

Planning Committee: 17 June 2020

Item Number: 3

Application No: [W 18 / 1635](#)

Town/Parish Council: Kenilworth
Case Officer: Dan Charles

Registration Date: 28/08/18
Expiry Date: 27/11/18

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Land East of Kenilworth, Glasshouse Lane/ Crewe Lane, Kenilworth

Demolition of existing farmhouse and agricultural buildings and outline planning application for residential development of up to 620 dwellings (Use Class C3), land for a primary school, (Use Class D1) including means of access into site (not internal roads), parking and associated works, with all other matters (relating to appearance, landscaping, scale and layout) reserved FOR Catesby Estates Plc

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

RECOMMENDATION

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

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

Should a satisfactory Section 106 Agreement not have been completed by 17 August 2020, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

The proposal is for an outline application for up to 620 dwellings together with a one-form entry primary school. All matters are reserved other than access.

Two accesses are proposed to the site. Access would be provided from Glasshouse Lane via a new 4 arm roundabout serving the site, Glasshouse Lane and Stansfield Grove. The proposal also includes the provision of a 3-metre wide shared footway/cycleway to link into the footway/cycleway link proposed for the High School application (W/19/0655).

The second point of access would be from Crewe Lane which is proposed to be a re-prioritised junction with traffic from Crewe Lane giving way to traffic exiting the

application site. Crewe Lane is also proposed to be stopped up to prevent through traffic although access will be retained to serve the golf club and dwellings accessed via the existing Crewe Lane. The stopping up of Crewe Lane does not form part of the proposal in front of Members.

Both accesses would be connected by the creation of a spine road which also forms part of the wider Kenilworth Strategic Extension as a whole. The final position and route of the Spine Road would be considered at Reserved Matters stage.

It is proposed to provide 40% of the dwellings as affordable units. As the scheme is outline, the position and layout of the affordable housing is not yet known.

An indicative layout has been provided demonstrating how the 620 units can be accommodated on the site together with the primary school and areas of open space, play areas and allotment provision to meet the needs of the development.

THE SITE AND ITS LOCATION

The site is designated as the H40 Housing Allocation which forms part of the wider Kenilworth Strategic Extension that consists of the H40, H06, E1 and ED2 allocations.

The land itself is largely open fields with a number of buildings associated with agricultural activity. There is a Scheduled Ancient Monument (SAM) to the south eastern boundary of the site where adjacent to the A46 boundary.

The site also wraps around the existing Woodside Hotel and Conference Centre within the southern element of the site area. The majority of the site does not form part of the application but an area to the frontage will be reduced and incorporated within the development site. The business property is a separate entity and does not form part of either the allocation or this specific application.

The site is an open parcel of grassland. The boundaries of the site to the east, south and west are made up of hedgerows and mature tree belts.

The site is flanked to the north and north east by Crewe Lane that forms the boundary to the site. Beyond Crewe Lane is Kenilworth Golf Club. The Crewe Lane boundary also forms the boundary of the West Midlands Green Belt. On the western side, the site boundary adjoins the Education Allocation where the new high school has been granted planning permission.

PLANNING HISTORY

No relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework
- Neighbourhood Plan
- Kenilworth Neighbourhood Plan
- 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 (Warwick Local Plan - 2011-2029)
- 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 - January 2008)
- 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)
- Draft Developer Contributions Supplementary Planning Document
- Draft Affordable Housing Supplementary Planning Document

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Objection;

- Consider the principle is acceptable.
- The proposal does not leave any additional housing in the surplus school site.
- Path and cycle routes need to clearly connect with other development and that is not clear from the current submission.
- Traffic arrangements at the Knowle Hill/Crewe Lane junction have not taken into consideration the potential additional 70 homes or the school traffic on this already busy junction.
- The traffic assessment ought to reflect the need for improvement.
- No apparent direct link with the school is provided.
- Conditions should refer to the Kenilworth Neighbourhood Plan.
- At the detailed stage, care should be taken for noise abatement from A46 traffic which should not be detrimental to setting of the Scheduled Ancient Monument or Ancient Woodland.
- There is concern at the potential effect on the rugby club.
- There is a need to assess the impact of HS2 traffic.
- The proposed layout encourages leaving the site towards Coventry/Leamington rather than Kenilworth.
- Cycleways should be a feature of the development together with safer access to Kenilworth Town Centre.
- Recommend that some affordable housing is designed for the needs of older people.

Following the revision of plans: Comments and objections still stand and the following additional observations are made:-

- Concern is expressed that the new primary school will cause increased traffic.
- Surprise is expressed at the location of the Primary School so close to the secondary school and in a cul-de-sac with no obvious drop-off zone.

Stoneleigh and Ashow Parish Council: Objection - Concerned about all traffic using Crewe Lane onto the B4115.

Councillor Trevor Wright: Expresses significant concerns regarding overall traffic management:-

- Crewe Lane is classified as a minor road and cannot accommodate two lanes safely.
- Crewe Lane remains a commuting run to both the east and the west as a result of A45 works.
- The road is a significant safety risk and incapable of handling the additional traffic from both the development and the proposed school.

- The current plan is untenable even if there is only an exit point from the development with a roundabout planned for both exit & entrance points onto Glasshouse Lane.
- The potential volumes of traffic splaying into Stoneleigh, Ashow and surrounding areas are now both critical and unacceptable.
- The proposed route and plans around the use of Crewe Lane is flawed and lacks understanding with regards to safety, traffic movements and travel to work data.
- Highways England will be making significant changes to the A46 Stoneleigh junction which will include the compound access for HS2 and an HS2 construction village near to the junction.
- Stoneleigh, Ashow and surrounding areas have been badly hit in the past two years with increasing levels of traffic due to the developments I have already indicated.
- This development adds to the very real and current problems already raised and they include, HS2, Coventry Gateway South, Kings Hill and A45 & A46 developments.
- The development plan is both flawed in its structure and consideration taking little or no account of the immediate or surrounding areas.
- It is recognised that there is an important and compelling need to improve the national housing stock and affordable housing however this should not be at the cost of established (and in this case historical) communities.
- The developers in this case have not understood the issues the area is currently being asked to deal with, along with the issues with regards to increased traffic flows within the vicinity.
- I strongly urge the Planning Committee to reject the current plans based on viability, traffic management, highways structures and amenities.
- The developer should consider alternatives to support the access to both the development and the proposed school to minimise the traffic disruption in the area and this should include a revision of the access and entrance points to the development avoiding both Crewe Lane, Glasshouse Lane and Birches Lane, Kenilworth.
- This could include exits & entrance points on to either the A46, A452 or a junction spear off the A46 Kenilworth junction.
- Restrictions must be imposed on HGV traffic using Crewe Lane along with changes to the highway structure.
- Finally, the timing of this development is critical and coordination across all the major developments is vital if we are to avoid sustained and constant disruption making the whole area not a great place to live, work or bring up the next generation.

On the basis laid out above, I strongly object to the application as is currently presented and I encourage the Planning Committee to do the same.

**Councillors Trevor Wright and Pam Redford (joint submission):
Objection on following grounds;**

- Crewe Lane is a minor road with no clear passing areas or white centre line.
- Understand the original plan was to make Crewe Lane an emergency access only which offered a level of restriction. This appears to have been

abandoned in favour of changes to the junction at each end which will not address the safety or traffic risks.

- HS2 compound already adjacent to Crewe Lane which will cause disruption.
- Crewe Lane is a rat run and high risk area which will become a bigger problem with additional housing if not managed and controlled.
- There is significant and justified concern that the traffic into Stoneleigh and Ashow will increase substantially as a result of the development without controls and as we already have major issues it will become worse and unacceptable.
- Traffic flows will be affected by new Glasshouse Lane island resulting in additional congestion and forcing traffic onto alternative routes, further exacerbating congestion.
- Alternative access should be considered.
- The developers need to come up with a more practical and sustainable traffic management plan which is put to the community for comment.
- Contrary to Paragraph 102 of the NPPF as transport issues have not been addressed.

WDC Housing Strategy: Housing Strategy expects the amount of affordable housing on the proposed development to comply with policy H2 and welcomes the applicant's commitment to provide this.

WDC Environmental Health: Following negotiations with the applicant's specialist consultants, no objection subject to conditions regarding noise mitigation, contaminated land, Construction Management Plans and Air Quality improvement works on site together with a contribution of £499,842 towards wider Air Quality Mitigation measures.

