

A meeting of the above Committee will be held remotely on Tuesday 11 August 2020, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

Councillor Boad (Chairman)

Councillor Morris (Vice Chairman)

Councillor M Ashford

Councillor R Dickson

Councillor T Heath

Councillor O Jacques

Councillor J Kennedy

Councillor V Leigh-Hunt

Councillor N Murphy

Councillor N Tangri

Councillor J Weber

Agenda

Part A – General

1. Apologies & Substitutes

- (a) to receive apologies for absence from any Councillor who is unable to attend; and
- (b) to receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting.

2. Declarations of Interest

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be disclosed during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

3. Site Visits

The Chairman to report the location of the planning application sites visited and the names of the Committee Members who attended.

4. Minutes

- (a) To confirm the minutes of the meeting held on 8 July 2020

(Pages 1 to 9)

- (b) To confirm the minutes of the meeting held on 14 July 2020

(To follow)

- (c) To confirm the minutes of the meeting held on 15 July 2020

(Pages 1 to 3)

Part B – Planning Applications

To consider the following reports from the Head of Development Services:

5. **W/19/1200 – Land at South Crest Farm, Crewe Lane, Kenilworth** **(Pages 1 to 41)**

****Major Application****

6. **W/19/2112 – Land South of Lloyd Close, Hampton Magna** **(Pages 1 to 25)**

****Major Application****

7. **W/20/0486 – 49 St Michaels Road, Saltisford, Warwick** **(Pages 1 to 4)**

8. **Appeals Report** **(Pages 1 to 11)**

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with the Council's Public Speaking Procedure, members of the public can address the Planning Committee meeting remotely by joining the remote meeting through their personal device on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please register online at <https://estates7.warwickdc.gov.uk/PlanningSpeaking/> any time after the publication of this agenda, but before 10.00am on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.
- (e) occasionally, items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's website, and where possible, the applicant and all registered speakers (where applicable) will be notified.

General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.

Telephone: 01926 456114

E-Mail: committee@warwickdc.gov.uk

For enquiries about specific reports, please contact the officers named in the reports.

You can e-mail the members of the Committee at

planningcommittee@warwickdc.gov.uk

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The agenda is available in large print on request,
prior to the meeting, by telephoning (01926)
456114

Planning Committee

Minutes of the special meeting held remotely on Wednesday 8 July 2020 at 7.00pm, which was broadcast live via the Council's YouTube Channel.

Present: Councillor Boad (Chairman); Councillors Ashford, R. Dickson, Heath, Jacques, Kennedy, Leigh-Hunt, Murphy, Tangri and Weber

Also Present: Democratic Services Manager & Deputy Monitoring Officer – Mr Leach; Legal Advisor – Mrs Gutteridge; Head of Development Services – Mr Barber; Principal Planning Officer – Ms Obremski;

18. **Apologies and Substitutes**

An apology for absence was received from Councillor Morris.

19. **Declarations of Interest**

There were no declarations of interest.

The Democratic Services Manager & Deputy Monitoring Officer informed the Committee that application W/20/0438 – Racing Club Warwick F C, Hampton Road, Warwick, had been considered by Members of the Planning Committee at a Delegated Decisions meeting of the Head of Development Services on 2 July 2020. Members were reminded that, unless they were predetermined, they were still able to consider the item at the Committee.

20. **W/20/0438 – Racing Club Warwick F C, Hampton Road, Warwick**

Before considering the application, Councillor Weber raised a point of order seeking clarification on the grounds for holding the special meeting of the Committee when the item had been considered at previous a Delegated Decisions meeting, and on what grounds this item was being re-considered by the Committee.

In answer to Councillor Weber's point of order, the Head of Development Services advised Members that at the Delegated Decisions meeting, there was a split vote, and the Chair of the Committee expressed a different view to that of Members. However, the delegation was given to the Head of Development Services in consultation with the Chairman of the Planning Committee, which put the officer in a difficult position. Whilst the officer made a statement during the meeting, no decision was made at this point and following consultation with the Head of Development Services after the meeting, it was decided that the matter should be referred to the Planning Committee due to unusual set of circumstances which had arisen. This was not in any way related to who the applicant was, in this case, Warwick District Council, and the same decision would have been made irrespective of who the applicant was.

The Legal Officer advised Members that a planning decision was only considered to be made once a formal decision notice was sent out, which had not been the case. Whilst not satisfied, Councillor Weber accepted the explanation. The Democratic Services Manager & Deputy Monitoring Officer advised Members that following the concerns raised, the issue will be

PLANNING COMMITTEE MINUTES (Continued)

further reviewed with the Chairman of the Planning Committee and Members would be updated in due course.

The Committee considered an application from Warwick District Council for the a proposed Artificial Grass Pitch (AGP) and associated features including: 4.5m high ball stop fencing and entrance gates to the AGP perimeter; 1.2m high pitch barriers with entrance gates internally within fenced AGP enclosure to segregate the artificial grass field of play and perimeter area from adjoining hard-standing areas; 2.1m high team shelters (dug outs); hard-standing areas with associated porous asphalt surfacing for portable goals storage, pedestrian circulation and access as well as vehicular maintenance and emergency access; 2.59m high maintenance equipment storage container; relocation of 3m high covered spectator stand within fenced AGP enclosure; 2m high spectator canopy; 2.5m high acoustic barrier partially along AGP perimeter; and replacement tree planting.

The application was presented to Committee because the applicant was Warwick District Council and a decision had not been reached under delegation.

Racing Club Warwick, in partnership with Warwick District Council, had applied for a grant from the Football Foundation to enable the improvement of the facilities at the Hampton Road ground, particularly the provision of an artificial pitch. The grant application was to be considered by the Football Foundation on Thursday 9 July 2020. For the grant application to be successful, planning permission had to have been granted. Therefore, the consideration of the planning application had to take place before the Football Foundation considered the grant application. For reasons associated with the Covid-19 pandemic, it had not been possible to bring the application forward to an earlier meeting of the Planning Committee, nor had it been possible to determine the application under delegated powers.

Paragraph 91 of the NPPF stated that planning decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example, through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encouraged walking and cycling.

In the officer's opinion, the Council was in need of improved 3G facilities and there was an identified shortage of 3G pitches within the District for members of the public to use. The application site was specifically recognised within the Playing Pitch Strategy and The Local Football Facilities Plan as a high priority project for the development of a 3G pitch to support its local community.

Paragraph 92 of the NPPF stated that decisions should provide the social, recreational and cultural facilities and services the community needed and should plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments.

PLANNING COMMITTEE MINUTES (Continued)

Paragraph 96 of the NPPF also stated that access to a network of high quality open spaces and opportunities for sport and physical activity was important for the health and well-being of communities.

The proposed development would also be conditioned to ensure that a community use agreement was secured; this would allow the site to provide for a wider range of the community and delivered significant health and well-being benefits which had to be weighed within the planning balance.

The officer considered that the loss of four trees was regrettable and it had to be highlighted that one of the trees was diseased and had to be removed. However, it was Officer's opinion that the proposed tree loss could be adequately mitigated so that overall, there was a betterment as a result of the planting of six replacement trees, the quality of which could be secured by condition, which outweighed the loss of the trees.

There were significant social, health and wellbeing benefits which would arise as a result of the proposal, which would also deliver a much needed facility to address an identified shortfall within the District's playing fields provision. Therefore, subject to the recommended conditions listed in the report, the proposal was recommended for approval.

An addendum circulated at the meeting advised Members of additional comments from the planning officer, advising that the assessment of the trees' condition submitted by the applicant was accepted, which highlighted that one of the four oaks to be removed was diseased and had to be removed. The other trees were of moderate value.

The trees to be removed were set back from the public highway by the width of the existing pitch, and were screened from passing motorists by the tall boundary hedgerow of principally hawthorn with the occasional ash tree.

The threshold for making a Tree Preservation Order was whether a tree contributed to public amenity, and therefore whether its loss would have a negative impact upon that value. The officer was not of the opinion that the trees met that test, and if the officer was to proceed to make an Order, it would not be possible to successfully resist a challenge to its validity.

In considering this matter, the Tree Officer had undertaken a TEMPO assessment, which was a mechanism used to assist in considering whether trees might merit a Tree Preservation Order. The outcome of the TEMPO assessment alone was that three of them would have a sufficiently high score to merit a TPO, however, when balanced with the limited contribution of the trees to public amenity (due to their location) as set out above, the Tree Officer did not consider that a TPO was justified.

The addendum also advised that in response to the comments above, the Case Officer felt that whilst the TEMPO score was a useful tool to aid the determination of whether a TPO was reasonable, this should not be the only consideration when assessing the public amenity value offered by an individual or group of trees. The Tree Officer confirmed that a TEMPO score whilst being useful, was based on a judgement and that in this case, it

PLANNING COMMITTEE MINUTES (Continued)

would be likely that a number of individual assessors would come up with a range of totals for the same trees.

Further, the TEMPO assessment process did not include liveability issues and therefore should form only part of the wider assessment. To summarise, the tree officer's view was that the limited public amenity value which could be attributed to the four trees to be removed, as a result of their position away from public vantage points which was well screened, meant that the Council should not TPO the trees as there was not considered to be sufficient justification.

Members raised some concerns around the removal of trees and loss of biodiversity. Therefore, following consideration of the report, presentation and information contained in the addendum, it was proposed by Councillor Ashford and seconded by Councillor Dickson that the application should be granted, subject to an amendment to Condition 7, to make reference to at least six replacement trees of the similar species as those lost.

The Committee therefore

Resolved that W/20/0438 be granted, subject to the conditions below:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
 - (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 19-0730 BM25583 0544 06 (AGP layout), 19-0730 BM25583 0544 11 (typical AGP appearance), 19-0730 BM25583 0544 04 (proposed AGF site plan), 19-0730 BM25583 0544 (proposed AGP plan), 19-0730 BM25583 0544 08 (surface water drainage), 19-0730 BM25583 0544 09 (AGP elevations), 19-0730 BM25583 0544 10 (boundary treatments and elevations) submitted on 17th March 2020 and drawings 12 (50 seater disabled stadium), 14 (50 seater disabled stadium base), 19-0730 BM25583 0544 12 (team shelters), 19-0730 BM25583 0554 13 (spectator canopy), 19-0730 BM25583 0544 02 (site plan) submitted on 1st April 2020, and specification contained therein. **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;
 - (3) no development or other operations (including demolition, site clearance or other preparatory
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PLANNING COMMITTEE MINUTES (Continued)

works) shall commence unless and until a report detailing the tree and ground protection measures in accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations has been submitted to and agreed by the Local Planning Authority. Those measures must seek to prevent damage or injury to trees or tree roots for the duration of the development, and those measures must be fully implemented before any operations commence. In addition, no excavations, trenches or channels shall be cut or pipes or services laid within the root protection area of any tree, no vehicle movement shall be allowed over the root protection area of any tree, no equipment, machinery or structure shall be stored within a tree's root protection area, no equipment, machinery or structure shall be attached to or supported by a tree, no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a tree that seepage or displacement could cause contamination within their root protection area, no other work shall be carried out in such a way as to cause damage or injury to a tree by interference with its root structure, no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to a tree.

REASON: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;

- (4) the development hereby permitted, including site clearance work, shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition, the LPA expect to see details concerning appropriate working practices and safeguards for bats, badgers, hedgehogs, nesting birds, amphibians and reptiles that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

REASON: To ensure that protected species are not harmed by the development in accordance with Warwick District Council Local Plan Policy NE2;

- (5) no development shall commence on site,
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including site clearance, until a Combined Ecological and Landscaping Scheme has been submitted and agreed between the applicant and the local planning authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of habitat enhancement/creation measures, such as native species planting, and provision of habitat for protected and notable species (including location, number and type of bat, bird and hedgehog boxes). The agreed scheme to be fully implemented before/during development of the site as appropriate.

REASON: In accordance with NPPF, ODPM Circular 2005/06 and to ensure that suitable planting is provided to protect the landscape value of the site in accordance with Warwick District Local Plan Policy NE4;

- (6) no development shall commence unless and until a scheme ("the scheme") equivalent to 1.6 units of biodiversity, to include creation/restoration of habitats, has been submitted to and approved by the Local Planning Authority. The scheme shall include:
1. Proposals for off-site offsetting measures;
 2. A methodology for the identification of any receptor site(s) for offsetting measures;
 3. The identification of any such receptor site(s);
 4. The provision of arrangements to secure the delivery of any offsetting measures (including a timetable for their delivery); and
 5. A management and monitoring plan (to include for the provision and maintenance of any offsetting measures in perpetuity).
- The written approval of the Local Planning Authority shall not be issued before the arrangements necessary to secure the delivery of any offsetting measures have been executed. The scheme shall be implemented in full accordance with the requirements of the scheme or any variation so approved.

REASON: To ensure a net biodiversity gain in accordance with NPPF and Warwick District Local Plan 2011 - 2029 Policy NE3;

- (7) notwithstanding the details shown on the approved drawings within Condition 2 above, the development hereby permitted shall not commence unless and until a landscaping scheme, that includes at least six replacement trees of the similar species as those lost, has been submitted to and approved in writing by
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the local planning authority. Details of the proposed replacement planting shall be submitted to the local planning authority and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first use of the approved development. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. 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;

- (8) the development hereby permitted shall not be used until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;

- (9) the use of the site permitted by this permission shall not be undertaken until a Noise Management Plan relating to the activities to be carried out pursuant to this planning permission has been submitted to and approved in writing by the District Planning Authority. Upon receipt of the written approval, the agreed Noise Management Plan shall be implemented and thereafter all activities taking place pursuant to this planning permission shall be carried out in accordance with its provisions. **REASON:** To ensure that the level of noise resulting from the activities on the site is confined to levels which would not cause unacceptable disturbance to the

PLANNING COMMITTEE MINUTES (Continued)

detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

- (10) use of the development hereby permitted shall not commence until a Community Use Agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the 3G artificial grass pitch and include details of pricing policy, hours of use, access by members and non-members, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement. **REASON:** To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy HE5;
- (11) no visiting members of the public shall be permitted to be on the premises other than between 0900 and 2200 hours on any day. **REASON:** To ensure that the premises are not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; and
- (12) in the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority. **REASON:** To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

PLANNING COMMITTEE MINUTES (Continued)

(The meeting ended at 8.01pm)

CHAIRMAN

11 August 2020

Planning Committee

Minutes of the special meeting held remotely on Wednesday 15 July 2020 at 6.00pm, which was broadcast live via the Council's YouTube Channel.

Present: Councillor Boad (Chairman); Councillors Ashford, R. Dickson, Heath, Jacques, Kennedy, Leigh-Hunt, Morris, Murphy, Tangri and Weber

Also Present: Democratic Services Manager & Deputy Monitoring Officer – Mr Leach; Legal Advisor – Mrs Amphlett; Development Services Manager – Mr Fisher; Planning Officer – Ms Compton;

27. **Apologies and Substitutes**

- (a) There were no apologies for absence; and
- (b) There were no substitutes.

28. **Declarations of Interest**

There were no declarations of interest.

The Chair clarified that application W/20/0346 was made by Warwick District Council, being brought forward by the Executive. The Chair confirmed that none of the Committee Members were on the Executive and as a result, this did not place any restrictions on the Committee in considering the application.

29. **W/20/0346 – William Wallsgrove House, 26 Lillington Road, Royal Leamington Spa**

The Committee considered a retrospective change of use from an 11-bed hostel (use class sui-generis) to a hostel for up to 22 people at any time and up to 30 people during severe weather conditions (use class sui-generis). The associated works included the relocation of the smoking shelter to the rear garden and the retention of a close boarded bin store to the front of the site (re-submission of W/19/1310).

The application was presented to Committee because of the number of objections having been received, including one from the Leamington Town Council.

In the officer's opinion, in considering this application, it was necessary to balance the risk of increased anti-social behaviour in the vicinity of the hostel against the significant social benefits that the hostel brought to the District and in particular to homeless, rough sleepers.

As set out in the report, there had been an increase in anti-social behaviour and noise complaints since the opening of the hostel in 2018, it was also acknowledged in the Homeless Link report that there concerns had been raised at this time about the service delivery and performance of the hostel.

Since that time, revised practices had been introduced, including the introduction of the 'quiet room', and the most recent crime data also

PLANNING COMMITTEE MINUTES (Continued)

showed a significant reduction in anti-social behaviour in the area. The management plan that had been submitted with the application provided clear, effective and enforceable measures, such as the 'use and occupation agreement', warnings and exclusions policy to handle behaviours that did not comply with the hostel rules, strict no drugs/alcohol policy, which would significantly reduce the risk of ongoing impacts on amenity.

