

Planning Committee: 06 October 2020

Item Number: 5

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

Town/Parish Council: Kenilworth
Case Officer: Dan Charles

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Registration Date: 09/07/19

Expiry Date: 08/10/19

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

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

RECOMMENDATION

Subject to receipt of confirmation that the purchase of the school land has been completed to the satisfaction of the Local Planning Authority in consultation with Warwickshire County Council Education Services which would confirm that the application site is therefore surplus to educational requirements, Planning Committee 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 is also recommended to delegate authority to the Head of Development Services in consultation with the Chair of Planning Committee to finalise the terms of the Section 106 Agreement including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test. Delegated Authority is also sought to finalise the wording of proposed conditions.

Should a satisfactory Section 106 Agreement not have been completed within three months of the date of decision, Planning Committee is recommended to delegate authority to the Head of Development Services to refuse planning permission on grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

The proposal is for outline planning permission for a residential development of up to 99 dwellings. All matters are reserved other than access.

A single point of vehicular access is proposed to the site from Glasshouse Lane via a new junction. An emergency access is shown from Crewe Lane which would be restricted from normal vehicular traffic, but would be available for use by pedestrians and cyclists.

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

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

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

THE SITE AND ITS LOCATION

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

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

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

To the south of the site is the land allocated for and with the benefit of planning permission for the construction of the new Kenilworth Secondary School.

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

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

INDICATIVE HOUSING MIX

Private Housing

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

Affordable Housing

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

PLANNING HISTORY

No previous planning history.

RELEVANT POLICIES

- National Planning Policy Framework
- Kenilworth Neighbourhood Plan 2017-2029
- KP4 - Land East of Kenilworth
- KP8 - Traffic
- KP9 - Cycle Routes
- KP11 - Footpaths
- KP12 - Parking Standards
- KP13 - General Design Principles
- KP14 - Non-Designated Heritage Assets
- KP15 - Environmental Standards of New Buildings
- KP18 - Green Infrastructure
- KP19 - Local Green Space
- KP20 - Street Trees
- KP21 - Flooding
- Warwick District Local Plan (2011-2029)
- DS1 - Supporting Prosperity
- DS3 - Supporting Sustainable Communities
- DS5 - Presumption in Favour of Sustainable Development
- DS6 - Level of Housing Growth
- DS10 - Broad Location of Allocated Sites for Housing
- DS11 - Allocated Housing Sites
- DS15 - Comprehensive Development of Strategic Sites
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix of Housing
- H15 - Custom and Self-Build Housing Provision (Warwick Local Plan - 2011-2029)
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE2 - Developing Strategic Housing Sites
- BE3 - Amenity
- BE5 - Broadband Infrastructure
- BE6 - Electronic Communications (Telecommunications and Broadband)
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HE1 - Protection of Statutory Heritage Assets

- HE2 - Protection of Conservation Areas
- HE4 - Archaeology
- HS1 - Healthy, Safe and Inclusive Communities
- HS3 - Local Green Space
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- HS5 - Directing Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- FW4 - Water Supply
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions
- DM2 - Assessing Viability
- Guidance Documents
- East of Kenilworth Development Brief (Supplementary Planning Document - March 2019)
- Custom & Self Build Housing (Supplementary Planning Document - July 2019)
- Air Quality & Planning (Supplementary Planning Document - January 2019)
- Public Open Space (Supplementary Planning Document - April 2019)
- Parking Standards (Supplementary Planning Document - June 2019)
- Residential Design Guide (Supplementary Planning Document - May 2018)
- Developer Contributions (Supplementary Planning Document - July 2020)
- Affordable Housing (Supplementary Planning Document - January 2008)

SUMMARY OF REPRESENTATIONS

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

- The single road in and out from Glasshouse Lane is considered to constitute unsafe access and egress with a consequential effect on traffic flow. This is already a busy area, with much new development planned, including the new Kenilworth School. An Integrated Transport Plan is therefore essential. This would consider favourably a more holistic view of traffic generated, together with cycling and pedestrian connectivity and safety, traffic speed limits, and safe crossings. Members specifically highlighted the dangers presented by the poor road view, due to the brow of the hill at the nearby Crew Lane/Hidcote Rd junction.
- Children's play spaces were considered inadequate and poorly located. A proposed children's play area is next to a pond. This should be more centrally located, although Members appreciated this may mean fewer houses.

