

Planning Committee Tuesday 2 February 2021

A meeting of the above Committee will be held remotely on Tuesday 2 February 2021, 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**

To confirm the minutes of the meeting held on 12 January 2021. **(To follow)**

Part B – Planning Applications

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

5. **W/17/2371 – Land off Rugby Road and Coventry Road, Cubbington**
***Major Application* (Pages 1 to 3)**
6. **W/19/1200 – Land at SouthCrest Farm, Crewe Lane, Kenilworth**
***Major Application* (Pages 1 to 2)**
7. **W/20/0617 – Land South of Chesterton Gardens, Royal Leamington Spa**
***Major Application* (Pages 1 to 40)**
8. **W/20/1402 – Kenilworth Rugby Football Club, Warwick Road, Kenilworth**
***Major Application* (Pages 1 to 22)**
9. **W/20/1669 – 2 Woodcote Road, Royal Leamington Spa (Pages 1 to 19)**

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 [Speaking at Planning Committee](#) 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.
- (a) 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

Details of all the Council's committees, councillors and agenda papers are available via our website on the [Committees page](#)

We endeavour to make all of our agendas and reports fully accessible. Please see our [accessibility statement](#) for details.

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

Planning Committee

Minutes of the remote meeting held on Tuesday 12 January 2021 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: Committee Services Officer – Mr Edwards; Principal Committee Services Officer – Mrs Dury (observing only); Legal Advisor – Mr Howarth; Manager - Development Services – Mr Fisher; Principal Planning Officers – Ms Obremski and Mr Charles; Enforcement Manager – Mrs Reddi; and Warwickshire County Council Highways Officer – Mr Pilcher.

92. **Apologies and Substitutes**

There were no apologies for absence made.

93. **Declarations of Interest**

There were no declarations of interest made.

94. **Site Visits**

There were no arranged site visits made by the Committee but Councillor Dickson independently visited the following application sites:

W/20/0760 - WCC County Store Depot and Former Ridgeway School, Montague Road, Warwick; and
W/20/0735 - 23 Mill End, Kenilworth.

95. **Minutes**

The minutes of the meeting held on 1 December 2020 2020 were taken as read and signed by the Chairman as a correct record.

The Chairman paused the meeting at 6.07pm for five minutes to allow Members time to read the addendum that was circulated prior to the meeting.

96. **TPO 561 – Rear of 7 Dickins Road, Warwick District Council**

The Committee considered the confirmation of a provisional Tree Preservation Order relating to an oak tree at the rear of 7 Dickins Road, Warwick.

The application was presented to Committee because objections had been received against the TPO being confirmed.

The Council was made aware on 27 July 2020 of the potential felling of a mature oak tree. Following an unannounced site visit on 28 July 2020, a Provisional Order was made. The Provisional Order showed the tree on land within Chesford Crescent, but if Members were minded to confirm the

PLANNING COMMITTEE MINUTES (Continued)

order, it should be amended to show the location was within the land to the rear of 7 Dickins Road.

The tree's scale and mass provided very significant public amenity. It was clearly visible from Chesford Crescent, Dickins Road, and All Saints Road, and appeared to be in good health, with a retention span of up to 100 years.

The Council's Arboricultural Consultant assessed the tree for its TPO quality using the nationally recognised TEMPO method of assessment. The tree scored 22; the TEMPO guidance was that where the score was 16 or more, the making of a TPO was merited (if there were no other mitigating circumstances).

The officer was of the opinion that the issues raised in objection to the TPO were not sufficient to outweigh the significant amenity contribution which the oak tree made to the surrounding area, and therefore it was expedient to confirm the TPO.

An addendum circulated prior to the meeting informed Members that nine photographs had been received from the objector, demonstrating the width of the access, and before and after photographs of the site clearance and the crack in the slab.

Following consideration of the report, presentation, and information contained in the addendum, it was proposed by Councillor Morris and seconded by Councillor Weber that officers should be authorised to confirm the order.

The Committee therefore

Resolved that officers be **authorised** to confirm TPO 561 with an amended location plan.

97. W/20/0760 – WCC County Store Depot and Former Ridgeway School, Montague Road, Warwick

The Committee considered an application for Crest Nicholson Midlands for the demolition of the existing buildings and construction of 121 dwellings with associated internal roads, footways, cycle ways and retained access for an ambulance station.

The application was presented to Committee because of the number of objections received, including an objection from Warwick Town Council.

The officer was of the opinion that the redevelopment of this site for residential purposes was in accordance with the allocation of the site for housing by Local Plan Policy DS11, and was therefore acceptable in principle. There were substantial public benefits which would be secured by the scheme, such as the provision of a high quality major residential development of 121 dwellings, which would contribute towards the Council's housing stock, including the provision of 48 affordable housing units. The proposal had been designed in conjunction with officers to provide a sensitive form of development which responded well to the setting of the Canal Conservation Area and wider site context. The

PLANNING COMMITTEE MINUTES (Continued)

proposed development was considered to enhance the setting of the Conservation Area and also provided more opportunities for members of the public to enjoy the canal. Furthermore, the proposed development provided a high quality area of public open space, which was appropriately positioned in the central portion of the site to be effectively accessed by all, delivering a 'green link' which allowed not only future residents, but also wider members of the public easy access to the canal.

The proposed market and affordable housing mix was considered to be acceptable, given the location of the site in a highly sustainable location. The proposals were also considered to be acceptable in terms of car parking, highway safety, drainage/flood risk and ecological impact. The scheme was considered to have overcome the previous reason for refusal and had demonstrated why the level of parking provided would represent a policy compliant scheme.

There were substantial benefits to this scheme, which were considered to significantly outweigh any minor compromises, such as the car parking layout or living conditions. The proposal provided a comprehensive redevelopment of an allocated housing site, with a large area of open space within the central portion of the site, allowing easy access for all. The site provided an unusual opportunity for residents to have direct access to the canal, with cycle routes and footways, which encouraged healthy, sustainable lifestyles. The dwellings would all have good levels of privacy, outlook and light, which met the required standards.

Subject to the above required information being provided and agreed, it was considered that the scheme provided a high quality, policy compliant development, and therefore it was recommended that planning permission should be granted.

An addendum circulated prior to the meeting advised Members of changes to condition 2, which related to drawing reference numbers, and also informed Members that, as requested, the applicant had provided a technical note which detailed the requirements from WCC Landscape.

The addendum also gave further details relating to matters concerning landscape, affordable housing tenure, ecology, parking, Section 106 agreement, and consultation responses.

The following people addressed the Committee:

- Councillor Stephen Cross, representing Warwick Town Council, which had objected to the application;
- Dr Roemer, speaking in objection;
- Mr Slemensek, speaking in objection;
- Ms Bowater, speaking in support; and
- Councillor Jody Tracey, District Councillor, speaking in objection.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Kennedy and seconded by Councillor Ashford that the application should be granted in accordance with the report and addendum and an additional condition relating to addressing sustainability.

PLANNING COMMITTEE MINUTES (Continued)

The Committee therefore

Resolved that W/20/0760 be **granted** subject to the conditions listed below, and a Section 106 agreement to secure the necessary financial contributions/obligations in relation to health services, indoor and outdoor sports facilities, highway infrastructure improvements, education services, libraries, sustainable travel packs, provision of public open space, air quality mitigation, public rights of way, police services, biodiversity offsetting, improvements to the Grand Union Canal and affordable housing.

Authority be delegated to the Head of Development Services in liaison with the Chairman 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.

The final figure for the biodiversity offsetting contribution is delegated to officers, in liaison with the Chairman of Planning Committee.

The final figures for open space contributions are delegated to officers, in liaison with the Chairman of Planning Committee.

Should a satisfactory Section 106 Agreement not have been completed by 12 February 2021, authority is delegated 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.

- | No. | Condition |
|------------|---|
| (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:

172977A/A/01 (northern site access details),
172977A/A/02 (southern site access details),
19057 ACO - 01 (acomb house type), 19057 ASH - 01 (ashtead house type), 19057 HEX - 01 (hexham house type), 19057 WIN - 01 (windsor house type, floor plans), 19057 YOR - 01 (york house type), 19057 FIL - 01 (filey |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	house type, floor plans), 19057 MAI - 02 (maisonette type, plots 15 - 22, first floor plans), 19057 MAI - 04 (maisonette type, plot 23 - 26 floor plans), 19057 MAI - 06 (maisonette type, plots 55-58 and 59-62, floor plans), 19057 MAI - 08 (maisonette type, plot 116 - 121 floor plans) submitted on 15th May 2020,
	drawings 19057 DG - 01 (double garage), 19057 SG - 01 (single garage), 19057 T3A - 01 Rev A (T3A house type, floor plans), submitted on 2 nd December 2020,
	drawings 19057 CHE - 01 Rev A (chesham house type), 19057 CRO - 01 Rev A (cromer house type), 19057 FIL - 02 Rev A (filey house type, elevations), 19057 H3A - 02 Rev A (H3A house type, elevations), 19057 HAT - 01 Rev A (hatfield house type), 19057 MAI - 03 Rev A (maisonette type Plot 15 - 22, elevations), 19057 MAI - 05 Rev A (maisonette type Plots 23 - 26, elevations), 19057 MAI - 07 Rev A (maisonette type plots 55 - 58 and 59 - 62, elevations), 19057 MAI - 09 Rev B (maisonette type plots 116 - 121, elevations), 19057 MAR - 01 Rev A (marlborough house type), 19057 T3A - 02 Rev B (T3A house type, elevations), 19057 WHI - 01 Rev A (whixley house type), 19057 WIN - 02 Rev A (windsor house type, elevations) submitted on 14th December 2020,
	drawings 19057 01 Rev T (colour site plan), 19057 04 Rev D (materials plan), 19057 05 Rev E (boundaries plan), 19057 06 Rev D (affordable housing plan), 19057 07 Rev D (storey heights plan), 19057 08 Rev D (phasing plan), 19057 09 Rev E (car parking strategy) submitted on 16th December 2020,
	drawings 19057 MAI - 01 (maisonette type, plots 15 - 22, ground floor plans) submitted on 15 May 2020, 19057 MAI - 08 Rev A (maisonette type, plot 116 - 121 floor plans) submitted on 2 December 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;

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| (3) | <p>the development hereby permitted shall not commence unless and until tree protection / mitigation measures have been submitted to and approved in writing by the LPA and the approved measures have been put in place. The approved measures must remain in place for the duration of the works. The measures are to be submitted for all of the trees within the site as well as the highway trees that may be affected by the proposed development and must include:</p> <ul style="list-style-type: none">a) an arboricultural method statement and tree protection plan in accordance with British Standard BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations, Clause 7 in particular; andb) an arboricultural site monitoring protocol that will confirm to the local planning authority by independent examination that the agreed tree protection measures are in place for the duration of the development. |

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) | <p>no phase of development (excluding demolition) shall take place until a detailed surface water drainage scheme for the site (or that phase), based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall include the following information:</p> <ul style="list-style-type: none">• demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753 through the submission of plans and cross sections of all SuDS features; |
|-----|---|

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | <ul style="list-style-type: none">• limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 140 l/s for the whole site;• demonstrate the provisions of surface water run-off attenuation storage are provided in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments';• demonstrate detailed design (plans, network details and calculations) of the surface water drainage scheme including details of all attenuation and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 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 based on the final levels of the site; and• provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network; |

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; to ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1, FW1 and FW2 of the Warwick District Local Plan 2011-2029;

- (5) 1. no phase of development excluding works of demolition shall take place until:
- a) a desk-top study has been carried out for the phase that shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	information, and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced; and
b)	if identified as being necessary having completed the desk-top survey study, a site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable: <ul data-bbox="853 929 1425 1467" style="list-style-type: none">• 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; and• the development of a method statement detailing the remediation requirements.
c)	the site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken;
d)	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 local planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | the local planning authority prior to the remediation being carried out on the site; |
| 2. | all development of the site shall accord with the approved method statement; |
| 3. | if during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with; and |
| 4. | upon completion of the remediation detailed in the method statement 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. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report. |

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

- (6) no phase of development (including any works of demolition) shall be undertaken unless and until a construction management plan for that phase has been submitted to and approved in writing by the District Planning Authority. The CMP shall provide for: the location of the site compound; construction routes into the development; the parking of vehicles of site operatives and visitors; site working hours and delivery times; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | <p>appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the 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;</p> |
| (7) | <p>no development on Plots 34-45 and Plots 73-86 inclusive shall take place until a Method Statement detailing the design and means of construction of the foundations of the buildings to be constructed on those plots, together with any other proposed earthmoving and excavation works required in connection with their construction, has first been submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall identify and incorporate any measures such as vibration monitoring, to ensure that the risk of adversely affecting the stability of the adjacent Grand Union Canal or towpath is appropriately minimised. The development shall thereafter only be carried out in accordance with the agreed Method Statement. Reason: In the interests of avoiding the risk of creating land instability arising from any adverse impacts from foundation construction, earthmoving, excavations or other construction operations which could adversely affect the structural integrity of the adjacent Grand Union Canal in accordance with the advice and guidance on land stability contained in paragraphs 170 and 178 of the National Planning Policy Framework and in the National Planning</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | Practice Guidance; |
| (8) | <p>each phase of development shall not commence unless and until a hard and soft landscaping scheme for that phase has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and 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;</p> |
| (9) | <p>no development on each phase shall take place until:</p> <ul style="list-style-type: none">(a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority for that phase;(b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | production detailed within the approved WSI has been undertaken for that phase. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority; and |
| (c) | an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority for that phase. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation. |

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

Reason: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;

- (10) no development of each phase of the development shall commence unless and until further written approval of the Local Planning Authority has been obtained for the design of the estate road layout serving the development [including footways, cycleways, verges and footpaths]. These details shall include large scale plans and sections showing the layout, vertical alignment, and surface water drainage details including the outfall. No dwelling for each phase of the development shall be occupied until the estate roads [including footways, cycleways, verges and footpaths serving it] have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the approved details.
- Reason:** In the interests of highway and pedestrian safety in accordance with the

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | requirements of policy TR1 of Warwick District Local Plan 2011 – 2029; |
| (11) | the development hereby permitted (including demolition) shall not commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists– Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. Reason: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029; |
| (12) | no phase of development hereby permitted, including site clearance work, shall commence until a Construction Environmental Management Plan for that phase has been submitted to and approved in writing by the District Planning Authority. In discharging this condition, the LPA expect to see details concerning pre-commencement checks for hedgehogs, bats, reptiles and amphibians, breeding birds and otters and appropriate working practices and safeguards for wildlife 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 safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029; |
| (13) | no occupation and subsequent use of the development shall take place until a detailed maintenance plan, written in accordance with CIRIA C753, is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details, shall be provided to the LPA and LLFA within the maintenance plan. Reason: To ensure the future maintenance of the sustainable drainage structures, in order to |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; to ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1, FW1 and FW2 of the Warwick District Local Plan 2011-2029; |
| (14) | <p>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.</p> <p>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;</p> |
| (15) | <p>no lighting or illumination of any part of the site shall be installed or operated unless and until details of such measures (including details of design, extent, location and installation of any proposed external lighting of open spaces near to the canal) shall have been submitted to and approved in writing by the Local Planning Authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.</p> <p>Reason: To ensure that any lighting is designed and operated so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;</p> |
| (16) | <p>notwithstanding the finished floor levels details submitted, no development above ground level in each phase shall take place until details of the finished floor levels of all buildings, together with details of existing and proposed site levels for each phase on the application site and the relationship with adjacent land and buildings 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</p> |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | 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; |
| (17) | no development shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. Reason: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029; |
| (18) | no phase of development hereby permitted shall be occupied until a scheme for the provision of adequate water supplies and fire hydrants for that phase necessary for firefighting purposes at the site, has been submitted to and approved in writing by the local Planning Authority. The approved scheme shall be implemented in full prior to occupation of any dwelling to the satisfaction of the Local Planning Authority. Reason: In the interests of Public Safety from fire and the protection of Emergency Fire Fighters; |
| (19) | no development above slab level for each phase of the development shall commence unless and until a scheme detailing arrangements to protect residents of the development from excessive road traffic and commercial noise entering habitable rooms for that phase has been submitted to and approved in writing by the local planning authority. Once approved the noise mitigation scheme shall be implemented in full accordance with the approved details and shall be retained thereafter. Reason: To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| (20) | no development above slab level shall take place until an appropriate scheme of mitigation in accordance with Warwick District Council's Air Quality Supplementary Planning Document (January 2019) has been submitted to and approved by the local planning authority. Once approved the scheme shall then be implemented in full and shall not be altered in any way without expressed written consent from the local planning authority. Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan; |
| (21) | no dwelling on each phase of development hereby permitted shall be occupied until details of all external light fittings and external light columns for that phase have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition, the Local Planning Authority expects lighting to be restricted on the southern side of the site and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. No lighting shall be installed other than in strict accordance with the scheme approved under this condition. The lighting shall be maintained and operated in strict accordance with the approved scheme at all times thereafter. Reason: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies BE3, NE2 & NE5 of the Warwick District Local Plan 2011-2029; |
| (22) | no dwelling hereby permitted shall be occupied unless and until the car parking provision for that dwelling has been constructed or laid out, and made available for use by the occupants and / or visitors to the dwelling and thereafter those spaces shall be retained for parking purposes at all times. Reason: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029; |
| (23) | each phase of the development hereby permitted shall not be occupied unless and until the refuse and recycling storage areas for that phase of the development have been constructed or laid out in strict accordance with the approved plans, and made available for use by the occupants of the development. Thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development. Reason: To ensure the satisfactory provision of refuse and recycling storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029; |
| (24) | the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted. Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, 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/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted. All 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 (excluding hard surfaces). Reason: To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029; |
| (25) | 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 on any land between the front or side elevation of any dwelling and any road or footpath. |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | Reason: Due to the open plan layout of the proposed development it is considered important to ensure that control is maintained over boundary treatments fronting the public highway; |
| (26) | all rainwater goods along the canal frontage for the development hereby permitted shall be metal. Reason: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029; |
| (27) | all window and door frames shall be constructed in timber and shall be painted and not stained. Reason: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029; |
| (28) | prior to the occupation of the development hereby permitted, the first floor side facing window(s) in the side elevation(s) of the following plots shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed: plots 1, 48, 68, 87, 91, and 92. The obscured glazed window(s) shall be retained and maintained in that condition at all times. Reason: To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (29) | the dwellings within 'Build Phase 1' shall not be occupied unless and until a 2.0-metre-high acoustic fence has been installed in accordance with the approved Drawing 19057-05-D (Boundary Treatment Plan). The acoustic fence shall be imperforate, sealed at the base, and shall have a minimum superficial density of at least 10kg/sq.m. Once installed the acoustic fence shall be retained thereafter and shall not be altered in any way without expressed written consent from the local planning authority. Reason: To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | District Local Plan 2011-2029; |
| (30) | pre-commencement conditions for provision of a landscape and ecological management plan and a construction environmental management plan; and |
| (31) | an additional condition relating to addressing sustainability, to be agreed in liaison with the Chairman of Planning Committee. |

