the proposed layout that there does appear to be a reduction in terms of overall density, particularly on the boundaries of the application site. However, a level of harm is still considered to occur due to increased urbanisation of a semi-rural environment and development within a locally listed park and garden. The area also forms part of the setting of Grade II listed Woodcote House and Leek Wootton Conservation Area and so a degree of harm is caused to these designated heritage assets. This harm is considered to be less than substantial, however the social – and to an extent, economical – benefit arising from an additional 83 dwellings, including affordable housing, amounts to some public benefit that would be considered to outweigh this harm.

WDC Environmental Protection Officer: No objection subject to Air Quality Mitigation Condition, Travel Plan implementation condition, Construction Management Plan Condition, and contaminated land conditions.

WDC Green Space Officer: Given that this is an Outline application, it is likely that the exact schedule of accommodation, will be determined through Reserved Matters applications. However, it is important for the applicant to factor into their scheme the requirement for public open space provision as required by Local Plan Policy HS4 and its associated Public Open Space SPD. The preference is that all open space is provided on-site. It should be noted that where it is demonstrated that it is impractical or inappropriate to provide the open space physically on site or if it is not feasible to provide the overall quantum required on site, then WDC may consider seeking a financial contribution from the developer as a means of providing improvements to existing sites. The applicant has suggested in their submission that this may be an option that they would like to discuss further, which the Green Spaces Team will discuss at the appropriate Reserved Matters stage.

WCC Archaeology: In first submission, recommended scheme of trial trenching. A Written Scheme of Investigation for trial trenching has been submitted to survey the site and satisfied that this will provide suitable assessment of the site.

WCC Ecology: Holding Objection - Majority of information is acceptable and can be controlled by conditions. Require more information relating to Bats and Trees, Badgers, Nesting Birds, SUDs and Biodiversity Offsetting.

WCC Flood Risk Management: Following receipt of further information, no objection to the development subject to conditions.

WCC Highways Authority: Preliminary Comment: Following a request for additional information on the full application, this has now been received and reviewed. Assessment of proposal concluded that Warwick Road/ Woodcote Lane would operate very close to capacity as a result of the development. As it is within capacity, an objection on severe residual cumulative impacts in line with Para 111 of the NPPF could not be sustained. Concern has been raised by the Safety Engineers that the safe operation of the junction could be compromised by being near capacity. The safety engineer has requested that additional safety measures be explored at this junction. Currently therefore the proposal is contrary to paragraph 110 (b) of the NPPF in that safe and suitable access to the site for all users has not been satisfactorily demonstrated. The submitted Transport Assessment contains a Pedestrian Route Audit which assesses the existing pedestrian facilities serving the development site. The Audit highlights that the existing routes are substandard in places and suggests appropriate improvements where necessary. The Highway Authority is however concerned that no details of these improvements appear to have been submitted for assessment therefore this also remains contrary to paragraph 110(b) above and also paragraph 112 (a), (b) and (c) in that priority is not given to pedestrians and cyclists, the needs of people with disabilities have not been addressed and a safe, secure and attractive development proposal has not been created.

Updated Comment: The applicant submitted a further technical note (TN02) on 6th June 2023 in order to address these issues. Transport Planning has undertaken further assessment of the additional information and testing submitted and have concluded that their concerns over the junction operating near capacity have been resolved and that sufficient capacity does remain within the operation of the junction to accommodate the development. Subsequently, the Safety Engineer has reviewed the situation and similarly concluded that there are no safety concerns remaining. In terms of the pedestrian connectivity, the Pedestrian Audit submitted has been reviewed by the Principal Transport Planner responsible for Walking and Cycling and the findings and mitigation identified within the Audit are agreed.

The Highway Authority seeks contributions towards the Kenilworth Infrastructure Delivery Plan from all allocated developments that impact on the Kenilworth study area. It has been identified that, at peak times, 23% of the trips from this development terminate, originate or travel through Kenilworth. The 'per dwelling' cost apportioned to the schemes for developments in Kenilworth has therefore been apportioned pro rata to this development on the basis of 23% contribution. The sum of £167,269.90 is therefore requested. This sum will be put towards increasing cycling connectivity into Kenilworth on Warwick Road and further capacity enhancements on the St John Gyratory which is a junction impacted by traffic from this proposal. This sum is requested by Section 106 obligation. The position of the Highway Authority is therefore revised to one of No Objection subject to conditions, S106 obligations and informative notes.

WCC Landscape: The Illustrative Layout submitted with this application suggests some revisions to the proposed layout of the previous application. Note layout will be dealt with as a reserved matter. Need to see updated tree details. Note that the density of the housing still appears too great in relation to its surroundings with houses crammed close together with less garden space than the existing areas of the village abutting it. Development sits on the edge of the village so the

housing density should be lower, acting as a transition from the more built-up areas of the village to the grounds of Woodcote House and the wider countryside beyond. The proposed houses on the tennis court site do not relate well to the existing houses on Woodcote Drive, both in terms of layout and density.

Updated Comment: Note that the revisions would allow retention of additional trees, but my earlier comments still remain.

WCC Rights of Way: No objection. Footpath W179a runs around boundary of site. Application for a Definitive Map Modification Order has been submitted to add a footpath to the Definitive Map. If successful, this will become a Right of Way that conflicts with the applicant's proposed SUDs pond. Consideration should be given to accommodating the route of the proposed path at this stage. Recommend conditions and notes.

Warwickshire Police Designing Out Crime Officer: No objection to the scheme. Pleased to see that developers have incorporated the principles of Secured By Design Homes 2019.

Warwickshire Fire and Rescue: No objection, subject to the imposition of a fire hydrant condition.

CPRE Warwickshire: Objects to this application. Although higher density housing is something to aim for in more urban areas, this should not be at the expense of vital biodiversity or in places which do not have the correct infrastructure to support this kind of development. Ultimately, the application does not propose what is best for this piece of Warwickshire countryside and does not meet the Policy DS22 special requirements that allowed it to be removed from its original designation as Green Belt land.

Section 106 Requests

WDC Sport and Leisure: Request S106 Contribution totalling £168,956 (£5,956 for outdoor sport, £69,547 for indoor sport and £93,453 for grass pitches) to mitigate for increased use of facilities by additional residents of this development.

WCC Infrastructure Team: Make the following service area Section 106 Requests on behalf of Warwickshire County Council to mitigate for increased use of facilities by additional residents of this development.

- Libraries - £1,817.
- Road Safety - £4,150.
- Sustainable Travel Promotion - £830
- Monitoring - £500 + (5 hours x £40 Officer Time x Number of Triggers)

South Warwickshire NHS Foundation Trust: Request Section 106 Contribution of £74,487.02 to mitigate the impact of new housing on the delivery of healthcare services within the area.

Public Response: A total of 201 comments received as follows:

Support Comment – 1 comment received.

- Support, but no commentary provided.

General Comment – 1 comment received.

- Preferred the plans for the tennis court area from first scheme as they allowed housing to back onto the golf course and were not all crushed together.

