

A meeting of the above Committee will be held remotely on Wednesday 17 June 2020, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

Councillor Boad (Chairman)

Councillor Morris (Vice Chairman)

Councillor M Ashford

Councillor V Leigh-Hunt

Councillor R Dickson

Councillor N Murphy

Councillor T Heath

Councillor N Tangri

Councillor O Jacques

Councillor J Weber

Councillor J Kennedy

Agenda

Part A – General

1. Apologies & Substitutes

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

2. Declarations of Interest

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

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

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

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

Part B – Planning Applications

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

3. **W/18/1635 – Land East of Kenilworth, Glasshouse Lane/Crewe Lane, Kenilworth** **(Pages 1 to 47)**

5. **Appeals Report**

(To follow)

Please note:

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

Published Monday 8 June 2020

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

Telephone: 01926 456114
E-Mail: committee@warwickdc.gov.uk

For enquiries about specific reports, please contact the officers named in the reports.
You can e-mail the members of the Committee at
planningcommittee@warwickdc.gov.uk

Details of all the Council's **committees, councillors and agenda papers** are available via our website www.warwickdc.gov.uk/committees

The agenda is available in large print on request,
prior to the meeting, by telephoning (01926)
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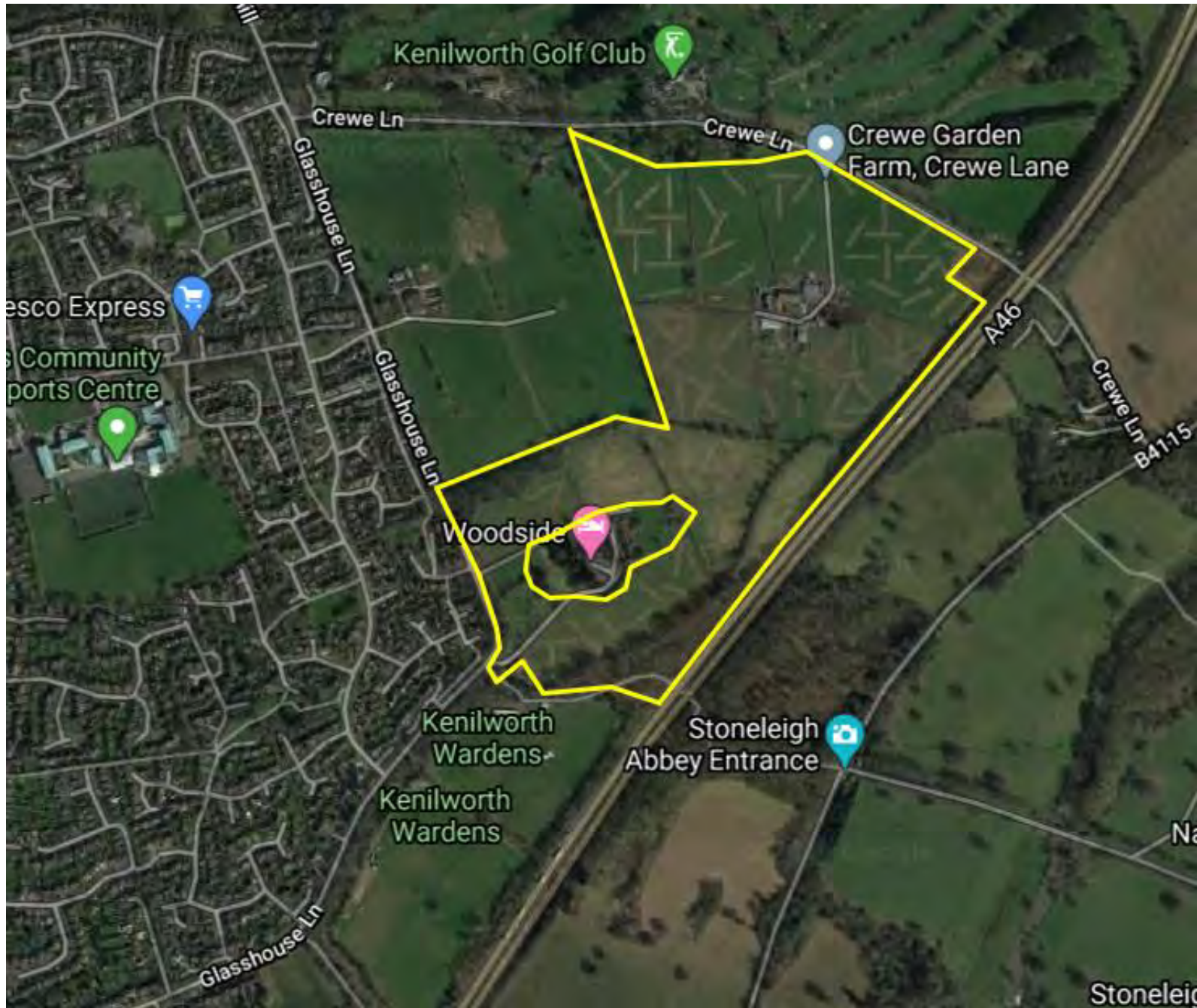
Item No. 3
Application No. W/18/1635

Site Address:

