

**Application No:** [W 25 / 1214](#)

**Town/Parish Council:** Whitnash  
**Case Officer:** Dan Charles

**Registration Date:** 04/09/25  
**Expiry Date:** 04/12/25

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**Land On The South Side Of, Chesterton Drive, Leamington Spa**

Variation of Conditions 30 (Site Access Provision) and 31 (Traffic Management Scheme) of outline planning permission W/20/0617 (outline application for up to 200 dwellings with all matters reserved apart from access) to amend the triggers relating to the delivery of the completed site access and traffic management scheme. FOR Bellway Homes Limited

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

**RECOMMENDATION**

Planning Committee is recommended to grant planning permission for the variation of conditions 30 and 31 of outline planning permission W/20/0617 to vary the timescale for completion of the proposed access and traffic management features and to allow revisions to the final list of conditions.

**DETAILS OF THE DEVELOPMENT**

This application is made under section 73 of the Town and Country Planning Act 1990 that relates to the determination of applications to develop land without compliance with conditions subject to which a previous planning permission was granted, subject to any revised/new conditions meeting the requirements of 'Use of Planning Conditions'

In deciding an application under Section 73, the Local Planning Authority must only consider the disputed conditions the subject of the application – it is not a complete re-consideration of the application. In this case the applicant is seeking a variation to the wording of a condition through the use of a Section 73 application.

On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

This application seeks the variation of conditions 30 and 31 that relates to the timescale for the delivery of the final access layout (C30) and the delivery of the traffic management features (C31).

The current conditions are set out below;

#### Condition 30

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

#### Condition 31

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

The proposed wording for the conditions requested by the applicant is;

#### Condition 30

Prior to first occupation of the first dwelling in the development, a temporary site access shall be delivered in general accordance with drawing 890956-RSK-ZZ-XX-DR-C-8051-P02. The permanent site access shall be delivered in general accordance with drawing 20376-01 Rev E prior to occupation of the final dwelling in the development.

#### Condition 31

Prior to occupation of the final dwelling in the development, the proposed Traffic Management Scheme shall be delivered in general accordance with drawing 20376-02A on W/20/0617

The proposed conditions seek to amend the trigger point of the condition from prior to first occupation to prior to final occupation. The reasoning behind these amendments is;

- to ensure that a suitable temporary access for construction vehicles is available
- to prevent the need for significant re-construction works to the permanent access works proposed
- to prevent the need for significant re-construction works to the traffic calming scheme

There is no change to the quantum of development, nor are there any material changes to the wider layout.

In practical terms, the proposals mean that on site throughout the development construction, the site will be served by a two-way junction at the main access point allowing free flow of traffic during construction of the development.

Thereafter, the access point will be upgraded to be in accordance with the access drawing previously approved which provides for a priority junction for vehicles exiting the site.

In terms of the traffic management features on the approach, there are a number of features proposed such as the installation of block paved areas that are likely to be damaged by heavy goods vehicles servicing the site. In order to minimise the potential for damage, it is also proposed to require these features after the site has been constructed.

**THE SITE AND ITS LOCATION**

The application site is currently agricultural land to the south of the new development known as Emperor Boulevard. Site works have now commenced in pursuance of the approved scheme.

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

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

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

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

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

The site slopes from northwest to southeast which is fairly regular across the site.

As explained below, the site forms parts of the strategic Local Plan allocation H03 and as such is an important aspect of the Council’s housing delivery strategy. That strategy supports the ongoing provision of a 5-year housing land supply which itself is crucial in continuing to enable the Council to retain control of the pattern of housing development across the district.

**PLANNING HISTORY**

**W/20/0617:** Outline planning application for a residential development of up to 200 dwellings with associated access, landscaping and public open space. (all

matters reserved apart from access): **REFUSED 12.02.2021. APPEAL ALLOWED 20.08.2021.**

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

**W/22/0232:** Application for approval of Reserved Matters for residential development of 200 dwellings relating to appearance, landscaping, layout and scale in pursuance of outline planning permission W/20/0617 – **WITHDRAWN 08.06.2023.**

**W/23/1746:** Outline planning application for a residential development of up to 190 dwellings with associated access, landscaping and public open space – **NON-DETERMINATION APPEAL ALLOWED 10.03.2025.**

**W/23/1766:** Reserved Matters application for a residential development of 185 dwellings with associated access, landscaping and public open space pursuant to outline planning permission W/20/0617 – **GRANTED 31.10.2024.**