Objection Comments – 199 comments received on original consultation; an additional 77 comments received on amended application (at time of writing);

- No need for more housing as this is being addressed elsewhere in the district.
- Housing land supply is over 5 years.
- Insufficient infrastructure to support new housing.
- No meaningful facilities within village to serve the needs of the additional dwellings.
- No economic benefits.
- Lack of Community Engagement from applicant.
- No regard given to design and setting of Listed Building.
- Loss of privacy to Broome House and East Lodge.
- Increased noise and air pollution.
- Significant light pollution to residents of existing properties.
- Development not in keeping with the village and its Conservation Area.
- As police are not leaving Woodcote House, there is no need for this development, and it should revert to Green Belt.
- No Masterplan for the entire site as required by Policy DS22.
- Totally disregards the plan agreed years ago.
- Traffic data is flawed.
- New access point is dangerous to users of the road.
- Cannot take increased traffic from development. Junction with Warwick Road is already dangerous.
- Parking is already at breaking point.
- Loss of tennis court area will displace police parking.
- No regular bus service in Leek Wootton.
- Harm to Green Belt.
- Should have more allowance for open and leisure space.
- Will result in ecological damage.
- Ecology reports considered insufficient, skewed by methodology and benefits outlined in conclusion are entirely based on supposition and wishful thinking.
- Separate survey work carried out identifies significantly more species than identified in the submitted Ecology Reports.
- Recommend a thorough scientific survey is undertaken in consultation with Warwickshire Wildlife Trust.
- Site is covered by a blanket TPO to protect trees.
- Loss of many trees and hedgerows.
- Drainage provision will result in additional trees being lost.

- Felling trees and hedgerows reduces ability to absorb CO2.
- Impossible to replace mature trees.
- Will affect wildlife within the site.
- Will disrupt ecosystems and interlinks between habitats.
- Use of adjacent woodland to offset open space is not appropriate.
- Modern style of housing not appropriate for village.
- Will not be carbon neutral.
- Air Quality Mitigation proposal is poor and insufficient.
- Official recommendation was for 30 dwellings per hectare, but scheme is 36.
- Lack of community engagement through process.
- Density of housing is too high and not in keeping with village.
- Contrary to Neighbourhood Plan, Local Plan and NPPF.
- Impact to neighbouring amenity by reason of loss of privacy.
- The Cala layout differs to the boundary layout shown on neighbouring property deeds.
- There is a lack of parking places for the proposed development and insufficient visitor parking.
- Concern regarding the impacts of both construction and the development itself on drainage systems, in particular sewage system at the site.
- Woodcote Drive is narrow with no footpath and traffic is already bad leading to concerns about the development and its construction.
- Development will lead to the destruction of a diverse range of wildlife.
- The destruction of green spaces should be reconsidered in light of the current climate crisis.
- The impacts cannot be fully considered when only an outline application is proposed with all matters reserved.
- With so much recent development one thing that has remained constant is the village of Leek Wootton, which has remained a village; the proposal would amount to overdevelopment of the village which has no major infrastructure and facilities.
- Footpaths are already constrained, and the development will lead to additional traffic, the dangers of which outweigh any positive characteristics associated with walking to school.
- Concern the school cannot accommodate increased pupil numbers.
- The house and parkland are indivisible and while the police remain on site there is no longer any need for housing.
- The proposals substantially harms the long-term use and conservation of the Grade II listed Woodcote House.
- This would set a dangerous precedent if loss of open space is accepted.
- Concerns regarding the long-term management of the woodland.
- Submitted plans are inaccurate, e.g., the full extent of tree/hedge removal is not shown.
- There are other preferred locations considered more suitable for housing.
- The loss of the tennis courts 50 parking spaces will necessitate the need for the PCC to apply for additional hardstanding.
- Villagers feel as though local democracy has been violated.
- There is no open area for children to play on.
- Do not consider revised proposal to be acceptable under the Wheatcroft Principle as it is not minor changes.

Leek Wootton Focus Group

- Contrary to Policy DS22 as no Masterplan for whole site agreed.
- Proposal does not protect or enhance the historic assets or their setting which is contrary to Policy DS22(a). Applicant also accepts this harm.
- Proposal does not make provision for future management/maintenance of the balance of the site which is contrary to Policy DS22(g).
- Applicant has not entered into agreement or agreed mechanism with the Council to provide certainty that both the new build (greenfield) housing elements of the allocation and Woodcote House conversion and restoration of its setting are delivered simultaneously or within an agreed timescale, contrary to Policy DS22(h).
- In the absence of the benefits from the restoration of the heritage asset, the harm is not outweighed, and planning permission should be refused.
- Benefits of 50 market houses and 33 affordable homes is not significant and economic benefits are also limited. Citing public open space provision and biodiversity enhancements is not a benefit as they are a requirement of the planning permission.
- No material considerations outweigh the harm so planning permission should be refused.
- WDC has a 5.08-year housing land supply so this site is not critical for the delivery of housing.
- No evidence that sale proceeds have been used or earmarked for restoration of Woodcote House and have been advised that funds have been used for new IT equipment.
- Many enhancement opportunities have been lost due to police remaining such as removal of insensitive 60's extension to main building, removal of unsympathetic extensions to former stables range and replacement of parking within formal kitchen garden and appropriate renovation works.
- Contrary to Neighbourhood Plan with regards to layout and density.
- Not developing Plots 1 and 2 would retain important wildlife corridor between woodlands.
- Loss of brownfield land to Plot 4 for housing, landscaping and leisure pursuits.
- Unacceptable impact on highway safety, the residual cumulative impact on the road network will be severe.
- Will create light pollution onto an intrinsically dark landscape and affect the natural wildlife habitat.
- Cala Homes have failed to engage with the community.
- Cala Homes have failed to protect and enhance the valued landscapes and biodiversity of the site which will not be mitigated elsewhere.
- Development will result in the loss or deterioration of irreplaceable habitats (such as veteran trees) and to date, LWFG notes that 71 trees and 10 hedgerows will be lost as a result of the development with no exceptional reasons offered.
- Development would remove 1/3 of the historic open landscape and would cause harm to heritage asset.
- LWFG have carried out their own tree survey and wholly disagree with the findings in the submitted tree surveys.
- Actual loss of trees is much higher than stated in submitted reports.
- Off-site enhancement of the woodland area outside application site boundary so not considered to be on-site.

- No evidence in place which demonstrates how woodland will be managed.
- Tree/Hedgerow removal has been based around the layout rather than viewed as a constraint when designing the layout.
- LWFG have sought expertise from community and an ecology report has been produced that finds the submitted survey work by Cala Homes to be incomplete compared to the findings.
- Ecology results are skewed by methodology and habitats identified are based on supposition and wishful thinking.
- LWFG report identifies significantly more species than submitted reports including a barn owl nesting in one of the trees which is absent from Cala Homes' reports.
- Views within the submitted LVIA are different to those within the Neighbourhood Plan.
- Harm to heritage asset is contrary to Local Plan and national guidance on protection of heritage assets.
- Justification for removal of site from the Green Belt no longer applies.
- Density of housing is of great concern together with lack of visitor parking spaces.
- Will result in the loss of parking for vehicles associated with the Police site.
- Little thought given to future maintenance of trees.
- Open Space areas inadequate and purely a tick box exercise.
- Do not consider the revised proposal to be acceptable under the Wheatcroft Principle as it is not minor changes.

ASSESSMENT

Five Year Housing Land Supply Position

The most up-to-date position on the 5 Year Housing Land Supply was provided in December 2022. This statement confirmed that Warwick District Council could demonstrate a 5.08 Year Housing Land Supply.

The Council is required to maintain a 5-year housing land supply as a minimum position for the provision of new housing.

Principle of Development

The application site falls within the settlement boundary of Leek Wootton which is identified within the Local Plan as a growth village. Within the boundary of a growth village, housing development is generally acceptable in accordance with Local Plan Policies H1 and H10.

In addition, the site also falls under allocation DS22 which is a specific allocation for the Warwickshire Police Headquarters. The application site forms part of the wider allocation identified under DS22.

The housing allocation was deemed appropriate and included in the Local Plan as it provided development in this Growth Village at the least obtrusive location available at Leek Wootton. Other, more environmentally unacceptable options for development were considered and discounted in favour of this allocation. This allocation also served to secure the future of Woodcote House (a Listed Building)

for residential use as the Police Force were intending to vacate the building as part of their proposed merger with West Mercia Police.