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



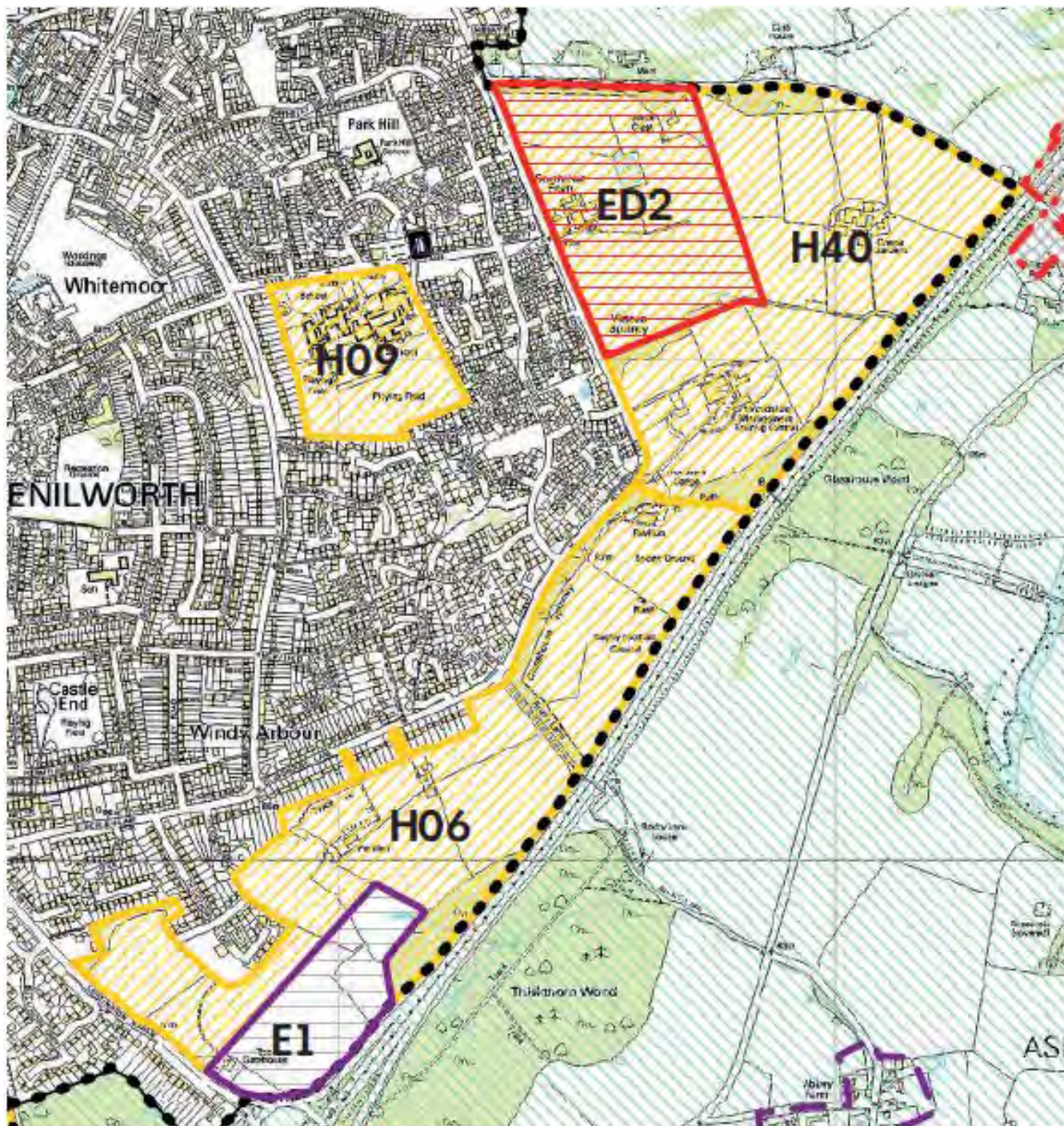
Site Location Plan



Aerial Photograph



Wider View Aerial Photograph



Warwick District Local Plan 2011-2029



Development Brief

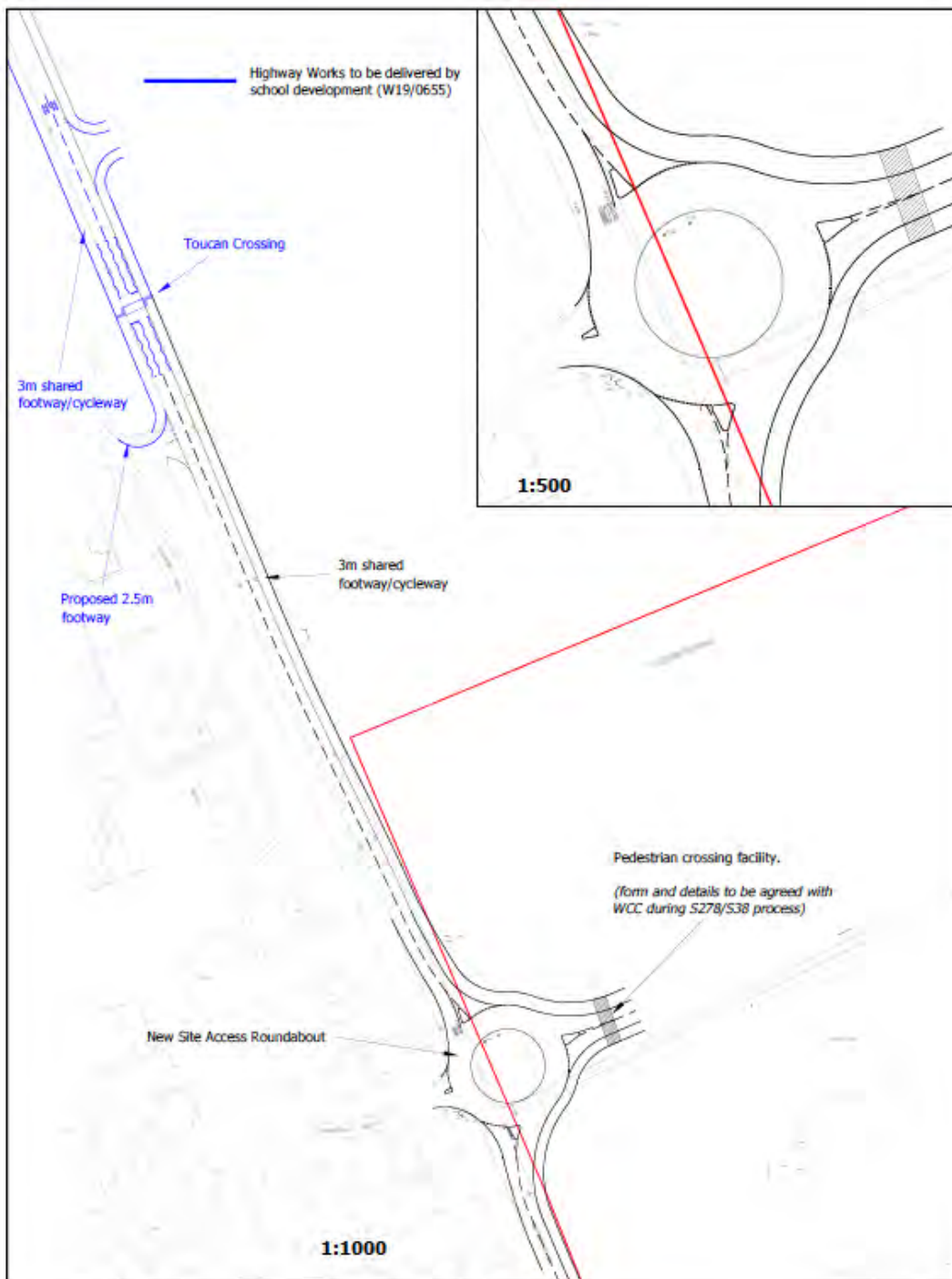




Indicative Masterplan



Parameters Plan



Proposed Glasshouse Lane Access



Glasshouse Lane
Access Point



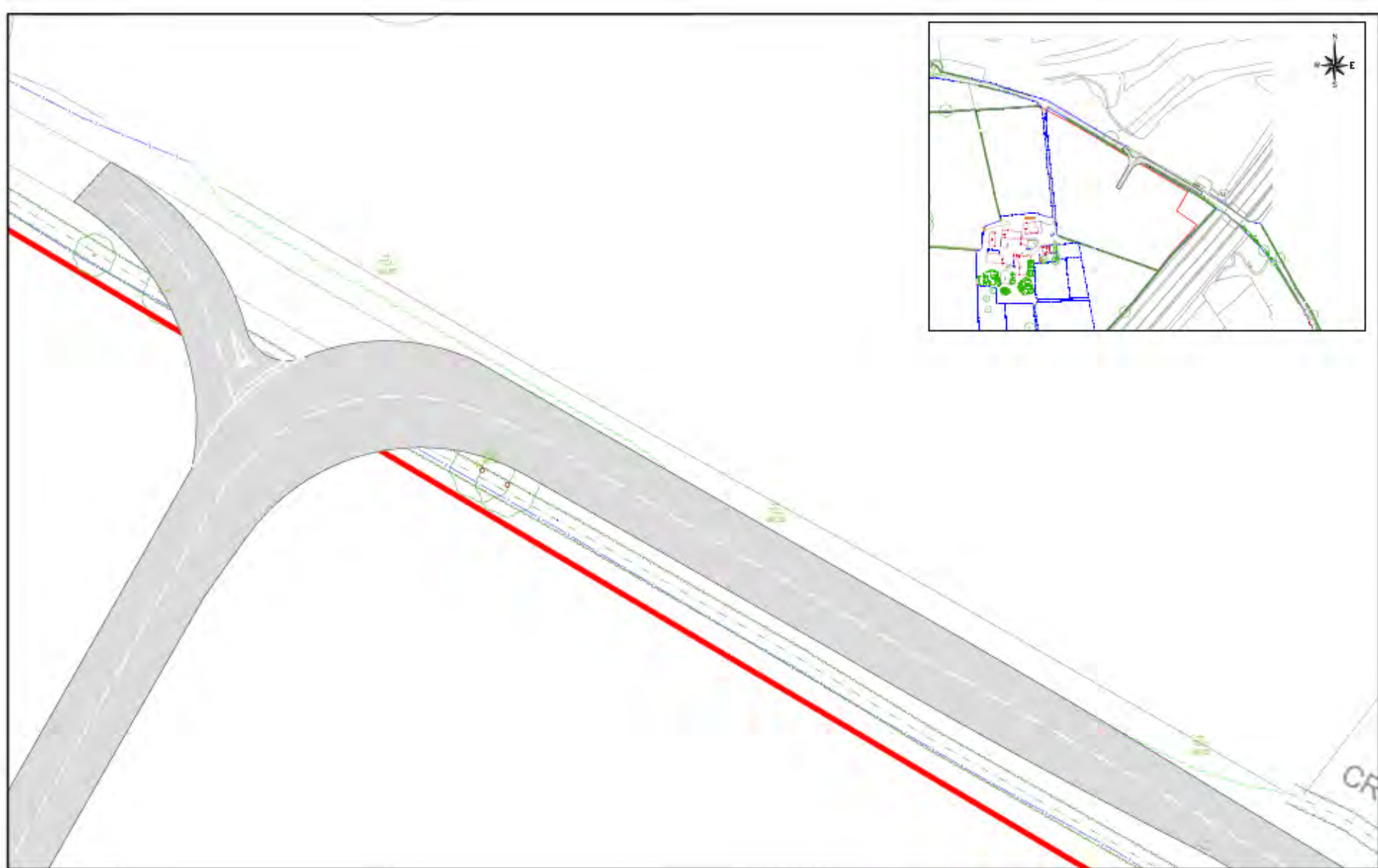


Glasshouse Lane
Access from Stansfield
Grove









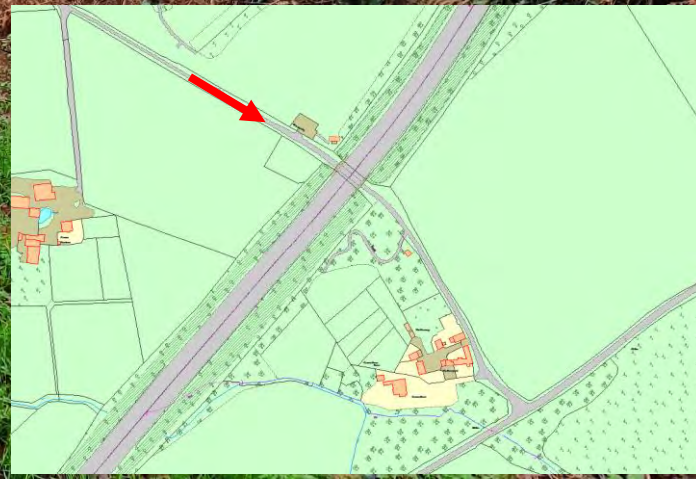
Proposed Crewe Lane Access