- Cycle lane provision was not considered adequate. Cycling provision should be included on the proposed plan, especially along the Glasshouse Lane side of the development as proposed by Warwickshire County Council.
- The proposed plan does not follow street design principles set out in the Land East of Kenilworth Development Brief. Specifically, it includes some roads without pedestrian pavements.
- The above objections were considered material considerations, in contravention of relevant Planning Policy, specifically including the Kenilworth Neighbourhood Plan, section KP4 (Land East of Kenilworth), KP8 (Traffic), KP9 (Cycle Routes), KP11 (Footpaths) and the Warwick District Local Plan section SC0 and the revised Land East of Kenilworth Development Brief.

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

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

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

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

WCC Landscape: The proposals seek to retain the existing tree belt along the northern edge of the site, together with individual mature trees and hedgerows along the site boundaries. Although this will help to set development within an established vegetated landscape structure it is not clear on the extent of tree cover that will be retained as part of the development. In addition, there are two water bodies within the site area, one of which is shown to have an ecological buffer. The proposals indicate the intention to provide a green buffer along the southern edge of the site to allow for new native planting and to create a positive interface between the new houses and the school, (planning application W/19/0655). However, this is shown on plan as a new hedgerow with a narrow

grass verge. The proposals also aim to use SUDs which will comprise attenuation ponds within the southern part of the site.

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

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

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

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

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

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

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

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

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

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

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

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

Warwickshire Police Designing Out Crime Officer: Pleased to read that the principles of Secured By Design (New Homes 2019) have been incorporated into

the design and layout of the development therefore Warwickshire Police have no objections to this application.

Natural England: No comments to make on the application.

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

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

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

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

ASSESSMENT

Principle of Development

Five Year Housing Land Supply

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

Local Plan

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

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

The application site is washed over by two Local Plan allocations; Firstly, the site lies within the ED2 Education Allocation which covers the whole site and continues to the south of the application site. The development is also washed over by the H40 Housing Allocation as identified within the Local Plan as a site for new housing development as part of the wider strategic urban extension to the East of Kenilworth. The H40 Allocation washes over the ED2 Allocation and also extends to the east and south of it.

As part of the East of Kenilworth Strategic Extension, to support the formation of the new communities, there is an identified need for supporting infrastructure including a new secondary school, primary school(s) and community facilities. Planning application reference W/19/0655 has secured full planning permission for the delivery of the new secondary school on part of the education allocation (ED2) of the East of Kenilworth extension.

The Inspector's Final Report into the Local Plan acknowledged that where land within ED2 was confirmed as surplus to the educational requirements, it would be possible for it to be released for housing.

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

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

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

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

It was unclear during the Local Plan process whether a primary school would also need to be accommodated on the Southcrest Farm site. Subsequently, in order to ensure the delivery of the necessary infrastructure in the East of Kenilworth urban extension, the two promoters in control of large areas of land in H06 and H40 propose to include single form entry primary schools within their respective sites in accordance with the Land East of Kenilworth Development Brief. A one form entry primary school is included in the W/18/1635 application

submitted by Catesby which Members resolved to grant on 17 June 2020. The decision on that application is likely to be made in the near future following the completion of a Section 106 Agreement.

As the application site also forms part of the H40 Housing Allocation, Policy DS11 is relevant. This policy sets out the housing allocations and gives an overall estimated figure for each of the allocated sites. The overall allocation for new dwellings on the H40 Allocation within the Local Plan identifies an estimated 640 dwellings.

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

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

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

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

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

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

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

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

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

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

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

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

Kenilworth Neighbourhood Plan

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

East of Kenilworth Development Brief

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

The document has been prepared by Warwick District Council and followed the adoption of the Council's Local Plan 2011-2029 in 2017. The document seeks to

guide future development within strategic allocations to the eastern side of Kenilworth and ensure that development within the sustainable urban extension is delivered in a comprehensive manner.

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

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

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

Assessment of the proposed housing provision

Paragraph 50 of the NPPF states that local planning authorities should plan for a mix of housing, based on current and demographic trends, market trends and the needs of different groups in the community. It goes on to state that local planning authorities should identify the size, type, tenure and range of housing that is required in different locations. Local Plan Policies H2 and H4 set out requirements for affordable housing and market housing whilst Development Principle 1A of the Development Brief for this area also requires a mix of homes.