The overriding aim of Policy DS22 was to ensure the comprehensive development of the entirety of the allocation. Policy DS22 introduced eight specific policy criteria that development proposals would need to address to secure planning permission. Policies LW4 and LW5 of the Neighbourhood Plan set out a framework for new development at the Police HQ Site to ensure that an appropriate range of uses was provided, and the heritage asset of Woodcote House was suitably protected.

In 2019 it was announced that the merger of the two Police forces was not to continue, and that Warwickshire Police would be returning to utilise the entirety of Woodcote House as their headquarters building.

This had ramifications for Policy DS22. Woodcote House would not be converted to residential use and for operational purposes, and land that would have been made available for the new residents and the enjoyment of the wider community of Leek Wootton would not be available as additional open space.

Due to the retention of part of the site by Warwickshire Police, it was apparent that the range of requirements set out in policy DS22 could not all be realised following the decision of the Police to remain at Woodcote House.

In considering this change in circumstances, a Legal opinion was sought on the proposal. The opinion stated that it is not at all unusual for development plan policies to be superseded by events after the adoption of such policies. It went on to stipulate that the change in circumstances at this location did NOT mean that planning applications to develop the site which do not wholly comply with Policy DS22 should automatically be refused and that there is no obligation on Local Planning Authorities to "slavishly adhere" to the development plan if material considerations indicate that the departure from those policies is considered, on balance, to be acceptable.

The change in circumstances brought about by the failed police merger and the inability of the whole site to come forward for comprehensive development are viewed as material considerations in determining the application. Considering the need for some residential development to be realised to assist in meeting the overall numbers of dwellings identified in the Development Plan and the five-year supply position, it is Officers' opinion that the application should be judged positively, provided that the form and details of the proposed layout and the other items referenced earlier in this document are deemed acceptable.

A further specific point of clarification from a general policy perspective relates to the question of the overall numbers of dwellings proposed. The Local Plan specified 115 dwellings as a guide to what the total allocation could deliver. It should be noted that these are indicative, overall numbers, derived to give some order of what should be acceptable. They are not derived with the benefit of reference to exact planning layouts and being able to gauge the precise amount of land available for houses after deductions for such things as open space, play areas, roads, landscaping etc.

There have been many instances since the Local Plan was adopted where planning applications have been approved on allocated sites with housing numbers at levels above the guidance numbers set out in the Local Plan. These have been approved only where all other policy considerations such as open space, play areas and the like have been satisfactorily incorporated into the development and the final housing numbers can still be achieved without prejudicing a good quality, functional development.

It should also be noted that one of the requirements of DS22 was the submission, and approval of a masterplan. The draft masterplan submitted to the Local Plan Examination in Public was a very detailed document that referenced possible layout scenarios and the distribution of the associated component parts of the allocation across the entirety of the site. The intervening 'change in circumstances' brought about by the decision not to merge the police forces has meant that some of the aspects set out in that initial draft masterplan will not be attainable. Whilst it is natural that this is a disappointment to residents in the locality, Officers believe the revised masterplan submitted with the current CALA planning applications are appropriate for the purposes of identifying the revised situation and relationship of various parts of the allocation.

In summary, the principle of residential development at this location has been established through the Local Plan process. Circumstances have changed meaning that it is now impossible to rigidly adhere to all the exact criteria-based issues that were set out in Local Plan Policy DS22 and realise the full package of potential benefits across the allocation detailed in the draft masterplan at the time of the Local Plan Examination in Public. However, one of the key aims of Policy DS22 was to maintain and secure the future of the Heritage Asset on the site to ensure that it did not fall into a state of disrepair by actively ensuring that it formed part of the wider redevelopment of the site. With Warwickshire Police now maintaining ownership of the Heritage Asset, this will ensure the practical stewardship and ongoing maintenance and use of the building.

In considering the 'planning balance' and the benefits of helping to assist the Local Plan's overall housing numbers and five-year supply situation, it is deemed appropriate to support the proposals and the development of this site from a policy perspective.

Subject to an assessment of site-specific matters, the proposal is therefore considered to be acceptable in principle.

Assessment of the Proposed Housing Numbers

The scheme seeks outline permission for up to 83 dwellings. Based on the submitted parameters plan of the developable area identified across the two sites, this equates to approximately 35 dwellings per hectare.

Concerns over the density of the development have been raised by consultees. As the scheme is in outline form, there are no finalised plans which are being assessed beyond a parameters plan and an illustrative layout. The illustrative layout sets out the scheme with 83 dwellings identified. This layout shows that adequate space is provided for the plots in terms of garden sizes and parking. Areas of open space are also identified within the site for future occupiers.

It is noted that the level of housing is identified as up to 83 units. Officers would assess any proposal submitted for reserved matters when final details of housing mix, layout and design are submitted and, in such case, if it cannot be demonstrated that the scheme meets all of the required standards then it would be appropriate to revisit the housing numbers to ensure that a scheme on the site would be acceptable. In identifying "up to" 83 dwellings, there is a certain level of flexibility retained by the Local Planning Authority and the application in assessing a subsequent reserved matters proposal and ensuring that the housing numbers proposed can be satisfactorily delivered on the site.

Overall, Officers consider that the provision of a scheme for up to 83 dwellings in a policy compliant housing mix would be acceptable on this site.

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

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

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

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

Policy LW1 of the Neighbourhood Plan seeks to ensure developments protect and enhance the local landscape character to ensure new development responds positively to the high-quality local environment.

As this proposal is an outline planning application, no detailed plans have been submitted at this stage and the final detail would be assessed through a future reserved matters submission. The reserved matters submission would deal with the final detail of the layout, house types, detailed landscaping and location of features such as open space, roads, paths etc.

The application has included an indicative layout and parameters plan to demonstrate how the site could be laid out with the provision of up to 83 dwellings.

The indicative site layout sets out the potential location of the dwellings on the site, together with roads and open space areas, including SUDS. The proposal

indicates that the landscaping features will be retained along the Woodcote Lane boundary to retain the green edge to the development that currently exists.

A number of trees are proposed to be removed as set out within the Arboricultural Method Statement and their removal has been justified. Where trees are to be removed, Officers would always expect these to be replaced with new planting to mitigate for the loss. This would be secured by condition.

The proposed access point to the Paddock site is located in a position where there is already a natural gap in the hedgerow, which minimises the amount of roadside hedge removal required to facilitate access.

As this is an outline application with all matters reserved apart from access, the final design and appearance of the scheme is not for assessment at this stage. Officers consider it appropriate to incorporate a condition for a design code that sets out the design rationale behind any scheme submitted for reserved matters to demonstrate how the scheme has been designed to reflect and respect the character and appearance of the local and surrounding area.

Subject to the imposition of conditions to secure appropriate design criteria, Officers consider that the proposal is acceptable.

Impact on the character and setting of Heritage Assets

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

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

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Warwick District Local Plan Policy HE1 (protection of statutory heritage assets) states that permission will not be granted to alter or extend a listed building where those works will adversely affect its special architectural or historic interest, integrity, or setting. In addition, the policy states that development will be expected to respect the setting of conservation areas and important views both in and out of them.

Policy LW3 of the Neighbourhood Plan requires new development to be of high design quality and of a scale, height and massing which preserves or enhances the character and appearance of Leek Wootton Conservation Area.

The nearest Listed Building to the site is Woodcote House which lies to the west of the application site. This building forms the primary element of the wider police site and was one of the driving factors of the DS22 allocation.

The Conservation Area is located to the east of the application site with the boundary following the curtilage area of East Lodge. A small section of Woodcote Drive falls within the Conservation Area but the application site, whilst adjacent, does not fall within the Conservation Area.