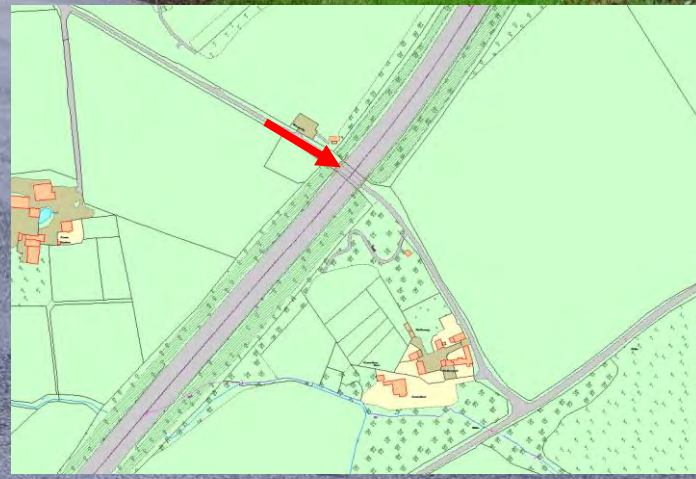


Crewe Lane Access
Point



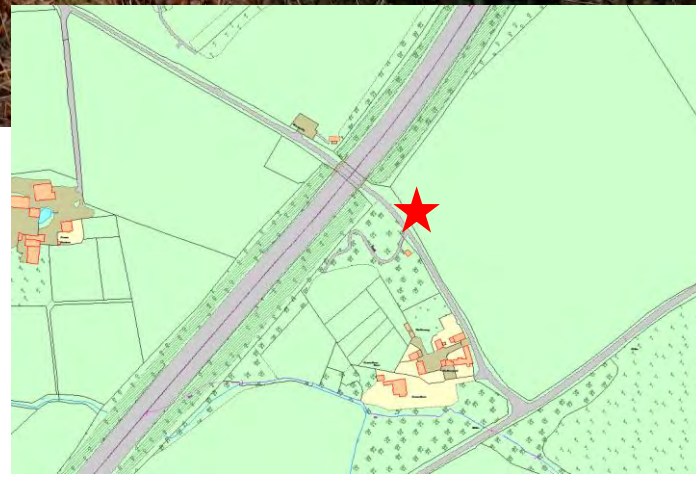








Crewe Lane





Crewe Lane





Crewe Lane junction
with B4115







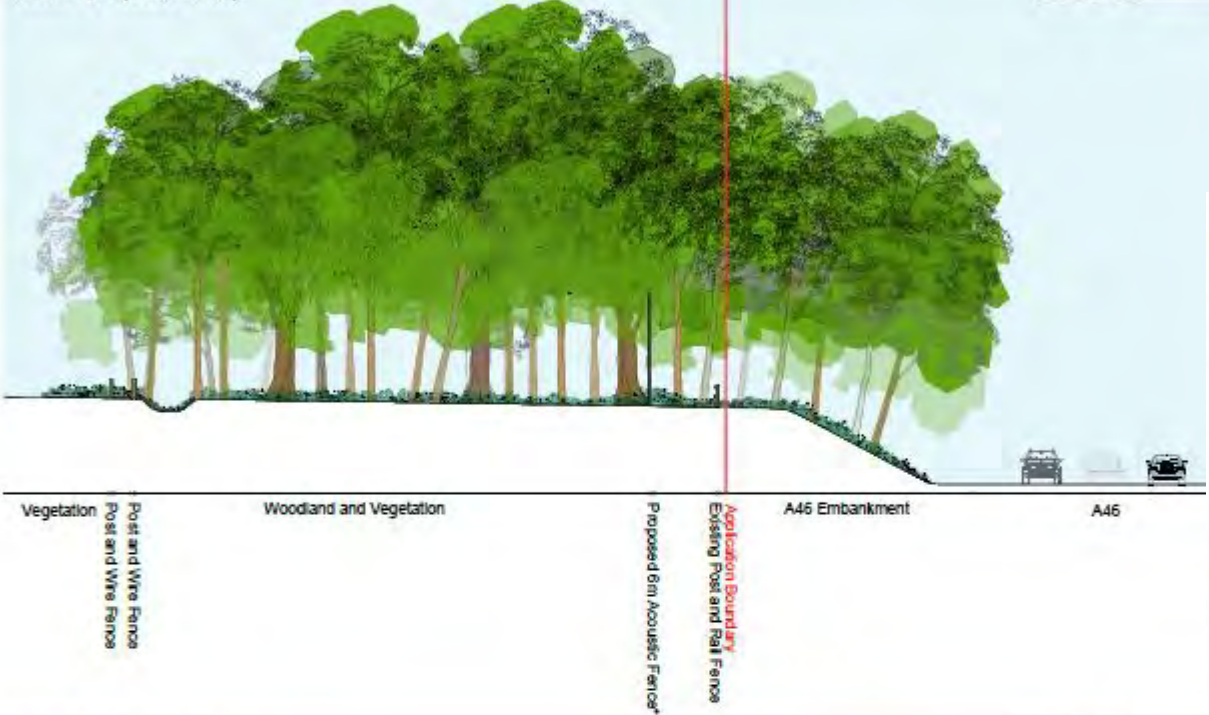




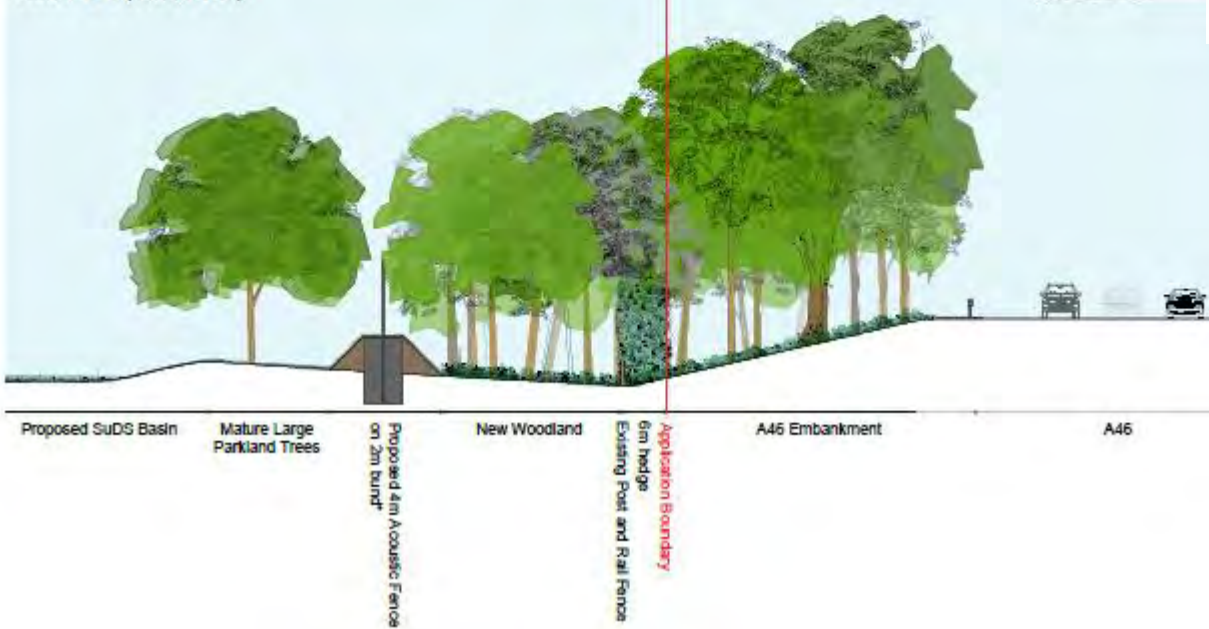




Section A-A (Scale 1:150)



Section B-B (Scale 1:150)



Section Location Plan

Indicative
Acoustic
Fence
Locations

End of Item 3

Warwick District Council
Development Services

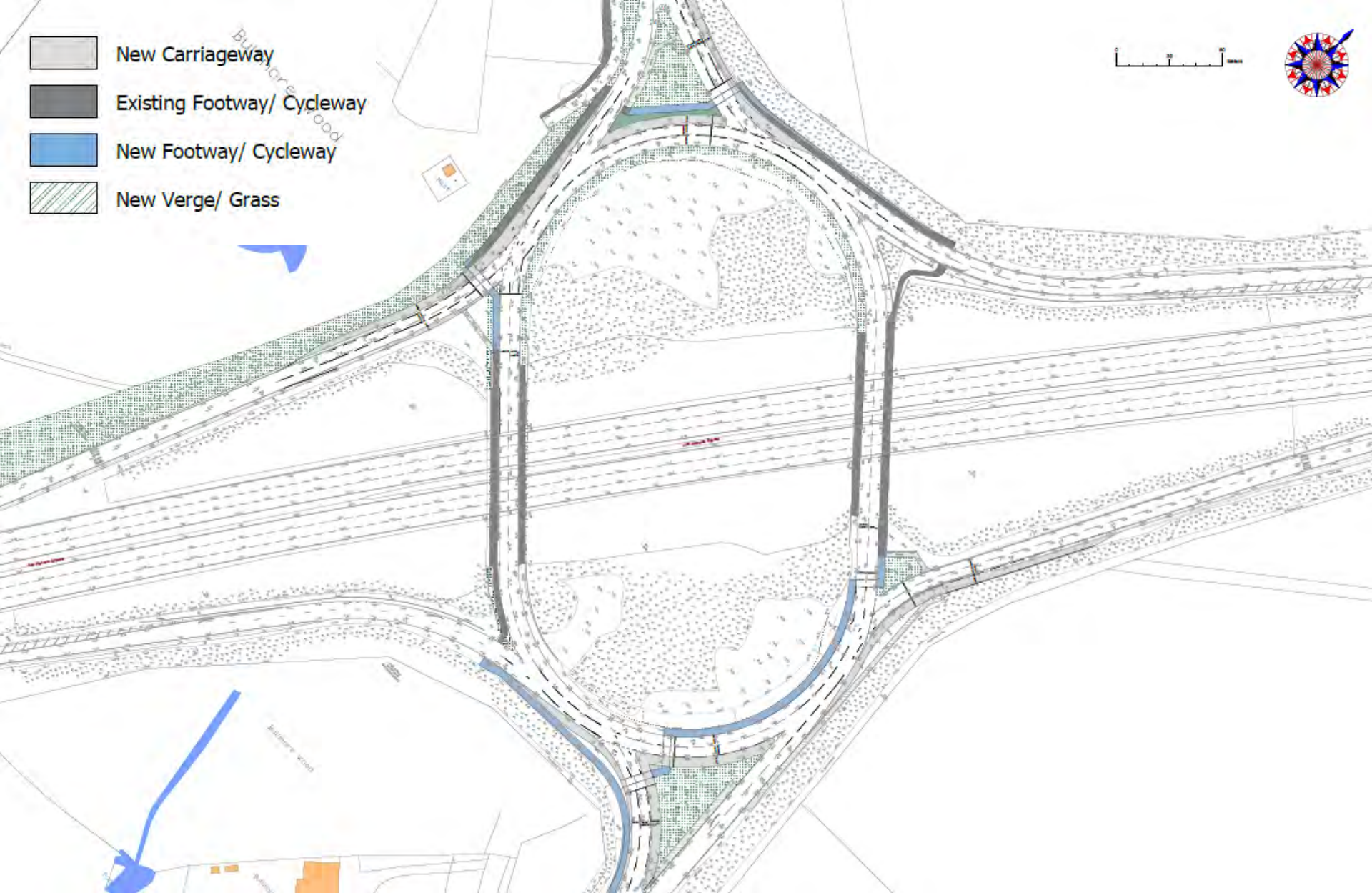
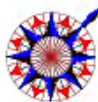


