

**Planning Committee:** 18 June 2024

**Item Number:** 4

**Application No:** [W 23 / 1726](#)

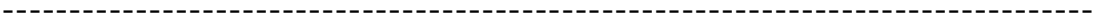
**Town/Parish Council:** Kenilworth  
**Case Officer:** Dan Charles

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

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**Land of Thickthorn, Kenilworth**

Application for approval of reserved matters for Phase 2 (revised) for residential Development of 144 dwellings, Public Open Space and ancillary infrastructure relating to appearance, landscaping, layout and scale in pursuance of hybrid planning permission W/20/2020. FOR Stantec



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

**RECOMMENDATION**

Planning Committee is recommended to approve the reserved matters, subject to the conditions listed at the end of this report.

**DETAILS OF THE DEVELOPMENT**

This application seeks the approval of reserved matters relating to the appearance, layout, landscaping and scale of the development, following the grant of hybrid planning permission W/20/2020 for up to 550 dwellings, employment land and a local centre, community centre and land for a new primary school together with all ancillary works. The site forms part of allocation H06 within the Local Plan and forms part of the strategic extension to the East of Kenilworth.

This proposal is for the erection of 144 dwellings together with all internal site works as matters reserved from the outline that granted the principle of development and the means of access to the public highway.

**THE SITE AND ITS LOCATION**

The site is located to the southern edge of Kenilworth.

The site was removed from the Green Belt, when the Green Belt boundary was redrawn as part of Warwick District Council’s Local Plan review, and now forms part of a wider site allocation (H06). The allocation seeks the delivery of an urban extension to Kenilworth including new housing, schools, local centre and employment space. The application also incorporates allocation E1 which is identified for 8 hectares of employment land consisting of B1 (now superseded by use class E) and B2 uses.

The site's eastern boundary is formed by the A46, which is part of the strategic highway network, and the northwest boundary is defined by the back gardens of the development of Glasshouse Lane and Kenilworth Rugby Club. To the south-west is the A452 Leamington Road with residential properties situated on the southern side of the road, and to the northeast is a public right of way that separates this site from the remainder of the allocated area.

The overall site occupies 31.70 ha of agricultural land with a small woodland along the eastern boundary and with some trees subject to Tree Preservation Orders (TPO). There are some mature hedgerows delineating field boundaries, areas of mature tree belts some located alongside the public footpaths and a limited number of scattered mature trees across the site.

The site generally slopes down gently in a south easterly direction. The low point is gathered at a woodland area within the central eastern edge of the site.

The Grade II\* Registered Stoneleigh Abbey Park and Garden is located some distance to the southeast, on the opposite side of the A46, and the Roman settlement at Glasshouse Wood – a scheduled monument – is located to the northeast of the application site.

The specific parcel of land that forms this element of the development is located to the Eastern side of the site and is flanked by Glasshouse Lane to the northern boundary, the A46 to the southern boundary and Rocky Lane to the eastern boundary. To the immediate west is additional land forming part of the wider outline planning permission.

As explained below, the site forms parts of the strategic Local Plan allocation H06 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/22/1990 - Application for reserved matters (phases 2, Local Centre (Retail), Self-Build and Spine Road) relating to appearance, landscaping, layout and scale in pursuance of hybrid planning permission W/20/2020 – Pending Consideration.

W/20/2020 - Hybrid planning application comprising full planning application for 98 dwellings (Class C3) served via two new vehicular / pedestrian / cycle access connections from Leamington Road, pedestrian and cycle access to Thickthorn Close; strategic landscaping and earthworks, surface water drainage and all other ancillary infrastructure and enabling works and Outline planning application for demolition of existing buildings and structures; residential development of up to 452 dwellings (Class C3); primary school (Class F.1); employment (Class B2); Class E development; hot food takeaway (sui generis), community centre (Class F.2); strategic landscaping and earthworks, surface water drainage and all other ancillary infrastructure and enabling works with means of site access (excluding internal roads) from the new junction into the detailed parcel of development and

access junction off Glasshouse Lane; all other matters (internal access, layout, appearance, scale and landscaping) reserved for subsequent approval – GRANTED 21.12.2021.

## **RELEVANT POLICIES**

- National Planning Policy Framework
- Kenilworth Neighbourhood Plan (2017-2029)
- KP4 - Land East of Kenilworth
- KP8 -Traffic
- KP9 - Cycle Routes
- KP11 - Footpaths
- KP12 - Parking Standards
- KP13 - General Design Principles
- KP15 - Environmental Standards of New Buildings
- KP16 - Industrial Estates
- KP18 - Green Infrastructure
- KP19 - Local green space
- KP20 - Street trees
- KP21 - Flooding
- Warwick District Local Plan (2011-2029)
- DS1 - Supporting Prosperity
- DS3 - Supporting Sustainable Communities
- DS5 - Presumption in Favour of Sustainable Development
- DS6 - Level of Housing Growth
- DS10 - Broad Location of Allocated Sites for Housing
- DS11 - Allocated Housing Sites
- DS15 - Comprehensive Development of Strategic Sites
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix of Housing
- H15 - Custom and Self-Build Housing Provision
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE2 - Developing Strategic Housing Sites
- BE3 - Amenity
- BE5 - Broadband Infrastructure
- BE6 - Electronic Communications (Telecommunications and Broadband)
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- HE4 - Archaeology
- 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
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- FW4 - Water Supply
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions
- DM2 - Assessing Viability
- Guidance Documents
- East of Kenilworth Development Brief Supplementary Planning Document (March 2019)
- Custom & Self Build Supplementary Planning Document (July 2019)
- Affordable Housing (Supplementary Planning Document - June 2020)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Public Open Space (Supplementary Planning Document - April 2019)
- Parking Standards Supplementary Planning Document (June 2019)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Kenilworth Design Advice (Shops, Warwick Road area)