In addition to the above designated Heritage Assets, the land associated with Woodcote House and the wider Police HQ land is a locally listed park. As such, this is a non-designated Heritage Asset.

The Conservation Officer has considered the proposal and notes that the scheme is not compliant with DS22 as the scheme does not incorporate a masterplan for the protection of Woodcote House. A key element of DS22 was to secure the future of this heritage asset by ensuring that it formed an integral part of a masterplan and was actively incorporated into any redevelopment of the whole site.

As the circumstances around this development have now changed and the Police are retaining the building for their purposes, the long-term stewardship of the listed building is secured. On this basis, the Conservation Officer has raised no objection to the principle of development on this land but has raised some concern over the potential heights of buildings, design and materials that could potentially affect the setting of the Heritage Assets as identified on the full application being considered under application W/22/0465.

Officers acknowledge that the provision of development where the land is currently open will have a degree of harm to the setting of the Heritage Assets of both the Conservation Area and the Listed Building.

In considering the level of harm, Officers have had full regard to Section 16 of the National Planning Policy Framework (NPPF). The NPPF sets out a scale of harm depending on the extent of harm created from the total loss of an asset or development in substantial or less than substantial harm.

Development resulting in the total loss of an asset requires clear and convincing justification. Where a development would result in substantial harm to (or total loss of significance of) a heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

As the current application is in outline form, the overall building heights are not included within the scheme and would be subject to later approval. As part of the Wheatcroft submission, the indicative details on the parameters plan have been withdrawn.

As the Conservation Officer originally raised concern regarding the potential use of 2½ storey dwellings, as indicated on the parameters plan, it would be possible

to add a condition setting out the parameters of the site that restrict heights to no more than 2 storeys.

The indicative layout identifies that, along the boundary of the site with the retained police land, the scheme is for larger detached units that are naturally more widely spaced and therefore typically less dense than semi-detached or terraced units. This reduces the overall built form to the boundary with the land associated with the Heritage Asset of Woodcote House. In addition, any reserved matters submission would also require detailed landscaping to be submitted which would allow for further mitigation by providing an appropriate treatment of the boundary to soften the development from the land retained by Warwickshire Police.

As the proposal is in outline form, these parameters are not yet set out. As stated within the section above, Officers consider it appropriate to secure a design code by condition that sets out the parameters of any development coming forward. This would be requested prior to the submission of any reserved matters so that it can inform any future layout and design submitted.

The design and appearance would thereafter be informed by an approved design code that would set the parameters for height and scale and this would be agreed in consultation with the Conservation Officer to address the concerns identified at this outline stage.

Officers acknowledge that the introduction of development onto open land will result in a degree of harm and Officers have considered that this development would result in harm that is at the lower threshold of less than substantial harm.

In considering the public benefits, the proposal will result in the provision of additional housing serving the needs of the local community together with the provision of affordable housing. During construction the proposal will result in economic benefit through employment opportunities directly on site together with financial benefits through the supply chain servicing the site.

Officers have therefore considered that these benefits outweigh the less than substantial harm caused, and the development is therefore considered acceptable.

Subject to the inclusion of the above condition together with further conditions relating to the submission of architectural detailing and details of proposed materials etc, Officers consider the proposal is acceptable having regard to Policy HE1 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

The development is submitted in outline form only. The application has been submitted with an indicative layout plan that provides some idea of a potential development layout of the site. Whilst this has been used as a guide to consider the impact on existing residents, it is noted that this plan does not form the final layout of the scheme.

The main paddock element of the site is on a parcel of land where it is set away from the existing dwellings by the existing road network. This leads to significant separation distances, well in excess of the required standards, and also has intervening landscape features such as trees and hedgerows that further mitigates any potential harm to the amenity of existing properties.

There are two dwellings located immediately adjacent to the boundaries of the Paddock area of the site: Broome House and East Lodge.

Broome House is flanked on three sides by the development site. The proposal would seek to retain the existing boundary features to the property to maintain an appropriate level landscaping to afford natural separation between the existing property and the proposed development site. The indicative layout identifies that housing would be located on the three shared boundaries and be separated from the boundary of Broome House by the back garden areas.

Whilst the dwelling would lose the open aspect from these boundaries, it is noted that the proposed dwellings backing onto the existing property would lead to larger separation distances between the existing house and the proposed dwellings. As previously stated, the layout identified is not the final design of the scheme and the final relationship between properties would be assessed through a detailed reserved matters submission.

East Lodge is located adjacent to the eastern tip of the application site near to the junction of Woodcote Lane and Woodcote Drive. In terms of impact on this property, it is noted that the dwellinghouse is located a significant distance from the boundary with the application site and is separated by a large garden area. Due to the limitations of the shape of the site, it is unlikely that any proposed development within that area of the site would result in any demonstrable harm to the amenity of the occupiers of East Lodge.

Overall, whilst the indicative layout plan does not form the final layout of the scheme, it does satisfactorily demonstrate that appropriate separation distances can be provided between the development site and existing dwellings to provide an appropriate level of amenity for the occupiers of existing dwellings adjacent to the site and no impact as a result of the development would occur that would result in demonstrable harm to existing properties.

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 layout demonstrates that the site can deliver the number of dwellings together with open space and the 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 scheme would be further assessed at reserved matters stage to ensure that the final layout of the scheme provides an appropriate living environment for future occupiers.

In conclusion, the landscaping and public open space shown on indicative plans will assist in ensuring the new development provides an acceptable residential environment. Such details will be considered in greater detail at the reserved matters stage.

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

Open Space Provision

Given that this is an outline application, the final layout and quantum of development will be determined through Reserved Matters applications. However, it is important for the applicant to factor into their scheme the requirement for public open space provision as required by Local Policy HS4 and its associated Public Open Space SPD.

In relation to the adopted Public Open Space SPD (2019) the Council would require five open space typologies to be provided onsite in the first instance. These five typologies should comprise, Amenity Green Space, Parks and Gardens, Natural Areas including Urban Woodland Allotments, Community Gardens and Urban Farm and Children/Youth Areas.

The Green Space Officer has noted that where it is demonstrated that it is impractical or inappropriate to provide the open space physically onsite or if it is not feasible to provide the overall quantum required onsite, then they may consider seeking a financial contribution from the developer as a means of providing improvements to existing sites.

The applicant has suggested in their submission that this may be an option that they would like to discuss further at the appropriate Reserved Matters stage. In any forthcoming Reserved Matters application regarding Open Space, the applicant would be required to comply with the Open Space SPD, which provides details on the design and features within the open space, and also includes specifications for street furniture such as bins, benches etc.

In addition, the Green Space Officer considers that this site should seek to complement the wider landscape setting, and that green infrastructure and interconnectivity between this site and the wider village is essential.

The final detail and quantum of Open Space would be considered through the Reserved Matters submission and the scheme and layout would be assessed for acceptability at that stage. Any shortfall in the final amount of open space will be

subject to a financial contribution for off-site enhancement of existing open space areas. This will be secured through the Section 106 Agreement.

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.

Policy LW10 of the Neighbourhood Plan seeks to minimise traffic impacts of new development and seeks the provision of safe walking and cycling pathways to provide easy access to the facilities of the village. In addition, Policy LW11 requires developer contributions towards transport improvements.

As this is an outline application, the detail of the internal layout is not for consideration. The elements considered within this proposal are the main access points to the site and the wider impact on the local highway network.

At the time of the consideration of the proposal at the June 2023 Planning Committee, the proposal had been assessed by Warwickshire County Highways and no objection was raised to the proposed access points into the site.

Having considered the wider implications of the proposal, the Highways Authority concluded that the Warwick Road/Woodcote Lane junction will operate very close to capacity during the final assessment year and the Officer advised that although being close to capacity, the junction is still within capacity and therefore an objection under paragraph 111 of the revised NPPF (July 2021) that there is a severe residual cumulative impact on the road network cannot be sustained.