Noting that the applicant had undertaken an assessment of alternative sites which had shown that this was the only available, suitable site that could meet the need for a hostel of this type, it was the view of officers that the wider benefits the proposal would bring by providing 22 bedspaces for rough sleepers significantly outweighed the risk of future impacts on amenity, particularly as there were mechanisms proposed to enable the management of those impacts.

The planning statement submitted by the applicants explained the benefits, noting that the facility "plays a major part of Warwick District Council's (WDC) proactive approach to tackling rough sleeping and operates in line with the government's Rough Sleeping Strategy agenda of eradicating homelessness".

The Planning Statement further explained that rough sleepers were often amongst the most vulnerable in our society and that hostel facilities were an important part of the approach to reducing rough sleeping in the District's towns and thereby providing an opportunity to support vulnerable people to improve their wellbeing and quality of life. This included those who might need relief from rough sleeping in harsh weather conditions, or those who had experienced mental health issues, forced marriage or domestic violence.

Taking all these factors in to account, and noting that neither the police nor environmental health objected to the application, officers were of the view that the planning balance clearly weighed in favour of granting planning permission subject to the conditions listed in the report.

The following people addressed the Committee:

- Councillor Julija Boulton, Town Councillor, objecting;
- Dr Charmaine Leech, objecting;
- Councillor Matecki, on behalf of the applicant; and
- Councillor Nicholls, District Councillor, objecting.

Councillor Morris raised a point of order during the debate regarding the consideration of the application. The Legal Advisor confirmed that the temporary application had previously been granted by the Committee, subject to the management plan being implemented immediately and revised so that the oversight group included a local Councillor, and the inclusion of a note to the applicant that any future application should include greater detail of crime records from the police. Therefore, these were the key points that had to be considered by Committee Members and new grounds for refusal away from these would be hard to defend if the application was refused and an appeal brought forward.

Following consideration of the report, presentation and representations made at the meeting, it was proposed by Councillor Kennedy and seconded

PLANNING COMMITTEE MINUTES (Continued)

by Councillor Morris that the application should be granted, subject to the addition of a note to the applicant, the wording of which was delegated to Planning Officers in consultation with the Chairman of the Committee regarding the oversight group and its role.

The Committee therefore

Resolved that W/20/0346 be granted, subject to the conditions below, and the addition of a note to the applicant, the wording of which was delegated to Planning Officers in consultation with the Chairman of the Committee regarding the oversight group and its role.

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) AT/WWH/03 - Proposed basement & ground floors, AT/WWH/03 - Proposed first & second floors, AT/WWH/05, and specification contained therein, submitted on 03rd March 2020. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) the development hereby permitted shall be implemented in full accordance with the approved Management Plan submitted on 04th March 2020. **REASON:** To secure a satisfactory form of development in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; and
- (4) the development hereby permitted shall not be occupied by more than 22 residents at any time, with the exception of during severe weather conditions whereby the number of residents shall not exceed 30 at any one time. **REASON:** To protect the amenity of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.

(The meeting ended at 7.46pm)

CHAIRMAN
11 August 2020

Application No: [W 19 / 1200](#)

Town/Parish Council: Kenilworth
Case Officer: Dan Charles

Registration Date: 09/07/19
Expiry Date: 08/10/19

01926 456527 dan.charles@warwickdc.gov.uk

Land at SouthCrest Farm, Crewe Lane, Kenilworth, CV8 2DG

Demolition of existing dwelling house and outbuildings and residential development of up to 99 dwellings including the creation of a new vehicular access, open space, landscape planting and surface water attenuation (all matters reserved except access). FOR Gleeson Strategic Land

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

RECOMMENDATION

Subject to the receipt of confirmation that the purchase of the school land has been completed to the satisfaction of the Local Planning Authority in consultation with Warwickshire County Council Education Services which would confirm that the application site is therefore surplus to educational requirements, Planning Committee are 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. Delegated Authority is also sought to finalise the wording of proposed conditions.

Should a satisfactory Section 106 Agreement not have been completed within three months of the date of decision, 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 99 dwellings. All matters are reserved other than access.

A single point of vehicular access is proposed to the site from Glasshouse Lane via a new junction. An emergency access is shown from Crewe Lane which would be

restricted from normal vehicular traffic but would be available for use by pedestrians and cyclists.

It is proposed to provide 40% of the dwellings as affordable units.

An indicative layout has been provided demonstrating how the 99 units can be accommodated on the site together with areas of open space and play areas and Sustainable Urban Drainage System (SUDS) provision to meet the needs of the development.

The indicative site plan also identifies 5 self/custom build properties equating to 5% of the total units proposed on the site.

THE SITE AND ITS LOCATION

The site is open agricultural grassland together with the garden land associated with the existing dwelling known as Southcrest to the eastern area of the site. The existing dwelling is to be demolished as part of the application proposal.

The predominant boundary features of the site are made up of mature hedgerows with dense tree planting. Within the site are some areas of hedgerow, although incomplete and not forming a full field boundary. The area around the dwelling is bounded by a domestic form of hedgerow.

To the north of the site lies Crewe Lane with the Golf Club beyond. The site boundary to Crewe Lane is a deep planting belt of trees behind a grass verge.

To the south of the site is the land allocated and with permission for the construction of the new secondary school.

To the east of the site the boundary abuts the wider H40 allocation that is currently subject to a planning application for up to 620 dwellings together with a one-form entry primary school. This application was referred to planning committee on 17th June 2020 and a recommendation of grant has been confirmed subject to the confirmation of minor details and the signing of a Section 106 Agreement. An indicative link is shown into the adjacent site to create a footpath/cycle link.

To the western boundary, the site abuts Glasshouse Lane with the boundary formed by a mature hedgerow. Glasshouse Lane abuts a row of properties known as Denewood Way that are set behind a mature planting belt.

INDICATIVE HOUSING MIX

Private Housing

Size	Total Units	Percentage
1 Bedroom	3	5.1%
2 Bedroom	16	27.1%
3 Bedroom	26	44.1%
4 Bedroom	14	23.7%

Affordable Housing

1 Bedroom	14	35%
2 Bedroom	11	27.5%
3 Bedroom	13	32.5%
4 Bedroom	2	5%

PLANNING HISTORY

No previous planning history.

RELEVANT POLICIES

- National Planning Policy Framework

Kenilworth Neighbourhood Plan 2017-2029

- KP4 - Land East of Kenilworth
- KP8 - Traffic
- KP9 - Cycle Routes
- KP11 - Footpaths
- KP12 - Parking Standards
- KP13 - General Design Principles
- KP14 - Non-Designated Heritage Assets
- KP15 - Environmental Standards of New Buildings
- KP18 - Green Infrastructure
- KP19 - Local Green Space
- KP20 - Street Trees
- KP21 - Flooding

Warwick District Local Plan (2011-2029)

- DS1 - Supporting Prosperity
- DS3 - Supporting Sustainable Communities
- DS5 - Presumption in Favour of Sustainable Development
- DS6 - Level of Housing Growth
- DS10 - Broad Location of Allocated Sites for Housing
- DS11 - Allocated Housing Sites
- DS15 - Comprehensive Development of Strategic Sites
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix of Housing
- H15 - Custom and Self-Build Housing Provision (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 Housing (Supplementary Planning Document - July 2019)
- 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)
- Developer Contributions (Supplementary Planning Document - July 2020)
- Affordable Housing (Supplementary Planning Document - July 2020)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: No issue with the development in principle, in accordance with the Local Plan. However, Members object to this application for the following reasons:

- The single road in and out from Glasshouse Lane is considered to constitute unsafe access and egress with a consequential effect on traffic flow. This is already a busy area, with much new development planned, including the new

Kenilworth School. An Integrated Transport Plan is therefore essential. This would consider favourably a more holistic view of traffic generated, together with cycling and pedestrian connectivity and safety, traffic speed limits, and safe crossings. Members specifically highlighted the dangers presented by the poor road view, due to the brow of the hill at the nearby Crew Lane/Hidcote Rd junction.

- Children's play spaces were considered inadequate and poorly located. A proposed children's play area is next to a pond. This should be more centrally located, although Members appreciated this may mean fewer houses.
- Cycle lane provision was not considered adequate. Cycling provision should be included on the proposed plan, especially along the Glasshouse Lane side of the development as proposed by Warwickshire County Council.
- The proposed plan does not follow street design principles set out in the Land East of Kenilworth Development Brief. Specifically, it includes some roads without pedestrian pavements.
- The above objections were considered material considerations, in contravention of relevant Planning Policy, specifically including the Kenilworth Neighbourhood Plan, section KP4 (Land East of Kenilworth), KP8 (Traffic), KP9 (Cycle Routes), KP11 (Footpaths) and the Warwick District Local Plan section SC0 and the revised Land East of Kenilworth Development Brief.

In addition to these objections, Members made the following COMMENTS:

- Fewer houses would enable better integration and layout of affordable housing,
- The proposed plan has limited provision for bungalows which is at odds with the indicative plan in the Land East of Kenilworth Development Brief.
- Concerns were raised about the two balancing ponds from the viewpoint of maintaining high aesthetic quality at periods of both low and high-water levels.
- Connectivity to local shops/services (e.g. Leyes Lane) is poor for some of the furthest away properties. Further consideration should be given to routes for pedestrians and cyclists, both within the estate and interconnecting with the Town across Glasshouse Lane.
- With reference to the WDC Warwick District Council Local Plan policy SC0 "Sustainable Communities" and the Kenilworth Neighbourhood Plan policy KP15 "Environmental Standards of New Buildings", Kenilworth Town Council requests that the applicants address matters relating to the environmental impact of the development, with the aim of achieving a net zero carbon development and in ensuring that water efficiency is optimised in line with policy FW3 of the Warwick District Council Local Plan.

WCC Highways: No objection subject to conditions regarding the delivery and laying out of the proposed access together with a request for Section 106 Contributions towards wider transport improvements.

WCC Flood Risk Management: Following updated information, no objection subject to conditions securing the final design of the surface water drainage features.

WCC Landscape: The proposals seek to retain the existing tree belt along the northern edge of the site, together with individual mature trees and hedgerows

along the site boundaries. Although this will help to set development within an established vegetated landscape structure it is not clear on the extent of tree cover that will be retained as part of the development. In addition, there are two water bodies within the site area, one of which is shown to have an ecological buffer. The proposals indicate the intention to provide a green buffer along the southern edge of the site to allow for new native planting and to create a positive interface between the new houses and the school, (planning application W/19/0655). However, this is shown on plan as a new hedgerow with a narrow grass verge. The proposals also aim to use SUDs which will comprise attenuation ponds within the southern part of the site.

WCC Archaeology: Scheme of trial trenching has been carried out with minimal archaeological deposits found. No further action is required.

WCC Rights of Way: No rights of way are directly impacted by the development. Contribution towards improvements to local path network will be provided by the Infrastructure Team.

WCC Ecology: Recommend Biodiversity Offsetting Payment secured by Section 106 Agreement. Recommend a range of conditions.

WDC Policy: Recommend Section 106 contributions towards community facilities across the wider urban extension.

WDC Housing: 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 Conservation: No objection to this application, however on submission of the reserved matters application I would ask that a palette of facing materials be submitted for approval and that the application be accompanied with contextualised drawings illustrating the development from Crewe Lane and in context with the proposed adjacent secondary school.

WDC Tree Officer: The preliminary information provided by Aspect Arboriculture in their arboricultural impact assessment is well researched and well-reasoned. Their analysis provides convincing justification for the proposed tree retention, particularly around the margin of the site, and the removals which are concentrated in the interior of the site.

WDC Environmental Health: No objection to scheme in terms of Air Quality subject to conditions and Section 106 Contributions. Potential for noise impact from adjacent school site needs to be adequately mitigated.

WDC Open Space: Satisfied that open space is acceptable. Can be secured through the Section 106 Agreement.

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

South Warwickshire NHS Clinical Commissioning Group: Request contribution of £39,036 to mitigate for increased demand on primary medical care services as a result of the development.

Warwickshire Police: Request contribution of £31,613 to mitigate for the increased demand on local policing as a result of the development.

Warwickshire Police Designing Out Crime Officer: Pleased to read that the principles of Secured By Design (New Homes 2019) have been incorporated into the design and layout of the development therefore Warwickshire Police have no objections to this application.

Natural England: No comments to make on the application.

South Warwickshire NHS Foundation Trust: Request contribution of £56,905.16 to mitigate for increased demand on acute and community health services as a result of the development.

Highways England: No objection subject to Section 106 Obligations for the proposed SuDS maintenance/management.

Public Response: A total of 9 letters of objection received making the following comments;

- The area is already subject to school and housing development that will dramatically increase noise, pollution and traffic.
 - The loss of additional Green Belt land.
 - The increased impact on the rural landscape.
 - Insufficient infrastructure to cope with increased demand.
 - Increased traffic on Glasshouse Lane causing congestion and safety risks.
 - The development is unnecessary and opportunistic.
 - The wider highways improvements are sufficient.
 - Planted screening to improve the attenuation of traffic noise and visual appearance would be key to reducing the environmental impact of housing and increase the provision of wildlife refuges and would make up for the loss of green space.
 - There is no need for additional housing.
 - The proposal will restrict expansion of the school.
 - The development is not compatible with the character of the area.
 - Affordable housing is not integrated.
 - The development is too close to school access.
 - There is no mention of sustainability measures.
- There is no reference to A46 Air Quality effects.

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 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.

The East of Kenilworth Strategic Extension is formed by the H40, H06, E1 and ED2 allocations.

The application site is washed over by two allocations. Firstly, the site lies within the ED2 Education Allocation which covers the whole site and continues to the south of the application site. The development is also washed over by the H40 Housing Allocation as 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 H40 Allocation washes over the ED2 Allocation and also extends to the east and south of it.

As part of the East of Kenilworth Strategic extension, to support the formation of the new communities there is an identified need for supporting infrastructure including 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 part of the education allocation (ED2) of the East of Kenilworth extension.

The Inspectors Final Report into the Local Plan acknowledged that where land within ED2 was confirmed as surplus to the education requirements, it was possible to be released for housing.

Officers are satisfied that subject to planning permission being granted for a new secondary school on land at Southcrest Farm and that land being secured (purchased with the Department for Education's consent) to enable the delivery of the new school, no further land is required to meet the secondary education needs of the town factoring in growth from new development.

At the time of writing the Department for Education Consent letter for the sale of Kenilworth School's existing sites and purchase of the Southcrest Farm site has been issued. However, the purchase of the new site has not yet been completed and so the current situation remains that the school cannot be delivered until the land is owned by the school. Only at the point of site ownership can the development in pursuance of the school commence.

Members will be updated on this matter at Committee, although if this matter is unresolved, the application will be withdrawn from the Committee agenda until such time that the purchase of the land has been completed.

Members will be updated on this matter at their meeting and are asked to note that this report has been written on the basis that the outstanding matter of site purchase has been completed by the date of Committee. Nevertheless, should the purchase of the land not have been completed by the time of the meeting, and therefore the application site not have been confirmed as surplus to educational requirements, this item will be withdrawn from the Committee agenda until such time that it has been completed and will be referred back to the first available committee.

It was unclear during the Local Plan process whether a primary school would also need to be accommodated on the Southcrest Farm site. Subsequently, in order to ensure the delivery of the necessary infrastructure in the East of Kenilworth urban extension, the two promoters in control of large areas of land in H06 and H40 propose to include single form entry primary schools within their respective sites in accordance with the Land East of Kenilworth Development Brief. A one form entry primary school is included in the W/18/1635 application submitted by Catesby which has a resolution to grant by Planning Committee after its meeting on 17th June 2020. The decision on that application is likely to be made in the near future following the completion of a s106 Agreement.

As the site also forms part of the H40 Housing Allocation, Policy DS11 is relevant. This policy sets out the allocations of housing development and gives an overall estimated figure for each of the allocated sites. The overall allocation for new dwellings on the H40 Allocation within the Local Plan identifies 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 will be designed to tie seamlessly into the wider H40 allocation. In addition, contributions are proposed to the central facilities and community infrastructure to serve the whole urban extension. On this basis, Officers are satisfied that the development represents an undertaking to provide a comprehensive form of development.