WDC Sport and Leisure: Request a contribution of £969,641 towards indoor and outdoor sports improvements to address the increased demand as a result of the proposed development.

WDC Tree Officer: The arboricultural Work is thorough and will require detailed submissions at the reserved matters stage for the final landscaping proposals. Recommend a further Arboricultural Method Statement to set out the works at the final design stage together with the imposition of a tree protection measures condition.

WDC Open Space Officer: Based upon the indicative masterplan submitted, it is considered that the development will meet or exceed the required on-site open space typologies. Final details can be secured at the reserved matters stage. Recommend that open space is transferred to the District Council through the Section 106 Agreement together with a contribution towards the provision of a central Multi-Use-Games-Area (MUGA) facility to serve the wider site.

WDC Policy: Recommend contributions towards secondary education land, community facilities, pedestrian wayfinding and a central Multi-Use-Games Area totalling £1,402,529.11 to be secured through the Section 106 Agreement towards central facilities to serve the wider allocation. The final breakdown of this figure is detailed within the report.

WCC Ecology: Following detailed discussions and the submission of updated information, recommend ecological conditions together with a Biodiversity Offsetting Contribution of £821,046 (maximum) to be secured through the Section 106 Agreement.

WCC Highways: Following negotiations with the applicants Transport Consultants, there is no objection to the scheme subject to conditions and contributions to wider highways improvements of £3,129,636 to mitigate the increased pressure on the public highway as a result of the proposed development.

WCC Flood Risk Management: No objection subject to a detailed drainage condition.

WCC Landscape: The site falls within Arden Parklands landscape type. Due to the nearby Grade II* Registered Park and Garden at Stoneleigh Abbey, it is appropriate to design the landscaping with a parkland theme. The indicative landscaping shown would benefit from this approach. Species selection should be native and typical of the Arden Landscape setting and should comply with latest acceptable species lists.

Warwickshire Fire and Rescue: No objection subject to a fire hydrant condition.

Warwickshire Police Major Projects Officer: Recommend a contribution of £130,959 towards increased policing to mitigate for the increased demand as a result of the proposed development.

Warwickshire Police Designing Out Crime Officer: Recommend that the development be built with regard to Secured By Design standards.

South Warwickshire NHS Trust: Recommend a contribution of £554,918.50 towards NHS improvements to mitigate the increased demands as a result of this development.

South Warwickshire Clinical Commissioning Group: Recommend a contribution of £244,055 towards improved doctors surgery provision to mitigate for the increased demand as a result of the proposed development.

Highways England: No objection subject to improvement works to the Thickthorn A46 junction to improve traffic flows to mitigate the impact of the development. The scheme has been agreed and can be secured through a Section 278 Agreement and/or Section 106 Contributions. Satisfied that the impact of surface water run-off impacting on the capacity of the existing culvert under the A46 has been adequately mitigated. No objection subject to conditions.

Historic England: No objection to the application on heritage grounds, providing the agreement over the management of the scheduled monument and the design changes / issues with the acoustic barrier are addressed and secured as part of an outline approval. The impact of the scheme on the setting and significance of the heritage assets will depend on the final design, layout and appearance proposed in the Reserved Matters application(s). It is therefore important that future applications ensure that this is fully assessed (in line with NPPF Paragraph

189), building upon the work which has been done for this outline application. Future applications should also consider where their detailed design could further reduce and minimise the adverse impact of the proposals, and what other opportunities there are to enhance the significance and understanding of the historic environment.

Woodland Trust: The development has potential to impact upon the ancient woodland. If granted, recommend planting buffers and screening during construction works.

Warwickshire Wildlife Trust: Recommend that hedgehog mitigation is incorporated within the Construction and Environmental Management Plan (CEMP).

Severn Trent Water: No objection subject to a detailed drainage condition.

Campaign for the Protection of Rural England: Objection. Application is not supported by up to date information. Outline format provides scant information on which to base any decision making. Impact of HS2 has not been addressed. Local traffic flows, congestion and road safety are major areas of concern. Concerned by mention of Section 106 payment agreements to mitigate against dangerous reductions in air quality. Strict Clean Air Policy should always be employed and especially when the proposal involves building a school close to a major By-Pass A46. Lack of assessment of the life changing risks to health and wellbeing of excessive traffic (A46) and other noise on all but especially children and young people who the World Health Organisation identify as being most at risk. Lack of risk assessments relating to contamination and the posed risks to human health from polluted ground and surface water. Lack of sustainable drainage plan for surface water, foul water and sewage. Lack of detail of sustainable flood risk assessment. The loss of permeable ground on a development of this size will be immense. Lack of assessment of the impact the proposed development will have on the increasing effects of Climate Change against International, National and Local Authority Climate Change Strategies. Loss of Green Belt Land.

Kenilworth All Together Greener Group: Objection. The Development Plan policies which include the Kenilworth Neighbourhood Plan policies, in particular KP8, have not been given due and proper weight in Application W18/1635. At the very least the proposal should be deferred and a proper accurate analysis undertaken of transport arrangements which reflect the priorities of Policy KP8 rather than a traditional transport approach focused on the car with walking and cycling thrown in as an afterthought. We would also maintain that the application flies in the face of the Climate Emergency motion passed by the District Council and echoed by Kenilworth Town Council's declaration. We refer specifically to the statement within the WDC policy: Facilitating decarbonisation by local businesses, other organisations and residents so that total carbon emissions within Warwick District are as close to zero as possible by 2030. The proposal shows a complete disregard for aspirations of the country, Warwick District and Kenilworth Town by failing to reflect Policies KP15 and CC3, by proposing to build to out-dated energy performance standards and by not incorporating a decentralised district heating network. As a result by 2030 all of these 620 new homes will need to be retrofitted. These are additional reasons why we believe that the application

should be deferred until such time as Policies KP8, KP9, KP15 and CC3 are properly taken into account.

Public Response: A total of 20 letters of objection, 4 neutral comments and 1 comment in support have been received. Comments made;

Objection Comments

- The layout doesn't seem to deal with the local present and future road network safety issues.
- The access to Glasshouse Lane is aimed at being convenient and does not sufficiently take into account the complicated road safety issues.
- The roundabout appears to be too large.
- The roundabout is harmful to the occupants of Stansfield Close.
- It would be preferable to have a new junction at the entrance to the Woodside Conference Centre.
- Multiple accidents have occurred on this road over the years.
- The allotments are in the wrong place.
- There will be too many access points close together.
- The proposal is harmful to wildlife.
- The development will create a harmful new town on the side of Kenilworth which will feel at odds with the existing character of the town.
- Such a large development will ruin the peaceful atmosphere of the town.
- The proposal will ruin the small town community feel of Kenilworth.
- Additional traffic will be horrendous and add to existing congestion.
- Concern over the piecemeal basis of the development.
- Construction traffic for the site and HS2 will put additional pressure on the road network.
- Additional strain on facilities and utilities will result.
- All dwellings should be low carbon, sustainable homes.
- All dwellings should benefit from solar panels.
- There is no mention of custom/self-build properties.
- Noise must be satisfactorily mitigated.
- Has Air Quality been adequately addressed?
- The Transport Assessment is considered inadequate.
- The drainage is inadequate to deal with increased surface run-off.

Neutral Comments

- Concerns expressed about infrastructure for additional traffic.
- The speed limit should be reduced.
- The new school and additional traffic could be detrimental to highway safety.
- There is concern over traffic modelling and mitigation works.
- The mitigation works to the highways must be completed before the new dwellings are built.
- Objection to the re-prioritising of Crewe Lane.
- Note that an acoustic barrier is proposed and the need to be sure that this is acceptable.

Support Comment

Would love to buy a house on this development and become part of the community.

HISTORY/BACKGROUND

This application was deferred from the 8 January 2020 Planning Committee following the receipt of a holding objection from Highways England. Since that time, negotiations have been ongoing with Highways England and the result is that the holding objection has now been lifted allowing the application to proceed to determination.

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.

ASSESSMENT

Principle of Development

Five Year Housing Land Supply

The most up to date Five Year Housing Land Supply (5YHLS) figures state that as of 1 April 2019, the District Planning Authority is able to demonstrate a 6.37 year Housing Land Supply.