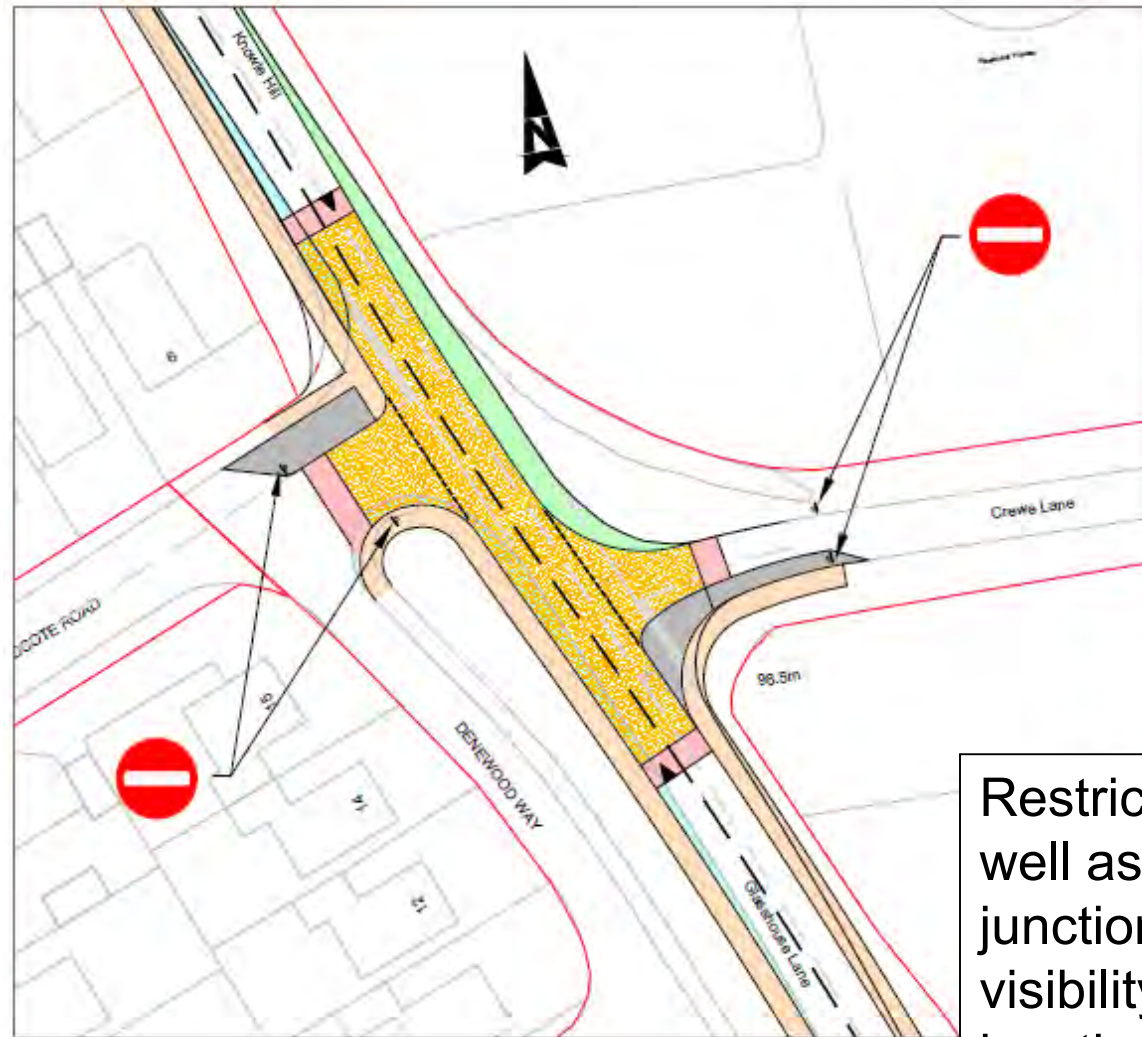
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-  New Carriageway
-  Existing Footway/ Cycleway
-  New Footway/ Cycleway
-  New Verge/ Grass





Restrict access from Crewe Lane as well as traffic calming measures at the junction. This would improve junction visibility, simplify movements at the junction, calm traffic approaching the development site and improve pedestrian and cycle provision. The scheme would also prevent access from Hidcote Road onto Glasshouse Lane.

Purpose Of Development Brief

- Supplementary Planning Document (SPD) – a material consideration to be afforded weight in the determination of planning applications.
- To set out the requirements of development.
- The quality and quantity of development expected.
- The spatial distribution of uses on a site.
- Highlights constraints and opportunities.
- Identify infrastructure requirements and how they may be delivered.
- Input from various departments, external bodies and partners and the Kenilworth Development Forum. Specialist reports were commissioned to support the document.
- Internal Project Board created to oversee the work.
- Extensive public consultation Nov-Jan 2019.
- Review of public consultation – Changes identified and Executive approval to amend the Brief and adopt it.
- Adopted March 2019.

Development Brief Vision

- A high quality designed integrated and sustainable development
- Sensitively designed to respond to constraints and opportunities
- Fully integrated into the existing town and well connected to neighbouring settlements
- Appropriate highways infrastructure encouraging sustainable travel and promoting pedestrian and cycle movement
- A diverse range of new housing, including affordable housing, with a mix of dwelling types, sizes and tenures
- Significant and varied new employment opportunities
- Essential local facilities to serve the new community featuring a community centre, a public park with recreation facilities and a network of play areas
- New high quality primary, secondary and further education facilities
- Retention of mature landscaping and woodland and the provision of attractive and usable connected green spaces, supporting ecology and biodiversity

Planning Committee: 17 June 2020

Item Number: 3

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

Town/Parish Council: Kenilworth
Case Officer: Dan Charles

Registration Date: 28/08/18

Expiry Date: 27/11/18

01926 456527 dan.charles@warwickdc.gov.uk

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

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

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

RECOMMENDATION

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

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

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

DETAILS OF THE DEVELOPMENT

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

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

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

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

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

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

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

THE SITE AND ITS LOCATION

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

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

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

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

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

PLANNING HISTORY

No relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework
- Neighbourhood Plan
- Kenilworth Neighbourhood Plan
- Warwick District Local Plan (2011-2029)
- DS1 - Supporting Prosperity

- DS3 - Supporting Sustainable Communities
- DS5 - Presumption in Favour of Sustainable Development
- DS6 - Level of Housing Growth
- DS10 - Broad Location of Allocated Sites for Housing
- DS11 - Allocated Housing Sites
- DS15 - Comprehensive Development of Strategic Sites
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix of Housing
- H15 - Custom and Self-Build Housing Provision (Warwick Local Plan - 2011-2029)
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE2 - Developing Strategic Housing Sites
- BE3 - Amenity
- BE5 - Broadband Infrastructure
- BE6 - Electronic Communications (Telecommunications and Broadband)
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- HE4 - Archaeology
- HS1 - Healthy, Safe and Inclusive Communities
- HS3 - Local Green Space
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- HS5 - Directing Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- FW4 - Water Supply
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions
- DM2 - Assessing Viability
- Guidance Documents
- East of Kenilworth Development Brief Supplementary Planning Document (March 2019)
- Custom & Self Build Supplementary Planning Document (July 2019)
- Affordable Housing (Supplementary Planning Document - January 2008)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Public Open Space (Supplementary Planning Document - April 2019)
- Parking Standards Supplementary Planning Document (June 2019)

- Residential Design Guide (Supplementary Planning Document- May 2018)
- Draft Developer Contributions Supplementary Planning Document
- Draft Affordable Housing Supplementary Planning Document

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Objection;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Objection Comments

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

Neutral Comments

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

Support Comment

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

HISTORY/BACKGROUND

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

DEVELOPMENT BRIEF

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

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

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

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

ASSESSMENT

Principle of Development

Five Year Housing Land Supply

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

Local Plan

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

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

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

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

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

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

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

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

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

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

Kenilworth Neighbourhood Plan

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

Conclusion on Matters of Principle

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

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

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

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

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

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

Assessment of the proposed housing provision

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

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

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

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

Design

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

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

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

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

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

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

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

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

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

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

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

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

Impact on visual amenity and the character of surrounding area

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

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

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

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

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

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

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

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

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

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

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

Impact on heritage assets and features of Archaeological Importance

Heritage Assets

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Archaeology

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

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

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

Impact on residential amenity

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

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

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

Impact on existing properties

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Highways Considerations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposal is considered to comply with Policies TR1 and TR3 of the Local Plan and Policies KP5 and KP9 of the Kenilworth Neighbourhood Plan.

Impact on Ecology/Protected Species

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

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

The key areas of the site that have the greatest potential for protected species are to be retained as part of the proposal including the existing hedgerows/tree belts that form green corridors through the site together with the Local Wildlife known as Glasshouse Spinney that lies within the site. These areas will be protected by appropriate conditions.

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

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

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

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

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

Other Matters

Sustainability

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

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

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

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

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

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

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

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

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

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

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

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

Self-Build Housing

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

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

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

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

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

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

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

Drainage

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

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

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

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

Trees and Hedgerows

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

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

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

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

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

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

Air Pollution

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

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

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

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

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

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

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

Health and wellbeing

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

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

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

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

Impact on local services

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

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

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

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

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

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

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

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

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

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

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

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

Conclusion

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

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

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

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

CONDITIONS

1 Reserved Matters

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

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

2 Submission of Reserved Matters Timescale

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

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

3 **Commencement of Development**

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

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

4 **In Accordance with Plans**

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

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

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

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

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

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

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

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

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

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

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

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

The Local Wildlife Protection scheme shall include;

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

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

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

8 **Protection of Scheduled Monument**

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

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

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

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

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

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

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

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

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

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

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

d) Program of delivery (if applicable).