Taking into account the 620 dwellings proposed on application by W/18/1635 for the H40 development (as recommended for approval by Members at the 17 June Planning Committee), this gives a total amount of residential development for this area of 719 dwellings. This represents an increase of 79 units above the figure identified within the allocation (a 12.34% increase)

Officers note that the figures quoted in the Inspectors report were conservative estimates as the land-take for the secondary school and whether land was required in this location was unknown at that stage.

In assessing the proposal, Officers are considering the scheme on its merits in terms of the overall development of up to 99 dwellings and how a development of this scale fits with the application site and accords with the specific Local Plan requirements in terms of provision of open space etc. to come to a judgement on the scheme.

The explanatory text to DS11 states that the sites were assessed against a number of criteria and an estimated figure for the number of dwellings for each site is identified. That explanatory text also sets out that at the detailed planning application stage that figure may vary. Paragraph 368 of the Inspectors report into the Local Plan stated that the Council's estimate of capacity is based on 50% of the site area being developed which would allow for substantial landscaping to create a strong edge to built development which is shown on the submitted plans despite the increase in numbers.

When considering the additional numbers above the allocation, Officers note that Strategic Policies DS2 and DS3 of the Warwick District Local Plan seek to support the provision of homes that are required within the District as identified within the Objectively Assessed Housing Need. These policies also require development schemes to provide an appropriate level of affordable housing and a mix of new homes of all tenures.

The above policies are based upon the Government objective of significantly boosting housing supply. Furthermore, Policy DS6 identifies a minimum of 16,776 new dwellings during the local plan period of 2011 to 2029. Current rates of new development require the provision of 1,098 dwellings per year for the remaining Local Plan period until 2029.

Policy DS7 sets out the methodology for the provision of new housing over the plan period. The figures set out that the plan period has a significant number of site completions, extant permissions, existing commitments and new dwellings proposed through the sites that are allocated within the plan.

In addition to the identified sites, an additional 1010 dwellings have been earmarked within the Local Plan housing figures that would potentially come forward through windfall sites.

In essence, the additional housing proposed on this site could be considered as a windfall insofar as they would be additional dwellings not identified within the allocation but capable of being satisfactorily assimilated onto the site which is located within a sustainable area.

The potential opportunities for seeking that level of windfall provision across the District on smaller sites is considered to be limited and would in all likelihood result in small, sporadic developments, a significant number of which may relate to sites of 10 or less units. Unlike the current proposals, in such circumstances, there would be no requirement for the provision of 40% of the units to be affordable housing. Therefore, in circumstances such as that presented by the current application, there is an opportunity to provide an increased number of dwellings within a high quality scheme whilst also ensuring the provision of affordable housing at an appropriate level.

Furthermore, the assessment of the application has considered whether the necessary supporting infrastructure can be provided to ensure that this development is acceptable taking into context the cumulative impact of development in this area.

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 along with full consideration of other relevant policies of the Kenilworth Neighbourhood Plan.

East of Kenilworth 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.

Officers are content that the outline application is in harmony with the aims of the Development Brief and is consistent with its Indicative Masterplan and acknowledge the subsequent Reserved Matters application will be required to demonstrate general conformity with the Development Brief and the Development Principles contained within it.

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. Local Plan policies H2 and H4 set out requirements

for affordable housing and market housing whilst Development Principle 1A of the Development Brief for this area also requires a mix of homes.

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. The mix set out in the Indicative Housing Mix section of this report is appropriate and accords with policy.

An affordable housing requirement of 40% will be incorporated into the design and these dwellings will be integrated across the site and will be secured by a Section 106 agreement to accord with Local Plan Policy H2.

Kenilworth Neighbourhood Plan Policy KP4 and the Land East of Kenilworth Development Brief seek a proportion of units to be provided on a self/custom build basis. The indicative site plan shows a total of 5 plots to be allocated as self/custom build which is in accordance with policy. The provision of these plots will be secured through the Section 106 Agreement.

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.

Objective 5 of the Land East of Kenilworth Development Brief is the creation of 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 green spaces, ecology and heritage assets. Objective 7 further seeks the creation of a high quality designed urban environment.

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.

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 bench mark for good design that maintains the special characteristics of Kenilworth whilst not stifling innovation in new design. In addition, the Land East of Kenilworth Development Brief contains a number of Development Principles that relate to design as well as including an Indicative Masterplan for the urban extension.

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 Residential Design Guide, Development Brief, the Development Plan (including the Kenilworth Neighbourhood Plan) as well as National Guidance within the NPPF.

The Indicative Masterplan sets out the scheme that incorporates the 99 dwellings, together with the 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 around the site together with the inclusion of significant hedge planting to the southern boundary to bolster the current open boundary. This results in the provision of a green buffer between the proposed properties and the school site. The proposal also retains the mature woodland areas around the edges of the site which will provide an attractive green boundary to all sides.

The indicative Masterplan demonstrates the provision of a primary Spine Road through the site from which minor 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 associated footway provision. Adjacent to the main spine road, the properties are set behind green frontages to increase the width of the spine road and give it a soft edge and attractive appearance.

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

Whilst this is an outline application, Officers acknowledge that the submitted indicative layout demonstrates a high quality form of development and subject to the imposition of conditions, Officers are satisfied that the scheme will result in a development of 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 Land 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 highways of Glasshouse Lane and Crewe Lane with views predominantly from the access point at Glasshouse Lane. The immediate feature within the access areas is a proposed pond for the SUDS provision on the site. This feature has the benefit of providing a soft edge to the development with the proposed dwellings set back from the entrance.

In addition, the site boundaries are proposed to be retained and supplemented with additional planting where necessary. To the southern boundary of the site, the boundary is proposed to be a new hedgerow to connect into an area of retained hedgerow to the eastern side of the site area.

It is noted by Officers that the site will be read against the backdrop of further residential development on the parcel of land to the immediate east of the application site together with the significant new development of the school buildings immediately to the south and this is an important consideration when considering the visual impact of this development.

When viewed from within the site, the development would be seen as a natural continuation of the existing urban extension and would not be out of character or unacceptable development within the context of the site.

The scheme as identified on the indicative masterplan identifies areas of open space that form an integral element of the overall proposal. The result on the increased green spaces is a development that seeks to significantly bolster the amount of tree and hedge 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 settlement and creates a greener 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 99 dwellings would provide for appropriate areas of additional planting and green space within the site.

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

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.

Policy KP13 of the Kenilworth NDP requires all new development to achieve a standard of design that is appropriate to the local area and demonstrate that the impact on the residential amenity of existing and future residents is assessed and addressed. Policy KP4 (j) specifically refers to the protection of the residential amenity of the existing development along Glasshouse Lane.

Existing Properties

To the immediate west of the site lie properties on Denewood Way. These properties are set back behind an access drive and screened from the site by the existing boundary treatment separating the dwellings from the application site. The site boundary to the nearest point of the dwellings is, at the nearest point to the dwellings on Denewood Way, is 31 metres. In addition, the indicative layout shows the application properties set back within the site boundary behind the existing boundary treatment which is to be retained. This setback into the site increases the separation distances to approximately 45 metres at the nearest points. Officers are therefore satisfied that the development would not result in demonstrable harm to the amenity of these properties.

On the northern boundary, the site abuts the boundary of the Reservoir House which is set well back from the road. The intervening features include a deep tree belt affording significant separation between the dwellings and this property.

Whilst not a residential property, there are also mature tree belts separating the site and Kenilworth Golf Club and the layout of the golf course is such that there are no holes in close proximity to the site and as such the two uses can sit alongside each other harmoniously.

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.

Future Occupants

As the application is outline only, no detailed assessment is made of the potential future living conditions for occupants of the proposed dwellings and this will be considered at reserved matters stage. However, the details submitted on the indicative Masterplan demonstrate that a development of up to 99 dwellings can be satisfactorily accommodated on the site whilst ensuring that the amenity of future residents is acceptable.

In terms of noise impact, the submitted noise survey uses benchmark data for the noise report with regards to the future use of the adjacent site for the new Kenilworth School. The Environmental Health Officer has raised concern regarding the increased potential use of the sports fields due to the combining of two existing schools onto one site. In considering this element, Officers note that the majority of the boundary will flank the school buildings rather than the pitch areas.

In the area adjacent to the boundary with the playing fields, it is noted that areas of open space are the predominant feature and where dwellings are present, they orientated with the gable end facing onto the school site. Officers are therefore satisfied that the proposal would not result in undue harm to the amenity of future residents. Notwithstanding this assessment, Officers consider that it is appropriate to secure details of the proposed boundary treatments on this boundary to ensure that adequate mitigation is proposed.

It is also noted that the dwellings to the north of the site are located in fairly close proximity to Crewe Lane. As part of the East of Kenilworth proposals, Crewe Lane is to be stopped up and become a no through road with access provided to the existing dwellings and golf course only, which will encourage pedestrian and cycle movements. On this basis, Officers are satisfied that the reduction in traffic as a result of these changes would result in a significant reduction in potential noise sources.

The development is considered to provide a high quality environment which achieves the Council's design guidelines.

The amount of open space and landscaping proposed across the development meets with the required standards within the Open Space SPD and would create an overall sense of spaciousness which would enhance the sense of place and overall amenity value for future residents. In addition to the natural open spaces, the proposal incorporates a Local Equipped Area for Play (LEAP) is proposed within the site which accords with the guidance in terms of the overall size. Details of the equipment and layout would be secured through the Section 106 agreement and will be subject to approval by the Open Space team.

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

Highway 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 Land 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. The Development Brief states that in terms of this land parcel, should any part of ED2 be developed for residential purposes, a suitably designed access into the site shall be provided. Access to the site must also be located and designed giving due regard to the proposed Secondary School site access.

Policy KP4 of the Kenilworth Neighbourhood Plan relates specifically to the East of Kenilworth and in highways terms requires a highway strategy that allows for an arrangement of uses and access routes to connect the development with the existing built up area by walking, cycling, public transport and car. In addition, it seeks to ensure that residential roads are designed to a 20mph standard to give priority to pedestrians and cyclists wherever possible.

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 a single access point from Glasshouse Lane that extends through the proposed development akin to a spine road with minor roads serving the dwellings accessed from this road.

The original response of the Highways Authority was one of objection on the grounds of a lack of strategic transport modelling and linkages with adjacent sites together with some site specific concerns about the internal layout. On this basis, the applicants reviewed the response and have submitted an updated Transport Assessment.

The Highways Authority have considered the updated transport assessment and raise no objection to the proposals subject to conditions to secure the detail of the access into the site and contributions towards local infrastructure improvement to mitigate the potential traffic increase as a result of the development together with improvements to pedestrian and cycle links.

As part of the East of Kenilworth Development Brief, Crewe Lane is proposed to be stopped up to restrict it to access only and preventing through traffic. This will reduce the amount of traffic using the Crewe Lane junction that will alleviate highway pressure in this location. The stopping up of Crewe Lane will also promote the use for walking and cycling along the lane to access other parts of the area and wider East of Kenilworth Development. These works are proposed to be funded through the Section 106 contributions.

The requested Section 106 Contributions will not only fund local highway improvements to mitigate for traffic impacts on the area, there are also proposed

contributions towards cycling infrastructure in the area that will assist in delivering the aspirations of the Kenilworth Cycle Network Plan as set out in the East of Kenilworth Development Brief.

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.

A Section 106 contribution is also sought to support and enhance the existing local bus services. This will provide improvements to serve the site as well as the existing and proposed housing within the vicinity of the site.

The proposal as shown incorporates a circular walk around the perimeter of the site to allow for exercise. This element is encouraged to create safe spaces within the site for dog walking, general fitness etc. and recreational cycling and the inclusion is to be welcomed. From this circular route, pedestrian accesses also allow people to enter and exit the site away from the main vehicular access point.

Indicative links are also shown connecting the site to Crewe Lane to the north, Glasshouse Lane to the West, the Catesby development to the East and a proposed link to the school to the immediate south of the site. In addition, from the main vehicular access a 3m wide shared footpath/cycle link is proposed linking to the secondary school access as well as giving an alternative pedestrian/cycle link into the school.

Overall, Officers are satisfied that the scheme represents a well-connected proposal that interacts with the land parcels that it abuts giving a range of options for pedestrians and cyclists to access the site and surrounding area.

Subject to the imposition of appropriate conditions and associated contributions, no objection is raised on highway safety grounds and the proposal is considered to comply with Policies TR1 and TR3 of the Local Plan.

Impact on Ecology/Protected Species

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

The East of Kenilworth Development Brief states that all development proposals shall have due regard to the protection and enhancement of ecology and biodiversity.

It is noted that the site retains an existing pond together with the creation of drainage basins which will improve the bio-diversity within the site.

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 minor net biodiversity loss, which is contrary to NPPF.

The County Ecologist considers that some of the loss of Bio-diversity can 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. This can 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 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 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 short energy statement within their Design and Access Statement submission regarding energy saving etc. matters. The key aspect that the applicants are seeking to achieve is the adoption of an energy efficiency measures to meet or exceed the Building Regulations together with the use of low energy white goods and light fittings. In terms of renewable energy, the scheme proposes the use of photovoltaic panels as the preferred method and the applicants anticipate that this could result in a 15% reduction in carbon emissions.

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.

Due to the modest scale of the development of 99 dwellings, the Energy Statement has not considered the use of a District Heating System or Combined Heat and Power Source in line with Policy CC3. 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.

It should also be noted that the Council is currently working on a Sustainability Supplementary Planning Document. If this document has been adopted prior to any Reserved Matters submission, the proposal would then have to accord with the requirements as set out within the document that would seek a higher level of sustainability measures to be incorporated into the development.

Overall, the sustainability aims of the proposal are considered acceptable at this outline 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

Kenilworth Neighbourhood Plan Policy KP4 and the Land East of Kenilworth Development Brief 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 99 dwellings, this would equate to 5 units.

The applicants have agreed to provide these units on the site as identified on the indicative site plan. The mechanism to deliver the Self/Custom Build houses will be secured through the associated Section 106 Agreement to ensure that the requirements of the Kenilworth Neighbourhood Plan and Land East of Kenilworth Development Brief are achieved.

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 development has been submitted with a detailed drainage assessment that sets out the methodology for dealing with surface water run-off as a result of the development. The scheme submitted demonstrates that the proposed surface water run-off will be adequately mitigated on site through the Sustainable Urban Drainage Systems which will ensure that surface run off is minimised in accordance with the requirements of the Lead Local Flood Authority. Following the receipt of additional information, the Lead Local Flood Authority is satisfied with the scheme subject to the final detailed design to be secured by condition.

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

Policy KP20 of the Kenilworth NDP states that development proposals should avoid or minimise the loss of mature trees that contribute to the street scene and combat pollution improving air quality. Where trees are lost, the NDP requires a landscape scheme to make provision for replacements of the same or similar species planted in locations that also contribute to the street scene. Development Principle 5A of the Development Brief seeks to retain existing mature field boundary hedges and retain trees in high tree retention categories where possible.

The Tree Officer has considered the proposal and is satisfied that where trees are to be removed, these have been thoroughly assessed and a robust justification has been provided to justify the loss of the trees.

It is noted that a range of trees are to be removed as part of the proposal. These are predominantly fruit trees or ornamental specimens within the current garden area of Southcrest Farmhouse which are of little amenity value. These trees together with others form a total of 12 Category 'B' trees to be removed. Whilst considered to be 'B' category trees, the tree report notes that the predominant trees to be removed are rated as poor or indifferent structural condition and of predominantly average physiological condition. The remaining trees to be removed are categorised as poor quality or damaged and diseased trees that fall within Category 'C'.

Whilst the loss of any trees is unfortunate, Officers note that the majority of trees to be removed do not provide a contribution to the street scene or character of the local area. In addition, a comprehensive landscaping scheme will be secured at reserved matters stage with the aim to provide an overall net gain in trees across the site through appropriate new planting.

The site is currently a largely open field with vegetation located predominantly to the boundaries. Within the site, there are some lengths of hedgerow that are to be removed as a result of the development. These lengths of hedgerow have been assessed by a suitably qualified ecological specialist who has noted that the hedgerow to be removed is of poor quality and limited ecological and biodiversity value due to being species-poor. The loss of any hedgerow is unfortunate and it is noted that the stretches of hedgerow proposed to be removed lack any formal linkages to existing hedgerows within the site that would make them suitable for ecological corridors that would make them appropriate for retention.

In this case, the lack of ecological value and purpose of these hedgerows means that the removal is considered acceptable as the hedgerows lost are to be more than adequately mitigated for with new hedgerow planting that will be of significantly improved ecological value and also provide appropriate wildlife corridors.