Local Plan

The application site is identified within the Local Plan as a site for new housing development as part of the wider strategic urban extension to the East of Kenilworth. The land forms the H40 allocation which lies to the north of the H06 allocation. The H40 allocation also washes over the Education Allocation (ED2) which sits to the west of the application site.

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

Policy DS11 sets out the allocations of housing development and gives an overall figure for each of the allocated sites. The overall allocation for new dwellings on the H40 Allocation within the Local Plan identified an estimated 640 dwellings.

Policy DS15 seeks the comprehensive development of strategic sites including H06 and H40. Whilst this development forms part of the allocation (H40), the proposal is in general accordance with the adopted Development Brief and has been designed to tie seamlessly into the wider H06 allocation. In addition, contributions are proposed to the central facilities to serve the whole site. On this basis, Officers are satisfied that the development represents an undertaking to provide a comprehensive form of development.

As part of the East of Kenilworth Strategic extension, the overarching site identifies the need for a new secondary school, primary school(s) and community facilities.

Planning application reference W/19/0655 has secured full planning permission for the delivery of the new secondary school on the education allocation parcel of the East of Kenilworth extension.

This application seeks the provision of up to 620 dwellings together with the provision of a one-form entry primary school. It is intended that an additional one-form entry primary school will be proposed within the H06 allocation to the south west of the site to fully meet the requirements of DS11.

It is noted that the estimated figure of 640 dwellings was identified by the Inspector in the final report into the Local Plan that the figure of 640 could include a number of dwellings from the residual education land.

There is a currently pending scheme for outline planning permission on the residual education allocation for up to 99 dwellings which would take the combined figure to 719 dwellings, however, this scheme does not benefit from any permission and must be assessed on its own merits. In addition it must be kept in the mind that the Local Plan allocation was an estimate made in the context of considerable uncertainty about the educational land requirements and that, as with all allocations, the true capacity can only be established through the detailed assessment of constraints that is made through the planning application process.

The additional community facilities are anticipated to be provided centrally within the urban extension and are to be funded by all parties developing the site.

Kenilworth Neighbourhood Plan

Kenilworth Neighbourhood Plan Policy KP4 identifies the land as appropriate for the provision of the new dwellings where it is in accordance with an adopted Development Brief and Policy DS15 of the Local Plan. The policy sets out a framework of requirements from any future development in terms of design and layout. These matters would be assessed at Reserved Matters stage.

Conclusion on Matters of Principle

In summary, this proposal is for 620 dwellings on a site allocated for residential development within the Local Plan which falls within the allocation as set out within H40 of 640 dwellings. It is noted by Officers that the figure of 640 dwellings was proposed within the Local Plan to incorporate additional dwellings on land that was not required for educational purposes.

At the time of the Local Plan examination, the residual education land was unknown and in light of this, a more cautious approach to housing numbers was taken, whilst clearly acknowledging that there was potential for additional housing to come forward on this land. It is also noted that all housing numbers within the Local Plan are estimates and not maximums and schemes require detailed assessments to fully assess final capacities.

In the case of this site, the scheme has demonstrated that 620 dwellings can be comfortably accommodated on the application site and achieve a very high level of quality together with a level of public and other open space that exceeds all the thresholds for a scheme of this scale.

Members should also be aware that a separate assessment will be carried out on the adjacent scheme for acceptability of that proposal and this should not be a determining factor on the acceptability of the proposal in front of you.

The site also delivers the one-form entry primary school and will contribute the wider infrastructure requirements identified as necessary within the East of Kenilworth allocations. The development generally accords with the identified housing numbers and the submitted indicative masterplan identifies that the site can be delivered with high standards of public open space and landscaping together with an appropriate level of on-site facilities such as the provision of allotments.

The proposal is therefore considered to be acceptable in principle having regard to Policies H1, DS11 and DS15 of the Local Plan together with guidance contained within the East of Kenilworth Development Brief and Kenilworth Neighbourhood Plan.

Assessment of the proposed housing provision

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

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

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

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

Design

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

The East of Kenilworth Development Brief sets out a range of design criteria that any development of the site must achieve.

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.

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.

In addition, a range of principles for new development are set out with Policy KP13 of the Kenilworth Neighbourhood Plan that set out a framework for setting a benchmark for good design that maintains the special characteristics of Kenilworth whilst not stifling innovation in new design.

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

The Indicative Masterplan sets out the scheme that incorporates the 620 dwellings, the primary school as well as all required open space requirements to the level required for a scheme of this scale.

A key aspect of the scheme is the retention of existing hedgerows that run through the site to retain wildlife corridors through the site as well as providing a mature green buffer between properties to aid with the landscaping of the scheme. The proposal also retains the mature woodland areas around the edges of the site.

The indicative Masterplan demonstrates that the scheme is in compliance with the Garden Suburbs guidance document through the provision of a primary Spine Road through the site from which a hierarchy of roads naturally link from this primary access route to serve the properties. The main Spine Road is indicated with a highway to the required specification of the County Highways Team that is flanked by wide grass verges with tree planting together with associated footway and cycleway provision.

The application has been submitted with a Design and Access Statement that sets out a range of design principles for the new development. These design features form a solid basis for the design rationale across the site in order to deliver a high quality development and Officers consider that this detail can be expanded upon through the imposition of a condition requiring the submission of a detailed Design Code to inform the developments coming forward under the reserved matters submissions.

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

Impact on visual amenity and the character of surrounding area

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

The East of Kenilworth Development Brief sets out a range of design criteria that any development of the site must achieve in order to maintain a high level of visual amenity and to protect the character of the surrounding area.

Policy KP13 of the Kenilworth Neighbourhood Plan requires new development to have a positive response to the site characteristics and surroundings.

Views from outside the site are mitigated by existing mature boundary planting along the public highway along Glasshouse Lane and the A46. There are currently views of the site from Crewe Lane as this boundary is partially defined by simple post and rail/wire fencing adjacent to the existing farm access. As part of the proposal, the site boundaries would be improved with additional planting to

provide a more appropriate rural edge to the site. Existing hedgerows and woodland areas are proposed to be retained and supplemented with additional planting where necessary.

It is noted by Officers that the site forms part of the urban extension to Kenilworth so will obviously result in a change of character from open farmland to residential development. The location of the overall site represents a logical area for the development and will be edged by existing highways which form a definitive boundary to the settlement.

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

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

At this stage, it is acknowledged that the masterplan drawing is indicative only and the overall landscaping strategy for the site would be provided at reserved matters stage. However, the indicative masterplan clearly demonstrates that the provision of a scheme for 620 dwellings would provide for appropriate areas of additional planting and green space within the site. The scheme includes a parameters plan which does set out the areas of development which would define any future applications for reserved matters.

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

The proposal is therefore considered acceptable having regard to Policy BE3 of the Local Plan and Policy KP13 of the Kenilworth Neighbourhood Plan.

Impact on heritage assets and features of Archaeological Importance

Heritage Assets

Paragraph 129 of the NPPF requires Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Regard should also be had to the Ancient Monuments and Archaeological Areas Act 1979, which makes provisions for the investigation, preservation and

recording of matters of archaeological or historical interest and (in connection therewith) for the regulation of operations or activities affecting such matters.

Policy HE1 of the Local Plan expects development proposals to have appropriate regard to the significance of designated heritage assets. Where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal.

The East of Kenilworth Development Brief seeks to ensure that any development is sensitive to the setting of heritage assets and features of archaeological importance.

Policy KP13 of the Kenilworth Neighbourhood Plan sets out a range of design principles and states that in terms of Heritage Assets, their settings in the locality must be in accordance with their significance.

In this case there are no listed buildings or conservation areas either within or in close proximity of the application site. There is however one designated heritage asset to which consideration must be given which is identified as Roman Settlement at Glasshouse Wood which lies to the south east of the application site. This is designated as a Scheduled Monument (SM). The SM is within the site ownership boundary.

The SM is clearly acknowledged within the submitted Design and Access Statement and Heritage Statement and the location of the SM has informed the illustrative masterplan for the site, which has been designed to acknowledge the importance of the SM.

Although indicative, the area of the application site to the south, i.e. in closest proximity to the SM has been designed to have an offset of at least 15 metres from the nearest element of the works, in this case, a perimeter footpath.