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

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

10 **Contamination not Previously Discovered**

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

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

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

c) Program of delivery (if applicable)

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

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

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

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

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

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

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

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

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

12 **Construction Method Statement**

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

The submitted statement shall provide:

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

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

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

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

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

13 **Low Emission Strategy**

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

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

14 **Site Wide Drainage Strategy**

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

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

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

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

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

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

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

16 **Tree Protection Scheme**

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

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

17 **Details of External Lighting**

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

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

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

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

18 **Sustainability Statement**

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

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

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

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

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

19 **Design Code**

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

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

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

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

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

21 **Site Levels/Finished Floor Levels**

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

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

22 **Provision of Access**

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

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

23 **Thickthorn Roundabout Scheme**

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

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

24 **Delivery of Thickthorn Roundabout Scheme**

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

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

25 **Infrastructure Phasing Plan**

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

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

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

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

26 **Noise Mitigation Measures (Residential)**

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

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

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

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

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

All dwellings shall be constructed in accordance with the approved details. The scheme for mitigating traffic noise from the A46 shall be implemented in accordance with the approved details prior to the first occupation of any dwelling and shall be retained thereafter in perpetuity and any approved mitigation measures shall be implemented in accordance with the approved programme.

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

27 **Noise Mitigation Measures (School)**

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

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

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

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

28 **Delivery of Spine Road**

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

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

29 **Provision of Bus Stops**

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

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

30 **Provision of Hydrants**

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

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

31 **Landscape Replacement Planting**

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

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

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

32 **Retention of Existing Trees/Hedges**

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

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

33 **Housing Mix**

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

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

34 **Surface Water Systems Maintenance Plan**

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

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

35 **BREEAM Assessment for School**

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

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

36 **Water Efficiency**

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

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

37 **Pedestrian and Cycle Links**

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

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

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

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

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

39 **Provision of Allotments**

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

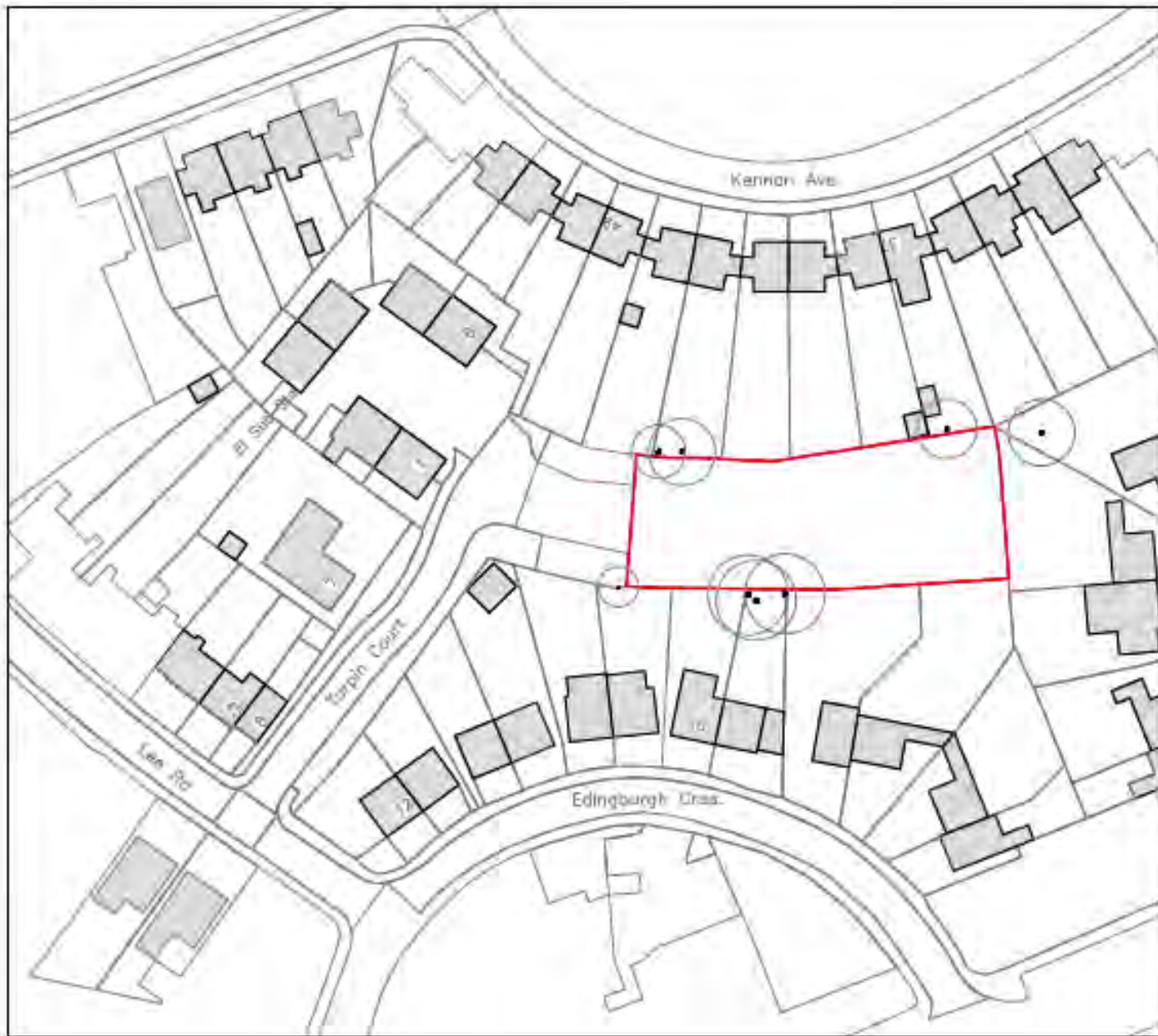
REASON: To ensure adequate infrastructure is provided in a timely manner as part of the comprehensive development of this strategic site in the interests of the sustainable development in accordance with Policy DS15 of the Warwick District Local Plan 2011-2029.

Item No. 4

Application No. W/20/0158

Site Address:

Erection of 6 no. semi-detached
dwellings at land East of Turpin Court,
Leamington Spa