However, concern was raised by the Safety Engineer that the safe operation of the junction could be compromised by it being near capacity and has requested that the introduction of safety measures, such as traffic signals, be explored at the junction. Therefore, the proposal was considered to be contrary to paragraph 110 (b) of the NPPF in that safe and suitable access to the site for all users has not been satisfactorily demonstrated.

In addition to the above, the submitted Transport Assessment was assessed by the Highways Authority and it was noted that it contained a Pedestrian Route Audit which assessed the existing pedestrian facilities serving the development site. The Audit highlighted that the existing routes are substandard in places and suggests appropriate improvements where necessary.

The Highway Authority was concerned that no details of these improvements appeared to have been submitted for assessment and therefore this was also considered to be contrary to paragraph 110(b) above and also paragraph 112 (a), (b) and (c) in that priority is not given to pedestrians and cyclists, the needs of people with disabilities has not been addressed and a safe, secure and attractive development proposal has not been created.

In light of the above reasons, the Highways Authority had raised an objection to the scheme which was reported to the June Planning Committee.

The applicant submitted a further technical note (TN02) in order to address the issues raised and this has now been assessed by the County Highways Authority.

The Transport Planning team undertook further assessment of the additional information and testing submitted and has concluded that their concerns over the junction operating near capacity have been resolved and that sufficient capacity does remain within the operation of the junction to accommodate the development. Subsequently, the Safety Engineer has reviewed the situation and similarly concluded that there are no safety concerns remaining.

In terms of the pedestrian connectivity, the Pedestrian Audit submitted was reviewed by the Principal Transport Planner responsible for Walking and Cycling and the findings and mitigation identified within the Audit are agreed.

In addition to the above, the Highway Authority is seeking a contribution towards the Kenilworth Infrastructure Delivery Plan from all allocated developments that impact on the Kenilworth study area.

It has been identified that, at peak times, 23% of the trips from this development would terminate, originate, or travel through Kenilworth. The 'per dwelling' cost apportioned to the schemes for developments in Kenilworth has therefore been apportioned pro rata to this development on the basis of a 23% contribution.

The sum of £167,269.90 is therefore requested by the Highway Authority to be put towards increasing cycling connectivity into Kenilworth on Warwick Road and further capacity enhancements on the St John Gyratory which is a junction impacted by traffic from this proposal.

The sum requested would be secured by a Section 106 obligation.

On the basis of the response from the Highway Authority being one of no objection subject to conditions and the Section 106 Contributions, Officers consider that the development is acceptable having regard to Policies TR1, TR2 and TR3 of the Local Plan.

Impact on Ecology/Protected Species/Biodiversity

Ecology/Protected Species

Policy NE2 of the Warwick District Local Plan states that any development proposals that are likely to impact upon features of nature conservation value and scientific value of sites and their contribution to wider biodiversity objectives shall be subject to ecological assessment to consider the impact of the proposal and identify mitigation or compensatory measures.

In addition, Policy NE3 of the 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.

Policy LW2 of the Neighbourhood Plan requires new development to incorporate measures (where possible) to preserve, support or enhance local biodiversity.

The application was submitted with a detailed Ecological Appraisal that assessed the application site. The submitted report has been assessed by the Warwickshire County Ecology Team who have made a detailed assessment of the proposal based upon the submitted information as well as their own records. This holding objection was reported to Members at the 20 June Planning Meeting.

Since that time, following the original Ecology response identifying that additional information was required, the applicants Ecologist has carried out further assessment of the site and submitted an updated report for consideration.

The Ecologist has recommended that in terms of priority and other notable habitats including the Lunch and Cattle Brook Local Wildlife Site, the level of survey works carried out is sufficient and they recommend that the imposition of conditions to secure a detailed Construction and Environmental Management Plan (CEMP) that will provide further protection for these features during the construction phase of any development of the site to prevent any harm.

In terms of protected species, bat surveys of the site and existing trees to be removed have been carried out including activity surveys. The Ecologist is satisfied that the survey work carried out is sufficient to demonstrate that the development would not result in harm to bats. Due to the transient nature of bats, the Ecologist has recommended that further survey works are carried out immediately prior to any on-site activity that may have a harmful impact on bats is secured through an appropriately worded condition. This will ensure that any activity not picked up at the time of the survey can be adequately assessed and mitigated for.

The Ecologist notes that reptiles have not been recorded on site during the initial walkovers of the site or during the survey work carried out and agrees that potential exists on site due to suitable habitat in the form of tussocky grassland, hedgerows and tree-line links surrounding the site.

The Ecologist has recommended a precautionary approach on site is taken as the presence of reptiles cannot be completely ruled out as ideally, additional survey work should have been carried out. It is therefore recommended that appropriate measures are proposed that detail reasonable avoidance measures which can be undertaken pre-construction and during the construction works which will minimise and prevent harm to any common reptiles that might be present. These measures can be secured as part of the recommended CEMP condition.

The Ecologist advises that the habitat on site does provide some terrestrial opportunities for amphibians that are known to be in the surrounding area. Whilst specific Great Crested Newt surveys have not been carried out, the Ecologist agrees that the species would not be a constraint to the proposed scheme. Notwithstanding this, it is clearly noted that potential does remain for amphibians to be on site and as a precautionary approach, measures should be included within the CEMP to safeguard these species during construction.

It is not clear if the proposed SUDs area is intended to be a permanently wet area or dry and as this is an outline application, the final detail is not yet determined. The Ecologist recommends that the SUDs area is maximized to provide opportunities for amphibians, in addition to a range of additional species, through it being a permanent waterbody.

In terms of amphibians in general, a range of amphibian friendly features are recommended to be installed on-site. The installation of amphibian-friendly measures could be easily implemented through the submission of a Landscape and Ecological Management Plan (LEMP) to be secured by condition.

The LEMP is also recommended to cover the enhancement of invertebrate features such as log piles and additional habitat enhancement.

Nesting Bird Surveys were carried out during April, May and June 2022 and a number of birds were noted at the time of the surveys.

The Ecologist originally noted that there were some discrepancies within the submitted reports in terms of the number of species recorded and the accuracy of plotting on the associated plan. This has now been addressed and the consideration of nesting birds will be controlled within the proposed LEMP condition.

The land, hedgerows, scrub, and trees provide numerous opportunities to support birds. The habitat requirement for species such as Linnet, are dependent on weeds of open country and waste ground. The Ecologist considers that there is possibly scope within the areas to be retained to mitigate for this species. Any such proposals should be carefully considered and further detail in supplied in the associated LEMP.

The Ecologist has recommended that any unavoidable removal of trees/shrubs/scrub/hedgerow is carried out outside the bird nesting season and if this is unfeasible, they should be checked for nesting birds by a suitably qualified ecologist immediately prior to removal. This detail can be secured through the recommended CEMP and the LEMP.

In terms of the badger survey work carried out, the Ecologist assessed the originally submitted information and requested further information to demonstrate that the proposal has adequately assessed the impact on badgers. This information was submitted as part of a confidential report to the Ecology team and the Ecologist is satisfied that the survey work carried out is acceptable and the development would not have a harmful impact on badgers.

Requested conditions relating to submission of external lighting details and tree/hedgerow protection conditions have all been agreed with the applicants Ecologist.

Overall, the Ecologist is now satisfied that Ecological matters have been satisfactorily addressed. The development is now considered acceptable subject to the imposition of the requested planning conditions and advisory notes.

Subject to these requirements, Officers consider that the proposal is acceptable having regard to Policies NE2 and NE3 of the Local Plan.