(At 7.52pm, the meeting was adjourned for 10 minutes to allow for a comfort break.)

98. **W/20/0735 – 23 Mill End, Kenilworth**

The Committee considered an application from Mr Smith for the erection of a first floor extension over a garage.

The application was presented to Committee because of the number of objections, including an objection from Kenilworth Town Council.

The officer was of the opinion that the application was acceptable and was considered to comply with Local Plan Policies BE1, BE3, TR3, FW1, NE2 and NE4, and Neighbourhood Plan Policies KP13 and KP12. The application was therefore recommended for approval.

An addendum circulated prior to the meeting advised Members that the applicant had confirmed in writing their agreement to the recommended pre-commencement condition related to flood risk.

The addendum also advised that WDC's Building Control Team had been consulted on the application and had advised that it would not require any further information prior to the determination of the Planning application. Instead it was considered that matters related to the loading on the culvert could be dealt with via an application for Building Regulations Approval.

Councillor Barry, representing Kenilworth Town Council, addressed the Committee, speaking in objection.

Following consideration of the report, presentation, information contained in the addendum and the representation made at the meeting, it was proposed by Councillor Ashford and seconded by Councillor Morris that the application should be granted, with a note concerning protection of the culvert.

The Committee therefore

Resolved that W/20/0735 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|---|
| (1) | the development hereby permitted shall begin no later than three years from the |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | 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) 443.02, and specification contained therein, submitted on 18th May 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 not commence unless and until details of proposed floor levels and flood proofing / resilience and resistance techniques have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with the approved details. Reason: In the interests of reducing occupant's risk from flooding, in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029 and to secure a satisfactory form of development in accordance with the Environment Agency's Standing Advice; and |
| (4) | a note concerning the protection of the culvert. |

99. **W/20/1007 – Unit 3, Holly House, Queensway, Royal Leamington Spa**

The Committee considered an outline application from Queensway Conference Centre Ltd for the demolition of an existing workshop and the construction of a mixed use development, consisting of a complimentary health suite (D1), offices (B1) and 10no. flats (C3) with all matters reserved.

The application was presented to Committee because of the number of objections received.

The site was a brownfield site within the Urban Area of Royal Leamington Spa. Local Plan policy H1 allowed for new residential development in these locations.

The officer was of the opinion that although the proposal was in outline form, the site was capable of accommodating a very high quality scheme at a level which was acceptable in overall terms, including in respect of the integration of built development within the surrounding landscape, and the

PLANNING COMMITTEE MINUTES (Continued)

site provided additional benefits in the form of a complimentary health suite to serve the local community.

Following consideration of the report and presentation, it was proposed by Councillor Ashford and seconded by Councillor Heath that the application should be granted.

The Committee therefore

Resolved that W/20/1007 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|--|
| (1) | details of the access, 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) | details of the access, 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); |
| (3) | 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); |
| (4) | 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); |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| (5) | <p>no development shall commence unless and until details of foul water drainage works have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details.</p> <p>Reason: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029;</p> |
| (6) | <p>other than site clearance works, no development shall take place until a detailed Drainage Strategy, to demonstrate the existing and proposed drainage plans for the site shall be submitted and approved in writing by the Local Planning Authority. The strategy should include the following details:</p> <ul style="list-style-type: none">• assessment of the nature of SUDS proposed to be used;• the allowable rates of run-off from the site;• demonstration that all surface water is managed on site for a range of events including an allowance for climate change;• an assessment of pre-development surface water flows and discharge rates;• the proposed allowance for an exceedance flow and overland flow routing; and• how surface water systems will be managed and maintained for their lifetime. <p>The development shall be carried out in full accordance with the approved details and maintained as such thereafter. Reason: To ensure appropriate surface water drainage is provided on site in accordance with Policies FW1 and FW2 of the Warwick District Local Plan;</p> |
| (7) | <p>the development hereby permitted (including any works of demolition) shall not commence unless and until a construction method statement has been submitted to and approved in writing by the local planning authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for:</p> |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
	<ul style="list-style-type: none">• 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.

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;

- (8) the development hereby permitted (including demolition) shall not commence until an updated bat survey of the site, (possibly to include appropriate activity surveys) in accordance with BCT Bat Surveys for Professional Ecologists- Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full.
Reason: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029;
- (9) no development above slab level shall commence until an environmental noise assessment has been carried out by a competent person. A report of that assessment together with recommendations for any necessary mitigation measures to

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | comply with BS 8233:2014 "Sound Insulation and Noise Reduction in Buildings-code of practice and "World Health Organisation Guidelines For Community noise" shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be carried out strictly in accordance all the recommendations contained within the approved noise report prior to first occupation of the development. Thereafter the mitigation measures shall be maintained in accordance with the approved details. Reason: To protect the amenities of future occupiers in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029; |
| (10) | no development above slab level shall commence until details of appropriate noise insulation between the party walls/ceiling of the commercial use and residential units has been submitted to and approved in writing by the Local Planning Authority. Thereafter the mitigation measures shall be maintained in accordance with the approved details. Reason: To protect the amenities of future occupiers in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029; |
| (11) | prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the District Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority: <ol style="list-style-type: none">1) a preliminary risk assessment which has identified:<ul style="list-style-type: none">• all previous uses;• potential contaminants associated with those uses;• a conceptual model of the site indicating sources, pathways and receptors; and• potentially unacceptable risks arising from contamination at the site.2) a site investigation scheme, based on (1) to provide information for a detailed |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | assessment of the risk to all receptors that may be affected, including those off site; |
| 3) | the site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; |
| 4) | a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action; and |
| 5) | a verification report containing the data identified in (4). |

Any changes to these components require the express consent of the District Planning Authority. The scheme shall be implemented strictly as approved. **Reason:** To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;

- (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 in accordance with the requirements of condition 11, and where remediation is necessary a remediation scheme must be prepared which shall 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 ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| | workers, neighbours and other offsite receptors in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029; |
| (13) | 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; |
| (14) | no development shall be carried out above slab level until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings 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; |
| (15) | the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit 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. Reason: To ensure the creation of well-designed and |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029; |
| (16) | the development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details. Reason: In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029; |
| (17) | the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance 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; |
| (18) | construction works that are likely to give rise to off-site noise shall only take place between the hours of 10am to 4pm Monday to Friday, 8am to 1pm on Saturdays and at no time during Sundays or Bank Holidays. Reason: The buildings are closely adjoined by residential properties and the local planning authority considers it necessary to control the construction works in the interests of the amenities of the area in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (19) | no deliveries shall be taken at the site and no vehicle(s) shall enter or leave the site before 8am or after 4.30pm, Monday to Friday, before 8am or after 1pm on Saturdays or at any time on Sunday or Bank/Public Holiday. Reason: To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| (20) | delivery vehicles are not permitted to wait outside the construction site before the site is open for working. Reason: To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; |
| (21) | the demolition and construction works shall be carried out in accordance with the following requirements: |

Noise

- best practicable means" shall be employed at all times to control noise. The Contractor shall employ the best practicable means to reduce to a minimum the noise produced by his operations and shall comply with the general recommendations in BS 5228: 1984 'Noise Control on Construction and Open Sites';
- without prejudice to the generality of the Contractor's obligations imposed by the above statement, the following shall apply:
 - all vehicles, mechanical plant and machinery used for the purpose of the works associated with the Contract shall be fitted with proper and effective silencers and shall be maintained in good and efficient working order;
 - all compressors shall be "noise reduced" models fitted with properly lined and sealed acoustic covers which shall be kept closed whenever the machines are in use and all ancillary pneumatic percussion tools shall be fitted with mufflers or silencers of the type recommended by the manufacturers;
 - whenever possible only electrically-powered plant and equipment shall be used;
 - acoustic screens shall be used to protect any noise sensitive development where deemed necessary by the Head of Health and Community Protection for Warwick District Council or his representative; and

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|---|
| | <ul style="list-style-type: none">• all plant and machinery in intermittent use shall be shut down in the intervening periods between work. |

Dust

- unloading shall only take place within the site itself;
- regular sweeping of access roads to the site must be carried out where mud is likely to affect residents and/or highway safety. In dry conditions damping down of road surfaces should be carried out to control dust. a vehicle wheel wash will be provided to minimize carry-over to the highway; and
- on-site dust shall be controlled by use of "best practicable means" to prevent dust arising from road surfaces, wind whipping of stock piles, handling of dusty materials, crushing, compacting and cutting and grinding operations.

Smoke

- there shall be no burning on site.

Light

external work lighting, flood lighting, security lights must not cause light nuisance to neighbouring occupiers. Particular attention must be paid to the siting and orientation of lights to avoid glare.

Reason: In the interests of the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE1 TR1 and NE5 of the Warwick District Local Plan 2011-2029;

- (22) the overall height of the proposed building shall not exceed the overall ridge height of the development known as Monarch Court, Monarch Gardens. **Reason:** To ensure the development is in keeping with the character of the local area in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and

PLANNING COMMITTEE MINUTES (Continued)

- | No. | Condition |
|------------|--|
| (23) | the Complimentary Health Suite shall be limited to a maximum of 2 consulting rooms at all times and maintained in perpetuity.
Reason: To comply with the parking standards of the Local Planning Authority and in accordance with Policy TR3 of the Warwick District Local Plan 2011-2029. |

100. **W/20/1531 – 8 The Close, Royal Leamington Spa**

The Committee considered an application from Ms Auila for the proposed erection of a single storey side and rear extensions.

The application was presented to Committee because of the number of objections received.

The officer was of the opinion that the scheme was acceptable, having regard to the character of the street scene, the existing built form, and the impact on the amenity of neighbouring properties. Officers were also satisfied that the scheme would not result in harm to protected species.

An addendum circulated prior to the meeting advised Members that Royal Leamington Spa Town Council confirmed that Members raised no objection to this scheme, which omitted the previously proposed HMO conversion.

Following consideration of the report, presentation and information contained in the addendum, it was proposed by Councillor Dickson and seconded by Councillor Jacques that the recommendation in the report should be approved.

The Committee therefore

Resolved that W/20/1531 be **granted** subject to the following conditions:

- | No. | Condition |
|------------|---|
| (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 approved site location plan '4037-01B' submitted on the 29th September 2020, revised drawing '4037-02C' submitted on the 26th November 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; and |

PLANNING COMMITTEE MINUTES (Continued)

No.	Condition
(3)	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.

101. **Planning Appeals Report**

Members received a report from officers outlining the existing enforcement matters and appeals currently taking place.

Resolved that the report be noted.

(The meeting ended at 8:43pm)

CHAIRMAN
2 February 2021

Planning Committee: 2 February 2021

Item Number: 5

Application No: W/17/02371

Town/Parish Council: Cubbington

Case Officer: Dan Charles

01926 456527 dan.charles@warwickdc.gov.uk

Land off Rugby Road and Coventry Road, Cubbington, CV32 7JN

Development of 120 dwellings (including 48 affordable units), formation of single access point from Coventry Road and single access point from Rugby Road, highway works, landscaping, public open space and ancillary works.

FOR Bellway Homes (South Midlands) Ltd

Proposed Deed of Variation to the signed Section 106 Agreement

INTRODUCTION

This report relates to planning permission W/17/2371 which was previously presented to Members of the Planning Committee on September 11th 2018. The recommendation to committee was to grant planning permission, subject to the various conditions listed in the report as well as a Section 106 Agreement to secure a range of obligations from the Owner. The Section 106 was thereafter signed and the decision issued on 29 March 2019.

The application site is now well advanced and the applicants are in the process of negotiating for the provision of the affordable housing with a Registered Provider of Social Housing ("the Registered Provider").

During these negotiations, it has become apparent that the Council's standard Mortgagee in Possession (MIP) Clause used within the Council's Section 106 precedent and the Council's SPD relating to affordable housing is likely to cause the Registered Provider difficulty when seeking to secure funding for future affordable housing. Such funding would usually be secured against the Registered Provider's current stock of affordable housing including the affordable housing units to be transferred to the Registered Provider in this matter.

RELEVANT POLICIES

- National Planning Policy Framework
- H2 – Affordable Housing

ASSESSMENT

To overcome the issue set out above, the applicants have been in discussion with the Housing Services Team of the District Council to agree revised wording to satisfy the requirements of the lenders for the affordable housing. This change is required in order to enable the developer to sell on the affordable homes to a Registered Provider.

The companies which provide loans to Registered Providers to fund affordable housing ("the Mortgagee") now require less restrictive mortgagee in possession clauses relating to the affordable housing before they will consider providing finance for future affordable housing schemes. The Mortgagee in Possession clauses set out what would happen if a Registered Provider became insolvent and the Mortgagee took possession. The message that the Council has received from several Registered Providers is that Mortgagees will not provide loans to fund future affordable housing schemes where the loans are to be secured against existing affordable housing which is subject to restrictive mortgagee in possession clauses. Further that the Council's current standard mortgagee in possession clauses are considered to be too restrictive. The Council has also taken independent advice from an expert in the field of affordable housing who has echoed this message..

The risk is that if Registered Providers are unable to secure loans against its existing stock of affordable housing which would include the affordable housing units to be transferred under the agreement in this matter that this could significantly adversely effect the future provision of affordable housing in the District.

The key changes are;

- Mortgagee will serve notice on the Council of its intention to dispose of the AH units
- Mortgagee will then use its "reasonable endeavours" to the reasonable satisfaction of the Council's Head of Housing Services over a period of 12 weeks to dispose to a RP or the Council for a sum not less than the amount due including interest, costs and expenses. Progress reports and further detail of attempts to dispose to RP's should be provided to the Council
- If the Mortgagee is unable to dispose of the AH units within 12 weeks then they can be disposed of freely on the open market

Moving forwards, there are now plans to amend the policy in this area that will allow consistency in the future as the new standard for MIP Clauses. The current position is that the Council is having to negotiate these matters with individual developers and housing associations on a case by case basis until the Policy/SPD is updated to be in line with the new requirements.

In the meantime the Council are having to balance risks of impeding the delivery of affordable housing on key strategic sites and this is considered an urgent and pressing requirement. It is for this reason that Housing Officers are satisfied with the amendments proposed by the affordable housing provider in this case and request that the Deed of Variation be agreed.