Notwithstanding the above assessment, it is appropriate to incorporate an explanatory note that recommends the retention and improvement to the existing hedgerows if they can be incorporated into the final design and layout of the scheme at reserved matters stage.

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 site.

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 the above requirement, it is noted that contributions towards local infrastructure and public transport improvements have been requested by the Highways Authority in respect of this proposal. 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 highways contributions would be secured through the Section 106 Agreement.

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.

Following pre-application discussions with The County Archaeologist, a programme of archaeological trial trenching was undertaken across the site by Archaeology Warwickshire in accordance with an agreed Written Scheme of Investigation (WSI).

A copy of the report detailing the results of the fieldwork was submitted as supporting information to this application. The County Archaeologist noted that the trial trenching identified a substantial pit which contained within its fill a large

assemblage of pottery and brick fragments dated to around the late 17th or early 18th century.

The pit itself was interpreted as a having probably been dug to extract clay with its full extent being visible on Lidar imagery. The trial trenching also identified a single undated pit containing charcoal, probably associated with a thin spread recorded within the same trench; this was interpreted as probably being associated with charcoal burning.

In light of the results the trial trenching, the County Archaeologist considers that potential for the application site to contain significant archaeological deposits is low and recommends that no further archaeological work needs to be undertaken across this site.

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

Contaminated Land

The applicants have carried out a detailed contaminated land assessment. This has been considered by the Environmental Health Officer who is satisfied that the land has limited potential for contamination but has requested some final site survey work for confirmation. In addition, in order to ensure that any previously undiscovered contamination on the land is dealt with appropriately, a condition is proposed setting out a scheme of works required if any contamination is found across the site.

Health and wellbeing

Whilst the site layout is indicative, the submitted plan demonstrates that the site contains appropriately sized areas of open space for use by future occupants. The area of land set out for open space meets the requirements for all types of open space provision.

The final detail and form of the open space areas will be provided within the Reserved Matters submission for later consideration. It is considered appropriate to incorporate a methodology for securing the required level of open space within the Section 106 Agreement to ensure that appropriate levels are provided on site. If there is a reasoned justification for any under-provision, this would be assessed by the Councils Open Space Team at Reserved Matters stage and if acceptable, an off-site contribution would be secured. It is noted however, that the expectation is for all public open space to be provided on site.

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 99 dwellings would create additional demand for local services and to mitigate this, contributions towards community facilities are required.

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 99 dwellings on this site would have a material impact on or need for a range of infrastructure including affordable housing, education, open space, health care, sports facilities, drainage, monitoring costs, and rights of way, employment/training for locals and highway matters.

This a particular issue given the cumulative impact that is expected from the substantial level of housing growth proposed across the District and in particular the expansion of Kenilworth. 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. The requested contributions are 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 -	£990
Libraries -	£2,167
Public Rights of Way Improvements -	£1,649.80
Education and Learning -	£979,926
NHS Hospitals	£56,905.16
NHS Doctors Surgeries -	£39,036
Warwickshire Police -	£31,613
Indoor Sports Facilities -	£110,600
Outdoor Sports Facilities -	£43,975
Highways Improvement Works (including cycling infrastructure) -	£496,367
Road Safety Contribution -	£4,950
Bus Service Contribution -	£100,000
Pedestrian Wayfinding Contribution -	£1,414.29
Bio-Diversity Offsetting -	£19,398 (maximum figure)
WCC Monitoring Fee -	£1,100

In addition to the above, the following 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;

Community Centre Construction -	£141,428.43
Community Centre 5 Yr Running Costs -	£11,957.81
Community Centre 5 Yr Staffing Costs -	£23,335.69
Secondary Education Land Contribution -	£35,457.14

The Section 106 also seeks to secure a financial obligation to address the requirements of the forward funding of Kenilworth High School. Department for Education guidance 'Securing Developer Contributions for Education', November 2019, allows Local Authorities that are ensuring that infrastructure is in place to meet the demands of new developments through forward funding schools to request contributions to cover interest, fees and expenses associated with the forward funding, in addition to the standard education contribution to cover the cost of providing new school places required due to housing growth. This contribution is pro-rata for the whole of the East of Kenilworth Development based upon the overall number of dwellings and equates to £51,813.63 for this 99 dwelling development.

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

- 40% Affordable Housing
- Appropriate mechanism for calculating Biodiversity Offsetting Payments (as required)
- Appropriate mechanism for calculating Open Space Offsite Contribution (if required)
- Adoption of Open Space Areas.
- SUDS Maintenance.
- Local Labour Agreement.
- Warwick District Council Monitoring Fee (based on a formula contained within the Developer Contributions Supplementary Planning Document)
- Contribution towards the Council's interest from forward funding to deliver the secondary school (figure to be confirmed)

Conclusion

The site is allocated within the Local Plan as part of the Education Allocation ED2 which is also washed over by allocation H40 for residential development.

On the basis that it is confirmed that the land is surplus to education requirements, the scheme is acceptable to bring forward for residential development as part of H40.

When taken into consideration with the scheme for 620 dwellings across the remaining H40 allocation, the proposed number of dwellings would exceed the overall allocation of 640 dwellings by 79 units which equates to approximately 12% above the overall allocation.

The applicant has demonstrated that the site is capable of accommodating a high quality scheme at that level 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 appropriate linkages with the adjacent sites to provide a comprehensive development across the overall allocation.

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 1824_060 Revision p2 received by the Local Planning Authority on 9 July 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 **Site Levels/Finished Floor Levels**

No development other than site clearance and preparation works shall take place until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and immediate adjoining land 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.

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

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

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

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

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

8 **Protected Species Contingency Plan**

No development hereby permitted shall commence until a Protected Species Contingency Plan has been submitted to and approved in writing by the Local Planning Authority. The 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 approved mitigation plan shall thereafter be implemented in full.

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

- 9 The development hereby permitted shall not commence until a detailed schedule of great crested newt mitigation measures (to include timing of works, protection measures, enhancement details, monitoring and further survey if deemed necessary) has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation measures shall thereafter be implemented in full.

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

10 Construction Management Plan

No 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 Environmental Health. Thereafter, the approved statement shall be strictly adhered to throughout the construction period. The submitted statement shall provide for:

- A construction phasing plan
- 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
- Details of all site compound areas including parking for construction workers
- Dust management and suppression measures – level of mitigation determined using IAQM guidance
- Wheel washing
- Noise and vibration 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.

11 **Low Emission Strategy**

No development shall commence unless and until a Low Emission Strategy 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.

12 **Site Wide Drainage Strategy**

No development shall take place until a comprehensive site-wide surface water drainage strategy, based on sustainable drainage principles 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.

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

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

Prior to the commencement of the development, details of surface water and foul drainage works shall be submitted to and approved in writing by the Local Planning Authority. 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.

14 **Tree Protection Scheme**

No part 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 site 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 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.

15 **Assessment of Landscape Features**

Notwithstanding the details within the submitted Arboricultural Assessment, prior to the submission of any reserved matters relating to layout, a report demonstrating how the proposed scheme has sought to retain as many existing hedgerows and trees within the site shall be submitted to and approved in writing by the Local Planning Authority. Where any features are to be removed, a rationale shall be provided to demonstrate that all alternative options have been considered. Thereafter, the layout shall be submitted in accordance with the approved details unless otherwise agreed in writing.

REASON: To retain existing landscape features 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 and NE4 of the Warwick District Local Plan 2011-2029.

16 **Details of External Lighting**

No development shall take place under any relevant phase of development until a detailed scheme for all external lighting has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition, the Local Planning Authority expects due consideration to be given to biodiversity, visual amenity and residential amenity.

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 in accordance with Policies BE3, NE2, NE4 and NE5 of the Warwick District Local Plan 2011-2029.

17 **Sustainability Statement**

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

- a) How the development will reduce carbon emissions and utilise renewable energy;
- b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
- c) How proposals will de-carbonise major development;
- d) Details of the building envelope (including U/R values and air tightness);

- e) How the proposed materials respond in terms of embodied carbon;
- f) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised;
- g) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

No dwellings shall be first occupied until the works within the approved scheme have been completed for each dwelling 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).

18 **Noise Mitigation Measures**

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 noise from Glasshouse Lane traffic and the proposed playing fields and playground areas of the school (pursuant to planning permission W/19/0655), entering habitable rooms and the provision of quiet garden areas shielded from 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. It shall include full details of the design, siting and appearance of acoustic fencing or alternative measures that may be required.

Thereafter a Noise Mitigation Compliance Statement shall be submitted as part of the reserved matters submission for the 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 shall be implemented in accordance with the approved details prior to the first occupation of any dwelling and shall be retained thereafter in perpetuity and any approved mitigation measures shall be implemented in accordance with the approved programme.

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

19 **Design Code**

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

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

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

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

Notwithstanding details submitted as part of this application, prior to commencement of development ground investigations shall be undertaken in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority which shall include:

a) A site investigation that 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 shall be undertaken in accordance with details approved by the planning authority and a risk assessment shall be 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) Programme 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.

21 Contamination not Previously Discovered (Compliance)

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) Programme 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.

22 **Verification of Remediation to be Submitted**

Notwithstanding details contained within the approved documents, in the event that any phase of future 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.

23 **Water Efficiency**

Notwithstanding details contained within the approved documents, prior to construction of each phase of residential development a scheme demonstrating how a water efficiency standard of 110 litres per person

per day (or higher where appropriate) will be achieved giving consideration 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.

24 **Provision of Access**

Should access and local highway works have been implemented in pursuance of planning permission W/19/0655, the access to the development hereby permitted from Glasshouse Lane shall be carried out in accordance with plan reference ITB6145-GA-014 received on 12 September 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 completed in general accordance with the approved details prior to the first occupation of any dwellings constructed on the site.

Should no works have been implemented in pursuance of planning permission W/19/0655, the access to the development hereby permitted from Glasshouse Lane shall be carried out in accordance with plan reference ITB6145-GA-009 Rev F received on 17 December 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 completed in general accordance with the approved details prior to the first occupation of any dwellings constructed on the site.

REASON: In the interest of highway safety and to ensure appropriate access is available for the future occupiers of the dwellings 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.

25 **Details of Materials**

No development shall be carried out above slab level unless and until a schedule of the external facing materials 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.

26 Provision of Hydrants

No 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 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.

27 Surface Water Systems Maintenance Plan

No occupation and subsequent use of the 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 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.

28 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), hedge(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), hedge(s) and shrub(s) shall be planted within six months of that first occupation. Any tree(s), hedge(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.

29 **Retention of Existing Trees/Hedges**

The existing tree(s), hedge(s) 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.

30 **Housing Mix**

The mix of type and size of market and affordable dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the Housing Mix Supplementary Planning Document or the most up to date version of the Strategic Housing Market Assessment (should this post-date the SPD) at the point of submission 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.

31 **Open Space Provision**

Any Reserved Matters submission pursuant to layout shall demonstrate that the site meets or exceeds all Open Space typologies as set out within the Open Space Supplementary Planning Document.

REASON: To ensure an acceptable form of development for future occupiers in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

32 **Pedestrian and Cycle Links**

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

33 **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.

Planning Committee: 11 August 2020

Item Number: 6

Application No: [W 19 / 2112](#)

Town/Parish Council: Budbrooke
Case Officer: Lucy Hammond

Registration Date: 13/12/19
Expiry Date: 13/03/20

01926 456534 lucy.hammond@warwickdc.gov.uk

Land South of Lloyd Close, Hampton Magna, Budbrooke

Application for Reserved Matters pursuant to condition 1 of planning permission ref: W/17/2387 for details of access, appearance, landscaping, layout and scale of 147 dwellings together with associated works, including vehicular/pedestrian access from Daly Avenue, green infrastructure including a play area, open space and other landscaping and sustainable drainage. FOR Bellway Homes South Midlands

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

RECOMMENDATION

That planning permission be approved, subject to the conditions listed at the end of this report, together with advisory notes as recommended by relevant statutory consultees (in respect of ecology, highways for example).

DETAILS OF THE DEVELOPMENT

This is a reserved matters planning application for the access, appearance, landscaping, layout and scale for the construction of 147 dwellings pursuant to the outline planning permission, approved by W/17/2387. Although access was considered as part of the original outline application, this reserved matters application includes access, which is shown in the same location as previously approved. The development also proposes all associated works including pedestrian access from Daly Avenue, green infrastructure including a play area, open space and landscaping.

THE SITE AND ITS LOCATION

The application site extends to approximately 6.98 hectares (17.25 acres) within a larger field located on the south-eastern periphery of Hampton Magna. The site is an arable agricultural field bounded by mature hedgerows which are interspersed with hedgerow trees. The agricultural access to the field is from the adjoining fields however there are pedestrian accesses from several of the surrounding cul-de-sacs.

On the north and west sides of the site is existing two storey residential development. Along part of the western and northern boundaries is a public right of way (WS4). A further public right of way crosses to the south of the site within

the remainder of the field. Part of the eastern site boundary is defined by an existing field hedge while to the south is agricultural land.

There is a gradual downward slope running west to east across the site. Outside the site the land is slightly undulating to the south and east across adjoining fields.

Hampton Magna is identified in the Local Plan as one of the District's Growth Villages, containing local facilities and services which meet the day to day needs of the local community including a convenience store, public house, medical centre, community hall, café and primary school. The site makes up site allocation H51 in the Warwick District Local Plan 2011-2029, which Policy DS11 initially identified as one of the Growth Villages allocations which was anticipated would be developed for 115 dwellings. The Inspector's Report (July 2017) on the Local Plan, in considering this site, stated that development of this site would also involve an extension of the built up area into surrounding countryside, removing the current openness of the land and significantly altering its character and appearance. However, the development would not extend further south or east than adjoining residential areas and would be seen in this context.

The Inspector's Report concluded that there were exceptional circumstances which justified altering the Green Belt. To that end, and in order to facilitate development coming forward on this allocated site, the land within the identified site allocation boundary was removed from the West Midlands Green Belt. The surrounding land however, i.e. the adjoining land on the eastern and southern boundaries remains in the Green Belt.

There is a TPO tree near the south west corner of the application site, situated on the boundary. There are no heritage assets or other landscape designations relevant to the site or immediate surroundings.

PLANNING HISTORY

W/17/2387 - Outline application with all matters reserved except for access, for the erection of up to 147 dwellings together with vehicular/pedestrian access from Daly Avenue; Green Infrastructure including a play area, other open space and landscaping; sustainable drainage; and other related infrastructure - Refused 11 June 2018, subsequently allowed at appeal 05 June 2019.

W/18/1811 - Outline application with all matters reserved except for access, for the erection of up to 131 dwellings together with vehicular/pedestrian access from Daly Avenue with an emergency access from Mayne Close; Green Infrastructure including a play area, other open space and landscaping; sustainable drainage; and other related infrastructure - Application withdrawn by applicants.

It is noted, in relation to the more recent application above, that the revised scheme for 131 dwellings had a resolution to grant permission, following a referral to planning committee and was awaiting the completion of a S.106 Agreement. However, in the intervening time, the Planning Inspector determined the appeal on the first decision which led to the withdrawal of the revised scheme and the decision by the applicants to submit a Reserved Matters application pursuant to the original outline permission (for the higher number of dwellings).