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

The applicant has confirmed that a comprehensive mix of unit types will be proposed ranging from one bedroomed to four+ bedroomed houses, which can be controlled by a suitably worded condition to ensure that this is followed at reserved matters stage. The mix set out in the Indicative Housing Mix section of this report is considered to accord with policy and therefore appropriate.

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

Kenilworth Neighbourhood Plan Policy KP4 and the Land East of Kenilworth Development Brief seek a proportion of units to be provided on a self/ custom build basis. The indicative site plan shows a total of 5 plots to be allocated as

self/ custom build which is in accordance with policy. The provision of these plots will be secured through the Section 106 Agreement.

Design

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

Objective 5 of the Land East of Kenilworth Development Brief is the creation of a high quality environment with a strong sense of place that responds sensitively to and takes advantages of the existing environmental characteristics of the site including green spaces, ecology and heritage assets. Objective 7 further seeks the creation of a high quality designed urban environment.

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

Warwick District Council's Local Plan 2011-2029 Policy BE1 reinforces the importance of good design stipulated by the NPPF insofar as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan requires 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 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.

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. In addition, the Land East of Kenilworth Development Brief contains a number of Development Principles that relate to design as well as including an Indicative Masterplan for the urban extension.

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

The Indicative Masterplan sets out the scheme that incorporates the 99 dwellings, together with the required open space requirements to the level required for a scheme of this scale.

A key aspect of the scheme is the retention of existing hedgerows that run around the site together with the inclusion of significant hedge planting to the southern boundary to bolster the current open boundary. This results in the provision of a green buffer between the proposed properties and the school site. The proposal also retains the mature woodland areas around the edges of the site which will provide an attractive green boundary to all sides.

The indicative Masterplan demonstrates the provision of a primary spine road through the site from which minor roads naturally link from this primary access route to serve the properties. The main spine road is indicated with a highway to the required specification of the County Highways Team that is flanked by associated footway provision. Adjacent to the main spine road, the properties are set behind green frontages to increase the width of the spine road and give it a soft edge and attractive appearance.

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

Whilst this is an outline application, Officers acknowledge that the submitted indicative layout demonstrates a high quality form of development and subject to the imposition of conditions, Officers are satisfied that the scheme will result in a development of high design standards.

Impact on visual amenity and the character and appearance of the surrounding area

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

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

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

Views from outside the site are mitigated by existing mature boundary planting along the public highways of Glasshouse Lane and Crewe Lane with views predominantly from the access point at Glasshouse Lane. The immediate

feature within the access areas is a proposed pond for the SUDS provision on the site. This feature has the benefit of providing a soft edge to the development with the proposed dwellings set back from the entrance.

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

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

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

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

At this stage, it is acknowledged that the masterplan drawing is indicative only and the overall landscaping strategy for the site would be provided at reserved matters stage. However, the indicative masterplan clearly demonstrates that the provision of a scheme for 99 dwellings would provide for appropriate areas of additional planting and green space within the site.

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

Impact on residential amenity

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

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

Existing Properties

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

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

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

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

Future Occupants

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

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

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

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

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

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

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

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 Land East of Kenilworth Development Brief places significant emphasis on providing a detailed and effective solution for all transport methods associated with the site and seeks to ensure that sustainable transport methods are prominent within any development proposals. The Development Brief states that in terms of this land parcel, should any part of ED2 be developed for residential purposes, a suitably designed access into the site shall be provided. Access to the site must also be located and designed giving due regard to the proposed Secondary School site access.

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

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

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

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

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

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

The requested Section 106 contributions will not only fund local highway improvements to mitigate for traffic impacts on the area, there are also proposed contributions towards cycling infrastructure in the area that will assist in delivering the aspirations of the Kenilworth Cycle Network Plan as set out in the East of Kenilworth Development Brief.

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

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

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

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

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

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

Impact on Ecology/ Protected Species

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

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

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

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

The County Ecologist considers that some of the loss of biodiversity can be offset through the design of the scheme at Reserved Matters stage, subject to assurances that this will be implemented. Any residual loss of biodiversity as a result of this application can be appropriately mitigated through a biodiversity offsetting contribution. This can be secured and agreed through the Section 106 agreement.