Biodiversity

Planning policy changes promoted within the National Planning Policy Framework (NPPF) include the guiding principle that all developments should result in a biodiversity gain. The way to measure biodiversity impact is the Defra Biodiversity Offsetting metrics. Defra have recently published a new metric, however at present the WCC metric is still accepted. The Warwickshire Biodiversity Impact Assessment (BIA) Calculator v19.1 has been utilised by the applicant's Ecologist, so this version has also been used by the County Ecologist for their assessment.

In the original Biodiversity Net Gain Assessment Report submitted, it is acknowledged that at the time of completing the BIA a few assumptions were made with regards to the proposed planting as it was based upon indicative layouts. The County Ecologist has utilised the illustrated landscaping plan produced so far from the applicant, and it is noted that additional detail would be provided at the reserved matters stage through the detailed landscaping details, although it should not differ significantly unless positive habitat alterations are made to reduce the biodiversity impact score calculated at this stage.

In assessing the Biodiversity Impact the Ecologist has made some assumptions based on the descriptions within the submitted report.

The assessment carried out by the County Ecologist is based on all the information available at present and they have calculated a loss on site of 7.15 biodiversity units loss, which is a net biodiversity loss and contrary to the NPPF. This is in comparison to the survey work submitted by the applicant that calculated a 0.89 net gain for the site. There are a number of factors that result in these differences and the Ecologist recommends that the layout and the landscape plan is reviewed to see if biodiversity loss can be reduced within the remaining habitat on site.

The Ecologist considers that on the basis of the submitted, indicative layout the loss is unlikely to be reduced unless additional good quality habitat can be incorporated into the scheme. At this stage, without this information, the loss can only be calculated on the basis of the information that has been submitted. The associated indicative financial Biodiversity Offsetting contribution to address this loss is calculated at £233,190.00. As the development proposals result in a net loss to biodiversity, in line with the NPPF, a biodiversity offsetting scheme must be secured via a Section 106 agreement.

Following a review of the Biodiversity Assessment, the applicant's Ecologist accepted that the original biodiversity assessment was not accurate and provided an updated version based upon input from the County Ecologist which now provides a more accurate assessment of the site. The applicant also accepts that an updated assessment will be required when full reserved matters have been submitted and approved.

Therefore, there is agreement that Biodiversity Net Gain (BNG) will be best secured through the Section 106 Agreement. The Ecologist notes that if any determination of the application postdates the formal trigger of mandatory BNG,

then an assessment using the statutory Defra 4.0 metric should be used. This would enable any unit losses to be 'purchased' using both local and national available markets, including the recently national credit values.

Thus, due to the uncertainty of the national delivery of BNG it is recommended that BNG is evaluated, assessed and any compensation mechanism secured through a suitably worded s106.

As BNG will also be utilising offsite habitat (within the wider applicant's ownership) then a s106 in combination with other legal instruments will be required to satisfy the planning regulations and the BNG provisions within the Environment Act

Following the securing of an obligation for the Section 106 Agreement, a revised BIA will then be required at the detailed design stage along with further details of on-site habitat creation, any enhancement and management plans to demonstrate that the detailed proposal either reduces the biodiversity impact or does not result in any additional harm above that already identified at this stage.

On the basis that the County Ecologist is satisfied with the Biodiversity Assessment and that Biodiversity Net Gain can be secured by an appropriate obligation within the Section 106 Agreement, Officers are satisfied that the development is acceptable.

Water/Drainage

Surface Water Drainage

Policy FW2 of the Warwick District Local Plan states that all new major developments must incorporate SuDS that provide biodiversity, water quality and amenity benefits and be in accordance with the Warwickshire Surface Water Management Plan. There will be a presumption against underground storage of water, and it should support the delivery of green infrastructure. In addition, SuDS schemes must be located outside the floodplain; ideally this should be within the development site or close to the site as part of a master planned drainage scheme. Priority should be given to SuDS that incorporate green infrastructure, including green roofs, walls and rain gardens.

The proposed scheme would utilise SuDS methodology for all on-site surface water drainage in accordance with the requirements of Policy FW2.

At the time of consideration of the scheme at the June 2023 Committee, the County Lead Local Flood Authority (LLFA) had assessed the submitted drainage strategy and raised a holding objection to the scheme stating that that at the 'outline' planning stage the Surface Water Drainage Strategy should be developed to inform the masterplan or indicative site layout. This should be based on SuDS principles and provide opportunity to attenuate surface water runoff, improve water quality and provide amenity and biodiversity. This should be supported by suitable high-level calculations demonstrating the performance of the attenuation and that adequate space is provided.

The LLFA requested additional information to demonstrate that the proposed strategy is acceptable. This required the inclusion of overland flow routing being

identified on a plan with details of all proposed mitigation measures together with further information relating to sustainable source control methods within the site together with landowner permission to discharge into the existing brook.

The applicant's drainage consultant has submitted the additional information requested and this has been considered and approved by the LLFA, subject to planning conditions to secure the final design of the surface water drainage scheme.

On the basis of the revised information being considered acceptable to the Lead Local Flood Authority, Officers consider that the proposed development is acceptable having regard to Policy FW2.

Foul Drainage

Policy BE1 requires new development to incorporate necessary services and drainage infrastructure without causing unacceptable harm to retained features including incorporating sustainable water management features.

Foul drainage is proposed to be connected to the mains sewerage within the village and this is considered an acceptable solution. This would be subject to separate approvals with Severn Trent. Final details of the drainage layout would be secured by condition.

Water Efficiency

Policy FW3 requires all new development to meet a water efficiency standard of 110 litres per person, per day to create a sustainable form of development that minimises water usage and waste.

Officers consider that this can be secured through an appropriately worded condition.

Sustainability

The Council has declared a climate emergency. As part of this declaration, the Council is taking steps to becoming a net-zero carbon organisation. 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 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 dwellings proposed within the current application are outline in nature and as such, no detailed plans have been submitted. The Masterplan submitted is also indicative so does not represent the final design or layout of the scheme. On this basis, it is not possible to provide a detailed scheme for sustainable energy measures at this stage as these can be reliant on the final form of, not just the scheme, but also the design of the proposed dwellings.

It is also noted that the delivery of the new homes may potentially be after the adoption of the new updated Building Regulations that will set a much higher requirement for sustainability in new homes. All new homes would have to achieve this standard.

In line with Policy CC3, the Sustainability Statement has considered the use of a District Heating System or Combined Heat and Power Source. Officers consider that a further assessment of the energy provision on the site can be secured by condition and further assessment of District Heating would be considered at that stage.

Overall, it is considered appropriate to require the submission of details of energy and sustainability matters through conditions attached to the permission to allow further consideration of additional energy saving measures once a detailed layout has been determined to ensure that the final development helps to achieve the District Council's climate change objectives.

Air Quality

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 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 conditions.

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.

Waste Storage

As this is an outline application, the final layout of the scheme is unknown at this stage. The indicative layout plan submitted is considered to adequately demonstrate that all properties are provided with adequate storage areas for refuse and recycling bins. Any reserved matters submission would need to demonstrate that these facilities are available for all plots and that the site can be adequately serviced by refuse vehicles.

Open Space

The site in its entirety proposes areas of open space. The proposal has been assessed by the Green Space Officer who has considered the indicative layout plan. Whilst some concerns have been raised regarding this plan, the plan is purely indicative, and the final design of the scheme is not yet set. It is considered appropriate to include a condition to ensure that appropriate open space provision is made within the site, in line with the adopted Supplementary Planning Document and, if any shortfall is identified, then a requirement for an off-site contribution be secured through the Section 106 Agreement. Should no shortfall be apparent, this obligation would naturally fall away.