CONCLUSION

The agreement of a standard clause is not affected by the CIL regulations and is purely the mechanism to secure appropriate delivery of affordable housing by a registered social landlord.

RECOMMENDATION

That Committee approve the revisions of the MIP Clause through a Deed of Variation to the Section 106 Agreement.

Planning Committee: 2 February 2021

Item Number: 6

Application No: W/19/1200

Town/Parish Council: Kenilworth

Case Officer: Dan Charles

01926 456527 dan.charles@warwickdc.gov.uk

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

Outline application for demolition of existing dwelling house and outbuildings; residential development of up to 99no. dwellings including the creation of a new vehicular access, open space, landscaping and surface water attenuation, after (all matters reserved except access)

FOR Gleeson Strategic Land

Proposed Deed of Variation to the signed Section 106 Agreement

INTRODUCTION

This report relates to planning permission W/19/1200 which was previously presented to Members of the Planning Committee on 6 October 2020. The recommendation to committee was to grant outline planning permission, subject to the various conditions listed in the report as well as a Section 106 Agreement to secure a range of obligations from the Owner. The Section 106 was thereafter signed and the decision issued on 17 December 2020.

Upon review of the Section 106 Agreement, it became apparent that there were two elements missing from the completed agreement, namely;

- The provision of a custom/self-build housing clause.
- The inclusion of the principles agreed in the Memorandum of Understanding (MOU) between Warwickshire County Council and Warwick District Council relating to the education contributions.

RELEVANT POLICIES

- National Planning Policy Framework
- DM1 – Infrastructure Contributions
- H15 – Custom and Self Build Housing
- East of Kenilworth Development Brief.
- Kenilworth Neighbourhood Plan.

ASSESSMENT

The omitted elements as set out above were agreed as part of the Section 106 negotiations but were unfortunately omitted from the final draft of the Section 106 and this was not identified until after the Section 106 had been signed and the associated planning decision issued.

Therefore, Officers require a committee resolution to allow the provision of a Deed of Variation to insert both elements into the Section 106 Agreement for completeness.

The Custom/Self Build Clause secures the provision of the appropriate level of on-site Custom/Self Build units as required within the East of Kenilworth Development Brief and Kenilworth Neighbourhood Plan. This requires the provision of 5% of the plots to be marketed for Custom/Self-Build.

Whilst Officers are satisfied that any development coming forwards will provide the relevant amount of Custom/Self Build units, the clause is required to set out how the units are marketed and future disposal should there be no interest for this type of property on the site.

Secondly, the MOU between WCC and WDC provides for the Education Authority to use any part of the Education Contribution received by WCC, which is to be applied towards the provision of additional secondary or Post-16 places, to reimburse WDC for any funding provided to the Kenilworth Multi-Academy Trust for the purpose of creating the secondary school on land at Southcrest Farm. This would be until such a time as the Council has been reimbursed for all such funding unless WCC and WDC agree that part may be used for alternative educational purposes.

The Clause is required to allow the reimbursement of any forward funding provided by the District Council towards the Kenilworth High School Project from Section 106 payments received from housing developments within Kenilworth. The principles agreed in the MOU will be carried forward to all residential development within Kenilworth where an education contribution is required.

CONCLUSION

The revisions are not affected by the CIL regulations. The inclusion of the Self Building House Clause defines the requirements for the developer and any potential purchaser of one of the plots. The MOU is purely the mechanism to ensure that the education contributions can be utilised appropriately. There would be no difference to the level of contributions to be received through the Section 106 Agreement.

RECOMMENDATION

That Committee approve the additions to allow the elements to be incorporated through a Deed of Variation to the Section 106 Agreement.

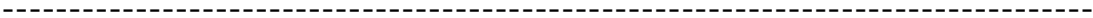
Application No: [W 20 / 0617](#)

Town/Parish Council: Whitnash
Case Officer: Dan Charles
01926 456527 dan.charles@warwickdc.gov.uk

Registration Date: 24/04/20
Expiry Date: 24/07/20

Land South of Chesterton Gardens, Leamington Spa

Outline planning application for a residential development of up to 200 dwellings with associated access, landscaping and public open space. (all matters reserved apart from access) FOR AC Lloyd (Homes) Ltd.



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

RECOMMENDATION

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

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

Should a satisfactory Section 106 Agreement not have been completed within 4 months from the date of Committee and there is no ongoing progress towards the satisfactory completion of the Section 106 Agreement, 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

This is an outline application with all matters reserved except for access for the erection of up to 200 dwellings together with all ancillary works.

The overall site area is 9.59 hectares with a developable area of 6.2 hectares giving a development density of approximately 32 dwellings per hectare.

THE SITE AND ITS LOCATION

The site is currently agricultural land to the south of the new development known as Emperor Boulevard.

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

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

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

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

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

The site is predominantly flat with no significant levels changes.

PLANNING HISTORY

No previous planning history.

RELEVANT POLICIES

- National Planning Policy Framework

Whitnash Neighbourhood Plan (2011-2029)

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

Warwick District Local Plan 2011-2029

- DS1 - Supporting Prosperity
- DS2 - Providing the Homes the District Needs
- DS3 - Supporting Sustainable Communities
- DS4 - Spatial Strategy
- DS10 - Broad Location of Allocated Sites for Housing
- DS15 - Comprehensive Development of Strategic Sites
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing

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

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Whitnash Town Council: Objection.

- Access to the site requires driving through a housing estate and it is too narrow and crowded. Will adversely increase traffic through estate.
- From the far end of the proposed site to the nearest bus stop is about an 18-20 minute walk (0.9 miles), therefore bus access is not practical for many.

Taking into account possible further development which could be 1.5+ miles from a bus stop.

- Bus timetables appear to be out of date, they run from 0703 to 18.45, hourly from 09.45 to 17.15. Much less than reported.
- There is no indication of acceptance that Stagecoach think the current design is suitable, given that there is no access to the west of the school.
- No indication of where bus stops would go (as per Stagecoach recommendation).
- The vehicular access does not account for future expansion to the south and would create rat-runs and congestion - not a garden village style.
- Although there is provision for a possible new entrance road to the development along the railway line and through Campion School grounds, the sale of the land by the school to allow this to happen is by no means guaranteed at this time (and actively being resisted / objected to as I understand it). This leaves only a single entrance road to the new site from the existing Chesterton Gardens estate, which itself only has a single road into it. Without the second entrance road, we think this traffic access is inadequate.
- Phase two also shows two road access points to what must be phase 3 (application to follow) south of this development. As this estate grows, I think it will need further road access points, as the existing access will not be enough.
- How will they protect access to the houses beyond the brook?
- Documents claim it is in easy walking distance of a pub and post office, both of which are about 1.7 miles away, 35 minutes walking. Therefore, their plan does not discourage unnecessary car usage, as per TR3 requirement.
- Insufficient consideration has been given to cycleways, expecting cyclists and pedestrians with buggies to share a space. And taking into account the number of incidents in their report involving cyclists.
- No explanation is given of how they are going to prevent traffic turning onto the bridle way and then accessing Whitnash via Church Lane. It doesn't seem possible to prevent this.
- Insufficient parking is provided at the larger houses (4 and 5 bed).. More is needed to avoid on street parking, especially in private road areas.

Radford Semele Parish Council: Comments. The retention and strengthening of the existing trees and vegetation along Whitnash brook is essential. They provide a valuable landscape feature and provide a clear break with the open countryside to the east.

There is already pressure on Radford Semele Primary School from the existing development in Sydenham and East Whitnash. At the same time there are significant new developments within Radford Semele. The parish council would not wish to see children from Radford Semele being allocated places outside the village because of pressure from the development in this application.

It is not sensible in transport or sustainability terms to generate flows of primary school pupils into and out of the village. The funding for primary education in the draft section 106 agreement is noted. However, the County Council has said in relation to the Radford Semele Neighbourhood Plan that it has no plans to expand Radford Semele Primary School. Therefore, the parish council would expect the

adequacy of primary school places elsewhere to be assessed as part of the consideration of this application

Finally, there are houses in Radford Semele parish which are accessed via the lane to the north of the site. The access and amenities of these properties should not be adversely affected.

WDC Sport and Leisure: Request S106 contribution totalling £232,477 for improvements to indoor and outdoor sports facilities to mitigate the impact of the increased demand as a result of the development.

WDC Health and Community Protection: Response dated 28 May requesting additional information to overcome holding objection on grounds of traffic noise impact and air quality mitigation. Recommend conditions for railway noise, Construction Management Plan, Air Quality Mitigation and contaminated land assessment. Following extensive negotiations, no objection subject to conditions.

WDC Waste Management: No objection. All of the properties will be part of the alternate week collection for refuse and recycling and will each have their own wheelie bins and containers. Cul-de-sacs will have to be big enough for a refuse collection vehicle to turnaround without the vehicle having to manoeuvre onto private property and subsequently been accused of causing damage. The turning circle should be a minimum of 20.3m. Each property will need to store their containers within its own boundary.

WCC Infrastructure: Recommend package of contributions totalling £3,116,925 towards education, bus service and local infrastructure improvements.

WCC Highways: No objection subject to conditions and Section 106 Contributions towards highway mitigation measures.

WCC Rights of Way: Access crosses Public Bridleway W119. Measures taken to prevent vehicular access to the bridleway are welcomed. Landscaping buffer adjacent to the bridleway also welcomed. Recommend conditions and notes on any permission granted.

WCC Public Health: Recommend Building for Life Principles be adopted for detailed design stage.

WCC Flood Risk Management: Response dated 28 May requesting additional information to overcome holding objection on grounds of lack of information on surface water drainage. Following additional information from the drainage consultant, response dated 28 July stating no objection subject to conditions.

WCC Ecology: Following receipt of additional information, no objection subject to conditions.

WCC Landscape: Proposed development edge is shown with attenuation ponds and allotments (including car parking provision) lying within the western part of Whitnash Brook Valley corridor.

- Proposed attenuation ponds appear to be engineered features offering little visual amenity or habitat value.
- Landscaped areas should be designed using SUDs to create linking green features that can appear to merge with wider countryside.
- Buildings greater than 2 storeys (with ridge heights of around 12m) could be located within the lower, eastern sector of the site.
- Do not recommend positioning buildings more than 2 storeys immediately adjacent to proposed extension to Local Nature Reserve / Whitnash Brook Valley corridor.
- Proposed development seeks to retain majority of existing vegetation. A number of breaks will be created in the hedgerow on the northern boundary.
- Possible requirement for further hedgerow removal to comply with visibility splays. Sections of this hedgerow will need to be realigned to accommodate the passing places.
- Passing trains can be seen and heard from site. Properties along Home Farm Crescent, across the other side of railway line, in Whitnash, likely to have views of development site and potentially countryside beyond.
- Limited screening from passing trains for dwellings and garden areas along western edge of site. Proposed 5m wide planted buffer as mitigation, this will include an acoustic barrier, the height of which is unknown. Paragraph 6.29 of the Noise Assessment suggests height of the barrier may vary from 3m at northern end of the site to 4.5m at southern end.
- Functions of green buffer are to help soften the visual impact of proposed acoustic barrier and help reduce the perception of noise so should be located within public open space to allow ease of access for ongoing maintenance of barrier and planting.
- Important views do not appear incorporated within design process. Along southern edge of development the scheme ends abruptly with complete reliance on potential future phase providing a green buffer. Numerous viewpoints indicate generally open, large scale landscape. Hard built edges should not abut open farmland.

Application has sought to follow principles set out in WDC's Garden Towns, Villages and Suburbs design guidance.

Current proposals do not provide a strong landscape framework therefore I am unable to support this application.

Warks Police: Recommend contribution of £33,645 to mitigate for the additional policing requirements as a result of the development.

Warks Fire and Rescue: No objection subject to condition securing fire hydrants.

Warks NHS Clinical Commissioning Group: Recommend contribution of £43,947 to mitigate for the increased demand on services as a result of the development.

Warks NHS Foundation Trust: Recommend contribution of £194,396.07 to mitigate for the increased demand on services as a result of the development.

Warks Police Designing Out Crime Officer: Recommend that these properties be built to a minimum standard that complies with Secured By Design (New Homes 2019) Silver and this be made a condition of this application.

Warks Wildlife Trust: The Trust has a particular concern as this proposed development abuts Whitnash Brook Local Nature Reserve and Local Wildlife Site. Local Nature Reserves are statutory sites which are protected and potential impact on such sites must be fully assessed to ensure no loss of biodiversity and to ensure they are not negatively impacted by developments, for instance with increased visitors/recreational use of the greenspace. New developments need to fulfil net gain of biodiversity, and should provide integral green space to support recreational and health needs of the development. Recommend a range of requirements if permission granted.

Councillor Mini Mangat: I object to this application for outline planning permission. The development will massively increase the congestion on Chesterton Drive and the roads around St Fremund Way, as this is the only access route into Millpool Meadows and Chesterton Gardens estates. There is simply no gauge for this route to take additional vehicles with the increased volume of traffic that this development will bring. I live on the Millpool Meadows estate, traffic congestion is already a major issue locally and these roads simply cannot sustain hundreds more cars and speeding is also an issue. The idea that an access road be built in Brimstone End is not a well thought out plan either, none of the access routes are sustainable. I also oppose this development as its detrimental to the residents of the area, it will lead to disruption, air pollution and noise pollution.

Councillor Will Roberts: Objects to outline planning permission for the following reasons:

- Transport impacts produced during construction and the additional traffic generated from 200 new homes. Proposed site will only have one access point for motorized vehicles, which already suffers from speeding issues and congestion.
- Adding construction traffic followed by overall increase of will exacerbate these issues along with increasing air pollution and cause disturbance to local households which all contravene Local Plan policies TR1 (a) and TR2.
- Over past couple of years residents along St Fremund Way have been subject to several speeding and road traffic accidents involving cars and lorries crashing into residents' cars and property. Extra traffic will only increase the dangers local residents are already living with. Development should not go ahead without developer looking to mitigate this issue.
- Traffic survey was conducted over two years ago which fails to represent current traffic flow and congestion. A more up to date survey is needed to reflect current traffic flow.
- Route from new development travels from Brimstone End, Admiral Way, Emperor Boulevard, St Fremund Way and Chesterton Drive. These are residential streets with on street parking and act as a pedestrian route for people using bikes and walking. These roads have many family homes with

- children playing in area. Children should not be put into the middle of a construction site where construction lorries would travel daily.
- Traffic survey also failed to test noise and vibration impact construction lorries. This development will take several years to complete and there is a further building phase to happen after this one, should it be granted. Unfair that residents should have to deal with lorries rumbling past their homes, when there is potential option for second access road. Especially the case where entrance to new development goes through Brimstone End (currently a Cul de Sac).
 - With option of potential safer second access route to building site, permission should not be granted until second access road negotiated with Campion School. Noise / vibration survey also needs completed along access route, which must involve use of construction lorries.
 - Transport assessment states theoretical capacity of current access route is 750 journeys and with use of software largest increase in daily trips would be 113. Adding this figure to traffic surveys figure completed in 2018 suggests max total of 439 trips. Whilst well within theoretical capacity of 750 journeys, both figures cast doubts.
 - Plans show option for second access route via Campion school. Would deliver safer route and better option for construction lorries to use. Would help reduce overall traffic flow to area reducing congestion and improving safety and wellbeing.

Conclusion

New homes are being built on Greenfield land does not mean these homes should be built to a standard which fails to deliver the best for new residents or their neighbours. Highest standard of house build should be delivered in Passivhaus or equivalent housing standard, with local infrastructure that delivers safe, alternative transport and does not negatively impact existing local residents. As a minimum, before application is granted the following needs asking of developer:

- a) A noise / vibration survey completed on; St Fremund Way, Emperor Boulevard, Admiral Way and Brimstone End.
- b) New traffic survey completed representative of 2020 traffic flows and not 2018. Should include a survey of area to determine how many people use cars to travel to work.
- c) Drawing 20376-01a should be added to portal to view and mitigation plan added to deal with construction vehicles travelling from Chesterton Drive to Brimstone End.
- d) Mitigation plan to deal with how any extra traffic flow would address and not add to speeding issues on St Fremund Way.
- e) Negotiation to build second access route with Campion school should be completed.

Public Response: A total of 121 letters of objection received making the following comments;

- Unavoidable impact on the local environment.
- Impact on wildlife habitats.