## **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council:** Objection on the following grounds:

- Concern over dwellings in far eastern corner of the site and the impact on these properties from the A46.
- Dismayed and final location of local centre.
- Omission of spine road will cause additional pressure on already busy road network.
- No indication of Biodiversity Net Gain Plan.

**Councillor Pam Redford:** Object due to potential flood risk at Ashow as a result of this development.

**WDC Site Delivery Officer:** Supportive of application. Housing Mix needs to be addressed in latter phases. Spine Road is a key piece of infrastructure and note that the outline trigger requires this to be delivered. Applicant has submitted plans that are generally in accordance with the Development Brief and Policy KP4 of the Kenilworth Neighbourhood Plan. Applicant should be encouraged to consider the requirements of the NZCDPD.

**WDC Conservation:** No objection.

**WDC Green Space Officer:** No objection. Scheme has been subject to negotiations, and these have been incorporated into the final plans.

**WDC Housing Strategy:** Note that the later phases will address the full requirements for affordable housing mix, therefore, no objection.

**WDC Waste Management:** No objection.

**WCC Flood Risk Management:** Following receipt of updated drainage information, no objection.

**WCC Highways:** No objection. There are a number of minor elements of concern regarding the application. These elements will be reviewed within a Road Safety Audit. In normal circumstances, this would form part of the application but in this case, the Highways Authority considers that this can be secured by condition. Also recommend other conditions and notes relating to the standards required for the roads associated with the development.

**WCC Rights of Way:** No objection subject to condition requiring protection of public rights of way.

**WCC Landscape:** Latest revisions have addressed our comments.

**Active Travel England:** No comment.

**National Highways:** No objection.

**Natural England:** No objection.

**Public Response:** A total of 15 objections received on the following grounds:

- Proposal will impact on drainage into Ashow stream that may result in flooding in Ashow.
- Development must not increase surface water run-off.
- Three storey houses on southern boundary will cause light pollution to historic parkland.
- Increased traffic.
- Concern about creating public access alongside Nos. 38 and 38A Glasshouse Lane.
- Concern regarding accuracy of boundary line at 42 Glasshouse Lane.

## **ASSESSMENT**

### **History/Background**

This application was presented to Planning Committee on 21 May 2024 with a recommendation of approval. The application was deferred in order to:

- Seek the attendance of a representative from the Highways Authority to attend and advise on the delivery of the spine road and why they consider that this is not necessary for the level of development proposed.
- To seek a report addressing the safety protocols in place at the Multi-Use Games Area (MUGA).
- To seek advice from Environmental Health addressing air quality concerns.

In relation to points 2 and 3, Officers can advise the following:

#### Safety protocols in place at the Multi-Use Games Area (MUGA)

Upon consideration of the proposal, it was noted that Members were pleased to see the Open Space facilities coming forward at an early stage. In considering the layout, information was requested relating to the proximity of the Multi-Use Games Area adjacent to a large SUDS pond on the site, due to the potential for balls to leave the MUGA and fall into the attenuation pond, resulting in concerns over the safety of this arrangement. Part of the deferral was to seek further information regarding mitigation measures to minimise the potential of the above scenario taking place.

Following the deferral, the applicants have consulted with their open space advisors who have now submitted an updated MUGA plan to incorporate a 3m and 5m high panelling feature on the southern boundary of the MUGA to prevent balls leaving the court. The 5m panelling is along the southern boundary of the MUGA, nearest the SUD.

This is currently labelled as 'exact details to be agreed with the local planning authority at this stage on the basis that the applicants have not yet confirmed with the LPA which boundary treatment specification is preferred (both product and manufacturer).

The SUDS Pond adjacent to the MUGA is also confirmed as being 'seasonally wet' and the banks around on the basin are no steeper than 1:3. There will therefore be significant periods of the year where the feature is dry and therefore, any encroachment onto the land would not be subject to the level of risk that would be present should it be a permanently wet SUDS feature.

In addition, there is an obligation set out within the Section 106 that requires the submission of the final Public Open Space Scheme. This scheme will set out the design, specification, landscaping and associated equipment, boundary treatments of all of the open space areas together with a programme for delivery of these works and details of the maintenance programme. The applicant is required to submit the above details to be determined by the Open Space Officer and approved in writing by the Council.

Therefore, as the proposal indicates the detail on the submitted MUGA drawing, this will form part of the approved plans and will be a requirement to be delivered prior to the first use of the MUGA. In addition to the condition, the S106 Agreement will also secure the details. On this basis, Officers are satisfied that

the applicants are required to ensure that sufficient boundary treatment is shown to address Members' comments.