It is proposed that there will be no lighting, hard surfaces or play equipment within the area of the SM to help maintain the character. Currently, there are a number of earthworks that have taken place without any permission by local cyclists and these would be removed as part of the works. The proposal would be to incorporate simple paths through the SM to aid in increasing awareness of the SM whilst also providing significantly improved natural surveillance. The level of tree planting on the northern boundary of the SM is limited to provide views through into the SM and also views through to the proposed housing from the SM.

A management plan to be secured to ensure the long term management and maintenance of this part of the site. It is therefore intended to require the submission of such a management plan by condition, with details to be submitted prior to the commencement of development. It is envisaged that the content of any such management plan will relate to the way in which the land is to be laid out and used now and in the future, as well as setting out the relevant measures that will be taken regarding its long term maintenance.

Historic England have been consulted accordingly on the proposals. During pre-application discussions, Historic England expressed some concerns about the proximity of the development to the SAM area to the south of the site. In response

to this, the indicative Masterplan was updated to provide an offset from the SAM of at least 25-30 metres from the nearest proposed dwellings. In addition, an open area of allotments is proposed to provide an open buffer on the western side of the SAM.

Historic England acknowledge that the impact of the scheme on the setting and significance of the heritage assets will depend on the final design, layout and appearance proposed in the Reserved Matters application(s). It is therefore important that future applications ensure that the impact is fully assessed and addressed in accordance with guidance set out in Paragraph 189 of the NPPF.

The future reserved matters application(s) should also consider where their detailed designs could further reduce and minimise the adverse impact of the proposals, and what other opportunities there are to enhance the significance and understanding of the historic environment. This can be incorporated into the proposed management plan.

In conclusion, regard has been had to all the positive steps the applicant has sought to take and the measures intended to be implemented to safeguard the long term management and maintenance of the area of the site in closest proximity to the SAM and the area of the SAM itself. In recognising that the scale of the development will inevitably have some impact on the setting of the heritage asset which in Historic England's opinion will result in some harm, their advice is to ensure that the Local Planning Authority is satisfied that there is a clear management framework and management plan to mitigate the harm and that this is weighed accordingly against the public benefits of the scheme as per the relevant tests set out in the NPPF.

The proposal is therefore considered acceptable having regard to Policy HE1 of the Local Plan and Policy KP13 of the Kenilworth Neighbourhood Plan

Archaeology

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

The results of the survey work and trial trenching were submitted in a report with the supporting information as part of the current application. The County Archaeologist has considered the proposal and noted that the site has archaeological potential and as some areas of the site were not capable of being trial trenched, the Archaeologist has recommended that further investigative and evaluative archaeological fieldwork of these areas should be secured by an appropriately worded condition.

Subject to the proposed condition, Officers are satisfied that the proposal is in accordance with Policy HE4 of the Local Plan.

Impact on residential amenity

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

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.

Impact on existing properties

The western perimeter of the site predominantly abuts the area of land to be used for the secondary school where the dwellings would be adjacent to the periphery of the playing fields only. The majority of the remaining site would abut open countryside where there would be no near neighbours that would be directly affected by the residential development of the site.

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

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

Officers are satisfied that the development is acceptable having regard to Policy BE3 of the Local Plan and Policy KP13 of the Kenilworth Neighbourhood Plan.

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

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

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

The site lies adjacent to the A46 which is identified as being a significant noise source that would have an impact on the future occupiers of the development site. In response to this, the applicants have carried out significant noise monitoring across the site. This monitoring has identified that the site would be subject to increased road traffic noise as a result of the proximity to the A46.

In assessing the proposal, the Consultant has provided a mitigation strategy to provide appropriate screening to the development to overcome the current increased noise environment. The indicative proposal that has been modelled is the provision of acoustic fencing along the site boundary. Due to the differing levels, there are two distinct elements proposed.

Firstly, an acoustic fence totalling 6 metres in height is proposed to be located within the existing tree belt to the southern area of the site. Whilst significant in height, the mass of the structure would be located within the mature tree belt and would be adequately screened by existing trees and vegetation with further work being carried out to the appearance of the fence to mitigate for its visual appearance.

The second area is to be located on the edge of the tree belt within the site. This would be a 4-metre-high acoustic fence on a 2-metre-high raised bund. Whilst significant in height, this would be set against the backdrop of trees and there is sufficient space in front of the fenced area to allow for substantial planting to offset the visual appearance of the fence itself when viewed from within the site.

It is noted that these elements are indicative only at this stage but demonstrate that effective mitigation can be achieved. A condition is proposed to secure the final mitigation scheme. This would be assessed by Highways England together with the District Councils Environmental Health Officer for acceptability.

In addition to noise, the proposal has also been assessed for the potential impact of emissions from the A46 that would affect the air quality for residents of the proposed development.

In carrying out the survey work for the application submission, ambient air quality was monitored in a number of locations across the site taking into account the emissions from vehicles using the A46. The submitted Air Quality Assessment demonstrates that the ambient air quality would not have a significant adverse impact on future occupiers.

The proposal has been assessed by the Environmental Health Officer in terms of noise and air quality. The EHO is satisfied with the technical information submitted to demonstrate that an appropriate solution can be provided to mitigate the noise of the A46 for future occupiers and is satisfied that the air quality across the site is acceptable. The mitigation details at this stage are indicative and a condition is proposed for the final scheme to be submitted with appropriate supporting methodology and survey work to ensure that the scheme is acceptable in both practical terms and visual amenity terms.

Officers are satisfied that the development accords with Policy BE3 of the Local Plan and Policy KP13 of the Kenilworth Neighbourhood Plan.

Highways Considerations

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 proposed development is to be served by two access points that connect onto Glasshouse Lane on the western side of the development which is proposed to extend through the site via a central spine road and connect to the second access onto on the eastern side of the development from Crewe Lane.

The main site access will be from Glasshouse Lane to the southwest of the site. This junction will take the form of a standard 4-arm roundabout. The roundabout will naturally slow traffic which will assist those at the southern access who may be either crossing as a pedestrian or entering/exiting in vehicles.

Concern has been raised about the adequacy of Crewe Lane and the potential for increased traffic using Crewe Lane which itself is not sufficient for two-way traffic which could result in significant traffic issues.

The road is currently a two-way single carriageway providing access to Crewe Farm, a residential dwellinghouse and Kenilworth Golf Course. The road has no footway provision, centreline or road markings and vehicles often travel at speed along the road.

The East of Kenilworth Development Brief acknowledged that the proposed development is likely to increase the use of Crewe Lane and that the junction of Crewe Lane and Glasshouse Lane has restricted visibility. In making an assessment of this, the Development Brief recommended that access at this junction is restricted to in only which would act as a one-way system on the western section of Crewe Lane but with access to the Golf course and residential properties maintained from the eastern side of Crewe Lane and the spine road.

The Brief also recommended that the section of Crewe Lane between the northern end of the spine road and the Golf Course access is retained as an informal access road, without a centreline, to encourage vehicle use of the spine road.

The Development Brief also determined through extensive transport assessment work that the spine road/Crewe Lane junction should be designed as a priority junction, with the north west section of Crewe Lane forming the minor arm. The

spine road/Crewe Lane (east) would then provide the mainline and encourage traffic to use the spine road to access Leamington Road and the A46 Stoneleigh junction. The eastern section of Crewe Lane was proposed to be upgraded to a formalised two-way carriageway, although the feasibility of this beyond the A46 bridge is limited.

The west section of Crewe Lane would provide a pedestrian and cycle link to Glasshouse Lane and would also connect with the spine road footways/cycleway(s).

In line with the Development Brief, the proposed Crewe Lane access would be located 140m to the north west of the A46 underpass. The existing carriageway of Crewe Lane from the southeast will be realigned to form an entrance into the site from the south. As a result, the north west section of Crewe Lane would then form the minor arm of a T-junction, approaching the major arm on the bend.

Both of the accesses have been assessed by the County Highways Officer who has raised no objection to the access points subject to conditions ensuring they are constructed to the relevant highway standards.

The application has been submitted with a Transport Assessment that includes strategic transport modelling of the wider area to assess the transport implications on the surrounding area.

The Transport Assessment has identified that works are required to the Thickthorn Island that serves the A46 to the south of Kenilworth and works have been identified to increase the capacity of the slip roads to mitigate for the additional traffic associated with the development. The Transport Assessment identified a range of works to the local road network that are required as part of the East of Kenilworth Development Brief. In particular, St Johns Gyratory is proposed to be improved to mitigate the additional traffic associated with the development. These works will be delivered by the County Highways Authority and contributions are proposed to be secured through the Section 106 Agreement to allow the works to mitigate for the increased traffic as a result of the proposed development.