The Ecologist has also suggested a number of conditions to safeguard protected species and secure a suitable Construction and Environmental Management Plan; a Landscaping and Ecological Management Plan; tree protection measures; and a lighting scheme, together with explanatory notes regarding protected species.

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

Sustainability

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

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

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

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

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

In addition, Policy CC3 requires major allocated sites to consider the potential for the use of large scale decentralised district heating networks. The current application is outline in nature and as such, no detailed plans have been submitted. The Masterplan submitted is also indicative so does not represent the final design or layout of the scheme. On this basis, it is not possible to provide a detailed scheme for sustainable energy measures as these can be reliant on the final form of not just the scheme but also the design of the proposed dwellings.

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

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

Due to the modest scale of the development of 99 dwellings, the Energy Statement has not considered the use of a District Heating System or Combined Heat and Power Source in line with Policy CC3. Notwithstanding this, a further assessment of the energy provision on the site is to be secured by condition and further assessment of District Heating would be considered at that stage.

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

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

Self-Build Housing

Kenilworth Neighbourhood Plan Policy KP4 and the Land East of Kenilworth Development Brief seek a proportion of units to be provided on a self/custom build basis. The Custom and Self-Build Housing SPD seeks the provision of 5% of housing to be provided as Custom and Self-Build Housing. On a scheme for 99 dwellings, this would equate to 5 units.

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

Drainage

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

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

The site naturally drains into a culvert underneath the A46 Trunk Road. Highways England originally raised concern regarding the potential impact of this on the strategic road network. As the SUDS includes all drainage within the site, it has been agreed that the maintenance of the SUDS would involve ensuring that the culvert is not affected by the development. The SUDS Maintenance is a

clause set out within the Section 106 Agreement and the final wording has been agreed with Highways England together with the Lead Local Flood Authority.

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

Trees and Hedgerows

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

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

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

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

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

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

significantly improved ecological value and also provide appropriate wildlife corridors.

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

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

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

Air Quality

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

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

Appropriate mitigation measures such as electric vehicle (EV) recharging provision and other locally specific measures to be used to minimise and/or offset any emissions from new development can be secured by condition.

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

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

Archaeology

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

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

A copy of the report detailing the results of the fieldwork was submitted as supporting information to this application. The County Archaeologist noted that the trial trenching identified a substantial pit which contained within its fill a large assemblage of pottery and brick fragments dated to around the late 17th or early 18th century.

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

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

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

Contaminated Land

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

Health and wellbeing

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

The final detail and form of the open space areas will be provided within the Reserved Matters submission for later consideration. It is considered appropriate to incorporate a methodology for securing the required level of open space

within the Section 106 Agreement to ensure that appropriate levels are provided on site. If there is a reasoned justification for any under-provision, this would be assessed by the Council's Open Space Team at Reserved Matters stage and if acceptable, an off-site contribution would be secured. It is noted however, that the expectation is for all public open space to be provided on site.

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

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

Impact on local services

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

Having considered the available evidence, the contributions sought are considered to be in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. A development of 99 dwellings on this site would have a material impact on or need for a range of infrastructure including affordable housing, education, open space, health care, sports facilities, drainage, monitoring costs, and rights of way, employment/training for locals and highway matters.

This a particular issue given the cumulative impact that is expected from the substantial level of housing growth proposed across the District and in particular the expansion of Kenilworth. It is reasonable to expect a development of this size to contribute towards the additional costs associated with meeting these increased demands.

The relevant consultees are currently seeking to identify specific projects and locations where this money would be spent. Therefore, it is considered that appropriate contributions are necessary to make the development acceptable in planning terms. The requested contributions are directly related to the development, are fairly and reasonably related in scale and kind to the development (as required by Regulation 122).

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

Sustainable Travel Packs -	£990
Libraries -	£2,167
Public Rights of Way Improvements -	£1,649.80
Education and Learning -	£979,926
NHS Hospitals	£56,905.16
NHS Doctors Surgeries -	£39,036

Warwickshire Police -	£31,613
Indoor Sports Facilities -	£110,600
Outdoor Sports Facilities -	£43,975
Highways Improvement Works (including cycling infrastructure) -	£496,367
Road Safety Contribution -	£4,950
Bus Service Contribution -	£100,000
Pedestrian Wayfinding Contribution -	£1,414.29
Bio-Diversity Offsetting -	£19,398 (maximum figure)
WCC Monitoring Fee -	£1,100

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

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

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

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

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

Conclusion

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

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

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

The applicant has demonstrated that the site is capable of accommodating a high quality scheme at that level which is acceptable in overall terms including in respect of the integration of built development within the surrounding landscape and the site provides additional benefits in securing appropriate linkages with the adjacent sites to provide a comprehensive development across the overall allocation.