Whilst there are mechanisms to secure the increased boundary treatment, the applicants have also indicated that they are content to agree to a condition being imposed on the Reserved Matters application, that requires the details of the boundary treatment to be agreed in writing by the LPA, should Members consider it necessary.

### Air Quality

The application was considered at outline stage for the potential impact on air quality. As part of the outline application, an Air Quality Statement was submitted and assessed by the Council's Environmental Health Officer who was satisfied that the information submitted was robust and raised no objection, subject to a condition requiring the submission of a further air quality assessment once the final layout of the scheme was known.

In pursuance of the imposed condition, an Air Quality Constraints Assessment Report was submitted by a specialist consultant. The report was updated to reflect change in policy and guidance as well as the revised development phasing. The report confirms that the proposed development would not be exposed to air pollutants above the national air quality objective levels therefore no specific mitigation measures are necessary.

The content and data contained within the report has been assessed by the WDC Environmental Health Officer who is satisfied that the report is robust and raises no objection to the report on the basis that it demonstrates that the development of Phase 2 would not be adversely affected by poor air quality. This condition was therefore discharged in accordance with the submitted report.

On the basis of the above, Officers are satisfied that the development would not result in poor air quality that would be detrimental to the amenity of future residents of the proposed development.

### **Procedural Matter – Lack of Five-Year Housing Land Supply**

The Inspector in the Leek Wootton Police Headquarters appeal decision has determined that Warwick District Council cannot demonstrate a 5 Year Housing Land Supply. Following this appeal, the Inspector has determined that WDC can only demonstrate a 4.01 Year Housing Land Supply and at the time of the decision, has a shortfall of 665 dwellings.

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 this application for reserved matters, the delivery of housing on this site is included within the 5 Year Housing Land Supply figures. Should this application result in a delay to the delivery of housing on the site, this would further affect the Housing Land Supply.

In weighing up this scheme, Officers are satisfied that there are no matters which would significantly or demonstrably outweigh the benefits of delivering housing on the site to support the 5-year housing land supply on sites that are already allocated within the Local Plan.

### **Scope of Reserved Matters consideration**

As this is an application for the approval of reserved matters, it is not possible to reconsider the principle of development. This was considered in the assessment of the outline planning application and was found to be acceptable.

The outline planning permission also approved the vehicular accesses to the site from Leamington Road and Glasshouse Lane so matters of site access are not for consideration under this Reserved Matters scheme. Part of the internal spine road to serve this phase of dwellings is to be considered within this application. The remaining element of the spine road will be delivered within the next phase. The proposal also includes the majority of the open space areas including equipped play areas together with all the requirements for SuDS provision to serve the whole site.

Consideration of the current application can only include issues related to the detailed appearance, landscaping, layout (including internal roads only) and scale of the site for the 144 dwellings and proposed.

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

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



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

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

Policy KP13 of the Kenilworth Neighbourhood Plan states that all development proposals should achieve a standard of design that is appropriate to the local area. The Policy sets out a framework for guiding design of new developments. In addition, Policy KP4 of the Neighbourhood Plan relates specifically to the East of Kenilworth Urban Extension.

#### *The Garden Towns, Villages and Suburbs Approach*

The Council's 'Garden Towns, Villages and Suburbs' Prospectus seeks to bring together the key characteristics of the garden suburbs and villages approach, which include coherent and well-planned layouts, high quality design and consideration of long term management arrangements. The site is considered to fall within the category of 'neighbourhood edge', lying at the edge of the developable area and adjoining countryside.

Officers consider that the proposed scheme would provide a high-quality residential environment which conforms to the garden suburb design principles. The site exhibits the characteristics of a leafy, well designed residential neighbourhood within which open space and structural landscaping is an integral part, paying particular regard to the areas of Public Open Space within and on the fringes of the development. The large area of Open Space to the East provides a soft edge to Rocky Lane whilst providing a Neighbourhood Equipped Area of Play (NEAP) and a Multi-Use Games Area (MUGA).

The Public Open Space to the south is proposed to be natural in appearance to provide a significant buffer between the site and the A46 corridor. This buffer will create a green edge to the development whilst also providing an offset for the purposes of noise and air quality mitigation from the transport corridor. Within this area of open space opportunities for walking and other recreational activities together with significant tree planting to increase the ecological value of this area of the site.

The proposal incorporates a primary route into the site from Glasshouse Lane creating the spine road that will eventually connect into the junction proposed at Leamington Road to provide a relief road to move traffic away from the St Johns gyratory. The spine road is designed as the primary road and will be flanked by a footpath, two-way cycleway and verge with tree planting on the northern side and

footpath with verge tree planting to the southern side. At various points through the site, the foot/cycleways link into the open space areas to provide links through the site.

Thereafter, the scheme would provide a legible hierarchy of streets and spaces in accordance with this document with neighbourhood streets off the principal route and access drives meeting 'country lane' dimensions, adjacent to areas of public open space. The proposed dwellings would face onto these areas of public open space to provide natural surveillance.