**W/25/0778:** Application for Variation of Condition 1 (Approved Plans) of planning permission W/23/1766 (*reserved matters application for 185 dwellings*) to allow amendments to house types and minor plot alterations to facilitate changes. (No changes proposed to layout, open space or quantum of development) – **GRANTED 04.08.2025.**

### **RELEVANT POLICIES**

- National Planning Policy Framework

#### Whitnash Neighbourhood Plan (2011-2029)

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

#### Warwick District Local Plan 2011-2029

- DS1 - Supporting Prosperity
- DS2 - Providing the Homes the District Needs
- DS3 - Supporting Sustainable Communities
- DS4 - Spatial Strategy
- DS10 - Broad Location of Allocated Sites for Housing

- DS15 - Comprehensive Development of Strategic Sites
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix of Housing
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE2 - Developing Strategic Housing Sites
- BE3 - Amenity
- DS11 - Allocated Housing Sites
- BE5 - Broadband Infrastructure
- BE6 - Electronic Communications (Telecommunications and Broadband)
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities
- HS3 - Local Green Space
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- HS5 - Directing Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- FW4 - Water Supply
- HE4 - Archaeology
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions

#### Guidance Documents

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

### **SUMMARY OF REPRESENTATIONS**

**Whitnash Town Council:** Neutral.

**Royal Leamington Spa Town Council:** Object to the variation of conditions 30 and 31 due to the impact on the highways element of the scheme.

**WCC Highways:** No objection - The reasoning behind these amendments is to provide a suitable temporary access for construction vehicles and to prevent the need for significant re-construction works to the permanent works proposed at both the site access and to the traffic calming scheme on the existing highway.

It is clear that the developer is not attempting to renege on the provision of the works previously conditioned by the Planning Inspector, merely seeking to provide them at a more appropriate time following the completion of the majority of development.

Therefore, having undertaken a full assessment of the above planning application, it is considered that the proposal will have no adverse impact on the local highway network

**Public Response:** A total of 17 objections received making the following observations;

- No need for new houses.
- Only one access is insufficient.
- Delaying access and traffic management would mean large volumes of traffic using substandard arrangement.
- Will remove approved mitigation measures until last property occupied and will be harmful to safety of all users.
- Will do nothing to block traffic turning onto bridleway.
- Increased traffic in already busy area.
- Lack of transport infrastructure.
- Can local schools meet additional demand.
- GP services already limited.
- Harm to ecological features.
- Noise impact on local residents.
- Works implemented before discharging conditions.

**Officer Note:** The comments regarding the general principles of the development are not material considerations in the consideration of this application. Whilst a Section 73 application issues a new planning permission, the consideration of such an application is solely limited to the conditions that are being amended and the issues raised beyond this do not form part of the assessment.

## **ASSESSMENT**

### **History/Background**

Outline planning permission was allowed on appeal for up to 200 dwellings on this site. Following the appeal being allowed, a submission for reserved matters pursuant to the outline planning permission was submitted under application reference W/22/0232.

Application W/22/0232 was referred to Planning Committee on 13 December 2022 where Members resolved to grant approval in accordance with Officer's recommendation. This application was subject to a holding direction by the Government Office.

Notification was received on 11 May 2023 that the application was to be called in for consideration. Following consideration of this, the applicants chose to withdraw the application, and this was received on 30 May 2023.

Subsequent to the above, the applicants submitted a new outline planning application (reference W/23/1746) for up to 190 dwellings on the site with all matters reserved except for access as well as a new reserved matters submission (reference W/23/1766) pursuant to the original outline planning permission.

Application W/23/1746 was presented to Planning Committee on 16 April 2024 where Members resolved to grant outline planning permission, subject to the signing of a Section 106 Agreement.

During the processing of the Section 106 Agreement, the Ministry of Housing, Communities & Local Government issued a holding direction on 30 May 2024 to the Local Planning Authority to not issue a decision until they had determined whether they wished to call in the application. Due to the pre-election protocol, the holding direction advised that no consideration could take place until after the general election on 4 July 2024.

Despite having a resolution to grant, the applicants exercised their right of appeal against non-determination which resulted in an appeal hearing. The MHCLG confirmed that the appeal hearing would satisfy their consideration of the case and would thereafter not be required to be called in. The appeal was heard on 27 November 2024, and the appeal was allowed on 10 March 2025.