Previous discussions have been carried out where it was considered more appropriate to provide a financial contribution towards improvements to the existing main village play area rather than provide an on-site, smaller play area. In light of the considerations set out above, it is considered appropriate to incorporate the provision for this to be included within the Section 106 Agreement through an appropriately worded obligation. Obviously, the final detail of the scheme will be the element that sets the baseline for any financial contribution.

Impact on local services

The proposed development of up to 83 dwellings would create additional demand for local services and to mitigate this, contributions towards community facilities would be required.

Negotiations into the levels of contributions are ongoing between the applicants and the Local Planning Authority. A draft Section 106 Agreement is required for submission as part of the Public Inquiry procedure.

Having considered the available evidence, the contributions are considered to be in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. New 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.

Outdoor Sporting Contribution	£5,956
Indoor Sporting Contribution	£69,547
Grass Pitch Contribution	£93,453
Doctors Surgeries	£56,141
Hospitals	£74,487.02
Education	£945,309
Libraries	£830
Highways Improvements	£167,269.90
Road Safety	£4,150
Biodiversity Offsetting	£233,190
Monitoring (County)	£500
Monitoring (WDC)	£tbc

Any additional figures received following the writing of this report will be reported within the update sheet.

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

- 40% Affordable Housing
- Appropriate mechanism for securing Biodiversity Offsetting Payments.
- Provision and Adoption of Open Space Areas including any commuted sums.
- Adoption of SUDS.
- Local Labour Agreement.

Trees/ Hedgerows

As part of the application submission, a tree survey was submitted identifying all trees on site with details of trees to be removed as well as all trees to be retained. The content of this report was assessed and considered acceptable by the tree officer.

However, in order to minimise the loss of trees and hedgerows across the site, Officers consider that it is appropriate to require the submission of an updated tree survey, prior to the submission of any reserved matters that will thereafter inform the proposed layout of the reserved matters whilst seeking to retain as many trees as possible across the site.

As part of this requirement, Officers would also seek to ensure that all retained trees and hedgerows are adequately protected, and these measures should be included within the report and laid out on site prior to any works commencing.

Archaeology

The County Archaeologist considered the submitted information which included a geophysical survey of the site. This has been assessed by the County Archaeologist who has requested that further investigation is required. In response, the applicants have provided a written scheme of investigation to the County Archaeologist to set out a program of trial trenching across the site. Ideally, this would be carried out prior to determination of the application but in this case, as the development is outline only, Officers are satisfied that the works can be secured by condition to be carried out prior to the submission of any reserved matters submission. As no detailed plans are being agreed at this stage, any potential archaeological features would not undermine an agreed layout. Should mitigation measures be required, this would be addressed within the layout submitted for Reserved Matters approval.

Conclusion

This proposed development is subject to an appeal against non-determination and Officers have to present the item to Members to obtain a steer from the Committee application based on how the application would likely have been determined by the Committee if it was not subject to an appeal for non-determination.

The principle of development has been considered acceptable as the site forms part of a wider allocation although circumstances have now changed that preclude bringing the whole site forwards for a comprehensive re-development. As the parcels of land associated with this development are separate entities, Officers are satisfied that some housing can be realised on these land parcels and, as the balance of the allocated site area will remain within the control of Warwickshire Police, the existing Heritage Asset of Woodcote House will be maintained. This concern was a driving factor behind the requirement for a comprehensive redevelopment project.

Members will note that, in terms of Ecological Matters, information is still outstanding and therefore, Officers have recommended that, should these matters not be satisfactorily addressed by the due date for the submission of the Council's Statement of Case, then the Council will utilise this information to form the basis of its defence of the appeal. In such a case, the reasons for refusal are set out below.

Should the outstanding information be submitted to the satisfaction of the relevant consultees, Officers recommend that the Council's Statement of Case would recommend no objection to the proposed development the subject of the appeal and would recommend the conditions listed at the bottom of the report together with the completion of a Section 106 Agreement to secure the required obligations.

CONDITIONS

1 Implementation

The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 Submission of Reserved Matters

The further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced on any phase of development: -

- Appearance
 - (a) Landscaping
 - (b) Layout
 - (c) Scale

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

3 Submission of Reserved Matters Time Limit

In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars must be made to the Local Planning Authority, for each phase of the development, not later than the expiration of three years beginning with the date of this permission.

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

4 Foul Drainage Scheme

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

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

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

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

5 **Construction Management Plan**

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

A model CMP can be found on the Warwick District Council website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP.

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

6 **Construction Environmental Management Plan**

No phase of development hereby permitted shall commence until a Construction and Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the District Planning Authority. The CEMP needs to be compliant with the British Standard on Biodiversity BS 42020:2013 published in August 2013. In discharging this condition, the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition, appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

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

7 **Protected Species Contingency Plan**

Prior to the submission of any reserved matters, a Protected Species Contingency Plan shall be submitted to and approved in writing by the planning authority. The plan shall include:

- a) Further bat survey of the trees (if final plans show trees to be removed or significant period lapses) in accordance with BCT Bat Surveys – Good Practice Guidelines, has been carried out and if appropriate a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.
- b) A pre-commencement badger survey carried out by a suitably qualified badger consultant and has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.

Note: The outcomes of the surveys are likely to have implications for the design and/or layout of the Development.

REASON: To ensure that protected species are not harmed by the development.

8 **Landscape and Ecological Management Plan**

No phase of development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan (LEMP) for that phase has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used, and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grassland, woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full.

REASON: To ensure a net biodiversity gain in accordance with NPPF and Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029.

9 **Tree and Hedgerow Protection**

Prior to the commencement of the development hereby approved (including all preparatory work), the Tree Survey Report and Arboricultural Impact Assessment from RPS, reference JSL4106_770 and dated 9 March 2022 (as amended to take account of any changes in site layout), including the Arboricultural Method Statement and Tree

Protection Plan, together referred to as the scheme of protection, shall be adopted.

The development thereafter shall be implemented in strict accordance with the approved scheme of protection, which 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: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

10 **Details of Lighting Scheme**

No phase of development hereby permitted shall commence until a detailed lighting scheme for that phase has been submitted and agreed between the applicant and the local planning authority. In discharging this condition, the District Planning Authority expects lighting to be restricted around the boundary edges, along hedgerows, around known bat roosts and badgers setts, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

- (d) Lighting should be directed away from vegetated areas.
- a) Lighting should be shielded to avoid spillage onto vegetated areas.
- b) The brightness of lights should be as low as legally possible
- c) Lighting should be timed to provide some dark periods
- d) Connections to areas important for foraging should contain unlit stretches

The agreed scheme to be fully implemented before/during development of the site as appropriate.

REASON: To ensure that protected species and habitats to be retained are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029, the National Planning Policy Framework (NPPF) and ODPM Circular 06/2005.

11 **Contaminated Land Assessment**

No phase of development hereby permitted shall commence until: -

1. (a) A site investigation for that phase has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:
 - e) A risk assessment to be undertaken relating to human health

- A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
- An appropriate gas risk assessment to be undertaken
- Refinement of the conceptual model
- The development of a method statement detailing the remediation requirements

(b) The site investigation has been undertaken in accordance with details approved by the planning authority and a risk assessment has been undertaken.

(c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the planning authority. The method statement shall include details of how the remediation works will be validated upon completion.

This should be approved in writing by the planning authority prior to the remediation being carried out on the site.

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

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

12 **Fire Hydrants**

No phase of development hereby permitted shall commence until a scheme for the provision of adequate water supplies and fire hydrants for that phase, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority".

REASON: In the interests of Public Safety from fire, and the protection of Emergency Fire Fighters.