Site Location Plan



Google Image



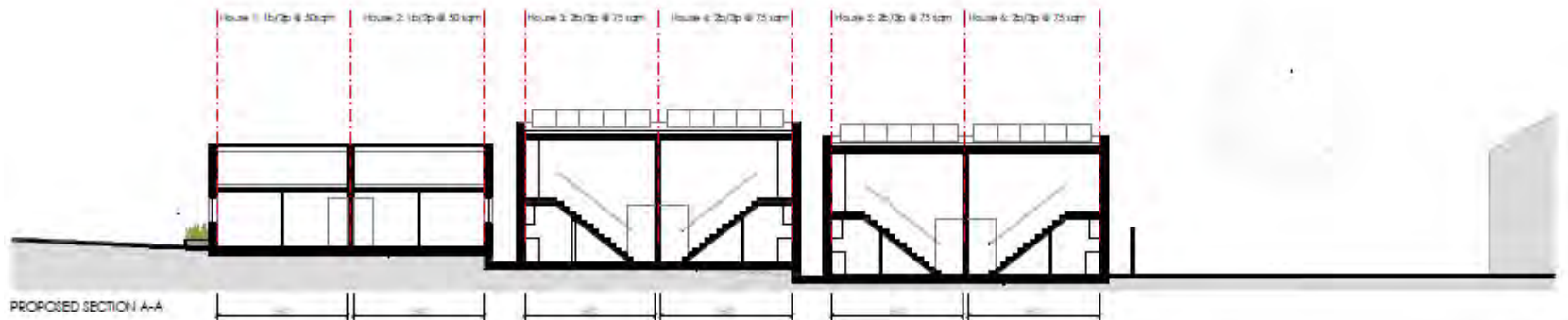
Proposed Block Plan



PROPOSED NORTH ELEVATION



PROPOSED SOUTH (GARDEN) ELEVATION



PROPOSED SECTION A-A

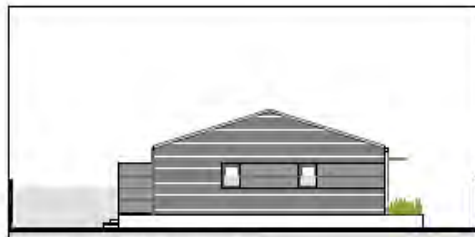
Proposed North and South Elevations



PROPOSED WEST ELEVATION HOUSE 1+2



PROPOSED WEST ELEVATION HOUSE 3+4+5+6

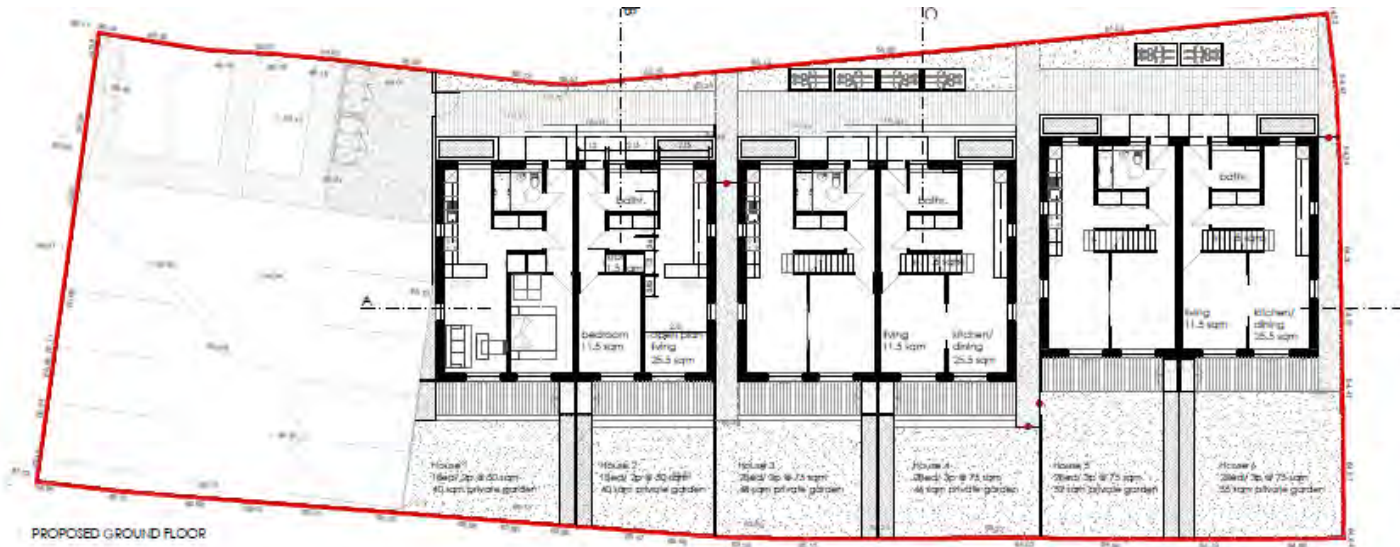


PROPOSED EAST ELEVATION HOUSE 1+2

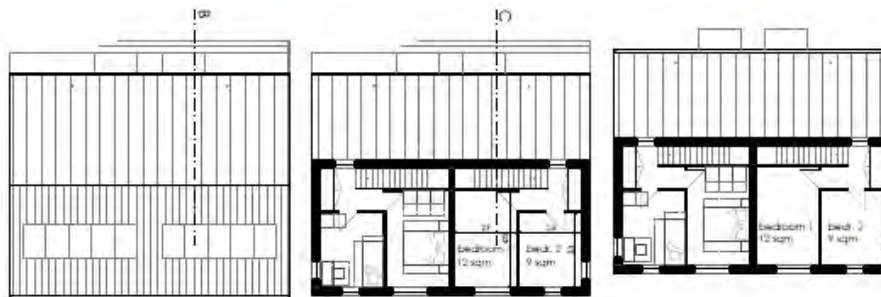


PROPOSED EAST ELEVATION HOUSE 3+4+5+6

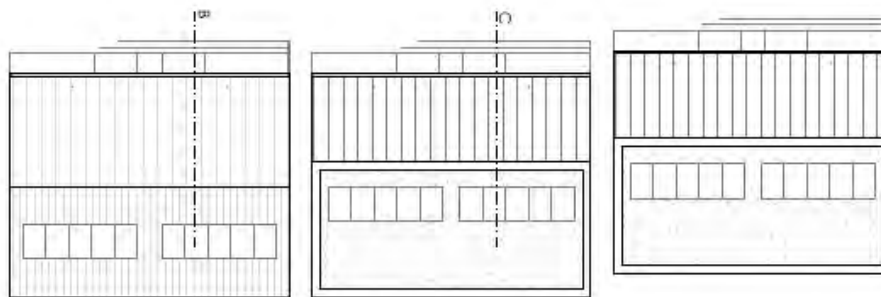
Proposed East and West Elevations



PROPOSED 1st FLOOR



PROPOSED ROOF PLAN



Proposed Floor Plans



PROPOSED NORTH ELEVATION

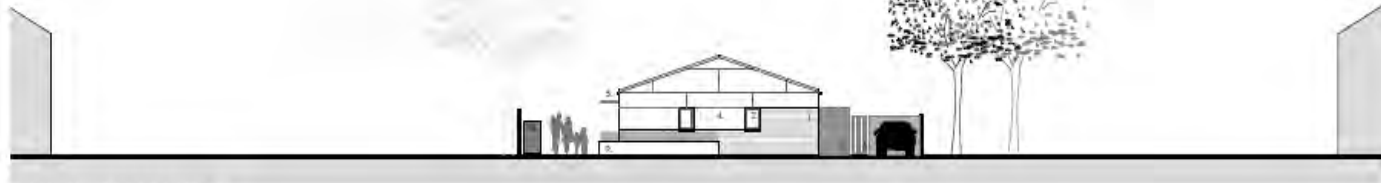


PROPOSED SOUTH (GARDEN) ELEVATION



PROPOSED SECTION A-A

Superseded North and South Elevations



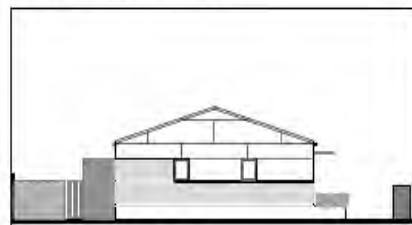
PROPOSED WEST ELEVATION HOUSE 1+2



PROPOSED WEST ELEVATION HOUSE 3+4



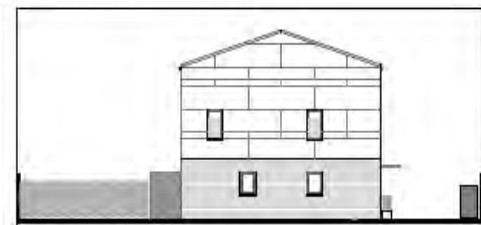
PROPOSED WEST ELEVATION HOUSE 5+6



PROPOSED EAST ELEVATION HOUSE 1+2

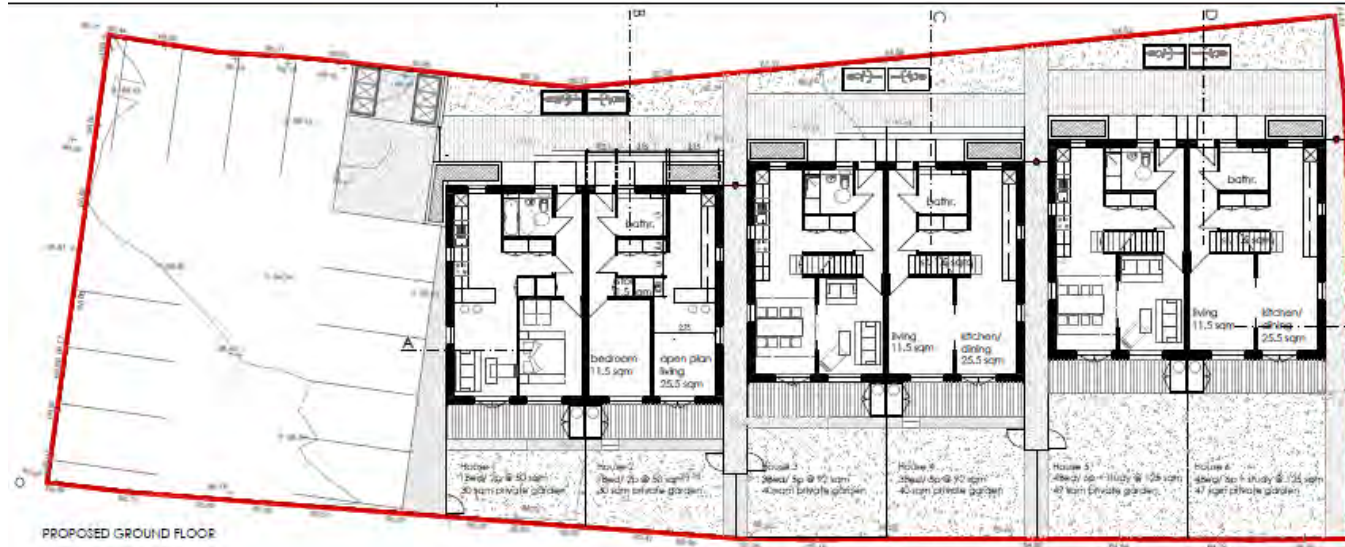


PROPOSED EAST ELEVATION HOUSE 3+4



PROPOSED EAST ELEVATION HOUSE 5+6

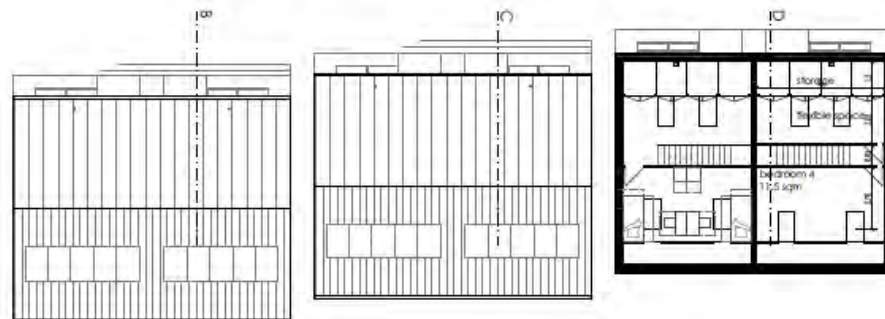
Superseded East and West Elevations



PROPOSED 1st FLOOR



PROPOSED 2nd FLOOR



Superseded Floor Plans



Application Site



Trees to north of site



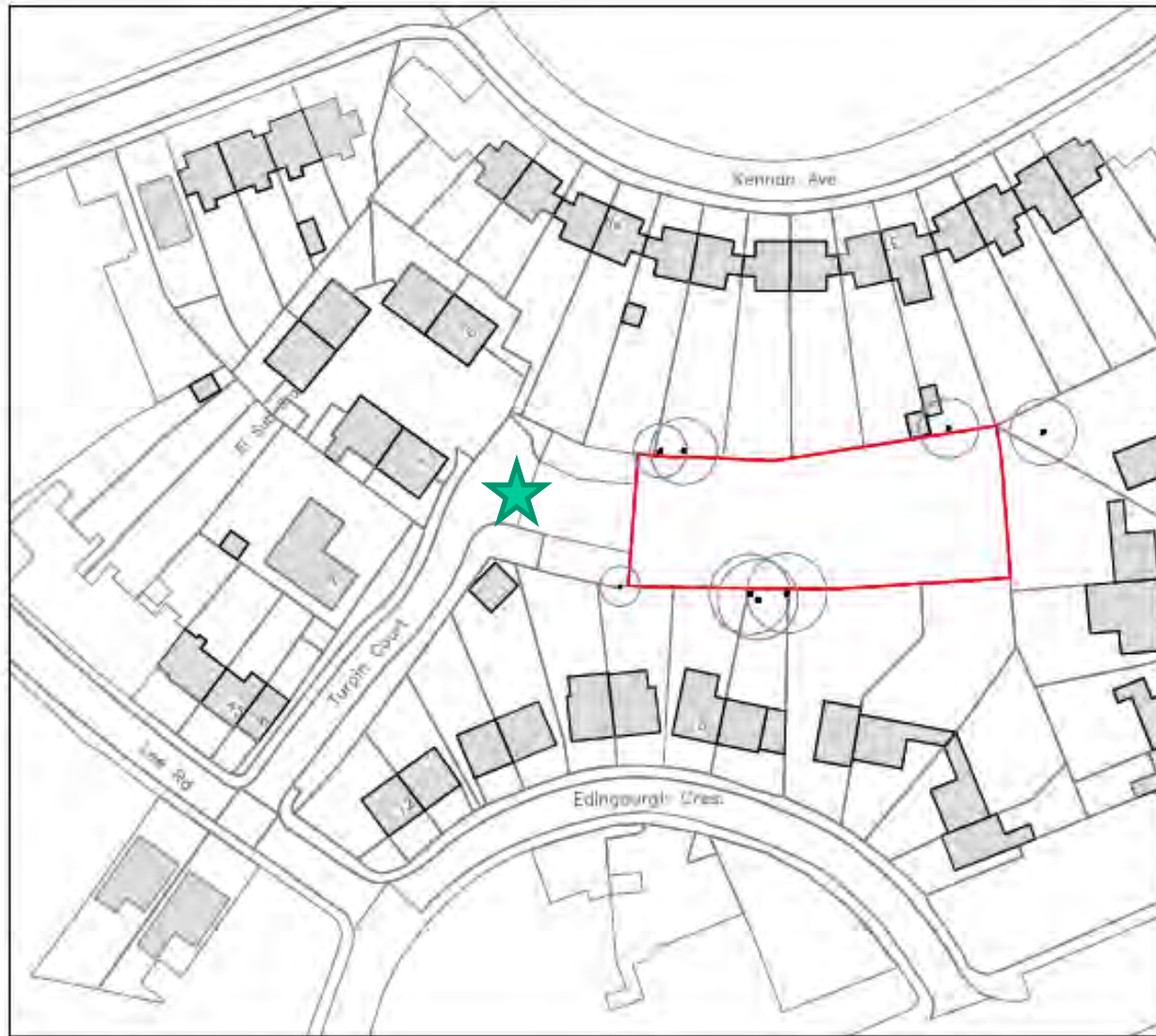