The Residential Design Guide (2018) sets standards for the distance separation between the windows of habitable rooms in dwellings. For the most part, the development proposes a layout where these minimum separation requirements are satisfied. In some instances, they are exceeded quite substantially. I am satisfied that the scheme creates an overall character of spaciousness, which positively meets the aims and objectives of the garden suburb prospectus and ensures a good standard of amenity for future occupiers.

### Development Brief

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

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

In preparing the Development Brief, Warwick District Council has undertaken extensive consultation with key stakeholders including Warwickshire County Council, Kenilworth Town Council, landowners, land promoters and infrastructure providers to seek views and inform the content of the document in accordance with the Council's Statement of Community Involvement. In addition to stakeholders, the document has also been through a comprehensive public consultation including drop-in sessions for local residents.

The adopted Development Brief is a Supplementary Planning Document (SPD) and as such, is a material consideration in the determination of planning applications within the area covered by the document. This document provides detailed development principles that expand upon and help interpret existing policies as they relate to the site. There are 8 objectives within the Development Brief which are:

1. Delivery of a mix of housing to create a sustainable community.
2. Delivery of high-quality employment land and employment opportunities that are compatible with adjacent uses.
3. Delivery of an effective and efficient transport system.
4. Delivery of social and community infrastructure including new education

- establishments to support the new community.
5. Creating a high-quality environment with a strong sense of place that respond sensitively to and takes advantages of the existing environmental characteristics of the site including greenspaces, ecology and heritage assets.
  6. Promoting a healthy and safe community.
  7. Promoting high quality design.
  8. Delivery of utilities and infrastructure to meet the needs of the development.

### General design and layout considerations

In line with the outline permission, the site is predominantly proposed as two storey units consisting of single dwellings together with some two and a half storey dwellings and apartment buildings.

Feature dwellings are located around the development where key focal points have been identified opposite junctions etc. In addition, dual aspect units are proposed to the corner plots to provide active frontages throughout the development to ensure that all properties engage with the public domain to minimise blank walls etc being present within the local street scene. Where walls are necessary to provide private amenity space, these are set behind landscaped areas that front onto the street to reduce the visual impact of the walls and providing a soft, green edge.

The development is made up of a mix of detached, semi-detached, and terraced properties. Where terraced properties are proposed, these are kept to rows of a maximum of 4 units.

This proposal is considered to meet the criteria set out within the Development Brief in general terms and will deliver the first section of the spine road through the site to provide appropriate vehicular, cycle and pedestrian access to serve this parcel of housing whilst providing the link to the wider site. Throughout the site, footpaths and cycleways are proposed to link into the wider site and existing network.

The scheme has been designed to reflect the character of the surrounding housing which responds sensitively to the surrounding development. This element of the development provides the full requirement of open space to ensure a high-quality development, and this will allow the open space areas to be delivered earlier within the development.

Officers consider the layout represents an efficient use of land and results in a well-spaced and legible layout that accords with the general design principles set out in the aforementioned design guidance as well as the approved site-wide Masterplan provided at outline stage.

In terms of appearance, the dwellings form a well-designed scheme has been designed to provide character areas throughout the site that define the different areas whilst still retaining a coherent development in terms of the overall design and appearance.

Brick is predominantly proposed with some render and timber cladding added through the development to enrich the palette of materials to create a high-quality environment. Architectural detailing such as porches, gables, dormers and chimneys are proposed on a proportion of the units and the styles and types of such features differs depending on the house type to add additional character and design features to the development.

Overall, Officers consider that the proposed design and layout would result in an appropriate form of development in visual terms and would not give rise to any harm to the general character of the area.

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 the Kenilworth Neighbourhood Plan and the Kenilworth Development Brief.

**Housing Mix**

Policy H4 of the Local Plan requires residential development to include a mix of market housing that contributes towards a balance of house types and sizes across the district in accordance with the latest SHMA and as summarised in the most recent guidance document 'Provision of a Mix of Housing' (June 2018), based on current and demographic trends, market trends and the needs of different groups in the community.

As the hybrid permission contained a full planning element of 98 dwellings that had a 20% provision of affordable housing, the remaining phases are required to deliver a higher proportion of affordable units to ensure that the full 40% is achieved across the whole site. The applicants have provided 43.75% affordable units within this phase which will assist in addressing the balance. The final phases will be designed to ensure that the 40% figure is achieved.

This development provides:

Market Housing

<b>Bedrooms</b>	<b>Total</b>	<b>% Proposed</b>	<b>WDC requirement</b>	<b>Difference</b>
1 bedroom	0	0%	5-10%	-5%
2 bedroom	27	33.3%	25-30%	+3.33%
3 bedroom	22	27.16%	40-45%	-12.84%
4+ bedroom	32	39.5%	20-25%	+14.5%

The market housing mix set out is not in accordance with the Housing Mix as set out within the Housing Mix SPD. However, Officers note that this development forms part of a wider, single allocation brought forward under a single planning permission that requires the development to be brought forward in accordance with the housing mix. The future phases must take into account the housing

provided within this phase as well as the full permission granted under the original hybrid permission to ensure that the final development provides a policy compliant mix of dwellings across the site. Officers are therefore satisfied that the housing mix is appropriate.