In addition to the local road network, significant work has been undertaken by the applicants Transport Consultant in conjunction with Highways England and Warwickshire County Highways to identify measures to mitigate the impact on the A46 that runs adjacent to the site. The works have been agreed in principle with Highways England and County Highways and will be delivered under a Section 278 Agreement to deliver the works to ensure that the improvements are in place to mitigate for the additional traffic associated with the development. These works relate primarily to the improvement of the Thickthorn Island to mitigate for the additional traffic as a result of the development. Following extensive works by all parties, the final scheme has now been agreed with Highways England and technical matters are to be secured by appropriate conditions together with works under a Section 278 Highways Agreement.

A key aspect of the site is the delivery of the central spine road connecting Glasshouse Lane and Crewe Lane which is integral to ensuring that the increased traffic associated with the site is mitigated for adequately. In addition to the spine road, it is also necessary to connect the proposed school land to the spine road to

allow for the early delivery of the primary school to respond to the increase demand for school places as a result of the development. The County Highways Officer has considered that the appropriate trigger for the delivery of the spine road link is prior the occupation of the 200th dwelling. This delivery can be controlled by an appropriately worded planning condition.

Within the site, provision has been made for bus stops and a turning area to allow the extension of the local bus service into the site to serve the needs of the future occupants. A Section 106 contribution is proposed to secure an extended/improved bus route to service the site and connect the development to surrounding settlements including Coventry, Leamington and Warwick as well as the provision of Town Centre 'Hopper' service to link the sites with the town centre and Kenilworth Railway Station.

The submitted indicative Masterplan indicates a range of routes through the site together with the connection of the combined cycle/footway on Glasshouse Lane into the proposed cycle/footways proposed as part of the Kenilworth School submission. Wider improvements to the provision of cycleways forms an integral part of the proposed highways works. The spine road is proposed to provide a full off-road cycle way through the core of the site and the indicative masterplan also proposes a number of other recreational cycle routes giving a range of choice for cyclists.

The cycling improvements will build upon the existing improvement works secured in the High School proposal and further works to support the proposed Kenilworth to Leamington Cycle Link. A key aspect of the sustainable nature of this development is the strong provision of cycling opportunities to support the aims of the Development Brief, the Neighbourhood Plan and the NPPF in promoting and enhancing sustainable transport methods. The proposed Design Code condition will secure the provision of these routes and these will be assessed in detail at reserved matters stage.

The indicative details submitted are in line with the Neighbourhood Plan and Development Brief. The final details will be secured at Reserved Matters stage once the final layout of the site is known. The pedestrian and cycling routes form a key part of the Design Code condition which will ensure that the final design is in accordance with the aims and objectives for walking and cycling as set out within the Neighbourhood Plan and Development Brief requirements.

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

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

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

The site has been the subject of a comprehensive assessment of the level of traffic/impacts from not just the application site but also the wider East of Kenilworth Strategic Extension together with the proposed school further along Glasshouse Lane and the other development coming forward as part of the East of Kenilworth Urban Expansion. This cumulative assessment has been considered by Warwickshire County Highways and Highways England who, subject to the imposition of appropriate conditions and associated contributions, raise no objection on highway safety grounds.

The proposal is considered to comply with Policies TR1 and TR3 of the Local Plan and Policies KP5 and KP9 of the Kenilworth Neighbourhood 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 key areas of the site that have the greatest potential for protected species are to be retained as part of the proposal including the existing hedgerows/tree belts that form green corridors through the site together with the Local Wildlife known as Glasshouse Spinney that lies within the site. These areas will be protected by appropriate conditions.

The County Ecologist has assessed the submitted ecological survey work and has undertaken a Biodiversity Impact Assessment (BIA). The biodiversity impact score has been calculated by the County Ecologist as resulting in a net biodiversity loss, which is contrary to NPPF.

The County Ecologist considers that some of the loss of Bio-diversity can potentially be offset through the design of the scheme at Reserved Matters stage subject to assurances that this will be implemented. Any residual loss of Bio-diversity as a result of this application can be appropriately mitigated through a Bio-diversity offsetting contribution of £821,046. It is noted that this figure is based upon a worst case scenario. The final figure will be calculated through the reserved matters and based upon the type and form of landscaping, the figure would be adjusted accordingly. This would be secured and agreed through the Section 106 agreement.

The Ecologist has also suggested a number of conditions to safeguard protected species and secure a suitable Construction and Environmental Management Plan;

a Landscaping and Ecological Management Plan; tree protection measures; and a lighting scheme, together with explanatory notes regarding protected species.

Subject to the required obligations in the Section 106 Agreement and the imposition of the requested conditions, Officers are satisfied that the development is acceptable having regard to Policy NE3 of the Local Plan.

Other Matters

Sustainability

During the course of the consideration of the application, the Local Authority has declared a climate emergency. As part of this declaration, the Council is taking steps to becoming a net-zero carbon organisation. In addition, all efforts are to be made to reduce overall carbon emissions across the District are as close to zero as possible by 2030.

Policy KP15 of the Kenilworth Neighbourhood Plan states that development proposals are encouraged to adopt higher environmental standards of building design and energy performance.

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

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

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

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

The current application is outline in nature and as such, no detailed plans have been submitted. The Masterplan submitted is also indicative so does not represent the final design or layout of the scheme. On this basis, it is not possible to provide a detailed scheme for sustainable energy measures as these can be reliant on the final form of not just the scheme but also the design of the proposed dwellings.

The applicants have provided a sustainability statement within their submission regarding energy saving etc. matters. The key aspect that the applicants are

seeking to achieve is the adoption of a 'fabric first' approach to building construction to limit the energy demand on the new dwellings by ensuring that they are highly efficient and well insulated. This approach results in a net reduction in energy demand at source rather than using other measures to reduce carbon emissions. The Sustainability Statement goes on to state that a range of sustainable energy measures would be considered for the scheme and it is likely that these would form part of any reserved matters submission.

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

In line with Policy CC3, the Sustainability Statement has considered the use of a District Heating System or Combined Heat and Power Source. In considering the proposal, the statement has concluded that typically, small scale housing developments of well insulated homes do not have a sufficient heating demand to warrant the installation of a network. Notwithstanding this, a further assessment of the energy provision on the site is to be secured by condition and further assessment of District Heating would be considered at that stage.

Overall, the sustainability aims of the proposal are considered acceptable at this stage. However, it is considered appropriate to require the submission of further details of energy and sustainability matters through conditions attached to the permission to allow further consideration of additional energy saving measures once the detailed layout has been determined to ensure that the final development helps to achieve the District Councils climate change objectives.

Self-Build Housing

The East of Kenilworth Development Brief and Kenilworth Neighbourhood Plan Policy KP4 seek a proportion of units to be provided on a self/custom build basis. The Custom and Self-Build Housing SPD seeks the provision of 5% of housing to be provided as Custom and Self-Build Housing. On a scheme for 620 dwellings, this would equate to 31 units.

The applicants have agreed to provide these units on the site on a pro-rata basis of the overall identified need for these types of dwellings across the East of Kenilworth Strategic Extension.

The basis for a pro-rata response is based upon an assessment of the current demand identified on the Self-Build register and taking into account the overall allocation of housing within the East of Kenilworth allocations. The Council's Progress Report (2019), indicates that the latest demand for Kenilworth on the register is 11% of the total 303 expressions of interest on the register (in its entirety, some of which may no longer be relevant), equivalent to 33 dwellings.

It would therefore be considered unreasonable for the proposed development to provide 5% of all plots as custom build plots, as this would result in 31 plots being provided on this development, which is virtually all of the Kenilworth requirement. Therefore, it is considered appropriate to pro-rata the self-build housing across the East of Kenilworth Developments to ensure that there is an even provision

across all development sites to meet the demands for self-build housing in Kenilworth.

The application of a pro-rata approach should therefore be relevant to the expressions of interest at the time of submission of any reserved matters application. The mechanism to deliver the correct amount of Self/Custom Build houses will be secured through the associated Section 106 Agreement to ensure that the requirements of the Kenilworth NDP and East of Kenilworth Development Brief are achieved.

Final details of the methodology will be provided as an update to the Committee Report.