Tree to south of site



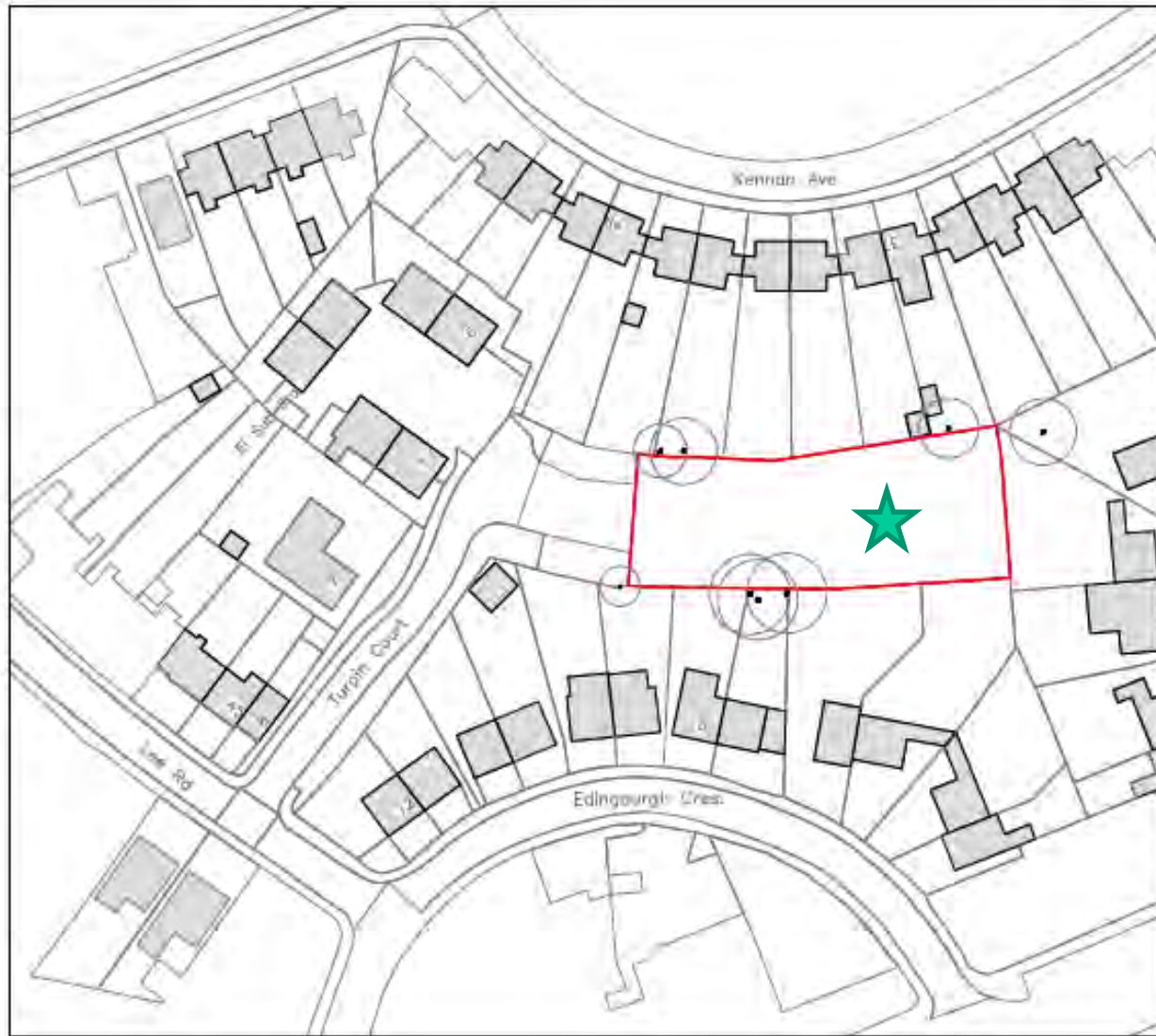
Existing properties opposite site to Turpin Court



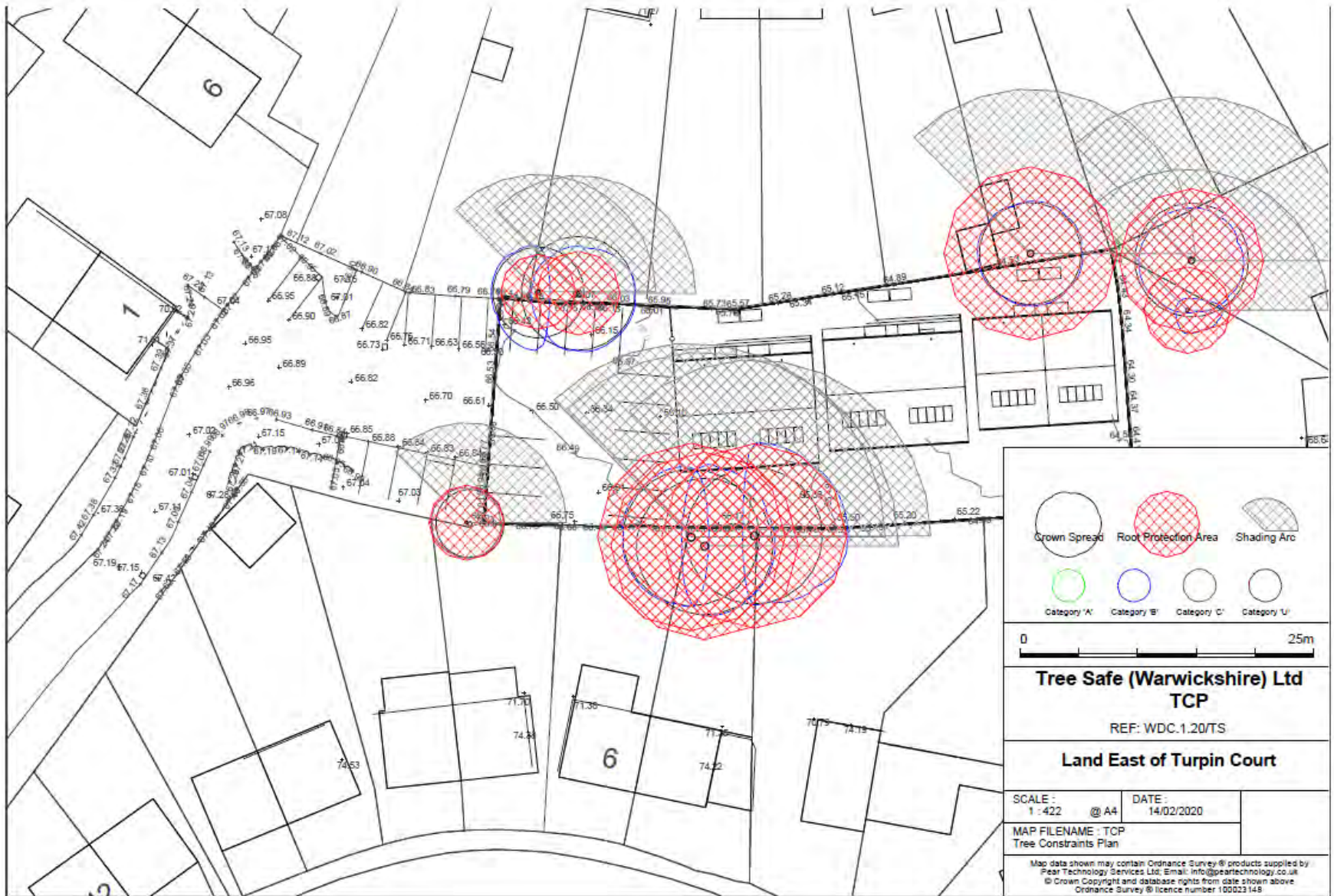
Turpin Court



Site video 1



Site video 2



Tree Survey



3D visualisation Summer tree shadowing 7am



3D visualisation Summer tree shadowing 9am



3D visualisation Summer tree shadowing 12pm



3D visualisation Summer tree shadowing 3pm



3D visualisation Summer tree shadowing 5pm

End of Item 4

Warwick District Council
Development Services



www.warwickdc.gov.uk

Planning Committee: 17 June 2020

Item Number: 4

Application No: [W 20 / 0158](#)

Town/Parish Council: Leamington Spa
Case Officer: Helena Obremski

Registration Date: 14/02/20

Expiry Date: 10/04/20

01926 456531 Helena.Obremski@warwickdc.gov.uk

Land East of Turpin Court, Leamington Spa, CV31 3JU

Erection of 6no. semi-detached dwellings FOR Warwick District Council

This application is being presented to Planning Committee because Warwick District Council is the applicant, and also due to the number of objections which have been received.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of 6no. semi-detached dwellings. The proposal includes parking for 10 vehicles, a waste storage area and gardens for each of the dwellings. The dwellings would be owned and managed by Warwick District Council as affordable housing.