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

CONDITIONS

1 Reserved Matters

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

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

2 Submission of Reserved Matters Timescale

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

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

3 Commencement of Development

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

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

4 **In Accordance with Plans**

The development hereby permitted shall be carried out strictly in accordance with the site location plan and the development area as detailed on the Parameters Plan reference 1824_060 Revision p2 received by the Local Planning Authority on 9 July 2019.

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

5 **Site Levels/Finished Floor Levels**

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

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

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

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

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

7 No part of development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan (LEMP) for that phase of development has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include details of planting and

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

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

8 **Protected Species Contingency Plan**

No development hereby permitted shall commence until a Protected Species Contingency Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following measures:

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

The approved mitigation plan shall thereafter be implemented in full.

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

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

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

10 **Construction Management Plan**

No development (including any works of demolition) hereby permitted shall commence until a construction method statement for that phase has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highways Authority and Environmental Health Thereafter, the approved statement shall be strictly adhered to throughout the construction period. The submitted statement shall provide for:

- A construction phasing plan
- An HGV routing plan
- Any temporary measures required to manage traffic during construction
- Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction
- Details of all site compound areas including parking for construction workers
- Dust management and suppression measures – level of mitigation determined using IAQM guidance
- Wheel washing
- Noise and vibration assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites – Part 1 and 2
- Concrete crusher if required or alternative procedure
- Delivery times and site working hours
- Site lighting
- Access and protection arrangements around the site for pedestrians, cyclists and other road users
- Restrictions on burning and details of all temporary contractor's buildings
- Plant and storage of materials associated with the development process
- External safety and information signing notices
- Complaints procedures, including complaints response procedures and dedicated points of contact
- Best practicable means shall be employed at all times to control noise and dust on the site including:
Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays
- Delivery vehicles should not be allowed to arrive on site between 7:30am and 9:15am and 4.30pm and 6:00pm Mon – Fri
- How the construction will be managed to minimise the cumulative impacts on the highway network as a result of the construction of the site and HS2

- A strategy to manage and maintain any construction materials from entering or silting up the local ditch network
- Details to prevent silt or chemicals leaving the phase being constructed

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

REASON: In the interests of highway safety and the free flow of traffic, minimising pollution and to protect the amenities of the occupiers of nearby properties, and the visual amenity of the locality in accordance with Policies BE3, TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029.

11 **Low Emission Strategy**

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

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

12 **Site Wide Drainage Strategy**

No development shall take place until a comprehensive site-wide surface water drainage strategy, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 50% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of a total of 83.2 l/s for the site.
- Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm

durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.
- Provide evidence of liaison with Highways England, regarding the discharge upstream and clearance of their asset, to ensure it is in a suitable condition to convey flow from the development.

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

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

Prior to the commencement of the development, details of surface water and foul drainage works shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

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

14 **Tree Protection Scheme**

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

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

15 **Assessment of Landscape Features**

Notwithstanding the details within the submitted Arboricultural Assessment, prior to the submission of any reserved matters relating to layout, a report demonstrating how the proposed scheme has sought to retain as many existing hedgerows and trees within the site shall be submitted to and approved in writing by the Local Planning Authority.

Where any features are to be removed, a rationale shall be provided to demonstrate that all alternative options have been considered. Thereafter, the layout shall be submitted in accordance with the approved details unless otherwise agreed in writing.

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

16 **Details of External Lighting**

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

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

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

17 **Sustainability Statement**

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

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

for urban cooling, local flood risk management and to provide access to outdoor space for shading,

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

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

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

18 **Noise Mitigation Measures**

Prior to the submission of any reserved matters relating to layout, a scheme of mitigation including detailed arrangements to protect residents of the development from excessive noise from Glasshouse Lane traffic and the proposed playing fields and playground areas of the school (pursuant to planning permission W/19/0655), entering habitable rooms and the provision of quiet garden areas shielded from noise from both the existing road network and new roads within the site shall be submitted to and approved in writing by the Local Planning Authority.