Drainage

In terms of surface water drainage, the site is within Flood Zone 1 which is identified as the areas of lowest risk from flooding. Drainage is proposed to be dealt with on-site using Sustainable Urban Drainage systems (SuDs). The scheme was submitted with a drainage strategy demonstrating that as part of the SuDs scheme, it is proposed to install balancing ponds within the limits of the site to ensure run-off does not exceed existing green field rates plus allowance for climate change.

The Lead Local Flood Authority has raised no objection to the scheme, subject to the final detailed design to be secured by condition.

The proposed surface water run-off will be mitigated through the Sustainable Urban Drainage Systems which will ensure that surface run off is minimised. The site naturally drains into a culvert underneath the A46 Trunk Road. Highways England originally raised concern regarding the potential impact of this on the strategic road network. As the SUDS includes all drainage within the site, it has been agreed that the maintenance of the SUDS would involve ensuring that the culvert is not affected by the development. The SUDS Maintenance is a clause set out within the Section 106 Agreement and the final wording has been agreed with Highways England together with the Lead Local Flood Authority.

In terms of foul sewage, it is indicated that the dwellings are proposed to connect to the mains sewers in the local area. This would be subject to separate approvals with Severn Trent. It is appropriate to attach a condition seeking the details of the drainage to be submitted and approved.

Trees and Hedgerows

The site is currently a range of fields delineated by mature hedging. Other than the field boundaries, there is limited vegetation located within the site area.

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

Officers note that the existing hedgerows have been retained within the Parameters Plan and this is reflected on the indicative masterplan which demonstrates how these are incorporated into the scheme. These hedgerows

provide a good level of mature planting within the site to soften the development from the initial stages whilst also retaining existing wildlife corridors which are ecologically beneficial across the site.

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

The specific types of tree and final landscaping design will be subject to a further submission through the reserved matters but at this stage, the indicative masterplan submitted shows significant additional tree planting which is appropriate for this land.

Air Pollution

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

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

Appropriate mitigation measures such as electric vehicle (EV) recharging provision and other locally specific measures to be used to minimise and/or offset any emissions from new development can be secured by condition. In addition to this, a request for Air Quality Mitigation to fund local projects is required totalling £499,842.

The Air Quality mitigation funds can be used for a wide range of projects to mitigate air quality impacts such as highways works to improve traffic flows in busier areas such as the town centre in order to minimise queuing traffic or feasibility studies for larger projects that are to be funded by CIL. In addition to the funding, the proposal also requires on-site works to be provided to reduce emissions at source such as provision of electric car charging points, provision of secure cycle storage for all properties, improvements to cycle/footways to promote sustainable transport objectives. These details are to be secured by condition and agreed with the Environmental Health Officers.

In addition to the above requirement, it is noted that contributions towards local infrastructure, public transport improvements together with sustainable transport improvements for cycling/walking have been requested by the Highways Authority

in respect of this proposal together with pedestrian wayfinding improvements. These contributions seek to assist in the provision of alternative forms of sustainable transport opportunities from the site to further seek to reduce the impact on air quality as a result of the scheme may also be considered an appropriate part of that approach.

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

Health and wellbeing

The site contains large areas of open space for use by future occupants. The area of land set out for open space on the parameters plan exceeds the requirements for all types of open space provision with a total area of 11.68 Hectares in total compared to the Open Space SPD requirement for the site of 9.12 Hectares. Whilst the final detail and form of the open space areas will be provided within the Reserved Matters submission for later consideration, the actual areas are defined within the parameters plan so will not be altered in terms of overall area. Officers also note that in addition to the high levels of open space on the application site, the scheme is also proposing to contribute to a Multi-Use Games Area (MUGA) to be located centrally on the wider East of Kenilworth allocation which is to be secured through the Section 106 Agreement.

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

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

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

Impact on local services

The proposed development of up to 620 dwellings would create significant additional demand for local services and to mitigate this, contributions towards community facilities would be required.

Negotiations into the levels of contributions have been resolved to the satisfaction of the Local Planning Authority and the applicants and works on the associated Section 106 Agreement are well advanced.

Having considered the available evidence, the contributions are considered to be in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. A development of 620 dwellings on this site would have a

material impact on or need for affordable housing, education, open space, health care, sports facilities, drainage, monitoring costs, and rights of way, employment/training for locals and highway matters.

This is a particular issue given the cumulative impact that is expected from the substantial level of housing growth proposed across this area of Kenilworth as well as across the District as a whole. It is reasonable to expect a development of this size to contribute towards the additional costs associated with meeting these increased demands. The relevant consultees are currently seeking to identify specific projects and locations where this money would be spent. Therefore, it is considered that appropriate contributions are necessary to make the development acceptable in planning terms and subject to being directly related to the development, are fairly and reasonably related in scale and kind to the development (as required by Regulation 122).

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

- Sustainable Travel Packs - £6,200.
- Libraries - £13,571.
- Education and Learning - £6,316,822.
- Public Rights of Way Improvements - £11,090.42.
- Off-site Highway Improvements including cycling - £3,129,636.
- Safer Routes to School Funding - £15,000.
- Road Safety Contribution – £33,000.
- Public Transport (Bus Service) Improvement - £500,000.
- NHS Hospitals - £554,918.50.
- NHS Clinical Commissioning Group - £244,045.
- Warwickshire Police - £130,959.
- Indoor Sports Facilities - £722,014.
- Outdoor Sports Facilities - £253,720.
- Biodiversity Offsetting – £821,046.
- Air Quality Mitigation - £499,842.

In line with the East of Kenilworth Development Brief, the following additional contribution requests are being sought to provide the centralised facilities across the site that are being requested on a pro-rata basis apportioned to each site across the East of Kenilworth Strategic Extension;

- Secondary Education Land Contribution – £221,428.57
- Community Centre Construction Contribution – £885,713.40
- Community Centre Running Costs Contribution – £74,887.32
- Community Centre Staffing Costs Contribution – £146,142.68
- Pedestrian Wayfinding Contribution – £8,857.14
- Central Multi-Use Games Arena (MUGA) Contribution - £65,500.

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

- 40% Affordable Housing
- Transfer of land to the County Council for the primary school
- Appropriate mechanism for securing Biodiversity Offsetting Payments.

- Adoption of Open Space Areas.
- Adoption of SUDS.
- Local Labour Agreement.
- Securing Self Build/Custom Housing.
- Monitoring Fee.

Conclusion

The application site is allocated within the Local Plan for residential development as part of allocation H40 which identifies approximately 640 dwellings for this area of the site, and forms part of the wider East of Kenilworth Strategic Urban Expansion that seeks to provide an estimated 1400 dwellings together with a range of associated community facilities.

The development is only in outline form at this stage but the indicative site plan demonstrates that the site is capable of accommodating a very high quality scheme of up to 620 dwellings which is acceptable in overall terms including in respect of the integration of built development within the surrounding landscape and the site provides additional benefits in securing an appropriate highway linkage to the adjacent site to provide a comprehensive development across the overall allocation. The indicative Masterplan demonstrates that the scheme retains existing green features and delivers a high quality environment with accessible sustainable transport links to the surrounding areas together with areas of open space that are in excess of the requirements set out within the Open Space SPD.

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

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

CONDITIONS

1 Reserved Matters

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

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

2 Submission of Reserved Matters Timescale

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

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

3 **Commencement of Development**

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

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

4 **In Accordance with Plans**

The development hereby permitted shall be carried out strictly in accordance with the site location plan and the development area as detailed on the Parameters Plan reference CATU3007/10/06 Revision 06 received by the Local Planning Authority on 12 March 2019.

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

5 **Construction Environmental Management Plan (CEMP)**

The development hereby permitted shall not commence on any phase of development until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the District 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 dependent of further survey work, that are to be employed whilst works are taking place on site should be included. The CEMP shall include a timetable for the implementation of measures stated. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

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

6 **Landscape and Ecological Management Plan (LEMP)**

No phase of development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan (LEMP) for that phase of development has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan shall also include details of tree

and hedgerow retention; habitat enhancement/creation measures and management, such as ponds, wildflower grasslands; and the provision of habitat for protected species. The LEMP shall also include details on soil management to make best use of the high quality soils on site - detailed guidance to inform this matter is available in Defra 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites'. Such approved measures shall thereafter be implemented in full.