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- SC0 - Sustainable Communities
- DS5 - Presumption in Favour of Sustainable Development
- DS11 - Allocated Housing Sites
- DS15 - Comprehensive Development of Strategic Sites
- DS18 - Green Belt
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix of Housing
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions

Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- Open Space (Supplementary Planning Document - April 2019)
- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Garden Towns, Villages and Suburbs Design Guidance (2012)

Neighbourhood Plan

- Budbrooke Neighbourhood Plan (2018-2029)
- Development Principles - Housing Allocations H27 (Arras Boulevard) and H51 (Land South of Lloyd Close)
- Scale and Type of New Housing Within Hampton Magna and Hampton-On-The-Hill
- Design of Development in Budbrooke Parish
- Protecting and Enhancing Local Landscape Character
- Traffic Management and Traffic Improvements

- Sustainable Transport Measures

SUMMARY OF REPRESENTATIONS

Budbrooke Parish Council: Objection for the following reasons:

- Concerns about surface water drainage and where this will drain into
- The affordable housing appears to be blocked together and not spread around the site
- There are concerns arising from some of the content of the Design & Access statement; for example, the proposed density does not reflect the existing, concerns about accessibility for wheelchair users at the pedestrian access onto Mayne Close, additional air pollution arising from the development, design concerns about the proposals e.g. the fact that the existing village has a predominant use of integral garages whereas the new development proposes hardly any thus it is not in keeping and lastly, general comments regarding safety and security
- Comments are made about the allotments and play area; the Parish Council would like to be involved in discussions about the equipment planned and suitable fencing and safety arrangements
- References are made to the relevant policies of the Budbrooke Neighbourhood Development Plan
- There are concerns about parking within the development for both residents and visitors
- There are concerns about infrastructure, specifically, electric vehicle charging points and foul water drainage
- There are not enough bungalows proposed
- There are concerns about noise pollution

WCC Highways: No objections subject to conditions and advisory notes

Environmental Health: No objections

Housing Strategy & Development Officer: No objections

Tree Officer: No objections subject to condition requiring development to be carried out in accordance with tree protection measures set out in submitted tree report

WCC Ecology: No objections

WCC Landscape: Recommendations made about the particular type of species mix for tree and hedge planting; therefore condition recommended to require additional details prior to the commencement of any development

Open Space: No objections

Sport and Leisure: No objection; request for S.106 contribution
(Officer note in relation to the above – a S.106 request was secured on the original outline and as such cannot be secured again as part of the reserved matters permission)

Waste Management: No objections providing that bin collection areas are no more than 15m from the kerbside

Public Response:

78 letters of objection received (from 54 individuals) and 1 anonymous objection letter, raising the following material planning considerations:

- Sewage and drainage
- Surface water drainage and potential flooding
- Increased traffic
- Additional pressure on existing infrastructure e.g. school, doctor's surgery
- Parking pressure on street will be exacerbated
- There is insufficient parking for the allotments
- Bus service has been reduced and is therefore not as frequent as the application suggests
- Hampton Magna is unsuitable for further development
- The cumulative impact of this and the other allocated site (H27 adjacent) is too much for the village
- Too many houses are proposed over and above the allocation number of 115 identified in the Local Plan
- Density is too high
- Density of housing does not accord with the Neighbourhood Plan
- Building on Green Belt land is unacceptable
- The development encroaches into parts of the site which are still within the Green Belt
- The number of dwellings should be reduced to ensure there is no inappropriate development on Green Belt land
- Impact on the rural landscape
- Erosion of the green buffer between Hampton Magna and the A46/M40
- Loss of character for the village
- Impact on ecology
- Impact on TPO trees
- Impact on the public right of way
- Loss of residential amenity
- Overlooking
- Garden sizes are inadequate
- Noise from development on existing residents
- Road noise from A46/M40 on future residents
- Disturbance from construction
- Light pollution will occur which is harmful to the existing residents
- Affordable housing should not be closely clustered together
- There are not enough bungalows proposed
- Concern about water supply in the village
- Discrepancies in submitted plans (e.g. drawings of 2.5/3 storey house types not included in the proposed schedule)

A number of other non-material planning considerations were raised including, but not limited to:

- There is no mention of what tenure (i.e. freehold or leasehold) the market properties will be
- There is a suggestion that the whole development will just be a dormitory

- There is no indication that heat pumps and/or electric under floor heating will be used
- People with modest incomes should be encouraged to live in the town centre rather where there is less need to be reliant on a car
- There are houses on other new developments which are not selling and/or whose selling process have been reduced
- These properties will be difficult to insure/mortgage due to potential flooding issues
- Tree planting/root systems will potentially damage neighbouring property and garden structures
- There was no pre-application engagement or consultation
- Additional dwellings will exacerbate an existing black-out problem in the village
- The Inspector's decision, which goes against the Highway Authority's earlier recommendations, is questionable
- Objection is raised to the naming of new developments by developers
- Complaints about recent activity on the site, for example, erection of Herras fencing, hedge trimming and the potential obstruction of the public right of way

ASSESSMENT

As this is an application for the approval of reserved matters, it is not possible to reconsider the principle of development. This was considered in the assessment of the outline planning application (W/17/2387) and was found to be acceptable. The outline planning permission also approved the vehicular access to the site off Daly Avenue although this is shown on the submitted plans that form part of this reserved matters application, incidentally, in the same position, as previously approved.

Since the principle of development cannot be re-visited, consideration of the current application can only include issues related to the detailed access, appearance, landscaping, layout and scale of the 147 dwellings proposed by Bellway Homes.

In view of the above, the main issues relevant to the consideration of this application are as follows:

- Design and layout;
- Landscaping and open space provision;
- The impact on the living conditions of nearby dwellings;
- Highway safety and parking;
- The ecological impact of the proposals;
- Drainage and flood risk;
- Health and wellbeing.

Design and layout

Policy BE1 of the Local Plan requires new development to positively contribute to the character and quality of its environment through good layout and design.

Certain ways through which the policy stipulates this might be achieved include (but are not limited to):

- harmonising with, or enhancing the existing settlement in terms of physical form, patterns of movement and land use,
- relating well to local topography and landscape features,
- reinforcing or enhancing the established urban character of streets, squares and other spaces,
- reflect, respect and reinforce local architectural and historical distinctiveness,
- respect surrounding buildings in terms of scale, height, form and massing,
- adopt appropriate materials and details,
- provide for convenient, safe and integrated cycling and walking routes within the site and linking to related routes and for public transport.

The above is further supported by Policy BNDP7 in the Budbrooke Neighbourhood Plan which states that new development will be supported where it makes a positive contribution to that distinctive character and be of good design and quality, citing particular principles as follows:

- contributes to local identity and sense of place,
- is suitable in terms of overall design and appearance,
- uses local and traditional materials,
- ensures the use of space and landscape design is appropriate,
- relates to the street/active frontage,
- respects local settings,
- ensures movement to/within/around the development is acceptable,

In addition to the above policies in the Development Plan, which is the starting point for consideration, there are additional supplementary guidance documents referenced below, which are relevant to the consideration of this development.

The Garden Towns, Villages and Suburbs Approach

The Council's 'Garden Towns, Villages and Suburbs' Prospectus seeks to bring together the key characteristics of the garden suburbs and villages approach, which include coherent and well planned layouts, high quality design and consideration of long term management arrangements. The site is considered as a 'neighbourhood edge' area; lying at the edge of existing established built development to the north and west, with adjoining countryside to the east and south.

It is considered that the proposed scheme would conform to the garden suburb design principles by exhibiting characteristics of an overall verdant, well designed residential neighbourhood within which open space and structural landscaping is an integral part.

The development is for 147 dwellings and this is an allocated site in its own right which does not form part of a wider site. Therefore, this does not form one phase of a larger development and as such a central spine road through the site would not be expected to connect to other adjoining phases of development. It is worth noting that while there is another allocated site to the north/north-east of this site (H27 – land south of Arras Boulevard) these two sites are not physically linked or inter-connected and there are no proposals for the roads to connect through;

moreover, the only part of each of the sites where the boundaries physically adjoin are where the area of public open space in which the allotments and sustainable urban drainage features are proposed for the subject application in this case, thus precluding any road connectivity through.

In this case, the principal street which comes off Daly Avenue to the north, leads into the development and turns in a westerly direction as well as continuing in a southerly direction, providing a circular route through the development except the two roads do not connect at the southern end of the development as they lead to a private drive and provide a number of connections to other private and shared drives along the way. The overall sense of the development however is a circular route around and through, which pedestrians and cyclists still have the option to take as none of the roads are physically blocked; they preclude vehicle movements through the installation of removable bollards but similarly facilitate emergency access in the event this were necessary.

There is a clear hierarchy of streets; the principal street provides the entry into the development, which, albeit short in length, contains amenity green space and tree planting on one side with house types that provide dual aspects and legible frontages that address the road. At the end of this primary street, where it splits into two secondary roads that circulate through the rest of the development, the main focal point of the development which is in full view of anyone entering the site is the central feature of open space, on which it is also proposed to place the LEAP. This is positioned in a prominent part of the site creating a strong, central focal point of the development which all residents will see on first entering the site no matter where within the development they live (with the exception of one of the six road fronting units along the northern edge looking towards Daly Avenue). This central area of open space forms the core around which all of the residential development blocks are arranged, while a network of tertiary streets provide access to the rest of the dwellings, some of which are positioned around the periphery of the development on private drives. Around the perimeter of the site, there are footpath links providing complete access around the development for pedestrians.

It is noted that the footpath network provided connects through the areas of public open space to the east of the proposed built development and provides a link through to the public right of way which travels along the site's northern boundary. This in turn provides the ability to connect to the wider cycle links that were secured and would be delivered as part of the planning permission that was approved on the adjacent allocated site (H27) which would connect from the public right of way and lead south, most likely through the public open space, in order to head south and link up to the existing cycle network that leads into Warwick town centre. Though there is no committed scheme at the present time, an indicative route supported the S.106 request in association with the adjacent site, into which footpath links from this site would interlink.

To the west of the site, an additional access point is proposed onto Mayne Close. This is not proposed for vehicles and would be unsuitable for vehicular use due to its width and construction; its purpose is for pedestrians and cyclists only, to offer an alternative form of access and egress to/from the development for residents, particularly those on the west/south-west side to access the village without having to rely on the Daly Avenue access.

Overall, the layout and street hierarchy presents a clear and legible form of development with appropriate pedestrian and cycle connectivity, not only through, the development itself, but also by providing footpath links and the potential to provide connections to future wider cycle links that will be delivered as part of the adjacent allocation.

The prospectus indicates that the linear layout can be less regimented for the 'neighbourhood edge' with a looser urban pattern of semis and detached houses. The layout provides a balanced mix of detached and semi-detached properties, with very limited use of terraced properties, with frontages that provide ample space for soft landscaping opportunities, particularly along the primary spine roads, that would add to the verdant, garden suburb character.

The Council's Residential Design Guide (2018) sets standards for the distance separation between the windows of habitable rooms in dwellings. Across the development, all properties which share a back to back or a back to side relationship, either satisfy the minimum distance, or exceed it. Officers therefore consider that the scheme creates an overall character of spaciousness, which positively meets the aims and objectives of the garden suburb prospectus and ensures a good standard of amenity for future occupiers.

General design and layout considerations

The development comprises a predominance of two storey dwellings, with a small number of bungalows (ten in total), through a mix of mostly detached and semi-detached dwellings. For the avoidance of doubt and to clarify a number of objectors' letters which have picked up on this point, 2.5 storey dwellings have never been proposed in this development. Some elevation plans for 2.5 storey house types from the Bellway portfolio were regrettably submitted in error with this application but as will be noted from the proposed housing schedule on the layout plan, from the outset, the development has always comprised a mix of two story dwellings only, with a small number of bungalows interspersed in response to the Budbrooke Neighbourhood Plan.

The proposed density of the development, based on the total site area, is 21 dwellings per hectare, which is very low, however officers recognise that this calculation takes into account the area of public open space which sits to the east of the built development on which the SUDS and the allotments would be located. If this area is excluded therefore and the density re-calculated, the total is 25 dwellings per hectare, which although higher, is still considered relatively low, is wholly appropriate to this edge of settlement location where the site adjoins open countryside to the south and east and is broadly comparable with the existing built form in the established part of the village to the north and west which is a little lower (at around 24 dwellings per hectare) but not dissimilar. Ultimately, the layout represents an efficient use of land and results in a well-spaced and legible layout that accords with the general design principles set out in the aforementioned design guidance.

In terms of appearance, the development incorporates a wide-ranging variety of house types, though one of the features of the development as a whole, is a sense of understated character. Perhaps unusually, typical features generally associated

with new-build houses, such as dormers and chimneys, are absent from this development. Instead, the focus is on specific architectural detailing such as arched heads and cills along with other feature brickwork and detailing on principal elevations. Additionally, there are porches and canopies which add visual interest to frontages and the use of gables and gablettes are typical on a large proportion of the proposed house types in this development.

A materials plan has been submitted with the application which illustrates that a predominant use of red brick and multi red brick is proposed across the development. The Design and Access Statement alludes to the occasional use of buff brick and some cladding and it is considered appropriate to impose a condition on any forthcoming reserved matters permission to require samples of the materials to be used on the external surfaces of the buildings, to ensure that the external appearance remains visually appropriate and in keeping with the context of the surrounding character and locality. Officers consider that the proposed design and architectural style of the dwellings would result in a high quality and diverse finish and appearance.

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

Housing mix

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

Market Housing

House Type by bedroom	Total	Suggested Mix	Actual Mix	Difference
1-bedroom	4	5 - 10%	4.6%	- 0.4%
2-bedroom	22	25 - 30%	25%	+/- 0%
3-bedroom	37	40 - 45%	42%	+/- 0%
4-bedroom	25	20 - 25%	28.4%	+ 3.4%
Total	88	100%	100%	

While it is noted that the above mix would result in a marginal over provision in 4+ beds, when this is considered against the remaining market housing mix, where the 1 to 3 beds are all within the ranges specified above (the 1-beds being only 0.4% under) officers do not consider that this is sufficient reason to consider refusing the market mix as proposed. Moreover, it is worth noting that the 3.4% over provision on the 4-beds, against a total of 88no. market dwellings, in reality

equates to just three units, further supporting officers' view that when taken as a whole, this is not considered a damaging market mix across the development.

Affordable Housing

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

House Type by bedroom	Total	Suggested Mix	Actual Mix	Difference
1-bedroom	8	30 - 35%	13.6%	- 16.4%
2-bedroom	34	25 - 30%	57.6%	+ 27.6%
3-bedroom	15	30 - 35%	25.4%	- 4.6%
4-bedroom	2	5 - 10%	3.4%	- 1.6%
Total	59	100%	100%	

This proposal would provide 40% affordable housing comprising the mix of dwelling sizes set out in the above table. The Housing Development and Strategy Officer has considered the proposals put forward by this reserved matters application and confirmed there is no objection to the affordable housing mix as proposed in the table above. Consideration has also been given to the S.106 agreement that was secured as part of the outline permission in respect of the affordable housing provision for the development.

The layout plan illustrates how the affordable housing would be distributed across the site. Of particular note are the fact that a number of affordable units are located along two of the principal streets (on the west and the east sides of the development) and as such these would have a primary outlook onto the main thoroughfare through the development. Additional affordable units are placed, in officers' opinion, evenly across the remaining development blocks of the site layout such that there are no pockets in which it is overly concentrated when compared to other part of the development.

The placement of affordable housing is not however just about how evenly it appears to be distributed in plan form. The actual experience future residents would feel is also an important consideration, insofar as how the development would be experienced when driving or walking around by day or by night. Most importantly therefore, the affordable dwellings are located along streets which are passed to gain access to other streets within the development. In cases, where they are placed in cul-de-sacs, it is noted that they are evenly mixed among market dwellings, and/or they are positioned such that market dwellings are located beyond the affordable units, thus necessitating the need to have to pass them to access other parts of the development in which the market units are placed.

Taking Road. No. 5 as an example, while there are 12no. affordable units along this cul-de-sac, it is noted that market dwellings are placed between the affordable units, near to the turning head and moreover, this is the only access residents have to the private drive which heads north back towards the public open space

where there is a row of market dwellings. The overall result of distributing the affordable units in this way is a sense of integration and all-round more cohesive development. The affordable units are not grouped together in isolated cul-de-sacs, nor do they form segregated parts of the development which would only be accessed by occupiers of the affordable units and accordingly, the development encourages social inclusion. Officers therefore consider that the affordable housing is evenly spread across the site in a satisfactory manner and the development is acceptable in this regard.

Landscaping and open space provision

This application includes landscaping though it is important to distinguish that some matters are dealt with separately by condition in pursuance of the outline permission, for example the Landscape and Ecological Management Plan. There are also matters which are covered by the S.106 obligation discharge process and accordingly these matters do not form part of the reserved matters application considerations.

The Open Space officer initially reviewed the plans and supporting information submitted with the application and offered comments in relation to matters which are S.106 obligation requirements in pursuance of the outline permission, for example, requiring details of bins, benches, 'welcome' signage, technical details of the SUDS etc. The developers are still required to submit a Public Open Space Scheme to the Local Planning Authority for written approval in pursuance of the discharge of the relevant planning obligation as set out in the legal agreement that forms part of the outline planning permission, prior to the commencement of development which is separate to any landscaping scheme being considered here. As such the comments made by the Open Space officer in this regard are not matters for the reserved matters application and cannot form part of the landscaping and layout considerations.