- Destruction of the remaining rural aspect of Whitnash.
 - Damage has already been done by existing development.
 - Loss of character of area.
 - Impact on rural landscape.
 - Loss of charm and community.
 - Increased traffic noise and pollution.
 - Loss of light and privacy to adjacent dwellings.
 - Harm from noise and disturbance during building works.
 - Access through Brimstone End is unrealistic and no certainty that an alternative solution can be provided.
 - Acoustic fence could result in noise of railway being deflected onto existing dwellings.
 - Site is in an area that is subject to flood alerts due to proximity of Whitnash Brook.
 - Increased air pollution from traffic.
 - Proposed crossing of bridlepath could result in vehicular conflict.
 - Existing roads are not designed to be used as a thoroughfare.
 - Lack of infrastructure to support new dwellings.
 - Would be preferable to build a school on the site.
 - Nature Reserve has already been harmed.
 - Would limit existing traffic using railway bridge if permanent restriction is put in place.
 - Contrary to guidance within the NPPF.
 - Cycle routes and paths in the area are inadequate.
 - Already been many accidents and development will make things worse.
 - Houses should be built on brownfield sites, not greenfield.
 - Information submitted with the application is out of date or disingenuous.
- Submitted drainage details are inadequate.

ASSESSMENT

Five Year Housing Land Supply

The most up to date Five Year Housing Land Supply (5YHLS) figures state that as of 1 April 2020, the District Planning Authority is able to demonstrate a 5.63 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 Leamington Spa as defined within Policy H1.

Policy DS11 sets out the allocations of housing development and gives an overall figure for each of the allocated sites. The overall allocation for new dwellings on the H03 Allocation within the Local Plan identified an estimated 500 dwellings.

The application site is identified within the Local Plan as a site for new housing development as part of a strategic H03 allocation. The H03 allocation is a wider allocation and identifies up to 500 dwellings across the wider site. This scheme

represents the northern area only where it abuts the existing, recently completed housing development known as Emperors Boulevard which itself was a strategic allocation under the previous Local Plan regime.

This development represents a scheme of 200 dwellings as part of a first phase of development in pursuance of allocation H03. The reason for this phased approach is that the development is due to be served by a new access road adjacent to Champion School. The negotiations over the acquisition of the land are still ongoing at the current time. In light of this and in terms of the delivery of new housing, this first phase has been modelled to provide an acceptable level of new traffic from the existing access point without resulting in highway safety implications.

Conclusion on Matters of Principle

In summary, this proposal is an outline application for 200 dwellings on a site allocated for residential development within the Local Plan which falls within the allocation as set out within H03 of 500 dwellings.

In the case of this site, the scheme has demonstrated that 200 dwellings can be comfortably accommodated on the application site and achieve a very high level of quality together with a level of public and other open space that exceeds all the thresholds for a scheme of this scale.

The site has also been masterplanned to demonstrate that this first phase of development is acceptable in its own right but can be appropriately assimilated with the wider allocation at the point a further application comes forward with the provision of a secondary access being provided adjacent to Champion School to allow the facilitation of further development on the wider allocation.

The proposal is therefore considered to be acceptable in principle having regard to Policies H1 and DS11 of the Local Plan

Assessment of the proposed housing provision

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

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

The applicant has confirmed that a comprehensive mix of unit types will be proposed ranging from one bedroomed to four+ bedroomed houses, which can be controlled by a suitably worded condition to ensure that this is followed at reserved matters stage. An affordable housing allocation of 40% will be incorporated into

the design and these dwellings will be integrated across the site to ensure tenure blindness. This element would be assessed at reserved matters stage.

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

Design

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

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.

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

The Indicative Masterplan sets out the scheme that incorporates the 200 dwellings as well as all open space requirements to the level that exceeds the required standards for a scheme of this scale.

The site is currently an open field and all hedgerows around the perimeter of the site are to be retained. The eastern area of the scheme lies within Flood Zones 2 and 3 so has been set aside as Open Space with associated planting enhancements to provide a reinforced green buffer between the proposed dwellings and land to the east. The proposal also retains the mature woodland areas around the edges of the site.

The indicative Masterplan demonstrates that the scheme is in compliance with the Garden Suburbs guidance document through the provision of a primary road through the site which is constructed to the required specification of the County Highways Team that is flanked by wide grass verges with tree planting together with associated footway and cycleway provision. The tree lined avenue continues

in a circuitous route through the development with a hierarchy of roads naturally link from this primary access route to serve the properties.

A central spine of Public Open Space is also shown on the Masterplan together with areas for allotments and surface water attenuation features.

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 is also appropriate as it will set the framework for the future phase(s) of development as they come forward.

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

Impact on visual amenity and the character of surrounding area

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

Views from outside the site are mitigated by the presence of the railway line that flanks the western boundary that benefits from existing mature boundary planting along the route. A public bridleway runs along the northern boundary of the site that provides an offset from the existing housing on the development to the north.

As part of the proposal, the site boundaries would be improved with additional planting to provide a more appropriate rural edge to the site. Existing hedgerows and woodland areas are proposed to be retained and supplemented with additional planting where necessary.

It is noted by Officers that the site forms part of a strategic allocation on greenfield land so will obviously result in a change of character from open farmland to residential development. The location of the overall site represents a logical area for the development and will be edged by residential development to the north and west. The southern area also forms part of the residential allocation so the future situation would see additional housing in this area. The eastern boundary is already set to a wooded area which will be bolstered and form a definitive boundary to the settlement.

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

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

At this stage, it is acknowledged that the masterplan drawing is indicative only and the overall landscaping strategy for the site would be provided at reserved matters stage. However, the indicative masterplan clearly demonstrates that the provision of a phase of 200 dwellings would provide for appropriate areas of additional planting and green space within the site. The scheme includes a parameters plan which does set out the areas of development which would define any future applications for reserved matters.

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

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

Impact on features of Archaeological Importance

Archaeology

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

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

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

Impact on residential amenity

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

Impact on existing properties

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

The western perimeter of the site abuts the railway and beyond this is residential development. This naturally forms a significant buffer between existing and proposed properties, greatly in excess of the required standards set out in the residential design guide.

To the north the properties on the indicative plan have a front to front relationship with the existing houses to the north. The site is separated by the frontage of the existing dwellings including private drives as well as a separate bridleway. The indicative drawing shows

The majority of the remaining site would abut open countryside where there would be no near neighbours that would be directly affected by the residential development of the site.

Notwithstanding the above, it is noted that this scheme is coming forwards as the first phase of a larger development that would extend to the south of this site. Whilst indicative, Officers note that the dwellings on this boundary have been designed to face this boundary with an access road in front. This would allow any future phase to mirror that relationship to allow for acceptable separation distances.

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.

The proposal has been assessed by the Environmental Health Officer in terms of potential noise disturbance to existing dwellings and a significant amount of engagement has been carried out with the applicants acoustic specialist.

The additional noise assessment provided by the applicants acoustic consultant has been assessed by the Environmental Health Officer who acknowledges the findings identified within the report which identified that six existing residential properties on Brimstone End will experience a large increase of road traffic noise as a result of the proposed access route into the new development. The largest noise impacts are predicted to occur at 1 to 6 Brimstone End which are located closest to the roadside.

The noise assessment has considered the impacts of development traffic on existing residents with and without windows open. When windows are closed with trickle-vents in an open position, existing residential properties are likely to

achieve the indoor noise guidelines recommended by BS8233: 2014. When windows are open, the indoor noise guidelines are likely to be exceeded. The predicted noise impacts are slightly off-set by the fact that the ground floor rooms of the existing properties overlooking the roadside are largely limited to kitchen and breakfast rooms where there are no specific noise guidelines/criteria, however, there is the occasional dining room, lounge or study where noise criteria thresholds would apply during the daytime. Where the BS8233:2014 noise guidelines do apply, the standard says that a +5dB relaxation can be applied if the scheme is necessary or desirable.

As the proposed development is allocated for residential housing in the council's local plan, it could be considered that the scheme would deliver a necessary or at least desirable development. The assessment has also used a conservative approach by assuming that a partially opened window will provide a sound reduction of 13dB. BS8233:2014 suggests that a sound reduction of up to 15dB may be achieved through an open window with some research suggesting that fully furnished rooms may provide up to a 20dB sound reduction. The level of sound reduction achieved through an open window would depend on a number of factors such as the frequency of the noise source, the size of the window, the angle of noise incidence, and other variables.

The Officer agrees that the absolute sound levels are likely to sit between the lowest observed adverse effect level (LOAEL) and significant observed adverse effect level (SOAEL) for existing residents at Brimstone End. The Noise Planning Practice Guidance (N-PPG) (July 2019) says that noise levels above the LOAEL may result in a situation where *'Noise can be heard and causes small changes in behaviour, attitude or other physiological response, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a small actual or perceived change in the quality of life.'* In these instances, the N-PPG says that such noise impacts should be mitigated and reduced to a minimum.

The applicant has advised that a traffic calming scheme will be delivered by Warwickshire County Council through the contributions in the Section 106 agreement which includes a 20mph speed restriction beyond the St Fremund Way and Withy Bank junction. Noise impacts could be reduced further for residents on Brimstone End by imposing a 10mph speed restriction for the short length of road beginning at Brimstone End and through to the proposed development.

Given that the adverse noise impacts are limited to six dwellings on Brimstone End, it may also be reasonable for the developer to offer the provision of additional noise mitigation measures to these existing residents either on a voluntary basis or through a planning obligation/legal agreement if this is possible. The adverse noise impacts generated by the proposed development are not desirable, however, they are limited to six existing dwellings which largely have non-habitable rooms overlooking the roadside. The predicted noise impacts are also likely to be considered permissible under noise planning policies and associated guidance

therefore it would be viewed as disproportional to object to a 200 dwelling local plan development based on the limited noise impacts that are predicted to occur.

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

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

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

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

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

In assessing the proposal, the Consultant has provided a mitigation strategy to provide appropriate screening to the development to overcome the current increased noise environment. The indicative proposal that has been modelled is the provision of acoustic fencing along the site boundary.

No details of the acoustic fence have been provided at this stage and this can be controlled by suitable planning conditions to ensure the acceptability of the proposal. Officers are satisfied that the acoustic fence would be adequately screened by existing trees and vegetation with further work being carried out to the appearance of the fence to mitigate for its visual appearance.

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

Highways Considerations

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

The wider development would require a second point of access before additional housing within this allocation could come forwards. This scheme is considered to

be the first phase of development that will be served from an access route through the existing Emperors Boulevard Development.

The proposed development is to be served by a single point of access from Brimstone End on the northern boundary of the application site across the existing bridleway into the site. This element is being considered as part of the scheme.

The access point crosses the existing public bridleway. This bridleway also serves dwellings to the east and therefore, would not be possible to provide bollards or any other stopping up works to prevent vehicular access. In considering this element, the applicants highways consultant has designed a scheme that uses bollards to narrow the access point into the site and prevent vehicles turning either from the access onto the bridleway or vice versa. The narrowing of the access also has the benefit of natural traffic calming by reducing vehicle speeds into and out of the application site.

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

Extensive modelling has been carried out to demonstrate that the site can be served satisfactorily through the proposed access point which has been agreed with the Warwickshire County Council Highways Officer who has raised no objection subject to a financial contribution to secure a range of mitigation measures within the vicinity of the site to improve traffic flows and reduce overall speeds in the local area.

In making this assessment, the Highways Officer has advised that the junction assessments show that the Chesterton Drive/St Fremund Way junction that serves the existing development will continue to operate within capacity with the delivery of a further 200 dwellings.

Some impacts are shown at the roundabout junction of Prospect Road/Chesterton Drive but mitigation has been identified that reduces these impacts and allows the junction to operate within capacity. Delivery of this scheme will make the impact of this development acceptable.

Across the wider network, as assessed in the South Leamington microsimulation model, there are increased network delays of 14% per vehicle in the AM peak (2020 scenario), rising to 18% (in the 2025 scenario) demonstrating increased pressure on a sensitive part of the network as a result of the development.

There are significant journey time increases along Radford Road/High Street/Old Warwick Road suggesting impacts at the Bath Street area and the Foundry roundabout. There are also significant impacts on journey time on Europa Way, both northbound and southbound, in the AM peak.

The modelling shows impacts on queue lengths at several key junctions across the wider network, including the Sydenham Drive/Radford Road signalised junction.

The technical note accompanying the application accepts that there are impacts on the wider network which will be mitigated by schemes identified in the Infrastructure Delivery Plan through assessment of the Local Plan and that proportional contributions towards these schemes will be expected.

Proposals have been submitted as part of the application, which specifically deal with the matter of connectivity into the adjoining Highway Network. As this matter is part of this application, these proposals have been assessed and found to be an acceptable means of accessing the site.

From this point on, the access will extend through the site via a primary spine road and serve the minor residential roads and private drives. These elements will however be considered at reserved matters stage.

In terms of bus service, the County Infrastructure Team

The Developer is also requested to provide a sufficient number of bus stops on the main arterial loop road penetrating the proposed new development site ensuring all dwellings are within 400 metres walking distance to the nearest bus stop, in line with County Council policy as stipulated in the Warwickshire Local Transport Plan.

The submitted indicative Masterplan indicates a range of routes through the site together with the connection to the existing bridleway that runs along the northern boundary of the site. In addition to the details on site, wider improvements to the provision of cycleways forms an integral part of the proposed highways works. The spine road is proposed to provide a full off-road cycle way through the core of the site and the indicative masterplan also proposes a number of other recreational cycle routes giving a range of choice for cyclists.

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

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

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

The site has been the subject of a comprehensive assessment of the level of traffic/impacts from not just the application site but the earlier phases of development. This cumulative assessment has been considered by Warwickshire County Highways who, subject to the imposition of appropriate conditions and associated contributions, raise no objection on highway safety grounds.

The proposal is considered to comply with Policies TR1 and TR3 of the Local Plan.

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 scheme has demonstrated that the built development will be located away from the adjacent brook and nature reserve to ensure that the development does not have a detrimental impact on the environmental sensitivities of the area.

The County Ecologist has assessed the submitted ecological survey work and considers that the indicative scheme as set out would result in a net Bio-diversity gain and has recommended that this be reassessed at Reserved Matters stage so that the scheme results in a net Bio-diversity gain. This can be secured through an appropriately worded condition.

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 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

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

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

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

d) minimising vulnerability to flood risk by locating development in areas of low flood risk and including mitigation measures including SuDS in accordance with Policy FW2.

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

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

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

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

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

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

Drainage

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

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

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

Trees and Hedgerows

The site is currently an open field delineated by mature hedging. Other than the field boundaries, there is limited vegetation located within the main site area.

Officers note that the existing hedgerows have been retained within the Parameters Plan and this is reflected on the indicative masterplan which demonstrates how these are incorporated into the scheme. These hedgerows provide a good level of mature planting within the site to soften the development from the initial stages whilst also retaining existing wildlife corridors which are ecologically beneficial across the site.

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

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

Air Pollution

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

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

Appropriate mitigation measures for Type 1 and Type 2 mitigation are items such as electric vehicle (EV) recharging provision and other locally specific measures to be used to minimise and/or offset any emissions from new development can be

secured by condition. In addition to this, a request for Type 3 Air Quality Mitigation to fund local projects is required totalling £67,405.

The Air Quality mitigation funds can be used for a wide range of projects to mitigate air quality impacts such as highways works to improve traffic flows in busier areas such as the town centre in order to minimise queuing traffic or feasibility studies for larger projects that are to be funded by CIL.

In addition to the funding, the proposal also requires on-site works to be provided to reduce emissions at source such as provision of electric car charging points, provision of secure cycle storage for all properties, improvements to cycle/footways to promote sustainable transport objectives. These details are to be secured by condition and agreed with the Environmental Health Officers.

In addition to the above requirement, it is noted that contributions towards local infrastructure, public transport improvements together with sustainable transport improvements for cycling/walking have been requested by the Highways Authority in respect of this proposal together with pedestrian wayfinding improvements. These contributions seek to assist in the provision of alternative forms of sustainable transport opportunities from the site to further seek to reduce the impact on air quality as a result of the scheme may also be considered an appropriate part of that approach.

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

Health and wellbeing

The site contains large areas of open space for use by future occupants. The area of land set out for open space on the parameters plan exceeds the requirements for all types of on-site open space provision. Whilst the final detail and form of the open space areas will be provided within the Reserved Matters submission for later consideration, the actual areas are defined within the parameters plan so will not be altered in terms of overall area.

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

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

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

Impact on local services

The proposed development of up to 200 dwellings would create significant additional demand for local services and to mitigate this, contributions towards community facilities would be required.