13 Scheme of Open Space to be Submitted.

Notwithstanding details contained within the approved documents, prior to commencement of development under each reserved matters consent, a scheme of open space for that reserved matters consent to include details of:

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

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

REASON: To ensure appropriate open space and recreational facilities are provided to serve the development in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029.

14 Site Wide Masterplan to be Submitted

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

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

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

The Site Wide Masterplan shall be used in the assessment of future applications unless otherwise agreed in writing by the Local Planning Authority.

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

15 **Site Wide Design Code to be Submitted**

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

- a) Hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas);
- b) Development blocks including built form and massing and relationship with adjoining development areas/blocks including areas of transition between development parcels (including the relationship between built form and adjoining open space);
- c) Building types;
- d) Building heights - no greater than 2 storey/ 8 metre ridge height;
- e) The means to accommodate the parking of vehicles and cycles;
- f) Sustainable Urban Drainage features;
- g) Key spaces, open spaces and green features;
- h) Architectural language and detailing;
- i) A scheme of strategic landscaping (including site sections, site visuals, site levels, structural landscaping and hedgerow retention)
- j) Design principles for street tree planting and other structural planting landscaping areas;
- k) Design principles on hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long-term management;
- l) Design principles on waste disposal and recycling;
- m) Design principles on the colour and texture of external materials and facing finishes for roofing and walls of buildings and structures;
- n) Design principles for street lighting and any other lighting to public space (including parking areas);
- o) The principles shall include a regulating plan on an ordnance survey base at a scale no greater than 1:1250;
- p) A mechanism for periodic review and refinement if necessary, of the approved Design Code

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

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

16 **Sustainability Statement**

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

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

No 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).

17 **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 the surrounding area have been submitted to and approved in writing by the Local Planning

Authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments.

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

18 **Air quality Mitigation**

Prior to the submission of any reserved matters application an appropriate scheme of mitigation in accordance with Warwick District Council's Air Quality Supplementary Planning Document (January 2019) shall be submitted to and approved by the local planning authority. The approved scheme shall then be implemented in full prior to the first occupation of the development and shall not be altered in any way thereafter without expressed written consent from the local planning authority.

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

19 **Detailed Surface Water Drainage Scheme**

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall include the following information:

- Undertake infiltration testing in accordance with the BRE Digest 365 Soakaway Design Guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site.
- Where infiltration is demonstrated to not be feasible, limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 7.3l/s for the site, in line with the approved surface water drainage strategy (ref: M43692-JNP-92-XX-SK-C-7000-P03, dated 29th June 2023) .
- Where the drainage scheme proposes to connect into a third-party asset, for example the Cattle Brook situated to the north of the site boundary in third party land. Further information should be provided regarding the ownership, purpose, location and condition of this asset along with confirmation of the right to connect to it and that access for maintenance in perpetuity is available.
- Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may

be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.

- Provide detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:
 - Suitable representation of the proposed drainage scheme, details of design criteria used (including consideration of a surcharged outfall), and justification of such criteria where relevant.
 - Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events.
 - Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.
 - Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.
- Provide plans such as external levels plans, supporting the exceedance and overland flow routing. Such overland flow routing should:
 - Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
 - Consider property finished floor levels (FFLs) and thresholds in relation to exceedance flows. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels.
 - Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

20 **Submission of Verification Report for Drainage System**

No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (M43692-JNP-XX-XX-RP-C-0002) has been submitted in

writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:

- Demonstration that any departure from the agreed design is in keeping with the approved principles.
 1. Any As-Built Drawings and accompanying photos;
 2. Results of any performance testing undertaken as a part of the application process (if required / necessary);
 3. Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.; and
 4. Confirmation that the system is free from defects, damage and foreign objects.

Reason: To secure the satisfactory drainage of the site in accordance with the agreed strategy, in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

21 **Submission of Site-Specific Maintenance Plan**

No occupation and subsequent use of the development shall take place until a detailed, site-specific maintenance plan is provided to the LPA in consultation with the LLFA. Such maintenance plan should:

5. Provide the name of the party responsible, including contact name, address, email address and phone number.
 1. Include plans showing the locations of features requiring maintenance and how these should be accessed.
 2. Provide details on how surface water each relevant feature shall be maintained and managed for the lifetime of the development.
 3. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance.

Reason: To ensure the future maintenance of the sustainable drainage structures in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

22 **Materials**

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

23 **Large Scale Details**

No development shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details.

REASON: To ensure a high standard of design and appearance in accordance with Policies HE1 and BE1 of the Warwick District Local Plan 2011-2029.

24 **Estate Roads laid out to satisfaction of the Highways Authority**

The layout of the estate roads serving the development [including footways, verges and private drives] shall not be designed other than in accordance with the principles and guidance as set out in 'Transport and Roads for Developments: The Warwickshire Guide 2022' and constructed in accordance with the Highway Authority's standard specification.

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

25 **Provision of Cycle Parking**

The development shall not be occupied until details of cycle parking facilities in accordance with the Warwick District Council Parking Standards 2018 have been submitted to the Local Planning Authority.

REASON: In the interests of sustainable transport opportunities and to assist with mitigation against air quality impacts associated with the proposed development in accordance with Policies TR1 and NE5 of the Warwick District Local Plan.

26 **Low Emission Strategy**

The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter.

REASON: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.

27 **Water Efficiency**

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

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

28 **Pedestrian and Cycle Links**

The reserved matters to be submitted pursuant to condition 1 shall include full details of how the development will ensure pedestrian and cycle connectivity both within the site and to adjoining land uses is delivered.

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.

29 **Pedestrian Mitigation Scheme**

The development shall not be occupied until the mitigation identified in the Pedestrian Audit have been undertaken in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority.

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

30 **Bellmouths**

The accesses to the site for vehicles shall not be used unless bellmouths have been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority.

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

31 **Estate Roads Layout**

The layout of the estate roads serving the development [including footways, cycleways, verges, footpaths and private drives] shall not be designed other than in accordance with the principles and guidance as set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001'.

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

32 **Construction of Estate Roads**

The construction of the estate roads serving the development [including footways, cycleways, verges and footpaths] shall not be other than in accordance with the standard specification of the Highway Authority.

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

33 **Landscaping Standards**

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

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

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

34 **Landscape Replacement Planting**

Any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition 1 shall be completed in all respects, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first occupation of dwellings within that phase and within the first planting season following the first occupation of the new school, and the tree(s) and shrub(s) shall be planted within six months of that first occupation. -

Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the Local Planning Authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted.

All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations.

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

35 **Protection of Habitat**

No work shall start on site until adequate measures have been taken to protect existing habitat associated with the Wood Pasture and Parkland Priority Habitat and the Lunch and Cattle Brook Local Wildlife Site near to the site during development. Sufficient measures should form a site protection plan from direct and indirect impacts. A barrier, such as a wire fence, should be erected before works start. This fenced area should include a sufficient buffer zone between the development / associated works and the boundary of the LWS. It is important NOT to allow access, or storage of materials within this buffer zone, otherwise soil compaction is likely to occur, with subsequent damage to the ground flora.

REASON: To ensure the protection of important habitats during development.

36 **Housing Mix**

The mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the Strategic Housing Market Assessment at the point of submission of the reserved matters unless an alternative strategy is agreed in writing by the Local Planning Authority.

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

37 **Footpath Maintenance Condition**

No site security fencing may be erected on or within 1m of public right of way W179a. Should any damage occur to the surface or route of Footpath W179a, the applicant must make good any damage to the surface of public right of way immediately and to the satisfaction of the Warwickshire County Council Rights of Way Team.

REASON: To ensure sustainable modes of travel are maintained in accordance with Policies HS1, HS6, BE1 and TR1 of the Warwick District Local Plan 2011-2029.

38 EV Charging Point Provision

Prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded).

REASON: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.