Affordable Housing

The proposed affordable housing mix for this phase of development is as follows:

<b>Bedrooms</b>	<b>Total</b>	<b>% Proposed</b>	<b>WDC Requirement</b>	<b>Difference</b>
1-bedroom	24	38.1%	30-35%	+3.1%
2-bedroom	31	49.2%	25-30%	+19.2%
3-bedroom	6	9.52%	30-35%	-20.48%
4-bedroom	2	3.17%	2-5%	Within range

This proposal would provide 43.75% affordable housing comprising the mix of dwelling sizes set out in the above table.

The figures set out in the table above are not in accordance with the Housing Mix as set out within the SPD.

The proposal has been assessed by the Housing Strategy Officer who notes that overall, there are slight differences between the preferred mix and the proposed mix but for the social rent, affordable rent and shared ownership units these differences are either relatively minor or balanced elsewhere; for example, the 2 bed shared ownership units are provided as bungalows rather than houses. Given this is one phase of a larger development, there will be opportunities to address minor differences in later phases. The developer should be mindful that the mix will be considered across the whole development when future phases come forward.

There is a more notable difference in the First Homes with there being a significant over provision of 2 bed units at the expense of 3 & 4 bed units. The developer has explained that the price cap applied to First Homes (£250k) makes 3 & 4 bedroom First Homes unviable. Whilst it is accepted that the price cap creates a challenge for delivering larger First Homes, the developer’s decision to include First Homes means there will be no 3- or 4-bedroom affordable home ownership options of any type on this phase.

Were this application for a standalone development, the Housing Strategy Officer would consider the absence of 3- & 4-bedroom affordable home ownership options as a reason to object. However, as this is a single phase of a larger scheme, and there is still more than half of the development to come forward, there is reasonable opportunity to address this imbalance. Therefore, whilst uncomfortable with the affordable home ownership mix and the extent of deviation from the preferred mix, the Housing Strategy Officer does not consider an objection is necessary at this stage.

The layout plan illustrates how the affordable housing would be distributed across the site and for this development, the even distribution of affordable housing is welcomed.

Care has been taken within the layout of the scheme to provide an even spread of affordable housing across the site which, having considered the higher than normal percentage on this scheme has been executed well.

In addition to the above, where affordable units are located in clusters, care has been taken to ensure that the tenures are mixed to prevent social exclusion. It is also noted that the applicants propose tenure blind dwellings that are the same as the market range of dwellings so that they are not visually different. This is to be commended.

### **Impact on adjacent properties**

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

The East of Kenilworth Development Brief places significant emphasis on ensuring that the amenity of both existing and new properties is satisfactory in terms of disturbance and noise.

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

The key area of the site is the northern boundary where the site flanks the edge of the existing properties fronting onto Glasshouse Lane. Careful consideration has been given to this relationship and the proposal is to have a back-to-back relationship with the properties for those plots located to the rear. The separation distance is well in excess of the required standards.

To the side, the properties proposed fronting onto the revised section of Glasshouse Lane will have a side-to-side relationship with a setback from the road that matches the existing properties, ensuring both continuity in the street scene as well as limiting any potential harm to the amenity of the existing properties.

### **Amenity of future occupiers**

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

The proposed layout and design of this development is in accordance with the garden suburb approach and having regard to the general ethos of the

Development Brief, would provide a high level of residential amenity to the future occupiers of the development within an attractive setting.

The separation distances to surrounding properties are considered to be acceptable, and in many cases are in excess of the minimum separation distance guidance. The proposed development would provide appropriate relationships between neighbouring properties without significant impact upon the amenities of the occupiers.

All garden areas across the site meet or exceed the required garden standards commensurate with the size of property.

The proposed layout and design of this development is in accordance with the garden suburb approach and having regard to the general ethos of the Design Code, would provide a high level of residential amenity to the future occupiers of the development within an attractive setting.

The scheme considered at outline stage was submitted with a Noise Assessment to demonstrate that the development could be carried out on the land would not result in material harm to future residents in terms of air quality and noise impacts from the adjacent A46 Trunk Road. At the outline stage, reports were provided from specialist consultants on both air quality and noise matters. These reports were considered by the Council's Environmental Protection Officer who was satisfied with the detail provided and raised no objection, subject to the imposition of appropriate conditions to secure final reports once the final location of the housing was known.

The Air Quality Assessment was submitted in pursuance of the outline conditions in 2022. Throughout the assessment, the Environmental Protection Officer has considered the proposal and sought clarification on a number of issues which have been satisfactorily answered by the applicant's consultants. The result is that the Environmental Protection Officer is satisfied that the development site would not be affected by poor air quality as a result of the adjacent A46. On this basis, it was recommended that the condition be discharged. Officers are therefore satisfied that the future occupiers of the development would not be subject to poor air quality and the level of amenity is acceptable.

The Noise Mitigation Assessment was submitted in pursuance of the conditions attached to the outline and again, assessed in detail by the Environmental Protection Officer. The technical data has been considered acceptable and the Officer is satisfied that there would be no adverse impact on the amenity of residents. Notwithstanding this, the Environmental Protection Officer also requested further information relating to the noise mitigation barrier proposed at the boundary of the site.