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

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

It is reasonable to expect a development of this size to contribute towards the additional costs associated with meeting these increased demands. The relevant consultees are currently seeking to identify specific projects and locations where this money would be spent. Therefore, it is considered that appropriate contributions are necessary to make the development acceptable in planning terms and subject to being directly related to the development, are fairly and reasonably related in scale and kind to the development (as required by Regulation 122).

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

- Sustainable Travel Promotion - £2,000.
- Libraries - £4,378.
- Education and Learning - £2,620,547.
- Public Rights of Way Improvements - £tbc.
- Off-site Highway Improvements including cycling - £720,000.
- Road Safety Contribution - £10,000.
- Public Transport (Bus Service) Improvement - £480,000.
- NHS Hospitals - £194,396.07.
- NHS Clinical Commissioning Group - £43,947.
- Warwickshire Police - £33,645.
- Indoor Sports Facilities - £157,316.
- Outdoor Sports Facilities - £75,161 (grass and artificial pitches).
- Air Quality Mitigation - £67,405.
- Bus Stop contribution of £5,000 per bus stop.
- Bus Stop Real Time Information Board contribution of £4,000 per unit.
- Maintenance of Real Time Information Board at £2,500 per unit.

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

- 40% Affordable Housing

- Adoption of Open Space Areas.
- Mitigation Measures for dwellings on Brimstone End.
- Adoption of SUDS.
- Local Labour Agreement.
- Monitoring Fee.

Conclusion

The application site is allocated within the Local Plan for residential development as part of allocation H03 which identifies approximately 500 dwellings for the wider area of the site and forms a first phase of development pending further negotiations into the second access point.

The development is only in outline form at this stage but the indicative site plan demonstrates that the site is capable of accommodating a very high quality scheme of up to 200 dwellings which is acceptable in overall terms including in respect of the integration of built development within the surrounding landscape and the site provides additional benefits in securing an appropriate highway linkage to the adjacent site to provide a comprehensive development across the overall allocation.

The indicative Masterplan demonstrates that the scheme retains existing green features and delivers a high quality environment with accessible sustainable transport links to the surrounding areas together with areas of open space that are in excess of the requirements set out within the Open Space SPD.

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

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

CONDITIONS

1 Reserved Matters

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

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

2 Submission of Reserved Matters Timescale

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

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

3 **Commencement of Development**

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

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

4 **In Accordance with Plans**

The development hereby permitted shall be carried out strictly in accordance with the site location plan and the development area as detailed on the Parameters Plan reference AAH5485/14 Revision B received by the Local Planning Authority on 24 April 2020 and access drawing 29376-01D received by the Local Planning Authority on 20 July 2020.

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

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

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

REASON: To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework

(NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan.

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

No phase of development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan (LEMP) for that phase of development has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan shall also include details of tree and hedgerow retention; habitat enhancement/creation measures and management, such as ponds, wildflower grasslands; and the provision of habitat for protected species. The LEMP shall also include details on soil management to make best use of the high quality soils on site - detailed guidance to inform this matter is available in Defra 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites'. Such approved measures shall thereafter be implemented in full.

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

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

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

- 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.
- 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.
- a) Details on safeguarding great crested newts during construction and post development to include details of a development licence and appropriate mitigation strategy.

The Local Wildlife Protection scheme shall include;

- b) adequate measures to protect existing trees, scrub and ground flora of the adjacent Local Wildlife Sites during development.
- c) Details of an appropriate barrier(s), (such as a wire fence) to be erected before works start. This area should include a sufficient buffer zone between the development / associated works and the boundary of the Local Wildlife Site.

Thereafter, the approved mitigation plan and approved protection scheme shall be implemented in full prior to any construction works on site and shall remain for the duration of the development.

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

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

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

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

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

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

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

d) Program of delivery (if applicable).

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

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

9 **Contamination not Previously Discovered**

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

- a) No further development shall take place within that area of Reserved Matters Consent (unless otherwise agreed in writing with the planning authority for an addendum to the method statement);
- b) This addendum to the method statement must detail how this contamination shall be dealt with; and
- c) Program of delivery (if applicable)

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

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

10 **Verification of Remediation to be Submitted** Notwithstanding details contained within the approved documents, in the event that any phase of development requires land remediation agreed through an approved method statement;

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

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

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

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

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

11 **Construction Method Statement**

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

The submitted statement shall provide:

- A Construction Traffic Management Plan (CTMP)
- Construction Phasing and Routing Plans
- Permitted construction traffic arrival and departure times
- An HGV routing plan.
- Any temporary measures required to manage traffic during construction
- Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction
- Dust management and suppression measures – level of mitigation determined using IAQM guidance
- Wheel washing
- Noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites – Part 1 and 2
- Concrete crusher if required or alternative procedure
- Delivery times and site working hours
- Site lighting
- Access and protection arrangements around the site for pedestrians, cyclists and other road users
- Restrictions on burning and details of all temporary contractor's buildings
- Plant and storage of materials associated with the development process
- External safety and information signing notices
- Complaints procedures, including complaints response procedures and dedicated points of contact
- Best practicable means shall be employed at all times to control noise and dust on the site including:

- Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays.
- Delivery vehicles should not be allowed to arrive on site between 7:30am and 9:15am and 4.30pm and 6:00pm Mon – Fri.
- 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.

12 **Low Emission Strategy**

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

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

13 **Site Wide Drainage Strategy**

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

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753 through the submission of plans and cross sections of all SuDS features.

- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 28.5 l/s.
- Demonstrate the provisions of surface water run-off attenuation storage are provided in accordance with the requirements specified in 'Science Report SC030219 Rainfall Runoff Management for Developments'.
- Demonstrate detailed design (plans, network details and calculations) of the surface water drainage scheme including details of all attenuation and outfall arrangements. Calculations should demonstrate the performance of the designed system for the critical storm duration for at least the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods. The calculations should be supported by a plan of the drainage network with all manholes and pipes labelled accordingly.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing. Water must not be directed toward properties nor flow onto third party land. Overland flow routing should look to reduce the impact of an exceedance event.

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

REASON: To ensure that 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.

- 14 No development shall take place until a hydrological/hydraulic model of the Whitnash Brook adjacent to the development, and an independent review of this model, has been undertaken. The findings of the model and review should be submitted to the LPA and LLFA to provide the appropriate level of confidence that the proposed attenuation basins will be located outside of the 1 in 1000 year return period fluvial flood extent.

REASON: To prevent the increased risk of flooding and ensure effective operation of the sustainable drainage structures in accordance with Policies FW1, FW2 and NE4 of the Warwick District Local Plan 2011-2029.

15 **Noise Mitigation Measures (Residential)**

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

The scheme should ensure that proposed measures whilst acoustically effective are designed to minimise visual impacts and impacts upon ecological features and trees. It shall include full details of the design, siting and appearance of acoustic fencing that may be required and shall include a detailed assessment of the visual impact both within the development. The scheme of mitigation shall also include measures to minimise these impacts and a programme for the delivery of such mitigation.

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

All dwellings shall be constructed in accordance with the approved details. The scheme for mitigating traffic noise from the railway line 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.

16 **Drainage Maintenance Plan**

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

Reason To ensure the future maintenance of the sustainable drainage structures in accordance with Policies FW1, FW2 and NE4 of the Warwick District Local Plan 2011-2029.

17 **Tree Protection Scheme**

No phase of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on that phase has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2012 Trees in Relation to

Design, Demolition and Construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

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

18 **Details of External Lighting**

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

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

REASON: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and that appropriate measures are taken in relation to protected species and the strategic transport network in accordance with Policies TR1, BE3, NE2, NE4 and NE5 of the Warwick District Local Plan 2011-2029.

19 **Sustainability Statement**

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

- How the development will reduce carbon emissions and utilise renewable energy;
- 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;
- a) How proposals will de-carbonise major development;

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

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

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

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

20 No development, shall take place until:

- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.
- b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.
- c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, including any works associated with the development outside of the red line boundary (e.g. highway improvements), and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved documents, shall be undertaken in accordance with those documents.

Reason: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.

21 **Design Code**

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

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

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

22 **Sample Materials**

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

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

23 **Site Levels/Finished Floor Levels**

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

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

24 **Infrastructure Phasing Plan**

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

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

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

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

25 **Provision of Hydrants**

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

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

26 **Landscape Replacement Planting**

Any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition 1 shall be completed in all respects, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first occupation of dwellings within that phase and within the first planting season following the first occupation of the new school, and the tree(s) and shrub(s) shall be planted within six months of that first occupation. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the Local Planning Authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations.

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

27 **Retention of Existing Trees/Hedges**

The existing tree(s), hedges and shrub(s) indicated to be retained on the submitted plans contained within the Arboricultural Impact Assessment (Update) reference edp3089_r003f February 2019 received by the Local Planning Authority on 12 March 2019, shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the Local Planning Authority. Any tree(s), hedge(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, within five years from the substantial completion

of development shall be replaced, as soon as practicable with tree(s), hedge(s) and shrub(s) of such size and species details of which must be submitted to and approved by the Local Planning Authority. All tree(s), hedge(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces).

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

28 **Housing Mix**

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

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

29 **Surface Water Systems Maintenance Plan**

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

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

30 **Water Efficiency**

Notwithstanding details contained within the approved documents, prior to construction of each phase of residential development a scheme for that phase demonstrating how water efficiency measures have been incorporated into the development and shall demonstrate how, consideration has been given to the incorporation of grey water and rainwater recycling measures, shall be submitted to and approved in

writing by the Local Planning Authority. No dwelling shall be first occupied until the approved measures have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with the any relevant manufacturer's specifications.

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

31 **Pedestrian and Cycle Links**

The reserved matters for each phase of development to be submitted pursuant to condition 1 shall include full details of how the development will ensure pedestrian and cycle connectivity both within the site and to adjoining land parcels and land uses. This should include appropriate connectivity between the existing and proposed residential development.

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.

32 **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.

33

Provision of Allotments

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

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

Application No: [W 20 / 1402](#)

Town/Parish Council: Kenilworth
Case Officer: Dan Charles

Registration Date: 08/09/20
Expiry Date: 08/12/20

01926 456527 dan.charles@warwickdc.gov.uk

Kenilworth Rugby Football Club, Warwick Road, Kenilworth, CV8 1FE

Full Planning Application for the relocation of Kenilworth Rugby Football Club including the construction of a new clubhouse, sports pitches, landscaping, earthworks, parking, access and ancillary facilities FOR Kenilworth Rugby Football Club

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

RECOMMENDATION

That planning permission be GRANTED with conditions.

DETAILS OF THE DEVELOPMENT

This proposal relates to the relocation of Kenilworth Rugby Club from the existing site at Glasshouse Lane to this new site located on land to the east of Warwick Road, Kenilworth.

The proposal consists of a new clubhouse building which is a modern two storey structure. The premises contains a range of facilities for the club including at ground floor - 6 changing rooms together with separate match officials changing rooms together with associated facilities including a conditioning gym, stores, plant rooms, toilets, a reception area and a match day café.

On the first floor, the clubhouse contains function facilities including a function room with bar, club room and meeting rooms/sponsor lounges together with associated facilities such as kitchen areas and toilets.

Also at first floor is the provision of stewards accommodation. This is a self-contained unit accessed from within the building. Due to the location of the site, it has been recommended that on-site accommodation is provided for security of the site.

Externally, a total of 7 pitches are proposed, 5 senior and two junior. A total of 328 car parking spaces are proposed with 14 electric vehicle charging points are proposed. In addition to car parking, 6 coach spaces are proposed together with 40 bicycle parking spaces. A running track is also proposed within the site.

THE SITE AND ITS LOCATION

The proposed site is located to the south of the town and comprises of two parcels of land split by the Leamington to Coventry railway line. The western parcel is accessed off Warwick Road to the south of Kenilworth Cricket Club and the new Pavilions residential development.

The land is currently allocated in the Warwick District Local Plan and the Kenilworth Neighbourhood Plan for Outdoor Sports Use. The two parcels of land are connected by two "accommodation" bridges built in approximately 1844 as part of the construction of the Leamington to Coventry railway line.

The proposal is within the West Midlands Green Belt.

PLANNING HISTORY

W/20/0989 - Construction of two ponds in the southernmost corner of the site
- **GRANTED 15.10.2020.**

RELEVANT POLICIES

- National Planning Policy Framework

Kenilworth Neighbourhood Plan 2017-2029

- KP8 - Traffic
- KP9 - Cycle Routes
- KP11 - Footpaths
- KP12 - Parking Standards
- KP13 - General Design Principles
- KP15 - Environmental Standards of New Buildings
- KP18 - Green Infrastructure
- KP21 - Flooding

Warwick District Local Plan (2011-2029)

- DS1 - Supporting Prosperity
- DS3 - Supporting Sustainable Communities
- DS5 - Presumption in Favour of Sustainable Development
- DS18 - Green Belt
- DS23 - Land for outdoor sports and recreation in Kenilworth
- PC0 - Prosperous Communities
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities
- HS3 - Local Green Space
- HS4 - Improvements to Open Space, Sport and Recreation Facilities

- HS5 - Directing Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- 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

Guidance Documents

- Air Quality & Planning (Supplementary Planning Document - January 2019)
- Parking Standards (Supplementary Planning Document - June 2019)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Members were impressed with this well thought out application, which includes an essential Travel Plan and an Energy Statement. This development will provide a valuable asset for the Town.

In expressing this support, they made the following COMMENTS:

- Acknowledging other recent development in this area, integrated Sustainable Transport connectivity is a key issue. Warwick Road needs to be safe if families are to be encouraged to cycle and walk along it.
- Members noted that this cannot be realistically achieved at present, due to the speed of traffic on Warwick Road, a view cogently expressed by several residents. Clear speed governance measures are required and Planning Officers were asked to liaise with the Highways Authority on this specific issue.
- Parking bays appear to cross a footpath. Members felt this could be redesigned, with a footpath behind parking bays.

With reference to the WDC 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 WDC Local Plan.

For the target of a net zero carbon development this aim needs to be incorporated into every decision made at each design stage and during construction. Amongst many other innovative elements of the design we would strongly encourage the following to be included: -

- i. A Quality Assurance scheme to be put in place to confirm that the in-use performance of the completed facility meets the de-signed levels of performance.
- ii. The incorporation of solar electricity generation capacity on the large south/west facing roof.
- iii. Installation of a three-phase electricity supply which would allow for rapid charging electric vehicle points and installation of effective air source pumps in the future

Leek Wootton & Guys Cliffe Parish Council: This Council's interest in this application, as you will be aware, is the field that is within our parish and is to provide for two pitches, 100 car and 6 coach parking spaces, as well as the access road with its lighting to the main portion of the development (from the Warwick Road). This field is within the 'Green Belt' that importantly separates Leek Wootton from Kenilworth and this 'Green Belt' status should be taken into account with all the considerations of the development of this field, which we fully understand is designated in the Local Plan and to which we do not object.

We consider it essential that the planting and hedging of the southern boundary to maintain the 'Green Belt' further to the south, that is promised, is undertaken with mature plants.

We are also very concerned about traffic movements that will be created along Warwick Road and through the village of Leek Wootton by traffic entering and leaving the new Club development. The vehicular movement figures as set out in the application do not, in our view, reflect what will actually occur. The figures have been arrived at by taking the traffic figure from December 2019 on Warwick Road to which have been added the traffic movements to and from the Club's present site on Birches Lane. These figures do not take into account:

1. That the proposed development has a larger Club House with a larger function room;
2. There are more rugby pitches at the proposed development than at Birches Lane;
3. No account has been taken of the current development of 125 new houses, and their associated traffic, immediately to the north of the Club site and also accessed off Warwick Road;
4. The numbers that will be using the function room for other social events at other times of the day/week.

We consider that the traffic movement figures need to be recalculated to reflect these omissions, and referred to Highways, before the application is fully considered.

The speed limit on Warwick Road at the proposed entry point to the development is currently 50 MPH and the application proposes that pedestrians, and cyclists approaching the Club from the south, should cross Warwick Road from the footpath on the west side of the road to the entrance without any crossing provision being provided.

Whilst the application proposes that the Club will advise visitors to approach the Club from the Kenilworth direction, we all know that human beings and sat nav systems will take the direct route from the south, which will bring traffic from the Gaveston roundabout, off the A46, through Leek Wootton, adding to the problems that already exist with traffic through the village.

WDC Tree Officer: I have no objection in principle to the development proposal. The surrounding Ancient Woodland is sensitive, and the proposals have given due consideration to that; the justification for the removal of some low quality trees, scrub and hedge to allow the site to be developed as a rugby club has been well made. The efforts to retain the venerable oaks within the site by adjusting the layout to provide as much protection for those trees as possible is to be applauded. A detailed arboricultural method statement will be required if the proposal is approved, which must embrace the measures to protect the woodland boundary as well as those trees of merit within the site. There would not seem to be any reason why that should not be sought by condition – from the work reported in the impact assessment the development of the site is unlikely to conflict with the tree protection measures that will be required.