The scheme should ensure that proposed measures whilst acoustically effective are designed to minimise visual impacts. It shall include full details of the design, siting and appearance of acoustic fencing or alternative measures that may be required.

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

All dwellings shall be constructed in accordance with the approved details. The scheme for mitigating traffic noise shall be implemented in accordance with the approved details prior to the first occupation of any dwelling and shall be retained thereafter in perpetuity and any approved mitigation measures shall be implemented in accordance with the approved programme.

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

19 **Design Code**

Notwithstanding details contained within the approved documents, prior to the submission of reserved matters for the development hereby approved, a Site Wide Design Code to include;

- a) A statement setting out how the design code adheres to the Development Principles in the Land East of Kenilworth Development Brief and where there is any deviation robust justification for this
- b) Hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas);
- c) Development blocks including built form and massing and relationship with adjoining development areas/blocks including areas of transition between development parcels (including the relationship between built form and adjoining open space);
- d) Building types;
- e) Building heights;
- f) The means to accommodate the parking of vehicles and cycles;
- g) Sustainable Urban Drainage features;
- h) Key spaces, open spaces and green features;
- i) Architectural language and detailing;
- j) A scheme of strategic landscaping (including site sections, site visuals, site levels, structural landscaping and hedgerow retention)
- k) Design principles for street tree planting and other structural planting landscaping areas;
- l) Design principles on hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long-term management;
- m) Design principles on waste disposal and recycling;
- n) Design principles on the colour and texture of external materials and facing finishes for roofing and walls of buildings and structures;
- o) Design principles for street lighting and any other lighting to public space (including parking areas);
- p) The principles shall include a regulating plan on an ordnance survey base at a scale no greater than 1:1250;
- q) A mechanism for periodic review and refinement if necessary, of the approved Design Code;
- r) Evaluation of site-wide District Heating.

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

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

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

Notwithstanding details submitted as part of this application, prior to commencement of development ground investigations shall be

undertaken in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority which shall include:

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

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

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

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

d) Programme of delivery (if applicable)

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

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

21 **Contamination not Previously Discovered (Compliance)**

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

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

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

c) Programme of delivery (if applicable)

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

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

22 **Verification of Remediation to be Submitted**

Notwithstanding details contained within the approved documents, in the event that any phase of future development requires land remediation agreed through an approved method statement;

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

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

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

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

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

23 **Water Efficiency**

Notwithstanding details contained within the approved documents, prior to construction of each phase of residential development a scheme demonstrating how a water efficiency standard of 110 litres per person per day (or higher where appropriate) will be achieved giving consideration to the incorporation of grey water and rainwater recycling measures, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved measures have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with the any relevant manufacturer's specifications.

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

24 **Provision of Access**

Should access and local highway works have been implemented in pursuance of planning permission W/19/0655, the access to the development hereby permitted from Glasshouse Lane shall be carried out in accordance with plan reference ITB6145-GA-014 received on 12 September 2019 including footway and cycle works unless otherwise agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority. The approved access to Glasshouse Lane shall be completed in general accordance with the approved details prior to the first occupation of any dwellings constructed on the site.

Should no works have been implemented in pursuance of planning permission W/19/0655, the access to the development hereby permitted from Glasshouse Lane shall be carried out in accordance with plan reference ITB6145-GA-009 Rev F received on 17 December 2019 including footway and cycle works unless otherwise agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority. The approved access to Glasshouse Lane shall be completed in general accordance with the approved details prior to the first occupation of any dwellings constructed on the site.

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

25 **Details of Materials**

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

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

26 **Provision of Hydrants**

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

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

27 **Surface Water Systems Maintenance Plan**

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

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

28 **Landscape Replacement Planting**

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

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

29 **Retention of Existing Trees/Hedges**

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

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

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

30 **Housing Mix**

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

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

31 **Open Space Provision**

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

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

32 **Pedestrian and Cycle Links**

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

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

33 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.

- 34 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure shall be erected within the curtilage of any dwellinghouse fronting a highway or footpath .
REASON: That having regard to the design, layout and general nature of the proposed development it is important to ensure that no further development is carried out which would detract from the appearance of the area and affect the amenity of adjacent properties.
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