The original proposal was set to be a 2.4m high barrier that provided sufficient noise screening to meet the required amenity standards. However, following discussions, it is now proposed to increase the height of the barrier to 3.4 metres in order to provide a betterment to the noise environment of the nearest dwellings. The result of the increased noise barrier height is that all properties are not reliant on closed windows to achieve an acceptable noise environment. Officers are

therefore satisfied that the future occupiers of the development will have an acceptable level of amenity and would not be subject to inappropriate levels of noise from the adjacent A46.

As the Noise Mitigation requirements are conditions of the outline planning permission, it is not necessary to secure the details by condition on this reserved matters submission.

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

The East of Kenilworth Development Brief places significant emphasis on providing a detailed and effective solution for all transport methods associated with the site and seeks to ensure that sustainable transport methods are prominent within any development proposals.

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

The primary access to the site is from the new proposed access onto Glasshouse Lane and the detail of the access point was approved at the outline stage. This access incorporates the main carriageway, a two-way cycle lane together with footpaths. From the access point, the scheme has a primary spine road that runs centrally through the housing. From this primary road, further minor roads serve the development.

The site has been subject to extensive negotiations with Warwickshire County Council Highways to ensure that all internal roads meet the required specification and are acceptable for adoption. Whilst the layout on the final plans has been generally agreed with the County Highways Officer, there are a number of elements that have been flagged as an area of concern. These elements are minor in nature, and these have been identified as specific points to include within a Road Safety Audit. The Road Safety Audit would form an integral part of the adoption process to ensure that all aspects are safe and would not result in any harm to highway safety. It is standard practice to require the safety audit to be carried out and is used to address minor issues that would not in themselves be a reason to object to the scheme. In this case, it has been determined that this can be secured by condition as the elements are minor. A condition to require the completion of the Safety Audit process is proposed.



Within the site, provision has been made for bus stops to allow the provision of the local bus service into the site to serve the needs of the future occupants. However, it is noted that this would only come into use at the completion of the spine road.

In terms of sustainable transport options, a range of routes through the site are proposed for pedestrians and cyclists. In addition to the main site access, separate connections are also provided for pedestrians and cyclists to connect into Rocky Lane that runs along the eastern boundary of the site and Glasshouse Lane to the north of the site. This provides access for pedestrians and cyclists to the wider area to the east as well as the open countryside to the south.

Wider improvements to the provision of cycleways forms an integral part of the proposed highways works. The spine road is proposed to provide a full off-road cycle way through the core of the site and the site also incorporates a number of other recreational cycle routes giving a range of choice for cyclists.

In terms of parking, each property has an appropriate level of parking in accordance with the Council's Vehicle Parking Standards as well as areas set out for visitor parking. Bin collection points have been provided where necessary for properties off private drives to allow for easy servicing.

Overall, the development is not considered to be detrimental to highway or pedestrian safety and accordingly complies with policies TR1 and TR3 of the Local Plan.

### **Impact on Ecology/Protected Species**

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

The East of Kenilworth Development Brief seeks to create a high-quality environment with a strong sense of place that responds sensitively to and takes advantages of the existing environmental characteristics of the site including greenspaces and ecology.

The application site was considered by the County Ecologists at outline stage and the scheme was subject to a suite of conditions to ensure that protected species were not harmed. In addition, Biodiversity Net Gain was assessed and alongside a range of on-site measures, a contribution towards off-site Biodiversity enhancements was secured through the Section 106 Agreement.

I therefore consider that the proposal is acceptable having regard to Policy NE3.

## **Drainage and Flood Risk**

The site layout in terms of the SUDS ponds generally reflects the earlier submission under the outline planning permission. A suite of drainage conditions were attached to the outline planning permission as the SUDS pond area was previously considered to be acceptable.

The drainage strategy was secured at outline stage following negotiations with the Lead Local Flood Authority (LLFA) to ensure that the site would not result in any increased surface water run-off and would also allow for additional storage capacity in line with additional flood risk as a result of climate change.

The submitted layout differed from that shown within the outline drainage strategy and as a result, the preliminary response from the LLFA was one of objection. Following clarification with the LLFA, the drainage layout on the submitted drawings satisfactorily demonstrated that appropriate drainage can be provided on the site and the detailed proposal will be controlled via conditions on the technical specification associated with the outline application.

Based on the updated information no objection is raised by the LLFA to these proposals with regard to the drainage and surface water management.

Officers consider that the development is therefore acceptable in this respect.

## **Open Space**

The area of the site proposes the majority of the required public open space for the wider development approved under outline planning permission W/20/2020 and as such incorporates a range of typologies including a Neighbourhood Equipped Area of Play (NEAP), a Multi-Use Games Area (MUGA), Local Equipped Areas of Play (LEAP), a trim trail as well as areas of informal open space including a range of off-road footpaths around the development.

This approach will ensure that the public open space is well advanced through this phase and already available for use for the future occupiers of the later phases of the development. This approach is welcomed as it will forward deliver this important aspect of any new housing development.

## **Other Matters**

### Sustainability

As this is an application for reserved matters, it is not possible to impose the Net Zero Carbon DPD Standards on the development as this is a requirement of the outline planning permission phase that sets the parameters for development.