WDC Health and Community Protection: Following receipt of additional information, no objection subject to conditions regarding noise, land contamination, air quality and construction management plan.

WDC Policy: Application commensurate with allocation and is in alignment with Local Plan Policies. Need to be satisfied that the scale of facilities is proportionate to the use. Subject to this being agreed, scheme should be recommended for approval.

WCC Landscape: - No objection but comment as follows: It appears that the applicant has explored other layout options in order to retain the pond but have concluded this is their preferred approach. Whilst it's disappointing that an existing landscape feature will be lost, I'm not sure that it is enough for an objection, especially given that they are creating two new ponds. This is with the proviso that adequate measures are given to protecting the existing oak tree which is to be retained. This opinion is from a landscape perspective only and the ecology team may feel differently.

I understand the roadside hedge works are to accommodate visibility splays and is therefore unavoidable. The replacement hedgerow can be dealt with through a condition, but as I said previously I would expect to see some large size trees planted along this boundary. If it is possible to retain any of this hedge then that would be better than removing it all and replanting.

I would prefer to see additional planting, including strengthening of the southern boundary, included on the plans at this stage so that it can be factored into the overall design and provision made for it. Detailed landscape proposals such as species etc. can be dealt with by condition. However, I will leave this to your judgement as case officer.

WCC Ecology: Following receipt of further information, no objection subject to condition to secure the net biodiversity gain.

WCC Flood Risk Management: Require further details of surface water drainage methodology.

Historic England: No comments to make.

Natural England: No comments to make. Refer to standing advice regarding protected species and ancient woodland.

Network Rail: No objection in principle. Raise some concerns about the potential impacts on the operational railway and recommend an assessment of ball-catch fencing together with anti-trespass fencing.

Warks Police: Have worked with the applicants to ensure the premises and grounds are designed and built to provide a safe environment for all those that visit. Proposed live-in steward is supported to provide 24 hour presence on site in this isolated location.

Warks Fire & Rescue: No objection subject to a hydrant condition.

Sport England: Support the application subject to conditions.

Severn Trent Water: Foul sewage to connect to mains which is acceptable and will require separate agreement with Severn Trent. Surface Water to be disposed of on-site and no objection is raised.

Public Response: A total of 10 letters of objection, 53 letters of support and 3 general comments received. Comments made;

Objection Comments

- No measures for reduction of speed limit on Warwick Road.
- Increased traffic harmful to highway safety.
- Pedestrian and cycle access is inadequate.
- No street lighting past the Kenilworth boundary sign.
- Ecological Survey is deficient and fails to address impact on hedgehogs and diversity of wildlife using the site.
- Object to loss of any trees.
- Oppose the option of a public footpath to Leamington Road in the interests of highway safety.
- Potential for noise disturbance from events at clubhouse.
- Would seek a limit on the use of floodlights to minimise light pollution.

Support Comments

- Single ground will create a true community atmosphere.
- Will improve traffic with being edge of town location.
- Will be able to provide a base for touring teams.

- Will provide facilities for all age groups.
- Will encourage health and wellbeing as well as social contact.
- Will benefit the wider community.
- Support the development but would like to see a 30mph speed limit.
- KRFC has a large financial impact drawing money and footfall to the town.
- Well thought out scheme that will offer state of the art facilities.

General Comments

- Need to be clear on rules for late night noise from events.
- Any access from Leamington Road needs to address potential roadside parking before any installation takes place.

Background

This application has come forward as part of the East of Kenilworth Strategic Development proposals as set out within the Local Plan. The existing rugby club site forms part of the East of Kenilworth housing allocation and as a result, an alternative site was required for the rugby club to relocate. Through the Local Plan, this site was allocated for the rugby club. This application is in accordance with the site allocation.

An earlier application for the creation of wildlife ponds was approved so that these works could take place in advance of the main application works in order for the ponds to be established as part of the ecological mitigation strategy.

Principle of Development

Policy DS23 identifies this site for the creation of new sports facilities to serve the needs of Kenilworth. Specifically, this site has been identified for the relocation of Kenilworth Rugby Football Club.

The Policy allows for the establishment of the use together with appropriate facilities associated with the provision of outdoor sport which will be permitted provided that they preserve the openness of the green belt and do not conflict with the purposes of including land within it.

Policy KP6B supports the use of the site for sport and recreation uses provided that the scheme delivers the appropriate facilities associated with the provision of outdoor sport and do not conflict with the purposes of the Green Belt, suitable access is provided, appropriate cycle and pedestrian uses are provided within the site, an ecological strategy is submitted demonstrating minimal impact on biodiversity or produces a net gain and a drainage strategy incorporating SUDS features to suit the site is submitted.

The proposal incorporates the new clubhouse building which is the main structure on the site together with ancillary structures for grounds-keeping equipment and a small covered shelter.

In assessing the level of the facilities proposed, evidence has been provided that the facilities proposed are reasonably necessary for the club to maintain their operation as well as provide for facilities to meet the standards of both Sport England and the Rugby Football Union to allow the club to progress within the UK Leagues. It is also noted that the facilities have been amalgamated into a single building to rationalise the use compared the existing site set up that consists of facilities spread across a number of smaller buildings.

Within the building is a self-contained flat for occupation by a steward. This has been considered by the applicants in consultation with Warwickshire Police to allow for on-site security outside of normal hours. The building is fairly remote and the provision of the steward's accommodation would provide a 24 hour presence to provide security and surveillance of the site. Whilst the provision of residential accommodation may not be a standard feature of the provision of sporting facilities, the location within the main building demonstrates that it is intrinsically linked to the operation of the club and would not be suitable for any other occupant. On this basis, it is considered appropriate to provide a condition to secure the occupation.

Whilst having a single building does increase the scale in order to provide the facilities, this results in a single focal point for activities on the site with the facilities providing for all the needs of the club moving forwards without any requirement for significant expansion.

Officers have assessed the facilities provided and the justification provided by the club and are satisfied that the development meets the test of appropriate facilities.

The proposal is therefore considered acceptable in principle.

Whether the proposal constitutes appropriate development in the Green Belt

As the site lies within the West Midlands Green Belt, the proposal must be assessed against Policy DS18 of the Local Plan. The policy states development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions.

Paragraph 145 b) allows for the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and outdoor recreation as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

As set out above, the site forms a strategic allocation within the local plan for the relocation of an existing sporting facility to facilitate the East of Kenilworth Urban Extension. The facilities provided have been assessed and are considered to represent appropriate facilities for outdoor sport.

The proposal is therefore considered to be appropriate development within the Green Belt.

Whilst the proposal represents appropriate development in the Green Belt, an assessment must be made as to the impact on the openness of the Green Belt as required by Paragraph 145 b).

The majority of the site will be set to playing pitches and parking only so will not result in any built form. Officers are satisfied that these areas would not impact on the openness of the Green Belt.

In terms of the clubhouse building, this represents a structure in what is currently an open field within the Green Belt. In this respect, Officers clearly acknowledge that there will be some impact on the openness as a result of the provision of the building.

The mitigating factors in this case are the fact that the building is identified as being an appropriate facility for outdoor sport. Moving to the design, this is set out in more detail below but the design uses a palette of materials that would be akin to the materials utilised in modern agricultural buildings. The distance from the public domain would also help to mitigate the perceived impact. From a distance, the simple design would have the appearance of a modern agricultural building that would be a common feature in Green Belt locations. In addition, the building would be viewed against a backdrop of mature woodland which would further diminish any impact on openness.

In addition, the proposal incorporates flood lighting that is specifically required for the provision of outdoor sport. Physically, the floodlight columns have very little visual mass and Officers are satisfied that the floodlights themselves would not harm the openness of the Green Belt. Whilst in use, the lights will illuminate the local area, albeit for a limited time. However, the use of lights in itself would not harm openness by virtue of illumination. It is also noted that the hours of use of the floodlights are limited so any perception of harm would be minimal.

In light of the above circumstances, Officers are satisfied that whilst the development would have some impact on the openness of the Green Belt, this is satisfactorily tempered by virtue of the development being appropriate development and also subject to mitigating factors.

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

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

Policy BE1 of the Local Plan reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance

of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

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

The main element of the scheme that has the potential for visual impact is the clubhouse. This is a modern design building that has been designed to provide the necessary facilities for the club whilst providing an attractive focal point for the site.

The roof has two mono-pitch slopes offset at the ridge to create a continuous run of horizontal louvres to service the ventilation and extraction requirements of the building. The eaves on each side are extended to provide shelter to the balconies to allow covered viewing of the adjacent pitches. A matching dual pitched roof extends out over the terrace seating to the south to provide cover for spectators.

The indicated materials are for a standing seam colour-coated steel cladding system with concealed fixings for the roof structure with red multi facing bricks dressed with a banding of blue engineering bricks. The brickwork is proposed to have piers to break up the mass. Weatherboarding is proposed at first floor level to the end elevations with the main front elevation being curved to add architectural interest. Windows are to be powder coated framed windows.

The longer north and south elevations have a colonnade of painted circular steel columns with glass balustrade with powder coated handrail to protect the open edge of the balconies.

The overall design rationale for the colour palette is to give reference to modern agricultural buildings that are often viewed within this setting.

The building is also set on the eastern parcel of the site away from the public highway on Warwick Road against a back drop of mature trees. Officers are satisfied that the location of the building is such that its prominence in the landscape is limited.

The wider site is set to pitches only which retain openness and only have limited impact on the character and amenity of the area.

Whilst the site is in use, there will be vehicles parked on the land and the activity of the matches themselves. However, this would be an intermittent use and Officers considered that this in itself would not be harmful to the character of the local area.

The proposal also includes the provision of external lighting for both safety and floodlighting of pitches. The use of external lighting for the car parking areas would be low level to avoid light spillage beyond the area being lit. It is noted that that the use of this lighting would be only during events and the lighting would not be

used out of these periods. Officers note that the new housing development to the north of the site would also benefit from street lighting so the local environment would not be devoid of lighting which mitigates the use of low level lighting on the application site.

The scheme also proposes floodlighting to serve the main two pitches that flank the clubhouse together with further lighting on one side of the third senior pitch on the eastern parcel of the site. A lighting diagram demonstrates that the lights would result in minimal light spill. Any use of floodlighting would result in some visual impact during the hours of darkness. The Environmental Health Officer has recommended the submission of details to include a limit on the hours of use to prevent prolonged use of lighting that would be harmful to visual amenity. A restriction on the hours of use would also be beneficial in ecological terms.

The scheme will retain the majority of trees and hedgerows across. Some works will be required to the roadside boundary to facilitate the visibility splays. However, Officers consider that further details of the access can be secured by condition together with any required mitigation works to offset any loss of trees or vegetation.

Overall, Officers consider that subject to the imposition of conditions to confirm the final details of the scheme, the proposal is considered acceptable having regard to Policy BE1 of the Local Plan.

Impact on adjacent properties

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

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

The site lies adjacent to the new housing development on Warwick Road. The Western parcel of the site flanks the southern boundary of the housing development. This area is limited to two pitches that are offset from the boundary by approximately 25 metres. The dwellings on the adjacent site are also set back behind an access drive and a 3 metre wide foot/cycleway giving a further offset from the playing pitches.

The Eastern parcel of the application site sits adjacent to the boundary of the site, albeit separated by the existing railway line. The area that flanks the residential development is again only playing pitches. In this area, the properties are set back behind a private drive as well as an area of public open space that greatly increases the distance from the site boundary with the railway.

The use of the pitches is intermittent and would be limited to day time use only. Whilst there is some potential for noise, the nature of the use would be limited in

its duration and with the dwellings fronting the site, the buildings would provide natural shielding from the noise source.

The main potential noise source would be from the clubhouse building itself. The application included a noise assessment that demonstrated that suitable noise mitigation measures have been incorporated into the proposed design. This has been subject to assessment by the Environmental Health Officer who is satisfied that the study is robust and recommends a condition that the development be carried out in accordance with the submitted report.

A condition requiring the submission of a construction management plan has also been requested that will control on-site measures during construction works to minimise the impact on the neighbouring properties. Further conditions requiring details of lighting have also been requested to ensure acceptability prior to installation.

Subject to the requested conditions, Officers are satisfied that the scheme would not result in harm to the amenity of neighbouring residents and is therefore considered to be in accordance with Policy BE3 of the Local Plan and Policy KP13 of the Kenilworth Neighbourhood Plan.

Highway Safety

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

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 proposal includes the provision of a new access onto the Warwick Road. This is to be constructed to the appropriate highway standards with 160 metre visibility splays which are appropriate for a 50mph road.

Comments received on this application seek the reduction of the speed limit from the current 50mph limit. Any potential alteration to the speed limit of the road is outside of the remit of this application. The benefits are acknowledged taking into account this development and the adjacent housing development. However, regardless of the speed limit, the access is proposed to meet the current 50mph speed limit standards.

The access point has been constructed to allow vehicles to pass adequately to ensure that no vehicles have to wait within the public highway for vehicles to exit the site.

The County Highways Officer had previously raised concerns regarding the proposed access and requested a Road Safety Audit to be submitted and this was provided by the applicant's consultant. This has now been considered by the County Highways Authority and a response of no objection has been received subject to conditions to secure the provision of the access to the appropriate highway standards together with the provision of the appropriate visibility splays before the access is brought into use.

In terms of pedestrian/cycle access, the proposal has been designed to link into the adjacent residential site through an access point that links into the proposed pedestrian/cycle way that runs around the perimeter of the residential development. This links the site to the Warwick Road and associated roadside footpath to give greater choice for accessing the site. This also removes the need for pedestrians and cyclists to use the main vehicular access. The main access also provides a footpath and is wide enough to satisfactorily accommodate vehicles and cyclists.

The site contains an appropriate level of parking for private cars as well as dedicated parking areas for coaches. Turning space is provided within the site for all vehicles to all entry and egress in a forward gear.

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.

As a pre-cursor to this proposal, planning permission has been granted for the provision of two new ponds to allow time for them to establish to provide mitigation for an existing pond that sits centrally on the site. The new ponds form part of a wider area of land for ecological enhancements including new native planting and the creation of a species rich environment. In addition, revisions have been made to the site layout, specifically the perimeter running track to keep the facilities away from the retained woodland areas to ensure that there is no resultant harm from the development proposals.

The site is currently open agricultural land and the scheme represents an opportunity to increase the biodiversity across the site. This includes the provision of a new hedge boundary to the southern boundary of the western land parcel which would create additional wildlife habitats and wildlife corridors across the site.

It is noted that works are required to facilitate the new access and associated visibility splays. However, this will be conditioned to ensure that losses are the bare minimum required to provide appropriate access and where any losses are unavoidable, mitigation through additional planting will take place elsewhere on the site.

Whilst the existing documentation demonstrates a biodiversity net gain, the County Ecologist has recommended a condition for a final assessment to

demonstrate that this has been achieved. Officers considers that this is appropriate.

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

Other Matters

Drainage

In terms of surface water drainage, the site is within Flood Zone 1, and it is proposed to install balancing ponds within the limits of the site to ensure run-off does not exceed existing green field rates plus allowance for climate change.

The Lead Local Flood Authority has no in-principle objection to the scheme although have requested additional information regarding infiltration testing or if not possible, the submission of an alternative strategy. Negotiations are still ongoing but Officers are satisfied that the matter can be adequately controlled by a suitably worded planning condition to secure the appropriate details.

In terms of foul sewage, it is indicated that the development is 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/Hedgerows

A small copse of trees around the existing pond in the centre of the are to be removed to facilitate the use. However the veteran oak is to be retained as a tree of historic interest. Additional tree planting is to be secured to by condition to ensure an overall net gain on the application site.

The trees and hedgerows to the northern and eastern boundaries are all to be retained and appropriate conditions to provide protective fencing are proposed.

Whilst the access will require the cutting back of the roadside boundary to facilitate the visibility splays, Officers consider that these works can be satisfactorily mitigated with new planting to strengthen the retained planting along the revised boundary line outside of the splay.

The southern boundary will be formed by a new hedgerow running from the Warwick Road to the railway line to delineate the site and this will represent an significant enhancement to the amount of trees and hedgerows across the site.

Overall, Officers are satisfied that the development would result in a significant increase in trees and hedgerows in this location is acceptable.