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

7 **Protected Species Contingency and Local Wildlife Site Protection**

No phase of the development hereby permitted shall commence until a Protected Species Contingency Plan and a scheme for the protection of the Local Wildlife Sites at Glasshouse Spinney and The River Avon for that phase has been submitted to and approved in writing by the Local Planning Authority. The protected species contingency plan shall include the following measures:

- a) Further bat roosting surveys in accordance with BCT Bat Surveys – Good Practice Guidelines, have been carried out and if appropriate a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the Local Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.
- b) A pre-commencement badger survey carried out by a suitably qualified badger consultant and has been submitted to and approved in writing by the Local Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.
- c) Details on safeguarding great crested newts during construction and post development to include details of a development licence and appropriate mitigation strategy.

The Local Wildlife Protection scheme shall include;

- i. adequate measures to protect existing trees, scrub and ground flora of the adjacent Local Wildlife Sites during development.
- ii. 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 mitigation plan and approved protection scheme shall be implemented in full prior to any construction works on site and shall remain for the duration of the development.

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

8 **Protection of Scheduled Monument**

No phase of the development hereby permitted shall commence until a scheme for the immediate and ongoing protection and management of the Scheduled Monument has been submitted to and approved in writing by the Local Planning Authority. Details of the immediate protection scheme shall include a demonstration that adequate measures have been taken to protect the integrity of the Scheduled Monument including all retained trees, scrub and ground flora within or adjacent to the area. A barrier, such as a wire fence, should be erected before works start. This fenced area should include a sufficient buffer zone between the development / associated works and the boundary of the Scheduled Monument. No access or storage of materials shall be carried out within this buffer zone.

Thereafter the ongoing protection strategy shall incorporate appropriate ongoing management and protection details to protect the integrity of the asset to include;

- a) Proposed path surfaces and routes;
- b) Details of street furniture;
- c) Information/interpretation panels;
- d) Planting; and
- e) Management of the Scheduled Monument.

The approved management plan shall be implemented in full thereafter. Any subsequent transfer of ownership/management shall maintain the approved scheme of landscape management unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the protection of the Heritage Asset during and post development in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029.

9 **Ground Investigations and Mitigation to be Submitted (Pre-Commencement)**

Notwithstanding details contained within the approved documents, prior to the commencement of development under each Reserved Matters Consent, ground investigations for that phase of development to include;

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

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

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

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

d) Program of delivery (if applicable).

Shall be submitted to and approved in writing by the Local Planning Authority. Any remediation shall thereafter be carried out in accordance with the approved details.

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

10 **Contamination not Previously Discovered**

Notwithstanding details contained within the approved documents, if during development, contamination not previously identified, is found to be present at the site;

a) No further development shall take place within that area of Reserved Matters Consent (unless otherwise agreed in writing with the planning authority for an addendum to the method statement);

b) This addendum to the method statement must detail how this contamination shall be dealt with; and

c) Program of delivery (if applicable)

Shall be submitted to and approved in writing by the Local Planning Authority. Any remediation shall thereafter be carried out in accordance with the approved details.

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

11 **Verification of Remediation to be Submitted** Notwithstanding details contained within the approved documents, in the event that any phase

of development requires land remediation agreed through an approved method statement;

a) Upon completion of the remediation a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement; and

b) A post remediation sampling and monitoring which shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

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

Any mitigating/monitoring works shall be carried out in accordance with the approved details.

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

12 **Construction Method Statement**

No phase of development (including any works of demolition) hereby permitted shall commence until a construction method statement for that phase has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highways Authority and Highways England. Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority in consultation with Highways England. This should also include consideration of the impact of HS2.

The submitted statement shall provide:

- A Construction Traffic Management Plan (CTMP)
- Construction Phasing and Routing Plans
- Permitted construction traffic arrival and departure times
- An HGV routing plan.
- Any temporary measures required to manage traffic during construction
- Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction
- Dust management and suppression measures – level of mitigation determined using IAQM guidance
- Wheel washing
- Noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS

5228:2009 Code of practice for noise and vibration control on construction and open sites – Part 1 and 2

- Concrete crusher if required or alternative procedure
- Delivery times and site working hours
- Site lighting
- Access and protection arrangements around the site for pedestrians, cyclists and other road users
- Restrictions on burning and details of all temporary contractor's buildings
- Plant and storage of materials associated with the development process
- External safety and information signing notices
- Complaints procedures, including complaints response procedures and dedicated points of contact
- Best practicable means shall be employed at all times to control noise and dust on the site including:
 - Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays.
 - Delivery vehicles should not be allowed to arrive on site between 7:30am and 9:15am and 4.30pm and 6:00pm Mon – Fri.
 - How the construction will be managed to minimise the cumulative impacts on the highway network as a result of the construction of the site and HS2.
 - A strategy to manage and maintain any construction materials from entering or silting up the local ditch network.
 - Details to prevent silt or chemicals leaving the phase being constructed.

The measures indicated within the Construction Management Plan shall be implemented prior to the commencement of development in each phase and maintained for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety and the free flow of traffic, minimising pollution and to protect the amenities of the occupiers of nearby properties, and the visual amenity of the locality in accordance with Policies BE3, TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029 and to ensure that the A46 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 and in the interests of road safety.

13 **Low Emission Strategy**

No phase of the development shall commence unless and until a Low Emission Strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details.

REASON: To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policies NE5 and TR1 of the Warwick District Local Plan 2011-2029 and the aims and objectives of national guidance within the NPPF 2019.

14 **Site Wide Drainage Strategy**

No development shall take place until a comprehensive site-wide surface water drainage strategy, based on sustainable drainage principles, the approved FRA, Land East of Kenilworth (Crewe Garden Farm and Woodside) RSK_890192-R1(3)-FRA_August 2018 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 Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 50% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of a total of 83.2 l/s for the site.
- Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.
- Provide evidence of liaison with Highways England, regarding the discharge upstream and clearance of their asset, to ensure it is in a suitable condition to convey flow from the development.

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

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

15 **Details of Surface Water and Foul Drainage**

Prior to the commencement of each phase of development, details of surface water and foul drainage works for that phase shall be submitted to and approved in writing by the Local Planning Authority. Where applicable each phase of development shall have appropriate consideration of other phases of development. The development shall thereafter be carried out in strict accordance with the approved details.

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

16 **Tree Protection Scheme**

No phase of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on that phase has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2012 Trees in Relation to Design, Demolition and Construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

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

17 **Details of External Lighting**

Prior to the commencement of the development, full details of all permanent lighting on the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with Highways England and Warwickshire County Ecology. This should follow the Institute of Lighting Professionals' Guidance Note 01/20: Guidance notes for the reduction of obtrusive light. The lighting shall be installed according to an approved plan which will need to be submitted by the applicant. The lighting should be maintained in perpetuity. In discharging this condition, the Local Planning Authority expects due consideration to be given to biodiversity and the impact on the A46 Corridor adjacent to the site.

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

REASON: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and that appropriate measures are taken in relation to protected species

and the strategic transport network in accordance with Policies TR1, BE3, NE2, NE4 and NE5 of the Warwick District Local Plan 2011-2029 and to ensure that the A46 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 and in the interests of road safety.

18 **Sustainability Statement**

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

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

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

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

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

19 **Design Code**

Notwithstanding details contained within the approved documents, prior to the submission of any Reserved Matters application a Site Wide Design Code shall be submitted to and approved in writing by the Local Planning Authority to include:

- a) A statement setting out how the design code adheres to the Development Principles in the Land East of Kenilworth Development Brief and where there is any deviation robust justification for this;
- b) Hierarchy of streets/routes (including the extent of adoptable highways and associated areas);
- c) Development blocks including built form and massing and relationship with adjoining development areas/blocks within and immediately beyond the site including areas of transition between development parcels (including the relationship between built form and adjoining open space);
- d) Building types;
- e) Building heights;
- f) The means to accommodate the parking of vehicles and cycles;
- g) Sustainable Drainage features (SuDS);
- a) Key spaces, open spaces and green features that reflect the open space typologies in the Council's adopted Open Space Supplementary Planning Document;
- a) The incorporation of a scheme for the provision of public art within the open spaces of the development;
- b) Architectural language and detailing;
- c) A scheme of strategic landscaping (including site sections, site visuals, site levels, structural landscaping and hedgerow retention);
- d) Design principles for street tree planting and other structural planting landscaping areas;
- e) Key principles on hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long-term management;
- f) Design principles on waste disposal and recycling;
- g) Design principles on colour and texture of external materials and facing finishes for roofing and walls of buildings and structures;
- h) Design principles for street lighting and any other lighting to public space (including parking areas);
- i) The principles shall include a masterplan drawing.