The outline permission was subject to a sustainability condition to improve the required standards of housing on the site so the site will still benefit from improved energy efficiency.

## Trees/Hedgerows

A key aspect of the East of Kenilworth Development Brief is the retention of trees and hedgerows within the development sites.

The site benefits from existing trees and hedgerows and where possible, these have been incorporated into the design to increase both the amount of green space and also retain the existing ecological corridors. The site layout has given specific regard to these features and the scheme designed around them which is considered a benefit of the site.

The proposal incorporated significant additional planting across the site in both the public realm and private garden areas.

Officers are satisfied that the resultant scheme is of a high landscape standard.

## Waste Storage

All properties are provided with appropriate bin storage areas to the rear of properties to ensure that refuse is stored away from the public realm. In addition, where private drives are used, bin collection points are provided to allow the bins to be serviced by the Council Waste Service.

## **Conclusion**

Officers consider the proposed development would provide a high-quality residential environment in accordance with the Kenilworth Development Brief and the garden suburbs principles, including an appropriate mix of market and affordable housing and acceptable dwelling house and layout design solutions, including landscaping and substantial areas of public open space.

There would be no harm arising in terms of neighbour amenity, highway safety or ecology and as such it is considered the scheme therefore complies with the policies listed.

The matters that were raised at the May Planning Committee have been satisfactorily addressed by the applicants to the satisfaction of Officers and accordingly, Officers recommend that the reserved matters be approved.

## **CONDITIONS**

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 1099 - 77A - Argyll Salcy -Floor Plans, 1099 - 78A - Argyll & Salcy Elevations, A1099\_02G\_Planning Layout-Sheet 3 Colour Presented Layout, A1099\_03C\_Massing Plan, , A1099\_05C\_Occupancy Plan, A1099\_06C\_Materials Plan, A1099\_07D\_Refuse Plan, A1099\_08D\_Affordable Housing Plan, A1099\_09D\_Parking Plan, A1099\_10C\_Garden Area Plan, A1099\_11C\_Character Area Plan, A1099\_12C\_Chimney Location Plan, A1099\_13C\_External Surfacing

Plan, A1099\_14C\_Street Hierarchy Plan, A1099\_15D\_EV Charging Arrangements, A1099\_16C\_Land Use Plan, A1099\_19B\_Street Scenes, A1099\_21B\_Geometry Plan, A1099\_23B\_Cycle Route Plan, A1099\_30C\_House Type Brochure, GL2264 01D Plot Landscape Proposals (Sheet 1 of 3), GL2264 02D Plot Landscape Proposals (Sheet 2 of 3), GL2264 03D Plot Landscape Proposals (Sheet 3 of 3), GL2264 07D LEAP Proposals, GL2264 08C Trim Trail Proposals, and specification contained therein, submitted on 3 May 2024 and;

Approved drawings 06106-D1-0100-P4 Adoption Plan Overview, 06106-D1-0101-P4 Adoption Plan Sheet 1 of 5, 06106-D1-0102-P4 Adoption Plan Sheet 2 of 5, 06106-D1-0103-P4 Adoption Plan Sheet 3 of 5, 06106-D1-0104-P4 Adoption Plan Sheet 4 of 5, 06106-D1-0105-P4 Adoption Plan Sheet 5 of 5, 06106-D1-0110 P4 Geometry Plan Overview, 06106-D1-0111 P4 Geometry Plan Sheet 1 of 5, 06106-D1-0112 P4 Geometry Plan Sheet 2 of 5, 06106-D1-0113 P4 Geometry Plan Sheet 3 of 5, 06106-D1-0114 P4 Geometry Plan Sheet 4 of 5, 06106-D1-0115 P4 Geometry Plan Sheet 5 of 5, 06106-D1-0120 P4 Visibility Plan Overview, 06106-D1-0121 P4 Visibility Plan Sheet 1 of 5, 06106-D1-0122 P4 Visibility Plan Sheet 2 of 5, 06106-D1-0123 P4 Visibility Plan Sheet 3 of 5, 06106-D1-0124 P4 Visibility Plan Sheet 4 of 5, 06106-D1-0125 P4 Visibility Plan Sheet 5 of 5, 06106-D1-0130 P4 Visibility Private Driveways Overview, 06106-D1-0131 P4 Visibility Private Driveways Sheet 1 of 5, 06106-D1-0132 P4 Visibility Private Driveways Sheet 2 of 5, 06106-D1-0133 P4 Visibility Private Driveways Sheet 3 of 5.pdf, 06106-D1-0134 P4 Visibility Private Driveways Sheet 4 of 5, 06106-D1-0135 P4 Visibility Private Driveways Sheet 5 of 5, 06106-D1-0140 P4 Refuse Vehicle Tracking Overview, 06106-D1-0141 P4 Refuse Vehicle Tracking Sheet 1 of 2, 06106-D1-0142 P4 Refuse Vehicle Tracking Sheet 2 of 2, 06106-D1-0150-P4 Fire Tender Vehicle Tracking Overview, 06106-D1-0151-P4 Fire Tender Vehicle Tracking Sheet 1 of 2, 06106-D1-0152-P4 Fire Tender Vehicle Tracking Sheet 2 of 2, 06106-D1-0160 P4 MPV Vehicle Tracking Overview, 06106-D1-0161 P4 MPV Vehicle Tracking Sheet 1 of 5, 06106-D1-0162 P4 MPV Vehicle Tracking Sheet 2 of 5, 06106-D1-0163 P4 MPV Vehicle Tracking Sheet 3 of 5, 06106-D1-0164 P3 MPV Vehicle Tracking Sheet 4 of 5, 06106-D1-0165 P4 MPV Vehicle Tracking Sheet 5 of 5, 06106-D1-0170 P4 S38 Plan Overview, 06106-D1-0171 P4 S38 Plan Sheet 1 of 5, 06106-D1-0172 P4 S38 Plan Sheet 2 of 5, 06106-D1-0173 P4 S38 Plan Sheet 3 of 5, 06106-D1-0174 P4 S38 Plan Sheet 4 of 5, 06106-D1-0175 P4 S38 Plan Sheet 5 of 5, 06106-D1-0180 P4 Preliminary Infrastructure Overview, 06106-D1-0181 P4 Preliminary Infrastructure Sheet 1 of 5, 06106-D1-0182 P4 Preliminary Infrastructure Sheet 2 of 5, 06106-D1-0183 P4 Preliminary Infrastructure Sheet 3 of 5, 06106-D1-0184 P4 Preliminary Infrastructure Sheet 4 of 5, 06106-D1-0185 P4 Preliminary Infrastructure Sheet 5 of 5, 06106-D1-0200 P4 Road Hierarchy Plan Overview, 06106-D1-0400 P4 Crossings Overview, 06106-D1-0401 P4 Crossings Sheet 1 of 5, 06106-D1-0402 P4 Crossings Sheet 2 of 5, 06106-D1-0403 P4 Crossings Sheet 3 of 5, 06106-D1-0404 P4 Crossings Sheet 4 of 5, 06106-D1-0405 P4 Crossings Sheet 5 of 5, 06106-D1-0410 P4 Bus Vehicle Tracking Overview, 06106-D1-0411 P4