Impact on the railway

The proposal has been assessed by Network Rail who have raised no objection to the scheme but have requested conditions and informative notes be added to any

approval given to ensure that the railway asset is not undermined or negatively affected by the proposed development. Having reviewed the requested details, Officers are satisfied that the requirements are achievable and reasonable.

Sustainability

As the development exceeds 1000 sq metres in overall floorspace, Policy CC3 requires an assessment against the BREEAM standards. As part of the submission, the applicants have submitted a BREEAM Action List to ensure that the appropriate level of BREEAM credits are received to ensure that the development meets the appropriate standards to be classified as "Very Good" as required by Policy CC3.

In addition, Officers consider it appropriate to secure further details of sustainable energy measures through the use of the an appropriately worded condition to ensure that the sustainability credentials are as high as possible.

Conclusion

The development has been submitted in accordance with a strategic allocation within the Local Plan. The proposal is considered to comply with the requirements of DS23 and is therefore also considered as appropriate development within the Green Belt.

Site specific details can be adequately controlled by condition and for the above reasons, Officers recommend that planning permission is GRANTED with conditions.

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) 4894-053, 4894-054, 4893-056, 4894-057, 19-7877-SK0005-P4, 19-7877-SK0006-P2, 7044.LSP.03.FINAL, 2257-EX-001-P1 and 2257-EX-002-P2, and specification contained therein, submitted on 8 September 2020, approved drawing 4894-052-Rev A and specification contained therein, submitted on 29 September 2020 and approved drawing 4894-051-Rev B and specification contained therein, submitted on 27 November 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 not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; site working hours and delivery times; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the 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.

- 4 The development hereby permitted shall not commence unless and until arboricultural mitigation measures have been submitted to and approved in writing by the LPA and the approved measures have been put into place. The approved measures must remain in place for the duration of construction works. The information to be submitted for all of the trees within the site as well as those off-site trees affected by the proposed demolition and re-development must include:

a] a comprehensive arboricultural method statement and robust tree protection plan that recognises in particular the significance of the Ancient Woodland on the site boundary and the three high quality oak trees within the site, the statement to be prepared in accordance with Clause 7 of British Standard BS5837 - 2012 Trees in Relation to Design, Demolition & Construction

b] an arboricultural site monitoring protocol that will confirm to the local planning authority by independent examination that the agreed tree protection measures are in place for the duration of the development

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.

- 5 No development other than site clearance and preparatory works shall take place until a method statement and risk assessment for all works within the vicinity of the railway line has been submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail. Thereafter, the development shall be carried out strictly in accordance with the approved method statement.

REASON: To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway.

- 6 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.

- 7 The development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details.

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

- 8 No development other than site clearance and pitch preparation works shall commence unless and until a surface water drainage strategy which demonstrates an appropriate site outfall and a surface water discharge rate limited to QBar is provided have been submitted to and approved in writing by the local planning authority. The development shall 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 Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

- 9 No use of the proposed playing pitches of the development hereby permitted shall commence unless and until a suitable scheme for the provision of appropriate mitigation measures to be implemented that minimise any risks associated with the proximity of the adjacent residential development and proximity of the railway line to the

development has been 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: In the interests of visual amenity and to safeguard the amenity of adjacent occupiers and the safe operation of the rail network in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 10 No development shall be carried out above slab level until further details of measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques, materials, natural ventilation methods and sustainable energy sources shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

REASON: To ensure planning for climate change adaptation and to satisfy the requirement of Policy CC1 of the Warwick District Local Plan 2011-2029.

- 11 No development other than pitch preparation works shall commence unless and until an updated soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of additional landscaping works shall include further details of the proposed landscaping along the Warwick Road boundary, additional tree planting to the southern boundary, planting to car parking areas together with additional planting areas within the site.

Thereafter, 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.

12 No lighting or illumination of any part of any building or floodlighting within the site shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the local planning authority to include the hours of use. Thereafter, the use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.

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

13 No development above slab level shall take place until an appropriate scheme of mitigation in accordance with Warwick District Council's Air Quality Supplementary Planning Document (January 2019) has been submitted to and approved by the local planning authority. The approved scheme shall then be implemented in full and shall not be altered in any way without expressed written consent from the local planning authority.

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

14 No development other than site clearance and preparatory works shall take place unless and until:

- a) A detailed assessment of ground conditions of the land proposed for the new playing field land as shown on drawing number 7044/ASP3 shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
- b) Based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.

The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the Local Planning Authority after consultation with Sport England.

REASON: To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with Policy HS4 of the Local Plan.

15 Prior to the bringing into use of the playing fields of Kenilworth RFC, a Management and Maintenance Scheme for the facility including

management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the playing fields at Kenilworth RFC.

REASON: To ensure that new playing fields are capable of being managed and maintained to deliver playing fields which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport (National Planning Policy Framework (NPPF) para 97) and to accord with Policy HS4 of the Local Plan.

16 Prior to the occupation of the site a scheme ("the scheme") to ensure that there is no net biodiversity loss as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the Warwickshire County Council metric version 19.1 and should there be a net biodiversity loss the scheme shall include:

1. Proposals for off-site offsetting;
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 for a minimum of 30 years).

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 the proposal results in a net biodiversity gain in accordance with Policy NE3 of the Local Plan, Policy KP6B of Kenilworth Neighbourhood Plan together with national guidance contained within the NPPF.

17 The proposed clubhouse building shall be constructed in accordance with the noise mitigation measures proposed in the Hepworth Acoustics noise impact assessment report (Ref. P20-197-R01v1, dated December 2020) and the installed mitigation measures being retained thereafter.

REASON: To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 18 Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

REASON: To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 19 The accommodation identified on the approved drawings as "Stewards Accommodation" shall be occupied by persons solely working at the rugby club and any spouse or dependents only and at no time shall the premises be occupied by person(s) not associated with the operation of the club.

REASON: The accommodation is needed for occupation by staff members only working on the site and in order to protect the Green Belt, occupation is restricted so that the dwelling continues to serve the needs of business only and does not create an unrestricted dwelling in an open countryside location, in accordance with Policies DS18 and H12 of the Warwick District Local Plan.

- 20 No works shall be carried out within the Great Crested Newt protection area until the appropriate licence has been granted by Natural England. Thereafter, all works shall be carried out in accordance with the terms of the licence.

REASON: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.

- 21 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 ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

- 22 The access to the site for vehicles shall not be used unless a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority.

REASON: In the interests of highway safety 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.

- 23 The development shall not be brought into use until visibility splays have been provided to the vehicular access to the site with an 'x' distance of **2.4** metres and 'y' distances of **160** metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of **0.6** metres above the level of the public highway carriageway.

REASON: In the interests of highway safety and the 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.

- 24 The development hereby permitted shall not be occupied unless and until the parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times.

REASON: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 02 February 2021

Item Number: 9

Application No: [W 20 / 1669](#)

Town/Parish Council: Leamington Spa
Case Officer: Dan Charles

Dan Charles
01926 456527 dan.charles@warwickdc.gov.uk

Registration Date: 16/10/20

Expiry Date: 11/12/20

2 Woodcote Road, Leamington Spa, CV32 6PY

Demolition of existing dwelling and erection of 6no. apartment building with associated car parking, bin store and landscaping works. Proposals include removal of existing TPO tree and details of replacement tree planting FOR A. Parker

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal is for the demolition of the existing detached dwelling and the erection of a new two storey building containing 6no. two bedroom flats together with ancillary works.

THE SITE AND ITS LOCATION

The application site is situated on the southern corner of Woodcote Road and College Road in an established residential area of early to mid-20th Century detached dwellings in large grounds with front gardens set back from the road. Woodcote Road is a pleasant tree lined road with a leafy verdant character.

No.2 Woodcote Road is a traditional detached dwelling on a large plot set to mature gardens. The plot size is comparatively large compared to other properties within the vicinity of the site.

The built form of the immediate area is largely uniform in character with an established building line with tree lined roads and low front garden walls.

The site contains a number of mature trees along its boundary with College Road which are protected by a Tree Preservation Order.

PLANNING HISTORY

W/19/1842 - Demolition of existing dwelling and construction of 6 no. new apartments with associated car parking, bin store and landscaping works.

Proposals include removal of existing TPO tree and details of replacement tree planting – Withdrawn 09.04.2020.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS1 - Supporting Prosperity
- DS2 - Providing the Homes the District Needs
- DS3 - Supporting Sustainable Communities
- DS4 - Spatial Strategy
- DS5 - Presumption in Favour of Sustainable Development
- DS6 - Level of Housing Growth
- DS7 - Meeting the Housing Requirement
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities
- CC1 - Planning for Climate Change Adaptation
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- Officer Note - While this is not yet formally made (as it has not yet been through a referendum) the above document has been through its final examination and as such is afforded substantial weight in the decision making process.
- RLS1 - Housing Development Within the Royal Leamington Spa Urban Area
- RLS2 - Housing Design
- RLS4 - Housing Character Outside the Conservation Areas
- RLS5 - Royal Leamington Spa Housing Mix and Tenure
- RLS12 - Air Quality
- RLS13 - Traffic and Transport
- RLS14 - Cycling

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objection maintained from previous application (ref: W/19/1842) as very little attempt seems to have been made to address the points raised.

WCC Highways: No objection.

WCC Ecology: Site previously assessed under earlier scheme. Would recommend an updated bat survey together with the provision of bird and bat boxes for biodiversity enhancement.

WDC Health and Community Protection: No objection subject to conditions on Air Quality and provision of a Construction Management Plan.

WDC Tree Officer: The Tree Survey, Proposed Tree Retention and Removal Plan, the Arboricultural Impact Assessment and the Tree Protection Plan from FLAC, reference CC39-1029 issued in October 2019, was thoughtful, well considered and well presented.

There was no Arboricultural Method Statement as it was felt that the tree protection plan would provide an adequate level of protection, and that the plan included "a schedule of on-site Arboricultural supervision for the establishment of protection measures and for operations in proximity to retained trees.

No objection subject to a condition for on-site Arboricultural supervision and tree protection measures.

WCC Landscape: Objection. Trees contribute to the overall street scene, particularly as leafy approaches visually connecting adjoining side roads. These mature trees can be viewed along the adjacent public footways as well as from nearby dwellings and private gardens. The proposed development will introduce a two-storey apartment block into this environment which would neither reinforce nor enhance the established character of the road or incorporate important existing landscape features. This would then be contrary to BE1 of the Local Plan.

The proposed development will remove the same number of mature trees, shrubs and a garden hedge from within the south western, southern and eastern boundaries of the site. The removal of these mature trees and shrubs will permit views of the site and of the proposed building. There will be a noticeable change in the view experienced from properties 2 and 4 Onslow Croft, 43a Kenilworth Road, the garden areas of 3 Hirsell Gardens and from the frontage to 3 Woodcote Road. There will be a resulting change to the character of the area increasing its urban nature.

This tree /shrub removal includes the majority of the garden trees; a Himalayan Birch mature street tree to allow for widening the driveway; and a mature beech tree, also protected by a TPO, which only 12 months previously was considered worthy of retention.

Only five replacement trees are proposed, two along the boundary with College Drive, two for tree group 7019-7026 in the south-western corner of the site, and

a replacement highway tree for tree 7001 on Woodcote Road. Tree numbers 7003-7005 are roadside trees within the grass verge and are therefore outside the site boundary.

WDC Waste Management: No objection. Recommend 1 large bin for refuse and 1 large bin for recycling.

Severn Trent Water: No objection, subject to informative notes.

Public Response: 62 objections have been received on the following grounds:

- Not required in this area. Plenty of flats already exist.
- Potential disruption to local area.
- Loss of trees will be detrimental to the character of the area.
- Removal of protected trees to make way for development is not acceptable and should be resisted.
- Existing property is unique in character and should be improved/extended sympathetically.
- House is significantly older than stated in supporting documents.
- Dispute comment that the existing property provides no positive contribution to the setting or street scenes.
- Replacing a single dwelling with a block of flats and parking area is not in keeping with local character.
- Detrimental impact on road safety and parking.
- Impact of noise during construction and after completion.
- Increased traffic represents risk to pedestrian/cycle safety.
- Harm to visual amenity.
- Over-development of the plot.
- Contrary to WDC Design Guide.
- Fails to meet the requirements of Policy BE1 as development does not harmonise with surrounding area.
- Design with balconies, full height windows and bifold doors does not reflect local character.
- Development fails to reinforce local character as set out in local and national policy.
- Does not respect the character of the area in terms of scale, height, form and massing.
- Birds and bats will be harmed due to loss of mature trees.
- Will result in significant loss of biodiversity.
- Bin storage area will be detrimental to neighbouring amenity.
- Does not make adequate provision for waste management.
- Outlook from adjacent properties will be negatively affected.
- No provision made for visitor parking.
- Will result in a loss of light.
- Will result in overshadowing.
- Will result in overlooking and loss of privacy.
- Perspective views supplied are misleading.
- Failure to take into account all objections could result in legal action.
- Supporting documents fail to adequately justify the development.
- Area was subject to flooding in 1997 and new development reduces green areas to aid with drainage.
- Will result in increased air pollution in a town that already has poor air quality.

- Rear access could encourage criminal activity.
- Harm to community safety due to design and layout.
- No reference to management of communal areas/gardens.
- Site is subject to a covenant preventing additional dwellings.
- Could set an unwelcome precedent.
- Will reduce quality of life for all residents in the area.
- Development on residential gardens is contrary to the NPPF and Policy H1.
- Reference to development on corner plot of Northumberland Rd is misleading as this is a single dwelling.
- Other properties on Woodcote Road were refused permission for replacement.
- Frontage onto Woodcote Road would be dominated by car parking.
- Will alter the demographic of the area.
- Vehicles manoeuvring within the site will cause noise disturbance and light pollution.
- No disabled parking provision.

ASSESSMENT

Principle of Development

Policy H1 of the Warwick District Local Plan (2011-2029) seeks to ensure that new residential development is located within the boundaries of the Urban Areas, Growth Villages or Limited Infill Villages. The application site forms part of an established residential area within the boundary of the urban area of Leamington Spa and the principle of development is therefore acceptable. However, Policy H1 also states that housing development on garden land, in urban and rural areas, will not be permitted unless the development reinforces, or harmonises with, the established character of the street and/ or locality and respects surrounding buildings in terms of scale, height, form and massing. Compliance with this aspect of the policy will be assessed below.

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

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

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

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

The proposal requires the removal of the existing single dwelling within the site. The existing building is a two storey property which has attractive features and sits comfortably within the site creating a green and pleasant setting for the corner plot. Whilst the building is a traditional property of significant character, it is not a Listed Building nor does it lie within a Conservation Area which would offer statutory protection. There is therefore no policy objection to the demolition of the existing dwelling. Whilst it is unfortunate in any circumstance where a building of character is to be removed, Officers acknowledge that this would not in itself be a sufficient reason to resist a proposal where there is no statutory/ policy protection.

The scheme proposes the removal of multiple trees from the site that current afford a leafy verdant feel to the site. The large trees to the boundary will be retained to ensure that the visual amenity is retained with smaller trees being removed within the site. The scheme has been submitted with an Arboricultural Assessment that demonstrates that the highest quality trees within Grade A are to be retained with the majority of trees being removed being lower quality trees or diseased, dead or dying. One of the trees to be removed is covered by a TPO. The Tree Assessment has concluded that this tree is diseased which has undermined its stability and it is therefore recommended to be removed. This has been agreed with the Councils Tree Officer as appropriate. Both this tree and an earlier TPO tree are to be removed with appropriate semi-mature species to mitigate for their loss.

The loss of trees will affect the visual character of the local area by reducing the density of the belt of trees to the site boundary. However, Officers consider that the primary trees of most visual amenity value are to be retained with new, high quality planting to supplement these existing trees would retain the visual character of this corner plot.

The proposed development is for a two storey building containing 6 apartments; 3 at ground floor and 3 at first floor. The design rationale for the building is to create a scheme that reflects the character of the large individual family homes within the local area. Whilst a large single building, the design has sought to use a differing palette of materials to create the appearance of two separate structures in an attempt to break up its mass and reduce its impact. The use of a recessed flat roof "link" between the buildings creates a subservient feature that gives the illusion of a physical break between the buildings. This break is further emphasised by the use of hipped roofs that slope away from the link area to further provide a visual gap between the two main elements of the building. In addition, the use of contrasting roof materials further adds to the appearance of two units.

The element of the building fronting onto Woodcote Road retains the painted render appearance of the existing and has been designed to create a frontage that faces the road to maintain the characteristic of the existing property fronting onto the street scene. This element of the building is also designed to be double fronted with an active frontage facing onto College Drive.