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

- 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 **Site Levels/Finished Floor Levels**

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

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

22 **Provision of Access**

The access to the development hereby permitted from Glasshouse Lane shall be carried out in accordance with plan reference 17377-12-03 Rev B received on 3 October 2019 including footway and cycle works unless otherwise agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority. The approved access to Glasshouse Lane shall be carried out in general accordance with the approved details prior to the first occupation of any dwellings constructed on the site. The Crewe Lane access as detailed on plan reference 17377-07-03 Rev A received on 24 August 2018 shall be carried out in accordance with the approved details no later than completion of the spine road unless otherwise agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority.

REASON: In the interest of highway safety and to ensure appropriate access is available for the future occupiers of the dwellings and the primary school and that crossing points are provided for all highway users including pedestrians and cyclists in a timely manner having regard to Policies TR1 and BE3 of the Warwick District Local Plan 2011-2029.

23 **Thickthorn Roundabout Scheme**

Prior to first occupation of the development, full details of the proposed mitigation at Thickthorn Roundabout as generally illustrated on the A46 / A452 Thickthorn Junction Proposed Signal Scheme General Arrangement (drawing no.: 17377-13-01 Rev G) (or as amended by Road Safety Audit or Detailed Design) shall be submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. The scheme shall comply with the design requirements and procedures of the Design Manual for Roads and Bridges (DMRB) as required by Highways England, including those relating to Road Safety Audit (RSA) and Walking, Cycling and Horse-riding Assessment and Review (WCHAR). These works shall be completed through a Section 278 Agreement with the Local Highways Authority or an alternative method that has been submitted to and agreed in writing by the Local Planning Authority.

REASON: To ensure that the A46 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 and in the interests of road safety.

24 **Delivery of Thickthorn Roundabout Scheme**

No more than 150 dwellings shall be occupied prior to the completion and opening to traffic of the Thickthorn Roundabout Mitigation Scheme to be first approved through the discharge of condition 23, unless an alternative method for the delivery of condition 23 has been submitted to and agreed in writing by the Local Planning Authority in liaison with the Local Highways Authority.

REASON: To ensure that the A46 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 and in the interests of road safety.

25 **Infrastructure Phasing Plan**

Prior to the commencement of development, a strategy for the phasing of the development hereby approved shall be submitted to, and approved in writing by, the local planning authority. The phasing strategy shall define:

- a) the development to be delivered within each phase of the development;
- b) indicative timescales; and,
- c) details of the coordination of housing and infrastructure delivery, including triggers for delivery of infrastructure and the arrangements to prevent interruption of delivery across phase and phase boundaries to include the provision of the spine road, accesses, public open space including SUDS, allotment provision, and acoustic screening of the development.

Thereafter, the development shall be carried out in strict accordance with the phases established in the phasing strategy as approved by the Local Planning Authority unless otherwise agreed in writing.

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

26 **Noise Mitigation Measures (Residential)**

Prior to the submission of any reserved matters relating to the layout of the dwellings hereby permitted, a detailed scheme for the proposed means of noise attenuation from the A46 Trunk Road, such as an acoustic

barrier and/or bund shall be submitted to and approved in writing by the Local Planning Authority in consultation with Highways England.

Thereafter, prior to the submission of any reserved matters relating to layout, a scheme of mitigation including detailed arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise from both the existing road network and new roads within the site shall be submitted to and approved in writing by the Local Planning Authority.

The scheme should ensure that proposed measures whilst acoustically effective are designed to minimise visual impacts and impacts upon ecology, woodland, archaeology and the Scheduled Monument. It shall include full details of the design, siting and appearance of acoustic bunds and/or fencing that may be required and shall include a detailed assessment of the visual impact both within the development and from the A46 and impact of the measures upon woodland, ecology, archaeology and the Scheduled Monument. The scheme of mitigation shall also include measures to minimise these impacts and a programme for the delivery of such mitigation.

Thereafter a Noise Mitigation Compliance Statement shall be submitted as part of the reserved matters submission for each phase of residential development to demonstrate how the mitigation measure have been incorporated into the layout and design of the dwellings.

All dwellings shall be constructed in accordance with the approved details. The scheme for mitigating traffic noise from the A46 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 traffic noise from within and outside the development in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.

27 **Noise Mitigation Measures (School)**

The Reserved Matters submitted pursuant to Condition 1 in relation to the primary school shall include a scheme of mitigation including detailed arrangements to protect users of the school from excessive traffic noise affecting classrooms and how external areas are shielded from road noise from both the existing road network and new roads within the site.

The scheme should ensure that proposed measures whilst acoustically effective are designed to minimise visual impacts. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the school and shall be retained thereafter in perpetuity

and any approved mitigation measures shall be implemented in accordance with the approved programme.

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

28 **Delivery of Spine Road**

Prior to the occupation of 200 dwellings, a spine road linking Glasshouse Lane and Crewe Lane including a formal crossing facility at the Glasshouse Lane junction and works shown on drawings 17377-12-03 Rev B and 17377-07-03 Rev A and incorporating the provision of an appropriate bus turning facility, shall be constructed and available for use in accordance with details to be first submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. Notwithstanding the details within the Design Code, the details shall include the carriageway specification, provision for pedestrians and cyclists and soft landscaping including tree planting to verges.

REASON: To ensure adequate access is provided in a timely manner in the interests of the safety of road users and cyclists/pedestrians in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

29 **Provision of Bus Stops**

Prior to the opening of the spine road linking Glasshouse Lane and Crewe Lane, as required by condition 28, the developer is required to provide a minimum of 1 eastbound and 1 westbound bus stop at a position to be agreed with the Local Highway Authority.

REASON: To ensure adequate access is provided in a timely manner in the interests of the safety of road users and cyclists/pedestrians in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

30 **Provision of Hydrants**

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

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

31 **Landscape Replacement Planting**

Any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition 1 shall be completed in all respects, with the exception of tree(s) and shrub(s)

planting, within the first planting season following the first occupation of dwellings within that phase and within the first planting season following the first occupation of the new school, and the tree(s) and shrub(s) shall be planted within six months of that first occupation. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the Local Planning Authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations.

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

32 **Retention of Existing Trees/Hedges**

The existing tree(s), hedges and shrub(s) indicated to be retained on the submitted plans contained within the Arboricultural Impact Assessment (Update) reference edp3089_r003f February 2019 received by the Local Planning Authority on 12 March 2019, shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the Local Planning Authority. Any tree(s), hedge(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s), hedge(s) and shrub(s) of such size and species details of which must be submitted to and approved by the Local Planning Authority. All tree(s), hedge(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces).

REASON: To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.

33 **Housing Mix**

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

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

34 **Surface Water Systems Maintenance Plan**

No occupation and subsequent use of each phase of development shall take place until a detailed maintenance plan is submitted to and approved in writing by the Local Planning Authority giving details on how surface water systems for that phase shall be maintained and managed for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the Local Planning Authority within the maintenance plan. The approved detailed maintenance plan shall thereafter be implemented in full prior to first occupation of the development.

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

35 **BREEAM Assessment for School**

Should the primary school hereby approved exceeds 1,000 square metres in floor area (gross external area) the relevant reserved matters application(s) for that phase of development shall be submitted with evidence to demonstrate that the school has been designed to achieve as a minimum BREEAM standard 'Very good' (or any future national equivalent). If it is not considered to be financially viable to meet this standard evidence should be submitted with the relevant reserved matters application demonstrating this along with the submission of an alternative sustainability strategy.

REASON: In the interests of good building design and sustainability standards in accordance with Policy CC3 of the Warwick District Local Plan 2011-2029.

36 **Water Efficiency**

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

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

37 **Pedestrian and Cycle Links**

The reserved matters for each phase of development to be submitted pursuant to condition 1 shall include full details of how the development will ensure pedestrian and cycle connectivity both within the site and to adjoining land parcels and land uses. This should include appropriate connectivity between residential development and the primary school on site and how the site will provide connectivity with the remainder of the Land East of Kenilworth area.

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

38 **Removal of Permitted Development Rights C3 to C4**

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

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

39 **Provision of Allotments**

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

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