As far as this application is concerned, the legal agreement expects any reserved matters approval to ensure that the public open space provision will accord with the standards specified within the Council's adopted Open Space SPD (2019). To that end, the table below sets out the open space being provided within the development against the standards required by the adopted SPD for each typology:

Typology	WDC Requirement		Development provision	Difference
	%	equates to (sq.m.)	(sq.m.)	
Amenity Space	17%	3661.8 sq.m	3660sq.m	- 1.8 sq.m
Parks & Gardens	35%	7539 sq.m	7540 sq.m	+ 1 sq.m
Natural Areas	35%	7539 sq.m	7540 sq.m	+ 1 sq.m
Allotments	7%	1507.8 sq.m	1510 sq.m	+ 2.2 sq.m
Children & Youth	6%	1292.4 sq.m	1290 sq.m	- 2.4 sq.m

As can be seen from the table above, the public open space, which totals 21,540 sq.m. (or 2.1ha) is in accordance with the adopted Open Space SPD and provides all the expected typologies of open space in the appropriate amounts across the development.

In addition to the above, it is noted that the development proposes a further 3,039 sq.m. of public open space and this is proposed along the southern edge of the site where the development adjoins the open fields to the south and where this southern edge marks the transition from the built edge of the village to the adjoining countryside, which is still designated Green Belt land.

The largest expanse of public open space is undoubtedly the area to the east of the proposed dwellings where the SUDS and the allotments are proposed. This area is still within the Green Belt. thus no built form is proposed on this part of the site which accords with the parameters plan and the general principles of the outline permission. A significant area surrounding the SUDS is annotated as parks and gardens and the amount proposed accords with the amount required by the SPD.

The central focal space near the entry into the development is also where the LEAP is proposed to be located. No objections are raised to this in terms of siting or design by the Open Space officer though it is noted that technical details approval on the LEAP itself would form part of the S.106 obligation discharge process when the Open Space scheme is submitted for written approval.

In terms of the actual landscaping, i.e. tree and hedge planting, species mix etc, the Landscape Officer initially raised objection to the application and made recommendations about the landscape strategy, species mix and other aspects of the landscaping proposed for the development. A number of revisions have since been made to the soft landscaping proposals and the composite landscape plan which reflect the majority of those recommendations. The Landscape Officer no longer has any objections to the scheme, though there are still some remaining comments, specifically about planting species, which officers consider can be dealt with by way of a condition requiring further details to be submitted, notwithstanding the details submitted thus far.

The Tree Officer has confirmed that the tree constraints and tree protection information submitted with the application is very thorough and competent. Provided that the control measures referred to are fully implemented in a timely fashion and properly maintained and monitored throughout the duration of the development the Tree Officer is satisfied that the retained trees should be protected from harm. Officers therefore consider a condition to this effect is necessary and appropriate to ensure that the development is carried out in accordance with the approved measures as set out above.

A pumping station is proposed at the southern end of the site which the Landscape Officer commented on, suggesting it might interrupt the area of public open space in which it was proposed and to that end suggested it might be better re-located to elsewhere where it would have less of an impact. For the avoidance of doubt, the pumping station is proposed in this location because this is the lowest part of

the site and it is therefore practically necessary to be in this area but moreover, it is entirely underground, with the only visible sign above ground of its presence, being an area of hardstanding which covers the site. While the layout plan illustrates it would be enclosed by a form of boundary treatment, no such enclosure has been agreed and officers consider it is appropriate that notwithstanding the provisions of Part 2 of the GPDO which might otherwise allow a means of enclosure to be erected under permitted development, details of the proposed enclosure surrounding the pumping station should first be submitted for written approval by the Local Planning Authority. To that end, a condition is proposed to this effect.

Subject to the aforementioned conditions, officers are satisfied the landscaping proposals are acceptable overall.

The impact on the living conditions of residential properties

Policy BE3 of the Local Plan states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users and occupiers of the development. This is echoed in Policy BNDP6 of the Neighbourhood Plan which states at (d) that development should provide appropriate residential amenity for future occupiers as well as Policy BNDP7 which states at (e) development should include adequate [...] private and public amenity space for future residents.

The proposed layout and design of this development is in accordance with the garden suburb approach and having regard to the general ethos of the Residential Design Guide, would provide a high level of residential amenity to the future occupiers of the development within an attractive setting. The separation distances to surrounding, existing properties to the north and west are considered to be acceptable; for the most part they all exceed the minimum distances set out in the Residential Design Guide, and across the rest of the development, between new dwellings, distance separation either meets or exceeds the minimum standards set out in the guidance.

Having regard to garden sizes, minimum standards are set out in the Residential Design Guide, based on the number of bedrooms per dwelling. The garden sizes meet (or exceed) the standards set out for dwellings, by type, and to that end, the residential amenity enjoyed for future occupiers would not be compromised in officers' opinion.

Highway safety / car parking

Policy TR1 of the Local Plan expects development to provide safe, suitable and attractive access routes for all users and particularly requires development proposals to demonstrate they are not detrimental to highway safety and create safe and secure layouts for all users, integrating the access routes into the overall development. The policy also requires, where practical, the incorporation of facilities for charging plug-in and other ultra-low emission vehicles where any off street parking is proposed.

The above is supported by Policy BNDP7 of the Budbrooke Neighbourhood Plan which states that new development should include adequate parking, garaging and private and public amenity space for future residents as well as Policy BNDP9 which requires all new development to satisfy the traffic management and transport improvements criteria set out within the policy. Essentially, this requires the safety of all road users not to be compromised, for adequate off-road parking to serve the development in accordance with the Council's SPD, for there to be safe access and egress and to ensure existing on-street parking problems are not exacerbated by the proposals. While BNDP10 is relevant in principle, this relates to the provision and securing of financial contributions and other obligations deemed necessary to make the development acceptable in planning terms. Since this is a reserved matters application, this is not applicable.

The access into the development is off Daly Avenue, in the location approved under the outline permission. The number of objections received from neighbours and the Parish Council citing highway safety and access as a fundamental concern is noted, however, this cannot be re-considered as part of this application because it is already approved in this location. Similarly, matters related to the impacts of the development on existing village infrastructure (e.g. school, doctor's surgery, highway network) are matters which go to the principle of development, which were considered under the outline and which cannot be re-considered now.

The internal road layout was subject to an initial objection from the County Highways Authority who raised a number of points requiring technical clarification, additional information and revised plans in order to resolve the objection. A Stage 1 Road Safety Audit (RSA) was also required prior to determination which was submitted to the Road Safety Team for review and approval.

On receipt of revised plans, additional supporting information and a Stage 1 RSA, the Highways Authority has now removed its objection and confirmed there are no longer any outstanding reasons to object to the reserved matters layout, as proposed, subject to some conditions, as recommended, requiring the development to be carried out in accordance with the stipulated revisions of the layout plans to which no objections are raised, the laying out of the access and estate roads prior to occupation and the submission of a Construction Management Plan. In respect of the latter, while this would not normally be a condition requirement on a reserved matters approval, it is deemed appropriate on this occasion. The Planning Inspector did not impose such a condition on the outline permission and the Highway Authority consider it necessary to require such information from the developers prior to the development commencing on site. Officers are therefore satisfied that such a condition meets all of the tests of a planning condition as set out in paragraph 55 of the NPPF.

Based on the types and numbers of dwellings, a total of 309 allocated parking spaces should be provided in accordance with the Council's Vehicle Parking Standards. There are however, 320 allocated parking spaces provided across the development and these are proposed relative to the correct dwelling types. Only four of the sixty garages have been counted towards providing the third parking space for a 4 bed dwelling (Plots 3, 62, 126 and 147) and in these cases, the garage has been provided to the appropriate internal dimensions stipulated in the Parking Standards so that it can be utilised as the third parking space in a satisfactory manner. Garages will not normally be counted as part of the parking

provision since the starting point should be sufficient off-street parking should be provided without having to rely on garages. In this instance however, officers are satisfied that with only four of the total 147 dwellings proposed across the development utilising the garage as the third parking space, this is acceptable on balance.

A total of 139 electric vehicle charging points are proposed on this development; this equates to over 94% of the total allocated parking provision across the development. In reality, this translates to all plots where parking spaces are located within 2-3 metres of the dwellings.

The Car Parking SPD also places a requirement on housing schemes to provide unallocated parking, equating to 20% of the total allocated parking provision, which the SPD states is anticipated will likely be provided on street. The Design and Access Statement was updated with an addendum, specifically in relation to parking, which sets out how this is expected to be achieved. Essentially, it is anticipated that the 20% provision can be achieved across the development without impacting on junctions, access points, visibility splays etc and all spaces maintain a minimum 6m manoeuvrability into designated parking spaces which is in line with Manual for Streets. This particular requirement, unlike the allocated parking, cannot be prescriptively shown on a plan because by its nature, on-street parking is transient and it is not possible to predict how residents will choose to park within the layout when assessing the tracking for refuse vehicle and fire appliance. It is inevitable on-street parking will occur and while the Highway Authority acknowledge that the parking standards are set by the Local Planning Authority it highlights that any shortcomings within this *might* impact on the general accessibility of the layout, which in turn might create difficulties for the servicing of the site by the refuse vehicle and general amenity of residents. However, this is acknowledged by the Highway Authority to be more of a consequence of where residents choose to park than the layout of the development and officers note that this is something over which the Local Planning Authority have no control.

Concerns have been raised over the amount of parking proposed for the allotments. The adopted Open Space SPD sets out the requirement for 1 space per 3 plots. The size of the proposed allotments equates to the provision of 6 plots which would mean 2 spaces are needed in total for the allotments. The SPD also requires the parking to be placed near the site entrance. While it is noted that the site entrance for the allotments would be accessed off 'Road No.3' and there are no marked out spaces on-street in this road, it is further noted that there are off-road spaces marked out along the road to the site's frontage along the northern boundary which is easily capable of accommodating two vehicles. This is immediately adjacent a footpath link connecting into the allotments and officers are therefore satisfied that there is sufficient parking provision for the allotments.

Bin collection points have been provided where necessary, having regard, where possible, to the guidance which requires a maximum 15m distance for bins to be carried from properties to bin collection points, and from collection points to kerbside.

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

Ecological impact

The Ecologist was satisfied at outline stage that any ecological impact could be successfully mitigated through planning conditions and these were imposed upon the original outline application W/17/2387. In addition, a S.106 agreement secured a maximum financial contribution to be paid towards biodiversity offsetting which was directly related to a maximum biodiversity unit loss identified at the time, which should not exceed 4.49 units. With the layout now determined and the landscaping and open space proposed as part of the final layout, a revised BIA calculation was undertaken to establish the actual biodiversity loss which was 4.46 units.

Since this is broadly the same figure as that which was identified in the outline permission and consequently corresponds to the original financial contribution secured in the S.106 agreement, the County Ecologist has no objections to the application and has recommended no conditions or additional notes, leaving it to those originally imposed on the outline which the developer is still required to discharge prior to the commencement of any development on site.

Overall, officers are satisfied that the proposals are acceptable in this respect and the development therefore accords with Policies NE2 and NE4.

Drainage and flood risk

The proposed site layout illustrates an attenuation basin in the same location as the one indicatively shown on the illustrative layout plan submitted with the outline application. This proposal therefore does not differ from the indicative layout shown insofar as surface water is concerned and in any event, such matters are covered by conditions imposed on the outline permission which are required to be formally discharged prior to the commencement of any development on site.

A pumping station is proposed towards the south eastern corner of the site, where the land levels are at their lowest, to deal with foul water. This has always been the proposed method for dealing with foul water, though it was shown further north on the illustrative site layout plan submitted with the outline application. The proposed location of it in this reserved matters application is logical given that the site is at its lowest point along the southern edge and the land naturally slopes down towards this area. The connections into the mains and/or the potential adoption process of the pumping station however, would be subject to separate negotiations between the developers and Severn Trent Water in their role as statutory undertakers.

Overall, officers are satisfied that the reserved matters application is acceptable in relation to flood risk and drainage matters and accordingly Local Plan Policies FW1 and FW2 are complied with.

Health and well being

The proposals would provide housing to meet the housing needs of the district, including an element of affordable housing for people in housing need. This is a benefit that contributes to health and well-being. Additionally, the provision of open space in the manner in which it would be laid out, including an over-provision in total, would be seen as a positive benefit that adds to the effective layout of the scheme and provides an enhanced environment in which to live for future occupiers. The proposed footpath and cycle links around and through the site would provide much improved cycle and footpath provisions linking the site to the adjacent development as well as the rest of the village and connecting it to Warwick all of which would be a significant benefit for existing occupants of the village and future occupants of the development.

Other matters

Budbrooke Neighbourhood Plan – Policy BNDP5

Policy BNDP5 of the Neighbourhood Plan relates specifically to the two housing allocations in Hampton Magna, H27 (Arras Boulevard) and H51 (the application site being considered here). The policy applies particular development principles to these two sites and states that development will be supported where these principles are addressed in a sensitive fashion.

The principles relate to density, traffic, layout, design, affordable housing and self-build. While the vast majority of these points have already been encapsulated within the body of the report under the respective key issues above, officers considered it appropriate to set out a separate section specifically in response to BNDP5 which should demonstrate that this policy has formed an integral part of the decision making process when considering the proposals put forward.

Taking each principle in turn then: the density, as set out above, is considered to be broadly in line with the existing residential development in the surrounding area. Traffic calming measures have been incorporated in line with the advice obtained from the Highway Authority and the primary streets within the development are predominantly tree-lined, in accordance with the Garden Suburbs approach.

The site is served by an existing public right of way along the northern site boundary; the proposed development is well connected through the use of new footpath links around the periphery which connect to the existing public footpath and there are footpath links to a secondary access onto Mayne Close to the west side. New cycle links are also proposed and there is the ability to link the site to the proposed cycle improvements that will be delivered as part of the adjacent development at Arras Boulevard. Overall, the development is well connected for pedestrians and cyclists.

Parking is proposed in accordance with the Council's Parking SPD. A total of 10no. bungalows are also included within the development.

The application was accompanied by a Design and Access Statement which satisfies point 8 of the BNDP5.

For the reasons set out in the relevant section of this report in regard to the design and visual impacts, it is considered that the design not only accords with Local Plan Policy BE1 but also BNDP7.

Boundary treatments are appropriate to the rural environment; none other than soft landscaping are proposed along the southern edge of the site which is the most important boundary of the development that should be afforded the highest level of protection in terms of safeguarding against inappropriate boundary treatment given its relationship to adjoining open countryside. The boundary treatment plan submitted shows a mix of timber fencing around the private gardens of individual houses which is not uncommon and would not lead to visual harm in the wider sense.

Detailed arboricultural information has been submitted with the application including tree retention and protection measures and it is proposed to condition this to ensure no harm comes to those trees proposed for retention.

There are no houses in the development proposed at more than two storeys. A mix of house types and sizes are proposed across the site to meet a range of housing needs, including bungalows; the market and the affordable mixes conform with the current guidance and meet with the approval of the Council's Housing and Development Strategy Officer. The design of the affordable units is such that they are tenure blind across the development and are adequately distributed across the site such as to promote social integration and inclusion and result in a cohesive form of development.

It is understood that the development will be catered for in terms of broadband provision. Bungalows within the development will meet the needs of older residents, while some other house types are equally conducive to meeting the needs of a variety of different age groups and requirements.

Officers are satisfied that the section on affordable housing (17-20) is adequately covered in the relevant section of the report above and without repeating the relevant point, the proposals are acceptable in this regard.

Finally, point 21 states that proposals for self-build and custom-build dwellings will be supported. While acknowledging this, officers have also had regard to the fact it is not a policy requirement for the allocated site to incorporate or deliver self-build units; rather for a mix of house types and sizes to be required across the site to meet an identified range of housing needs including the provision of bungalows and self or custom build homes as evidenced by up to date housing needs surveys (HNS)/information. It is noted that the latest HNS is dated 2014 and does not contain a specific requirement for self-build homes.

By way of a summary, officers are satisfied that the principle contained within this relevant policy BNDP5 have all been satisfied by the proposed development and to this end, the reserved matters layout is therefore acceptable.

The number of dwellings proposed relative to the allocation

This application proposes 147 dwellings; a number which is acknowledged to be higher than the estimated number for the allocation in the Local Plan, which was

stated as 115. There are two key points to be noted in respect of this; in the first instance, the number in the Local Plan is not intended as definitive or a finite number. It is an estimate and the explanatory text to Policy DS11 (Allocated Housing Sites) at 2.40 makes it clear that sites were assessed against the spatial strategy and accordingly, estimated figures for the number of dwellings of each site is shown but it is recognised that this may vary dependent on detailed planning at the application stage.