During the above, the revised reserved matters submission was also subject to a holding direction issued on 5 July 2024. Thereafter, a non-intervention letter was received from MHLCG on 26 July advising that the application could be determined by the LPA.

Application W/23/1766 thereafter was presented to Planning Committee on 7 October 2024 and Members resolved to approve the reserved matters submission. On the 9 October 2024, a new holding direction was received from the MHLCG preventing the LPA from determining the application. Following an additional period of consideration, the MHCLG issued a non-intervention letter on 31 October 2024 advising that the application could be determined by the LPA. The decision was then issued on the same day.

Thereafter, the site was acquired by the current applicants, Bellway Homes and W/25/0778 was submitted to vary the approved plans of W/23/1766 to make revisions to the house types to reflect the Bellway range of properties, together with some minor alterations within the site to facilitate these changes.

With the current application, there are no proposed changes to the scale/ quantum of development or any other matters such as layout, highways, open space, drainage etc as a result of this proposal. The changes sought are purely to the points at which the access works and traffic management scheme are required to be delivered.

### **Principle of Development**

Paragraph 38 of the National Planning Policy Framework (NPPF) states that Local Planning Authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

A valid outline planning permission was granted (at appeal) and a subsequent reserved matters was approved for the provision of 185 dwellings on the site. These permissions are being implemented and site works have been commenced.

Consideration of the current application can only include issues related to the revised condition triggers of the access and traffic management conditions. Whilst a Section 73 application issues a new planning permission for the development (if approved), it cannot revisit the principle of development of an extant and implemented planning permission, nor can it revisit matters that do not form part of the submission.

### Five Year Housing Land Supply

The latest 5 Year Housing Land Supply states that Warwick District Council has a 2.34 Year Housing Land Supply.

When a LPA is unable to demonstrate a five-year supply of housing land, all of its policies for delivering housing are deemed to be out of date. The NPPF states that planning applications should instead be decided based on the presumption in favour of sustainable development contained within Paragraph 11(d) of the NPPF, known as the 'tilted balance'.

This states that for decision making:

Where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

In weighing up this scheme, it is noted that the principle of development has already been established for this site through the grant of outline planning permission and a subsequent reserved matters approval meaning that the site has an existing and extant permission for 185 dwellings.

In considering the current application, Officers are mindful of the need to deliver new housing in order to improve the supply position. In this case, Officers are satisfied that there are no matters included within this proposal which would significantly or demonstrably outweigh the benefits of delivering housing on this site to support the 5-year housing land supply on sites that are already allocated within the Local Plan.

### **Highway Safety**

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

Section 9 of the NPPF seeks to promote sustainable transport and sets out a range of requirements for new development to ensure that impacts on existing transport networks can be addressed and that opportunities for the promotion of walking, cycling and public transport use are identified and pursued.

Within Section 9, Paragraph 114 of the NPPF states that in assessing applications for development it should be demonstrated that safe and suitable access to the site can be achieved for all users and impact on the highway network or highway safety can be cost effectively mitigated to an acceptable degree.

Additionally, Paragraph 115 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The primary access to the site is from Brimstone End and the detail of the access point was approved at the outline stage and this layout remains unchanged.

This proposal does not seek to change or remove the design of the access point, and this will remain as approved under the original outline planning permission.

The result of the condition revision would mean that the development would be served by a two way junction at the main access point during the construction phase, allowing free flow of traffic as the development is being built out.

Thereafter, the access point will be upgraded to be in accordance with the access drawing previously approved which provides for a priority junction for vehicles exiting the site.

The traffic management features on the approach to the site would be installed after the majority of construction has been completed to minimise the potential for damage by heavy goods vehicles servicing the site.

The revised conditions would still require these features to be provided.

The changes requested seek to provide the permanent access fully in accordance with the approved access prior to the occupation of the final dwelling. In addition, the provision of the traffic management scheme is also proposed to be revised to also be provided prior to the occupation of the final dwelling.

The reasoning behind these amendments is to provide a suitable temporary version of the access for construction vehicles and residents which are not impeded by traffic calming measures - which are proposed in this application to be added upon the completion of the development and to prevent the need for significant re-construction works to the permanent works proposed at both the site access and to the traffic calming scheme on the existing highway.