Bus Vehicle Tracking Sheet 1 of 2, 06106-D1-0412 P4 Bus Vehicle Tracking Sheet 2 of 2, 06106-D1-0190 P4 Preliminary Drainage – Overview, 06106-D1-0191 P4 Preliminary Drainage - Sheet 1 of 5, 06106-D1-0192 P4 Preliminary Drainage - Sheet 2 of 5, 06106-D1-0193 P4 Preliminary Drainage - Sheet 3 of 5, 06106-D1-0194 P4 Preliminary Drainage - Sheet 4 of 5, 06106-D1-0195 P4 Preliminary Drainage - Sheet 5 of 5, 06106-D1-0196 P4 Preliminary Basin Sections, 06106-D1-0197 P4 Flow Model Reference (West), 06106-D1-0198 P4 Flow Model Reference (East), 06106-D1-0199 P3 Exceedance Flow Plan, and specification contained therein, submitted on 7 May 2024 and;

Approved drawings A1099\_02H\_Planning Layout Sheet 1, A1099\_02H\_Planning Layout-Sheet 2 Composite, A1099\_04E\_Enclosures Plan, GL2264 04E Infrastructure Landscape Proposals (Sheet 1 of 3), GL2264 05E Infrastructure Landscape Proposals (Sheet 2 of 3), GL2264 06E Infrastructure Landscape Proposals (Sheet 3 of 3) and GL2264 09D NEAP & MUGA Proposals and specification contained therein, submitted on 6 June 2024

**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.

2 No development shall commence, including any site clearance, until:

a) a Stage 1 Road Safety Audit Brief has been submitted to and approved by the Planning Authority, in consultation with the Highway Authority.

b) a Stage 1 Road Safety Audit Report and Designer’s Response (including Appendix D) has been submitted to and approved by the Planning Authority, in consultation with the Highway Authority

The RSA process must be completed in full, with any problems raised throughout the process suitably overcome and agreed as acceptable by the Highway Authority.

The development shall not be occupied until it has been laid out and constructed in general accordance with those plans approved by this condition, including vehicular, pedestrian, cycle and other non-motorised user provision.

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

3 No development shall commence until detailed plans have been submitted to and approved by the Planning Authority, in consultation with the Highway Authority, showing detailed design including the layout and provision of any pedestrian, cycle and other non-motorised user infrastructure to be provided within the site. The development shall not

be occupied until the site has been laid out and constructed in general accordance with the approved plans.

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

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

**REASON:** To ensure that a pavement and verge crossing is available for use when the development is completed thereby enabling safe and convenient access to and egress from the site in the interests of the safety of road users and pedestrians in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029

- 5 The accesses to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.

**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.

- 6 Prior to first occupation, a plan will be required to be submitted detailing the provision and placement of 20mph zone signs at the entrance into the side roads of the development for the approval of the Local Planning Authority in consultation with the Highway Authority.

**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.

- 7 No structure, tree or shrub shall be erected, planted, or retained within the visibility splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

**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.

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