The second point to note is that notwithstanding the above, there is an extant outline permission at this site for the erection of up to 147 dwellings. This was allowed at appeal by a Planning Inspector who was of the view that it would be for the reserved matters approval process to demonstrate that this many dwellings could be accommodated within the application site without causing demonstrable harm and which was not contrary to the Development Plan, and that there was nothing to show that the lower number would be any less harmful.

Encroachment on the Green Belt

This issue, in principle, is not a matter for consideration at the reserved matters approval stage because the impact of the development on the Green Belt was considered when the outline planning permission was allowed by the Planning Inspector. Moreover, the allocated site was taken out of the Green Belt through the examination and adoption stages of the Local Plan leaving only the part of the application site edged red to the east, in which the SUDS and allotment are proposed still within the Green Belt and a small portion of the southern periphery where the application site extends beyond the allocation boundary. The extension of the application site beyond the boundary of the allocation is also not for consideration at this time as this has already been accepted through the approval of the outline permission.

What officers seek to clarify at this stage of the reserved matters approval process however, is that, for the avoidance of doubt, and in accordance with the terms of the outline permission, no built development is proposed within any part of the site which is still designated Green Belt land. The proposed SUDS and the allotment constitute appropriate development in the Green Belt in their own right and the structural landscaping proposed along the southern periphery of the site's boundary are a welcome benefit in landscape and visual terms as they create a green buffer which eases the transition between the built edge and the adjoining countryside to the south.

Officers are therefore satisfied there is no encroachment into the Green Belt as a result of the proposed development, the extent of which is in line with condition 5 of the outline permission which requires the approval of any reserved matters to be in accordance with the general principles of the Design Parameters Plan submitted with the outline application.

Non-material planning considerations raised

While it has been noted above that a number of non-material planning considerations have been raised amongst the third party letters of objection received in response to this planning application, which would not usually be acknowledged, there are one or two points which, for the avoidance of doubt, officers would like to clarify in this report.

It has been noted that there was a lack of pre-application engagement and/or consultation prior to the submission of both this application and incidentally (though not relevant to the RM submission) the original outline application. For the avoidance of doubt, there is no requirement for the developer to undertake prior consultations with the local community before submitting an application to the Local Planning Authority. While it can often be beneficial this is not an obligatory part of the planning process. Separate to any consultations the developers may choose to undertake with the local community, where a formal pre-application enquiry has been submitted to the Local Planning Authority for a verbal/written response prior to the submission of a planning application, such enquiries are confidential until such times as a planning application is received. Such details of pre-application advice in this regard therefore would not have been publicised at the time.

In recent weeks, a number of enquiries have been received from local residents regarding activity on the site. Any potential enforcement matters are for the enforcement team to deal with accordingly and should not influence the consideration, nor the outcome of a live planning application, which should be determined on its own merits having regard to the proposals as assessed against the relevant policies in the Development Plan. For the avoidance of doubt, it is officers' understanding that the recent activity on the site involved the erection of Herras fencing which can usually be erected under permitted development (i.e. without planning permission), the trimming of the existing hedge along Daly Avenue supported by photographic evidence of the works which had taken place and lastly suggestions that the public right of way had been or was continuing to be obstructed. In respect of the latter point, this is not a planning matter per se but public rights of way should remain open and unobstructed at all times unless there is a relevant Direction to either stop up or divert the right of way. An advisory note can be attached to remind the developers of the need to ensure the public right of way remains open at all times.

SUMMARY/CONCLUSION

As this is an application for the approval of reserved matters, it is not possible to reconsider the principle of development. This was considered in the assessment of the outline planning application (W/17/2387) and was found to be acceptable. Since the principle of development therefore cannot be re-visited, consideration of the current application can only include issues related to the detailed access, appearance, landscaping, layout and scale of the 147 dwellings proposed by Bellway Homes.

Officers consider the proposed development would provide a high quality residential environment in accordance with the garden suburbs principles, including an appropriate mix of market and affordable housing, where the affordable housing is distributed evenly across the site. The dwellings themselves are varied in their architectural styles and a predominant use of red brick is proposed which is characteristic of the local area. The development would be well landscaped with the various typologies set out in the open space SPD all being met with an additional over-provision of open space over and above that which is necessary for the size and type of development; the additional open space being

positioned along southern edge of the site which provides the green buffer and transition from the built edge to the adjoining countryside.

There would be no harm caused to the amenity of existing neighbouring properties, and future occupiers of the development would be provided for with garden sizes and distance separation that either meets or exceeds the standards set out in the Council's adopted guidance.

There would be no detriment to highway safety, flood risk / drainage or ecology and biodiversity offsetting. While a number of non-material planning considerations have been raised, which are not relevant to the determination of the application, some of these have been referenced for completeness and clarification purposes above.

Having regard to all of the above, officers consider the scheme complies with the relevant policies of the Development Plan, and accordingly, it is recommended that planning permission be approved.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings ECO2 'Ecology 02 Plan' submitted on 15 May 2020 and PL_ENG_024 'Pump Station Details' submitted on 12 May 2020 as well as the following approved drawings received by the Local Planning Authority on the following specified dates:-

20 April 2020

SO2+_PLAN_01, S03_PLAN_01, S04_PLAN_01, S08_PLAN_01, S12_PLAN_01, JO-2B-2S-P1, JO-2B-2SCB-E, MA-3A-2S-P1, MA-3B-2S-CB-E, SC-4B-2S-P1 Rev.A, SC-4B-2S-CB-E Rev.A, BL-2B-2S-P1, BL-2B-S-CB-E, WO-2B-1S-P1, WO-2B-1S-CB-E, FR-3B-2S-P1, FR-3B-2S-CB-E, SY-3B-2S-P1, SY-B-2S-CB-E, BO-4B-2S-P1, BO-4B-2S-CB-E, GO-4B-2S-P1, GO-4B-2S-CB-E, LO-4B-2S-P1 Rev.A, LO-4B-2S-CB-E, WE-4B-2S-P1, WE-4B-2S-CB-E, A/plcGa/00/001 Rev.F, A/plcGa/00/001 Rev.C, A/plcGa/00/002 Rev.B, A/plcGa/00/003, A/plcGa/00/004

30 June 2020

1496-02 Rev.R, 1496-04 Rev.F, 1496-05 Rev.E, 1496-06 Rev.E, 1496-07 Rev.E, 1496-08 Rev.E

16 July 2020

16-125-03 Rev.B, 19-125-04 Rev.B, 19-125-05 Rev.C, 19-125-06 Rev.C; and specification contained therein.

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

- 2 The development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.
- 3 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. 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.
- 4 Notwithstanding the details submitted with the application, no development shall be carried out above slab level unless and until further details of the soft landscaping, specifically the proposed species and planting mix, shall be submitted to and approved in writing by the Local Planning Authority. All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. 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.

5 No development shall be carried out above slab level unless and until details of the proposed boundary treatment to be installed around the perimeter of the pumping station have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with those 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.

6 The arboricultural control measures that are described and illustrated in the 'Tree Survey, Constraints Advice and Retention & Removal Assessment' dated 18 December 2017 and undertaken by Midland Forestry, and the tree protection measures illustrated on the Tree Protection Plan 19-125-02 submitted on 13 December 2019 should be fully implemented in a timely fashion and properly maintained throughout the duration of the development.

The integrity of the arboricultural control measures should be monitored by a competent arboriculturist throughout the development to ensure their compliance with the arboricultural assessment, and the reports submitted to the local planning authority for verification.

REASON: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

7 The development hereby permitted shall not be occupied until the access has been laid out and constructed in accordance with drawing no. 1496-02 Rev R Planning Layout. **REASON:** In the interest of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

8 Each dwelling of the development hereby permitted shall not be occupied unless and until the car parking for that dwelling has been provided and thereafter those areas shall be kept available for such use at all times. **REASON:** To ensure adequate off-street car parking facilities in the interests of both highway safety and visual amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.

9 No dwellings/buildings here permitted shall be occupied until the estate roads including footways serving it, have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority.
REASON: In the interest of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

10 The construction of the estate roads serving the development including footways, verges and footpaths shall not be other than in accordance with the standard specification of the Highway Authority. **REASON:** In

the interest of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 11 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 gate, fence, wall or other means of enclosure shall be erected within the curtilage of any dwellinghouse fronting a highway or footpath.
REASON: That having regard to the design, layout and general nature of the proposed development it is important to ensure that no further development is carried out which would detract from the appearance of the area and affect the amenity of adjacent properties.
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Planning Committee: 11 August 2020

Item Number: 7

Application No: [W 20 / 0486](#)

Town/Parish Council: Warwick

Registration Date: 26/05/20

Case Officer: Ankit Dhakal

Expiry Date: 21/07/20

01926 456528 ankit.dhakal@warwickdc.gov.uk

49 St Michaels Road, Saltisford, Warwick, CV34 5RS

Demolition of an outbuilding and erection of single storey rear extension FOR
JANINE LETTS

This application is being presented to Planning Committee because the application property is owned by Warwick District Council.

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The proposal seeks permission for the erection of a single storey rear extension following a demolition of the existing garage.

THE SITE AND ITS LOCATION

The application site relates to an end of terrace, two storey dwellinghouse, located on St Michaels Road, Warwick. The property is set back from the road behind a front garden and at the rear, the property benefits from a decent sized garden with timber fence on both sides. The property is in Flood Zone 3 and therefore appropriate Flood Risk Assessment has been carried out accordingly.

PLANNING HISTORY

There is no relevant planning history for the site.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE3 - Amenity
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- FW1 - Development in Areas at Risk of Flooding
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets

Guidance Documents

- The 45 Degree Guideline (Supplementary Planning Guidance)

- Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No objection.

WCC Ecology: Recommended photos to be sent to determine whether initial bat survey is required.

WCC Local Lead Flood Authority: No objection.

Public Response: One objection has been received from No.47 - *"My property is next to the proposed demolition of outhouse, the wall of which is also my boundary wall. There is no reference to this and I want reassurance that my wall will be replaced with a new wall of equal height. The door of the proposed extension is less than 500mm from my property and therefore does not conform to current building regulations As the residents of 49 St Michaels Road all smoke and stand at their current back door to smoke I believe that they would then stand there and I would have the smell of smoke drifting over my property something that I object to very strongly especially if my grandson is in the garden. I have no objection to the plans being reversed so the doorway faces away from my property and the boundary wall is replaced with another brick wall of equal height or the extension is moved slightly to back up to the boundary and the doorway faces up St Michaels Road"*.

ASSESSMENT

The demolition of the detached garage does not require planning permission and therefore this aspect of the proposal will not be assessed in this application.

The main issues relevant to the consideration of this application are as follows:

- Design and the impact on the character and appearance of the area;
- The impact on the living conditions of neighbouring dwellings;
- Development in areas at risk of flooding;
- Parking
- Biodiversity

Design

Section 7 of the National Planning Policy Framework (NPPF) places significant weight on requiring good design which is a key aspect in achieving sustainable development. New development should positively contribute towards making places better for people.

Local Plan Policy BE1 requires all development to relate well and harmoniously with the architectural form of the surrounding built environment, in terms of scale and massing, and also through good design.

The proposed rear extension is of a modest size and design which will not be visible from the streetscene and it is therefore considered that the proposed extension would be acceptable in design terms and would comply with Policy BE1.

Amenity

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide SPD provides a design framework for Policy BE3 and states that extensions should not breach a 45-degree line taken from the nearest habitable room of a neighbouring property. This serves to protect against loss of light and outlook.

The proposed rear extension would breach a 45-degree sightline taken from the nearest window in the rear elevation of No.47 St Michael's Road. However, the existing garage along that boundary already breaches the 45-degree line. The point at which the proposed extension projects further to the rear is some distance from the affected window. Furthermore, there would only be a limited increase in the eaves height compared with the existing structure. Therefore, it is considered that the proposal would not result in a material loss of light or loss of outlook compared with the existing situation.

There is no conflict with the 45-degree line in relation to the other neighbour at No.51 St Michael's Road.

Based on this it is considered that the proposal will not have an unacceptable impact on the neighbouring properties in terms of loss of light or outlook and having regard to Policy BE3.

Flooding

Local Plan Policy FW1 requires any new development that lies in an area of flood risk to be designed to be flood resilient.

The Flood Risk Assessment which accompanied the application sets out that the proposed development will be designed to be flood resilient. This can be secured by condition. Furthermore, the Local Lead Flood Authority are satisfied with the information provided and have no objection. It is therefore considered that the development is in accordance with Local Plan Policy FW1.

Parking

As the development creates an additional bedroom (from 3 to 4), the Council's Parking Standards SPD would require 3 off street parking spaces, one more than the current requirement.

Having carried out the site visit, it is considered that there is sufficient capacity in the street to accommodate the additional requirement. Furthermore, it is also noted that no objections have been received on grounds of parking. Therefore the proposals are in accordance with Local Plan Policy TR3. WCC Highways has been consulted following the Extended Delegated Decision meeting. Further information to be provided once then consultation response has been received.

Ecology

With regard to the comments of WCC Ecology, it is not considered that a bat survey would be appropriate. This is because the site is situated within an urban area and the existing building has a flat roof which is not ideal for bat roost and the building could be demolished without the need for planning permission. Of course, bats are protected by other legislation and the decision not to require a bat survey does not take away the applicant's legal requirement to notify Natural England in the event that bats are found during the course of development. The proposed development is considered to comply with Local Plan Policy NE2.

Other matters

A neighbour has raised some issues relating to the rebuilding of the boundary wall and the internal layout of the building. However, these are not considered to be material planning considerations relevant to the determination of this application.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
 - 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 20107-002, 20107-003 & 20107-004, and specification contained therein, submitted on 27 Mar 2020. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
 - 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
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**List of Current Planning and Enforcement Appeals
August 2020**

Public Inquiries

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Inquiry	Current Position

Informal Hearings

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing	Current Position

Written Representations

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Current Position
W/18/0986	Ivy Cottage, Barracks Lane, Beausale	One and two Storey Extensions Committee Decision in accordance with Officer Recommendation	Rebecca Compton	Questionnaire: 23/10/18 Statement: 14/11/18	Ongoing
W/19/0091	21 Northumberland Road, Leamington	Erection of Railings and Gates Delegated	Emma Booker	Questionnaire: 17/6/19 Statement: 9/7/19 Comments: -	Ongoing
W/19/1224	Meadow Croft, High Cross Lane, Rowington	Agricultural Building, Fencing and Hardstanding	Helena Obremski	Questionnaire: 18/2/20	Appeal dismissed

		Delegated		Statement: 17/3/20	
<p>The proposed barn would be used for hay cropping machinery and the storage of hay cultivated from the field. The Inspector noted that Paragraph 145a of the NPPF does not refer to a size threshold for an agricultural building or the need to consider its effect on openness. Notwithstanding the Council's concerns that the proposed barn is larger than required for its stated purpose, the Inspector considered that there is no firm evidence to show that it would be used for any purpose other than agricultural. He therefore concluded the proposal would be appropriate development in the Green Belt.</p> <p>The Inspector noted that the field is adjacent to High Cross Lane. It is on a slight gradient and this falls away from the lane towards the valley. The field and site therefore afford distant views of open countryside over a wide panorama. The roadside boundary consists of a hedge and some small trees. Views from the highway into and beyond the site can be achieved through parts of the hedge and the gateway. The three other field boundaries are also a combination of hedge and tree planting. The existing stable block is a subdued single storey structure set adjacent to trees and hedging alongside a side boundary. The field and surrounding land therefore makes a positive contribution to the character and appearance of the surrounding open countryside.</p> <p>The barn would be two-storey in scale. It would have a pitched roof and include a large barn door facing into the field. The barn would be located adjacent to the stable block. Although it would be partially screened by the block and the boundary hedging, views of the barn from the highway would be relatively prominent. Moreover, distant views of the proposed structure would be overt from across the valley.</p> <p>The Inspector considered that the proposed barn would be substantially taller and wider than the adjacent stable and that the proposal would not relate well to the stable in terms of its comparative scale. It would be a prominent and harmful addition to the field and a dominant feature in the landscape due to its mass, the local topography and limited surrounding screening. The Inspector concluded that in combination, this would therefore result in substantial harm to the rural character and appearance of the area.</p>					
W/19/1512	2A St Fremund Way, Whitnash	First Floor Side Extension Delegated	Thomas Fojit	Questionnaire: 25/2/20 Statement: 18/3/20	Appeal dismissed
<p>Notwithstanding flat roofed box dormers identified at other properties, the Inspector considered that the first-floor flat roofed part of the first-floor extension would be seriously out of character with the host dwelling and that of the surrounding development. Whilst he acknowledged that the existing single storey extension and the dormer window also have flat roofs, the single storey element is not prominent in the streetscene whereas the appeal proposal would be. He felt that the combination of the first-floor flat roof extension and the existing box dormer window only highlights the incongruity of the design of the proposal.</p>					

The proposal includes a cat slide roof over part of the first-floor extension which the Inspector considered would not have an unacceptable impact on the character of the dwelling or the surrounding area when considered in isolation, but the combination of it with the flat roof element and together with the box dormer would result in a disjointed design which would be harmful.