It is clear that the developer is not attempting to renege on the provision of the works previously conditioned by the Planning Inspector, merely seeking to provide them at a more appropriate time following the completion of the majority of development.

The County Highways Officer has undertaken a full assessment of the above planning application and has determined that the proposal will have no adverse impact on the local highway network or upon highway safety within the development. This is because the resultant scheme will remain unchanged, and the final access and traffic management features will need to be installed in accordance with the approved details.

Having considered the proposals, Officers reiterate that the final access point and traffic calming scheme will remain as approved at outline stage by the planning inspector and only the stage of delivery of the access will change. This will ensure that the scheme once completed operates as per the previous approval.

On the basis of the above, the proposal is considered to be acceptable having regard to Policies TR1 and TR3 of the Local Plan.

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

Section 12 of the NPPF places significant emphasis on the creation of high quality, sustainable buildings and places. Paragraph 131 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 139 states that permission should be refused for development that is not well designed and that fails to take into account local design guidance and supplementary planning documents. This paragraph also states that significant weight should be given to development which reflects local design guidance and

policies and government guidance on design and/or outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

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

The Residential Design Guide 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.

Whitnash Neighbourhood Plan Policy W4 refers to building design principles and seeks to encourage developments to enhance and reinforce the distinctiveness of the Parish in terms of scale, mass and form. The policy also seeks that new developments follow a consistent design approach to the use of materials.

There are no proposed changes to the design and layout of the scheme and this would remain as previously approved. The development would remain an appropriate form of development in visual terms and would not give rise to any harm to the general character of the area as a result of the condition variations.

The proposal is considered to conform with National Guidance set out within the NPPF together with Policy BE1 of the Warwick District Local Plan and additional guidance set out within the Garden Suburbs design document, the Residential Design Guide SPD and the Whitnash Neighbourhood 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.

The site access remains as approved at outline stage and the overall layout of the site remains as approved by planning permission W/23/1766 and the subsequent amendments to the plots approved under W/25/0778. There are no changes as a result of this proposal.

The provision of the final access design and traffic management measures will allow for larger vehicles to service the site more efficiently by minimising potential delays that may arise at the access point that require vehicles to give way at the access point as proposed by the final design. This would prevent the need for vehicles to wait within Brimstone End which could result in harm to amenity. By

requiring the access to be completed at the final occupation, the access will allow a free flow of traffic to minimise any impact.

The revisions to the conditions are therefore considered acceptable having regard to Policy BE3 of the Local Plan.

### **Impact on Protected Species and Biodiversity**

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

Paragraph 186 of the NPPF States that when determining planning applications, if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The changes to the conditions proposed would not affect protected species or the overall Biodiversity value of the site as the final site layout will be delivered in accordance with the previously approved details.

The proposal is therefore considered acceptable having regard to Policy NE3 of the Local Plan.

### **Previously Imposed Conditions**

Issuing any permission under Section 73 of the Act is tantamount to issuing a new permission for the entire development. As a consequence, any decision notice must replicate all previous conditions which are still relevant.

Where pre-commencement conditions have been discharged, these will be updated to reflect the submitted details accordingly.

It is noted that all pre-commencement conditions were previously discharged prior to Bellway acquiring the site. As a result, some conditions are currently being re-discharged to reflect the Bellway product and site layout. Where these pre-commencement conditions are still awaiting formal discharge, these will be carried forward as originally drafted for the avoidance of doubt. Conditions will be updated in due course as they are formally discharged.

Members are requested to delegate authority to Officers as part of the recommendation of the scheme to produce the final conditions where these have been discharged since the completion of the report.

All compliance conditions will be carried forward from the previous decision.

### **Conclusion**

Officers consider the revised conditions would not undermine their purpose nor dilute or diminish the access point or wider highway safety measures secured at outline stage. The revised conditions will secure the improvements at a more appropriate time, prior to which there are considered to be no highway safety implications.

The proposal has no demonstrable impact in terms of neighbour amenity, highway safety or ecology and as such it is considered the scheme therefore complies with the policies listed.

Accordingly, Officers recommend that the variation of conditions of the previously approved reserved matters is granted.

## **CONDITIONS**

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

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

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from 12.08.2021 (the date of the outline permission).

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

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

- Location Plan AAH5485/18 Rev. A
- Land Use Parameters Plan Phase 1 AAH5485-14 Rev. B
- Access Drawing 20376-01 Rev E.