The secondary element is to be red brick that is more prevalent within the College Drive street scene. This element also has the appearance of a frontage onto College Drive to give the appearance of a single, large dwelling to follow the existing residential character of the area.

The parking areas are retained on the existing frontage, albeit extended to provide parking for additional vehicles with a secondary parking area to the rear of the accessed via the side of the proposed building. This represents a sizeable area that will be visible from Woodcote Road. Whilst the plans indicate a tarmac driveway, a more appropriate solution would be a resin-bound gravel appearance to maintain the solid surface but with an improved overall aesthetic. Hedging is proposed along the front boundary to soften the edge of the car parking area.

The layout proposes a mix of communal garden space and private garden spaces to serve the units and hedgerows are proposed to delineate the boundaries to retain the green aspect of the area. In order to retain this, it is appropriate to remove Permitted Development Rights for the provision of gates, fences, wall or other means of enclosure to prevent a proliferation of potentially harmful boundary features being installed.

Subject to conditions requiring details of all materials including surfacing materials together large scale details of fenestration as well as the removal of permitted development rights, Officers consider that the proposal would be acceptable in the setting from a design and visual amenity perspective.

The proposal is therefore considered acceptable having regard to Policy BE1 of the Local Plan and National Guidance contained within the NPPF.

Impact on adjacent properties

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

Officers clearly acknowledge that the proposal represents a significant increase in built form on the site compared to the existing dwelling. Having reviewed the submitted details, it is noted that the scheme has been designed to ensure that the 45-degree line from neighbouring windows has been retained to ensure that there is no demonstrable loss of light.

In terms of windows, the predominant amount of primary windows are focussed to the front elevations facing Woodcote Road and College Drive where the separation distances are greatly in excess of the required standards. Where windows are proposed to face onto adjacent properties, these have been designed to be either secondary windows or have been designed to face onto the sides of adjacent properties where views into private amenity space is limited.

The proposal represents a significant increase in mass on this prominent corner plot and the plan depth extends back into the site much further than the existing building.

To the east of the site, the boundary lies adjacent to No.3 Woodcote Road. The building projects past the rear elevation of this property but it stepped away from the boundary to minimise any potential overbearing impact. The site is due west of No.3 so there would be some potential impact in terms of loss of sunlight. The sun rises in the east and sets in the west so the majority of the day, the level of sunlight would be unaffected by the proposal. Moving into the evening, the

proposed development would result in some loss of direct sunlight. However, the level of potential harm would be limited due to the orientation and Officers are satisfied that the scheme would result in demonstrable harm sufficient to warrant the refusal of planning permission.

In addition to light, Officers note that the parking area and access would flank the length of the side boundary with No. 3. Parking in this area is limited to 4 spaces and the level of potential traffic would therefore be limited. To mitigate the potential impact, an acoustic fence is proposed to be provided on the site boundary to mitigate noise as well as potential disturbance from headlights. A soft landscaped area is proposed adjacent to the rear garden area of No. 3 to offset vehicles from the immediate boundary as well as to bolster the separation between the sites.

To the south of the site lies No.1 Onslow Croft. This property has its side elevation facing the boundary of the application site.

The proposed development is due north of this property so would not have any impact in terms of loss of sunlight. The body of the proposed building is also to the side of this property and there would be no built form directly adjacent to the private amenity space. Officers are satisfied that this relationship would not result in any harm from overlooking or overshadowing of the private amenity space.

As part of the development, it is proposed to remove an existing conifer hedge and replace it with a new hedge of more appropriate species. It is acknowledged that the existing conifer hedge does provide screening from the application site. However, its replacement with a more appropriate species would provide a more aesthetically suitable solution. The close boarded fence that also delineates the boundary is to be retained which will ensure that there is no resultant harm from vehicle headlights to the private amenity space as a result of the development.

The Western and Northern boundaries of the application site flank the public highway with adjacent properties separated by the highway, associated grass verges and the set back of front garden areas. Whilst there would be views of the application site from these properties, Officers are satisfied that the development would not result in harm to the amenity of the occupiers of the adjacent properties.

Subject to conditions to secure the features referenced above, Officers are satisfied that the development would not result in demonstrable harm to the amenity of neighbouring properties and therefore would accord with Policy BE3 of the Local Plan.

Amenity of future occupiers

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

All of the proposed habitable rooms have an adequate source of light and outlook from proposed windows. The units also exceed the national space standards to two bedroom properties. In addition, the units benefit from either a private garden area or shared communal space. The residential design guide requires an open

space requirement of 10m² per bedroom. The areas of open space provided on site greatly exceed this requirement.

The proposal is therefore considered to accord with Policy BE3.

Highway Safety

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

The site seeks to re-use the existing access point from Woodcote Road with widening to 5 metres to allow two-way traffic in order to prevent vehicles waiting in the public highway should a vehicle be exiting the site at the same time. This will be constructed to the required specification of the County Highways Team to ensure that the proposal does not harm highway safety.

On the earlier scheme, the Highways officer requested swept-paths of vehicles to be provided to demonstrate that vehicles can adequately turn within the site. These have been provided to demonstrate that vehicles have sufficient manoeuvring space to enter and exit the site in a forward gear.

The parking standards Supplementary Planning Document requires 2 spaces per unit for a two-bedroom property and the site provides for 12 vehicles to meet this standard. The SPD does not require the provision of on-site visitor parking for scheme of less than 10 units. Therefore, Officers are satisfied that the development provides the correct amount of car parking as required by the SPD.

Local concern has been raised regarding highway safety and congestion within the local area being harmed by this development. The proposal has been assessed by the County Highways Officer who has raised no objection to the scheme in terms of highway safety. In light of there being no technical objection in this respect, Officers consider that this potential harm would not be sufficient to warrant the refusal of planning permission.

The scheme is therefore considered acceptable having regard to Policies TR1 and TR3 of the Local Plan and supplementary guidance contained within the Parking Standards SPD.

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 scheme has been submitted with an Ecological Assessment of the site which also formed part of the submission on the earlier application. The ecologists have considered the report and recommended a range of conditions regarding protected species.

One element of concern that has been raised is that the bat survey is now over 12 months old and should be updated prior to determination. In considering this point, Officers note that on the earlier scheme, the recommendation was to require a further bat survey of the site to be carried out and the results submitted with details of any necessary mitigation works prior to development taking place.

In light of this request, it now would be unreasonable to require a new bat survey prior to determination. Officers are satisfied that the further works are reasonable to ensure that protected species are not harmed by the development and consider that the most appropriate method would be through the imposition of a condition requiring the survey work to be carried out. This would then provide the most up to date information in order for suitable mitigation to be provided.

It is therefore considered that subject to the imposition of the range of conditions requested together with a condition requiring an up to date bat survey, the proposal is acceptable having regard to Policy NE3.

Trees/ Hedgerows

The site contains a significant number of trees of varying sizes and species including TPO trees. A detailed tree survey has been carried out by a suitably qualified specialist in accordance with methodology to the appropriate British Standards. These document identifies that a large number of trees are to be removed but these are limited to poor quality or lower grade trees. The report identifies that one of the TPO trees has evidence of compromised structural integrity and it proposed to remove this tree. A TPO tree was also removed in 2017 and the scheme proposes to replace that tree as well as the current TPO tree to be removed with appropriate semi-mature species – one Beech and one Oak.

The submitted survey has been assessed by the Council's Arboricultural specialist who has advised that the tree survey, proposed tree retention and removal plan, the arboricultural impact assessment and the tree protection plan was typically thoughtful, well considered and well presented. In light of this, the Officer has raised no objection to the scheme subject to a scheme of arboricultural supervision and establishment of appropriate tree protection measures.

Whilst the loss of any trees to development is unfortunate, the removal of trees has been justified and these are limited to either poor quality or diseased trees only. It is also noted that the site is not within a Conservation Area so the trees that are not subject to a TPO do not have statutory protection and could be removed at any time.

Officers also consider it appropriate to condition the replacement trees for the TPO be provided within the first planting season together with a condition requiring any planting be replaced with like for like species should it become diseased or die within a five year period.

Subject to the required conditions being imposed, Officers are satisfied that the scheme is acceptable.

Drainage

The site lies within Flood Zone 1 which is at the lowest risk of flooding. The drainage strategy remains the same as the earlier submission under W/19/1842 where there was no objection from the Lead Local Flood Authority subject to the imposition of conditions requiring the detailed specification of the drainage system to be submitted for approval prior to the commencement of the development to ensure that the final specification is acceptable together with securing a maintenance strategy to ensure that the drainage system is properly maintained for the lifetime of the development.

In terms of sewage disposal, the site will be connected to the existing mains drainage. Severn Trent have raised no objection to this and have identified that a separate agreement would be required. An informative note has been recommended to make the applicants aware of this requirement.

Subject to the requested conditions, Officers are satisfied that adequate drainage is provided on site.

Water Efficiency

Policy FW3 requires all new development of one or more dwellings to meet a water efficiency standard of 110 litres per person per day to reduce overall water consumption. A standard condition requiring the submission of details of water efficiency measures is proposed which will ensure that this standard is met.

Air Quality

The proposed development seeks the demolition of an existing residential dwelling and the construction of 6no. replacement apartments. The proposed development will result in an increase in vehicular movements in the local area. Warwick District Council has adopted an Air Quality Supplementary Planning Document (AQ SPD) which 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.

Under the AQ SPD the proposed development would be classified as a minor scheme and therefore a proportion of electric vehicle charging infrastructure is required. The AQ SPD requires 1no electric vehicle charging point per dwelling with dedicated parking. The proposed site plan shows that 12no parking spaces will be provided (2no per new dwelling) and therefore a minimum of 6no electric vehicle charging points would be required under the AQ SPD. The submitted site plan indicates that all 12 parking spaces will be provided with electric charging facilities which exceeds the requirement of the AQ SPD. Further information is required on the proposed charging speed and type of infrastructure to be provided at the development. This can be secured by an appropriately worded condition.

Waste Storage

The Waste Management Team have considered the proposal and raised no objection to the scheme. It is noted that they recommend a shared large bin for waste and separate large bin for recycling.

Areas of Waste Storage are indicated on the submitted drawings demonstrating individual bins for each apartment. As the preference of the Waste Management Team is for shared bin provision, notwithstanding this, Officers consider it appropriate to require a condition for a waste strategy to include bin provision be provided and approved by the Waste Management Team prior to the development being occupied.

Conclusion

The application site is within the identified Urban Area boundary for Leamington Spa as shown on the Policies Map. The principle of new residential development is therefore acceptable in accordance with Policy H1 of the Local Plan. Officers consider the proposal for the demolition of the dwelling and erection of a two storey block containing six flats to be of a scale and form of development which is still suitable in character and visual terms and is also proportionate to the size of the site and as such does not represent an overdevelopment of the site.

The visual impacts of the development are acceptable and the proposals would not give rise to any demonstrable harm to neighbouring amenity by reason of overbearing, overlooking or overshadowing.

Sufficient parking is proposed for the new dwellings and the scheme is acceptable in regard to ecology and for all the above reasons Officers recommend that planning permission be granted with conditions.

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) 3649-04E, 3649-05E, 3649-09E and 3649-10H, and specification contained therein, submitted on 15 December 2020 and approved drawing(s) EW989-02P1 and EW989-03P0, and specification contained therein, submitted on 16 October 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 not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; site working hours and delivery times; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding

including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the 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.

4 No development (including demolition) shall commence unless and until a survey for the presence of bats has been carried out by a suitably qualified surveyor, and has been submitted to and approved in writing by the local planning authority. Should the presence of bats be found then no demolition shall take place until full details of measures for bat migration and conservation have been submitted to and approved by the local planning authority. These measures should include:

- a) inspection of existing buildings and trees on site not more than 28 days/one calendar month prior to their demolition to determine presence or absence of roosting or hibernating bats;
- b) no building containing bats shall be demolished and no tree containing bats until bats have been safely excluded using measures as have been previously submitted to and approved in writing by the local planning authority;
- c) provision of a new bat roost/hibernacula constructed to a design and in a location previously approved in writing by the local planning authority;
- d) provision of new bat roost/hibernacula within new construction;
- e) provision of an area of buffer/habitat around the new bat roost/hibernacula, details of the buffer to be submitted to and approved in writing by the local planning authority;
- f) retention of hedgerows identified as being important for foraging bats within the development site, details of the location of hedges to be submitted to and approved in writing by the local planning authority;
- g) provision for the management in perpetuity of the buffer habitat, hedgerows used for foraging and the new bat roost/hibernacula. The works shall be implemented in strict accordance with the approved details and timing of works.

Reason: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.

- 5 The development hereby permitted shall not commence until a protected species method statement for bats, nesting birds, hedgehogs and amphibians (to include timing of works, supervision of vegetation clearance and reasonable avoidance measures) has been submitted to and approved in writing by the Local Planning Authority. Such approved measures shall thereafter be implemented in full.

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

- 6 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include *details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles)*. Such approved measures shall thereafter be implemented in full.

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

- 7 The development hereby permitted, including site clearance work, shall not commence until a Construction and 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 pre-commencement checks for protected species (*detail as appropriate e.g. badger, bats, breeding birds and otter*) and appropriate working practices and safeguards for wildlife 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

- 8 Before the commencement of development, the net biodiversity impact of the development shall have been measured in accordance with the DEFRA biodiversity offsetting metric as applied by Warwickshire County Council ("the County Council") in the area in which the site is situated at the relevant time and, if the measures for on-site mitigation approved in accordance with the Landscape and Ecological Management Plan condition are not sufficient to prevent a net biodiversity loss, arrangements to secure measures on another site which ensure that there is no net biodiversity loss as a result of the development shall have been submitted to and approved in writing by the County Planning Authority. Unless those arrangements comprise a proposal to enter an agreement with the County Council under which the County Council will secure the implementation of suitable measures, the submitted arrangements 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 County 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 arrangements or any variation so approved.

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

- 9 The development hereby permitted shall not commence unless and until a schedule of on-site arboricultural supervision, including the provision to instruct the establishment of tree protection measures required by operations in proximity to retained trees, has been submitted to and approved in writing by the Local Planning Authority. The approved schedule, and any necessary amendments occasioned by incidents on site, must remain in place for the duration of the works.

This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous supervision and monitoring of the tree protection during construction by a suitably qualified and pre-appointed tree specialist.

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

- 10 No development shall be carried out until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details.

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

- 11 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the

development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall include the following information:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753 through the submission of plans and cross section of all SuDS features.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate or rate to be agreed with the LLFA.
- Demonstrate the provisions of surface water run-off attenuation storage are provided in accordance with the requirements specified in 'Science Report SC030219 Rainfall Runoff Management for Developments'.
- Provide evidence to show an agreement from Severn Trent Water to connect surface water to their asset at the location and rate proposed in the drainage strategy.

Reason: To prevent the increased risk of flooding.

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

Reason: To ensure the future maintenance of the sustainable drainage structures.

- 13 No development shall commence unless and until details of foul water drainage works have been submitted to and approved in writing by the local planning authority. The development shall 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 Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

- 14 Prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in

accordance with the approved details and shall not be removed or altered in any way (unless being upgraded).

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

- 15 No development shall be carried out above slab level unless and until samples of the external facing materials together with a schedule of all hard landscaping 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.

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

Reason: To ensure an appropriate standard of design and appearance to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029.

- 17 No development shall be carried out above slab level unless and until details of the proposed acoustic fencing have been submitted to and approved by the Local Planning Authority. Thereafter, the development shall not be carried out otherwise than in strict accordance with such approved details prior to the first occupation and maintained in perpetuity.

Reason: To ensure an appropriate standard of amenity and appearance to satisfy Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 18 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 on any land between the front or side elevation of any dwelling and any road or footpath.

Reason: To retain the character of the proposed development it is considered important to ensure that control is maintained over boundary treatments fronting the public highway.

- 19 No lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures (including details of hours of operation) shall have been submitted to and approved in writing by the Local Planning Authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.

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

- 20 Notwithstanding the details on the submitted plans, the hard landscaping (to include the revised details required by Condition 15), including boundary treatment, paving and footpaths, shall be completed in all respects within the 6 months of the first use of the development hereby permitted. Any soft landscaping shown on the approved plans, including any tree(s) and shrub(s), shall be planted within the first planting season following that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of the same 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.

- 21 Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied unless and until:

(a) details of refuse and recycling storage areas for the development have been submitted to and approved in writing by the Local Planning Authority; and

(b) the refuse and recycling areas approved under (a) have been constructed or laid out in strict accordance with the approved plans, and made available for use by the occupants of the development.

Thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development.

Reason: To ensure the satisfactory provision of refuse and recycling storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

22 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times.

Reason: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.