While the proposal would breach the 45 degree line by 80cm from No.2 the Inspector considered that the proposal would only have a small impact over and above the existing situation given the design of the pitched roof over the eastern side of the rear extension and that there would not be any significant loss of sunlight or daylight.

In terms of outlook, the Inspector noted that the appeal property is set at a higher land level than No. 2 and any increase in height over and above the existing extension would contribute to a loss of outlook. However, he considered that the relationship between the respective properties would not be significantly different than the relationship between the existing garage at No 4 and the appeal site prior to the erection of the rear extension. Taking this into account, he felt that the level of harm is very small.

In terms of impact on light and outlook to No.4, the Inspector considered that the proposal would only have a very limited impact given the position and height of the existing garage.

W/19/0869	Leasowes Farm, Southam Road, Radford Semele	Timber Cabin for Holiday Rental. Delegated	Helena Obremski	Questionnaire: 9/3/20 Statement: 20/4/20	Appeal Allowed
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Overall on the issue of planning principle, the Inspector found that the main strategy in the Development Plan for new visitor accommodation does not support the erection of a new building in this isolated position in the countryside. While farm diversification proposals generally have a similar requirement in the development plan for utilising an existing building, the erection of a semi-permanent building could make a positive contribution to farm diversification depending on the local landscape impact, accessibility and the effect on productive agricultural land. He found that the proposal would respect the character of the countryside and would relate well to local topography and landscape features. Overall, he was satisfied that the location and nature of the site has reasonable access and wider accessibility.

The Inspector made reference to more recent national guidance in the NPPF which supports a prosperous rural economy and its guidance indicates that planning decisions should support: the growth and expansion of existing businesses; the diversification of agricultural; and sustainable local tourism which respects the countryside. Overall, he found that in this case the support for the proposal under the relevant national guidance outweighs the conflict with the Development Plan when this is read as a whole.

W/19/1633	Land at Honiley Road, Beausale	Erection of 2 Dwellings Delegated	Helena Obremski	Questionnaire: 19/3/20 Statement: 30/4/20	Appeal dismissed
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<p>The Inspector considered that notwithstanding the presence of the neighbouring dwelling, the site is not a small gap located within an otherwise uninterrupted built up frontage but rather a largely open paddock located on the edge of the village. Nor does the site have the characteristics of an obvious vacant plot. The proposal would not integrate into an established street scene due to the substantial separation between houses along this side of Honiley Road. He concluded that it does not constitute limited infill in a village, irrespective of how the settlement boundary has been drawn.</p> <p>He acknowledged that as the site is currently in equine use, it falls within the definition of previously developed land (PDL). The Frameworks states that partial or complete redevelopment of PDL, whether in redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development is not inappropriate development.</p> <p>However, he considered that due to the overall size of the two dwellings proposed it would have a significant greater impact on openness. Consequently, the proposed development constitutes inappropriate development.</p> <p>The also considered that the proposed development comprising two large detached dwellings and the associated infrastructure and domestic paraphernalia would have a substantial impact on openness in both visual and spatial terms.</p> <p>He also felt that the scheme would not successfully integrate into the wider landscape. It would be very apparent and intrusive appearing as an incongruous form of development that would change the verdant appearance of the site into something more urban, notwithstanding the small site coverage. It would significantly erode its verdant and rural appearance adversely affecting its character and appearance.</p> <p>Without a biodiversity impact assessment, the Inspector was not satisfied that it has been demonstrated that there would be no harmful impact upon biodiversity.</p>					
W/19/1858	Former Tamlea Building, Nelson Lane, Warwick.	Redevelopment for residential Purposes. Committee Decision in accordance with Officer Recommendation	Helena Obremski	Questionnaire: 29/5/20 Statement: 26/6/20	Ongoing
W/19/2006	Unit 1, Moss Street, Leamington	Removal of Condition to allow for the Unrestricted Occupancy of 47 bed HMO. Committee Decision in accordance with Officer Recommendation	Helena Obremski	Questionnaire: 11/6/20 Statement: 9/7/20	Ongoing
	Waverley House, 70	Replacement Sash Windows	Jonathan	Questionnaire:	Ongoing

W/19/1253/LB	Binswood Avenue, Leamington	Delegated	Gentry	12/6/20 Statement: 10/7/20	
W/19/1769	Oldfield Farm, Old Warwick Road, Rowington.	One and Two Storey Extensions Delegated	Jonathan Gentry	Questionnaire: 12/6/20 Statement: 3/7/20	Ongoing
W/19/1973	Wooton Grange Farm House, Warwick Road, Kenilworth	Extensions and Alterations Delegated	Jonathan Gentry	Questionnaire: 23/4/20 Statement: 15/5/20	Ongoing
W/19/0697 and 0698/LB	36 High Street, Kenilworth	Tree House, Pergola and Fencing Delegated	Rebecca Compton	Questionnaire: 11/3/20 Statement: 8/4/20	Appeal Allowed

The Inspector considered that owing to its scale, form and position, the tree house is innocuous in the context of the listed building and its garden setting and is read very much as an impermanent structure designed for the purpose of recreation and enjoyment. Consequently, he did not consider that the tree house detracts from the significance or special interest of the listed building or its setting, which have been preserved.

The Inspector considered that the pergola is read as part of the re-landscaping works and fits within a high quality, contemporary garden design that complements the listed building and does not affect its setting. Looking back towards the rear elevation of No. 36 from the garden, the pergola does not harmfully infringe views or dilute appreciation of the architectural interest of the building. The replacement fence is constructed of high-quality materials and is entirely fitting within the context of the recent re-landscaping scheme. It has not harmed the significance or special interest of the listed building.

The construction of a 1.8m high fence with access gate across the northern end of the garden is proposed and would truncate the garden in length. The Council contended that the listed building requires extensive open grounds to preserve its historical significance, but the Inspector did not agree. He considered that the construction of Elmbank Road and the introduction of a detached double garage at the northern end of the garden have contributed to an erosion of its extent and openness. He was also aware that planning permission, now expired, has been

granted for the erection of a new dwelling within the rear portion of the appeal site. Therefore, whilst the whole of the garden is within the setting of the listed building, he considered that the rear portion per se is not germane to its significance or special interest.

W/19/1531	Land off Pitt Hill, Bubbenhall.	Prior notification of Change of Use of agricultural Building to 5 Dwellings. Delegated	Rebecca Compton	Questionnaire: 3/6/20 Statement: 1/7/20	Ongoing
W/19/2113/LB	3 Hatton Green, Hatton	New Roof over Conservatory Delegated	Zoe Herbert	Questionnaire: 12/6/20 Statement: 10/7/20	Ongoing
W/20/0120	1 Portway Close, Leamington	Single Storey side extension Committee Decision in accordance with Officer Recommendation	Thomas Fojut	Questionnaire: 8/7/20 Statement: N/A	Appeal Allowed

The Inspector noted that the proposed single storey extension would occupy a significant proportion of the small walled courtyard that currently provides the only private amenity space to the property, and the 11 square metres of private amenity space that would remain would fall considerably below the minimum amenity space standard of 40 square metres contained within the Council's Residential Design Guide SPD.

However, the Inspector referred to the submitted plan which shows that the open garden adjacent to the courtyard along Danesbury Crescent would be enclosed by a planted hedge and that the intervening courtyard wall would be removed. Based on the submitted drawing and the site visit, he was satisfied that this would create a private amenity space that would be significantly larger than the current walled courtyard and exceed the minimum private amenity space standard contained in the SPD.

The original layout of these bungalows included open gardens along the Crescent. However, the Inspector noted that seven of the thirteen corner bungalows along this side of the road have now enclosed their gardens along the Crescent with tall hedges to provide larger private outdoor amenity spaces. As a result, he found that the landscaping on this side of the road has changed to such an extent that the proposed enclosure of the garden at No 1 would not be out of keeping with the character of the area and so would not set a harmful precedent.

W/20/0317	1 St Pauls Terrace, Warwick	One and two storey extensions Delegated	Jonathan Gentry	Questionnaire: 30/6/20 Statement:	Appeal dismissed
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				N/A	
<p>The Inspector considered that as the side element of the proposed extension would be set down in height, set back from the front elevation and narrower than the width of the dwelling it would be subservient to it. As a result, the vertical emphasis of the front elevation would also be maintained. Moreover, as the side elevation would be set in slightly from the side boundary and would not project beyond the building line of the nearest houses behind it on Linen Street it would not protrude in views along the street. In terms of architectural detail, the features of the extension would complement the existing house.</p> <p>The single storey outrigger attached to the rear of the house would be replaced by a part two storey, part one storey outrigger. Two storey outriggers are a feature of the terrace and are shared between adjacent houses. Whilst the outrigger to No 1 would only serve that house, the width of the proposed outrigger extending partly across the rear of the house and extending across the whole width of the side extension, the Inspector considered it would be sufficiently wide to complement rather than be at odds with the rhythm of outriggers to the rear of the terrace. The stepping down in height of the outrigger from two storey to one storey at the rear would also vary the roof line of the side elevation and provide visual interest.</p> <p>In terms of impact on living conditions, the Inspector noted that at present the outlook over No 1 from the two rear habitable room windows at No 2 is open at first floor level and partially encumbered at ground floor level by the single storey rear outrigger at No 1 which breaches the 45 degree line. In relation to the appeal proposal, on the basis of the submitted plan showing the 45 degree line, the extent of the proposed two storey element of the outrigger would comply with the guideline in relation to the ground and first floor rear windows at No 2. However, the single storey element of the outrigger would be materially longer than the existing outrigger and extend almost to the rear boundary. In combination with its dual pitched roof, which would be taller than the shallow angled monopitch roof serving the existing outrigger, this would result in the extension unduly enclosing the outlook from the rear ground floor window at No 2. He acknowledged that other rear windows along the terrace are enclosed by outriggers to a similar or greater extent and the neighbours at No 2 have not complained. However, he reasoned that the construction of the terrace predates the current planning system whose For all of these reasons, I therefore conclude that the proposed development would result in an enclosed overbearing outlook from the rear ground floor window of No 2 which would unacceptably harm living conditions.</p>					
W/20/0074	1 Westgrove Terrace, Leamington	Dormer Window Delegated	Jonathan Gentry	Questionnaire: 8/7/20 Statement: N/A	Appeal dismissed
The Inspector noted that the appeal property is simply designed with a dual pitched slate roof unadorned by any features other than for a					

chimney stack and parapet wall separating the roof from its neighbour. The proposed dormer would sit next to the edge of the rear roof slope neighbouring No 2 and would occupy most of the height of the roof with only a slight set down from the roof ridge and a small set up from the eaves. As a consequence, it would be contrary to the guidance contained within the Council's Residential Design Guide SPD. He considered that the use of slate to clad the dormer and matching dark grey eaves and barge boards would not reduce its conspicuousness to an acceptable level. As a result, it would be an overly large dormer that would dominate the roof slope and harm the simple design and appearance of the house and terrace.

There are three large rear dormers to eleven of the houses within the terrace, two of which are full width and particularly large. However, as they are located away from the footway, they are not easily visible in public views and are too few in number to alter the overall simple pleasing character of the terrace and its unadorned roofs. Moreover, as the uncontested position is that the two full width dormers were constructed under permitted development rights prior to establishment of the Conservation Area, and that the third was built larger than the plans approved for it, the circumstances of their construction are materially different to that of the proposed scheme. For these reasons he concluded that their presence does not lend material weight in favour of the proposal.

W/20/0277	107 Leicester Street, Leamington	Two storey side extension Delegated	Ankit Dhakal	Questionnaire: 30/6/20 Statement: N/A	Appeal dismissed
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The Inspector noted that No 107 is a semi-detached house on a relatively wide plot parallel to Leicester Street. On its western side is Leicester Court which is a development of flats that is orientated at right angles to the road. As a result, the rear elevation of some of the flats located towards the street face the side elevation of the house at No 107. Owing to the slope of the street the rear elevation of the flats is the equivalent of approximately one storey lower in height than the house on the appeal site.

At present the house is set back from the side boundary with Leicester Court by several metres with only a low flat roofed garage centrally positioned in the intervening space. The proposed development would result in the single storey element of the side extension extending to 1m from the side boundary. Owing to the slope of the site the single storey element of the side extension would be significantly taller than the existing garage in order to be level with the house. In views from the nearest bedroom windows within the rear elevation of the flats at Leicester Court the elevated height of the appeal site would mean that the single storey extension would have the same effect on living conditions as if it was two storeys tall.

The Inspector considered that given the limited distance separating the two, the height and width of the side extension would be overbearing in views from the habitable rear facing rooms within two of the nearest flats and unduly enclose the outlook. With a separation distance of 11.14m between the facing elevations this would be contrary to separation standard in the SPD. Given the difference in ground levels described the Inspector considered that that 12m (two storey to two storey) was the appropriate standard to apply in this case.

New	129 Warwick New Road,	Application for a Certificate of Lawful	Ankit Dhakal	Questionnaire: 6/7/20	Ongoing
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W/19/1442	Leamington	Development for a Rear Extension Delegated		Statement: 3/8/20	
New W/20/0185	9 Eborall Close, Warwick	First and Ground Floor Extensions Delegated	Ankit Dhakal	Questionnaire: 29/7/20 Statement: N/A	Ongoing
New W/19/2037	Arden Hill, Lapworth Street, Lapworth	New Dwelling Delegated	Dan Charles	Questionnaire: 26/6/20 Statement: 24/7/20	Ongoing
New W/19/0860	6 Phillipes Road, Warwick	Change of use to Garden and Erection of Fencing Committee Decision in accordance with Officer Recommendation	Emma Booker	Questionnaire: 22/7/20 Statement: 13/8/20	Ongoing
New W/20/0329	The Threshing Barn, Finwood Road, Rowington	Extensions and Conversions Delegated	Emma Booker	Questionnaire: 23/7/20 Statement: N/A	Ongoing
New W/19/1604	17 Pears Close, Kenilworth	First and Ground Floor Extensions Delegated	George Whitehouse	Questionnaire: 19/6/20 Statement: N/A	Ongoing
New W/20/0214	Broadford House, Grovehurst Park, Stoneleigh	Boundary Features Delegated	George Whitehouse	Questionnaire: 19/6/20 Statement: N/A	Ongoing

New W/19/1558	Land rear of 14 – 16 Randall Road, Kenilworth	Detached Bungalow Delegated	Helena Obremski	Questionnaire: 26/6/20 Statement: 24/7/20	Ongoing
New W/19/1572	Land off Birmingham Road and A46, Warwick	2 Dwellings Delegated	Helena Obremski	Questionnaire: 26/6/20 Statement: 24/7/20	Ongoing
New W/19/1772	Land at the Valley, Radford Semele	Dormer Bungalow Committee Decision in accordance with Officer Recommendation	Helena Obremski	Questionnaire: 18/6/20 Statement: 16/7/20	Ongoing
New W/20/0301	102 Shrewley Common, Shrewley	Detached Garage Delegated	Jonathan Gentry	Questionnaire: 27/7/20 Statement: N/A	Ongoing
New W/19/1981	115 Brunswick Street, Leamington	Change of Use to HMO Delegated	Rebecca Compton	Questionnaire: 4/8/20 Statement: 25/8/20	Ongoing
New W/20/0243	Pear Tree Cottage, Stoneleigh Road, Blackdown	Enlargement and Remodelling of Dormer Bungalow Delegated	Thomas Fojut	Questionnaire: 8/7/20 Statement: 30/7/20	Ongoing
New W/19/1949	22 St Mary's Terrace, Leamington	Conversion and Extension of Garage into Dwelling Delegated	Rebecca Compton	Questionnaire: 26/6/20 Statement:	Ongoing

				24/7/20	

Enforcement Appeals

Reference	Address	Issue	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position
ACT 450/08	Meadow Cottage, Hill Wootton	Construction of Outbuilding	RR	Start date 04/06/19 Statements 22/11/19	Public inquiry 1 DAY	The inquiry has been held in abeyance

Tree Appeals

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position