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

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

- Illustrative Masterplan Phase 1 AAH5485/13 Rev. B
- Illustrative Parameters Plan Phase 1 and 2 AAH5485/17 Rev. B
- Layout and Design Statement Rev B – RPS April 2020

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

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

**Reason:**

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

**Reason:** To ensure that protected species are not harmed by the development, in accordance with the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.

- 7 No phase of development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan (LEMP) for that phase of development has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include details of planting and maintenance of all new planting. Details of species used, and sourcing of plants should be included. The plan shall also include details of tree and hedgerow retention; habitat enhancement/creation measures and management, such as ponds, wildflower grasslands; and the

provision of habitat for protected species. The LEMP shall also include details on soil management to make best use of the high quality soils on site - detailed guidance to inform this matter is available in Defra 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites'. Such approved measures shall thereafter be implemented in full.

**Reason:** To ensure a net biodiversity gain in accordance with NPPF.

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

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

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

**Reason:** To ensure that protected species are not harmed by the development, in accordance with the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.

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

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

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

**Reason: Reason:** To secure an appropriate net gain in Biodiversity within the development, in accordance with the National Planning Policy Framework (NPPF) and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.

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

- (a) the parking of vehicles of site operatives and visitors;
  - (b) loading and unloading of plant and materials;
  - (c) storage of plant and materials used in constructing the development;
  - (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - (e) wheel washing facilities;
  - (f) measures to control the emission of dust and dirt during construction;
  - (g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - (h) details of measures for the control of noise during construction works;
- has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction methods.

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

11 Prior to the commencement of each phase of development, an Energy Statement demonstrating how the development within that phase will achieve at least a 40% reduction in carbon emissions compared with code L 2013 Building Regulations, and details of how this will be monitored, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

**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).

12 No development shall take place until a detailed surface water drainage scheme for the site, based on the principles contained within Flood Risk Assessment and Drainage Strategy revision B dated July 2020 by A.C. Lloyd, and 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:

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

**Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

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

**Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

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

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

amenities of the locality in accordance with Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029.

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

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

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

**Reason:** To ensure that the site is not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 17 The development hereby permitted shall take place strictly in accordance with the details set out within the approved hydrological/hydraulic model of the Whitnash Brook submitted to the Local Planning Authority on 22 June 2022 and approved in writing on 7 July 2022 that demonstrates the proposed attenuation basins will be located outside of the 1 in 1,000 year return period fluvial flood extent.

**Reason:** In the interests of reducing occupant's risk from flooding, in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029.

- 18 The development hereby permitted shall be carried out in accordance with the scheme for the protection of all existing trees and hedges submitted to the Local Planning Authority on 1<sup>st</sup> March 2022 and approved in writing on 6 April 2022. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered, or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved scheme shall be kept in place until all parts of the development have been

completed and all equipment, machinery and surplus materials have been removed.

**Reason:** 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.

- 19 Prior to its installation, a detailed lighting scheme (including street and pathway lighting) for each phase, including a programme for its delivery, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme. The scheme should follow the Institute of Lighting Professionals' Guidance Note 01/20: Guidance notes for the reduction of obtrusive light. The lighting shall be installed according to the approved details.

**Reason:** To ensure that any lighting is designed and operated so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

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

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

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

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

- 22 No phase of development hereby permitted shall be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire-fighting purposes for that phase of the site has been submitted to and approved in writing by the Local Planning

Authority and the approved scheme has been implemented in full in strict accordance with the approved details.

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

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

**Reason:** In the interests of the visual amenities and natural environment of the locality in accordance with Policy NE1 of the Warwick District Local Plan 2011-2029.

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

**Reason:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

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

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

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

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

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

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

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

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

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

- 29 As part of the submission of any reserved matters relating to the layout of the dwellings adjacent to the railway line hereby permitted, a detailed scheme for the proposed means of noise attenuation from the adjacent railway line shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail. The scheme should

ensure that proposed measures whilst acoustically effective are designed to minimise visual impacts and impacts upon ecological features and trees. The scheme shall be implemented in accordance with the approved details prior to the first occupation of any dwelling and shall be retained thereafter in perpetuity and any approved mitigation measures shall be implemented in accordance with the approved programme.

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

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

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

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

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

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

**Reason:** In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.

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

**Reason:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the Local Planning Authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies BE1 and TR3 of the Warwick District Local Plan 2011-2029.

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

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

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