The Planning Statement informs that the proposal seeks to deliver on the aspirational development aims of the Council to increase the supply of affordable homes, deliver development in light of the Council's declared climate emergency and to broaden the design range of new homes within the District.

In response to concerns raised and ongoing negotiations between the applicant and the case officer, the scheme has been amended from 2no. 3 storey dwellings, 2no. 2 storey dwellings and 2no. bungalows to 4no. 1.5 storey dwellings and 2no. bungalows.

THE SITE AND ITS LOCATION

The application site relates to an area of land to the rear of properties fronting onto Kennan Avenue and Edinburgh Crescent. The site currently consists of a large area of hardstanding which is accessed from Turpin Court, a small cul-de-sac and was formally used as a parking area and garage court, which have been removed from the site in accordance with a planning permission granted in 2015.

There are trees which are not within the ownership of the applicant nearby to the site boundaries.

PLANNING HISTORY

W/15/0124 - planning permission granted for the demolition of 42 garages.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- H1 - Directing New Housing
- H2 - Affordable Housing
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- FW3 - Water Conservation
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Neighbourhood Plan
- Royal Leamington Spa Neighbourhood Plan

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objection, Council is supportive of development on brownfield site and provision of affordable housing, with improved sustainability and energy standards. Concern however is raised regarding:

- comments from the Tree Officer with regard to the current proposed layout amounting to overdevelopment of the site and the issue of existing trees causing shade and debris problems for future residents of the properties;
- lack of electric charging points provided.

Councillor Chilvers: Objection:

- there is no pavement marked on the plans, there should be full pedestrian access;
- lack of electric charging points;
- concerns from residents regarding three storey building, further information should be provided on how surrounding properties are affected;
- no clear targets about carbon use as there are for water use and no commitment to systematic performance-in-use testing to ensure that the build is to the standard intended.

Environmental Health: No objection, subject to conditions.

Waste Management: No objection, recommends individual waste storage.

WCC Ecology: No objection, subject to condition and note.

WCC Highways: No objection.

Tree Officer: Considers that the current layout is over-development that will generate liveability issues because the shade and debris cast by the neighbours trees will be a constant cause of tension for the future occupiers.

Public Response: 10 Objections:

- the design is out of keeping with surrounding development;
- the proposal represents overdevelopment of the site;
- bungalows would be a better form of development;
- overlooking and loss of privacy to neighbouring amenity;
- the development would be overbearing to neighbouring properties;
- increased noise and air pollution;
- the proposed development will provide gardens which are overlooked and overshadowed;
- trees will need to be lost to secure the development and the tree report does not adequately assess the issue of mature trees on the southern boundary of the site;
- concern regarding vehicles driving into the boundary fence owing to the steep drop between behind the fence, causing pedestrian safety issues;
- concerns regarding car parking, which is already limited and highway safety;
- step free access to the dwellings is stated in the drawings, however, this is not shown on the plans and could cause issues for those with restricted access ability;
- the development will put strain on the already struggling local amenities such as doctors, dentists and schools;
- the properties are not designed as carbon zero which does not meet the requirements of the climate change emergency set by the Council - there is no information provided in terms of the energy efficiency, carbon emissions, ventilation or type of glazing to be used;
- a neighbour states that they are in the process of obtaining quotes to create a two storey rear extension on the back of their property, so the development will not meet the required distance separation guidance;
- it is a missed opportunity to set an example to others.

ASSESSMENT

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

- Principle of Development
- Impact on the Character and Appearance of the Area
- Impact on Neighbouring Residential Amenity and Amenity of the Future Occupiers of the Dwellings
- Parking and Highway Safety
- Waste Management
- Trees

- Ecology
- Drainage
- Other Matters

The Royal Leamington Spa Neighbourhood Plan (RLSNDP) has now been through independent examination, and subject to a number of modifications has been found to meet the basic conditions, and may therefore proceed to referendum. In line with the Neighbourhood Planning Act 2017 and the most recent guidance from Government, the plan (as amended in line with the report) may now be afforded substantial weight in the decision making on applications within the Royal Leamington Spa Neighbourhood Area.

Principle of Development

RLSNDP Policy RLS1 states that new housing development within the Royal Leamington Spa Urban Area will be supporting for the following:

1. Re-use of previously developed land and buildings.
2. Infill development of less than 10 dwellings, that does not lead to the loss of residential gardens (unless in accordance with Policy H1 of the Warwick District Local Plan), overdevelopment, or have a significant adverse impact on the amenity of adjacent existing and future occupiers and uses.
3. Proposals for custom and self-build housing provision that are acceptable when assessed against Warwick District Local Plan Policy H15.
4. Community-led housing developments and the provision of live/work units on the Court Street area as defined in allocation H16 of the Local Plan.
5. Proposals for purpose-built student accommodation when positively assessed against Local Plan and any relevant supplementary planning document.

Development of previously developed land shall undertake a surface water outfall assessment, following the Drainage Hierarchy (National Planning Practice Guidance, paragraph 80) to determine if there are viable alternatives to existing connections to the combined sewer network.

The proposal would represent the reuse of previously developed land within the urban area boundary and therefore meets the above requirements for new housing development. A surface water outfall assessment has been provided by the applicant in support of the application. This confirms that the site is currently entirely covered with hard surfaces and that the outfall will be to a surface water drain. It is therefore considered that the requirements of the policy are met in this regard as the applicant is not proposing to connect to the combined sewer network. It should also be noted that the proposal will result in an improvement on the current situation in drainage terms from the garden area.

Local Plan Policy H1 states that new housing development will be permitted within the urban areas. Leamington Spa is identified as being an urban area on the proposal maps and therefore meets this criteria. The principle of housing on this site is considered to be acceptable and accords with the requirements of Local Plan Policy H1 and RLSNDP Policy RLS1.

The impact on the Character and Appearance of the Area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 2011 - 2029 Policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan 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. Finally, the Residential Design Guide SPD sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

RLSNDP Policy RLS2 states that planning proposals for new housing development will be required to achieve good design. They should function well for all by being ***Lifetime Homes*** and make a positive contribution to the quality of the built environment in Royal Leamington Spa. Proposals will be assessed against Warwick District Local Plan Policy BE1 and should have regard to any relevant Supplementary Planning Documents, including the Warwick District Council ***Residential Design Guide SPD***.

Policy RLS2 states that applicants are encouraged to go beyond prevailing sustainable development standards, particularly with regard to environmental performance of buildings, resource consumption and recycling. Where possible, proposals should aim to achieve Level 4 of the Code for Sustainable Homes and the incorporation of higher environmental standards such as Passivhaus or a similar approach is encouraged. When considering such measures applicants and decision-makers will need to ensure that there is a balance between the need for innovation and respecting and harmonising with buildings and local quality and character of surrounding development. ***Building for Life***, or an equivalent assessment framework, should be used to assess the suitability of proposals.

A neighbour states that the properties will not be designed as carbon zero which does not meet the requirements of the climate change emergency set by the Council - there is no information provided in terms of the energy efficiency, carbon emissions, ventilation or type of glazing to be used. However, the Planning Statement informs that the properties have been designed on fabric-first principals, providing an air-tight highly insulated envelope to reduce energy demands for heating. Heating would be from air source heat pumps and immersion heaters with no mains gas connection provided, demonstrating a commitment to decarbonise energy sources for new homes. There would be solar PV panels to contribute to energy supply.

The design and construction of the building seeks to minimise the carbon output and lifecycle carbon, striving toward a reduced overall carbon footprint

compared to traditional construction. A key part of this is the utilisation of a Structural Insulated Panel System (SIPS) made up from timber which allows for an increased sequestered carbon that can be erected on site and made water tight within a shorter period of time versus standard construction. The nature of the system allows for a less carbon intensive foundation system to be adopted, therefore it is hoped subject to agreeable ground conditions for helical screw piles to be utilised decreasing the intensity of on-site ground works. It is considered that these measures address the energy efficiency requirements of Policy RLS2.

The applicant has also provided an assessment of the proposed development against Building for Life 12 (BfL12), which is proposed as a design tool to help structure discussions about proposed new residential development between home builders, Urban Development Corporations, local authorities, communities and other stakeholders. There are 12 set of criteria against which proposed development should be assessed and the answers to the 12 criteria / questions are scored as either green, amber or red with an aim to achieve as many **'greens' as possible with a recommendation in the guidance of at least 9, for 'amber' scores to be challenged and for 'red' scores to be avoided. The applicant** scores the proposal with 9 green scores, three amber scores and no red scores. The applicant has also explained that where the development scored amber (public and private amenity spaces; streets for all; and, easy to find your way around), these are not wholly appropriate to the assessment of this scale, being a small development of 6 dwellings. Officers agree with this approach, noting that no public amenity areas would be required because of the scale of the development, that there is no "street" as such provided by the development because of its scale and that the proposal again is of such a scale where it would become difficult to navigate. The applicant has articulated why they consider the remaining 9 criteria should be considered as green, such as the fact that the development would adequately integrate with its surroundings, is well connected to facilities, has a mix of housing types, is distinctive etc, and Officers concur with these conclusions. The requirements of Policy RLS2 are considered to have been met.

RLSNPD Policy RS4 states that in residential areas, outside of the Conservation Areas, applicants will be expected to demonstrate how housing development proposals have taken in to account, and responded to, the predominant character (including local building styles and materials) in the street/road/locality within which the proposed development will be situated. Proposals should retain and create new off-street car parking. Innovative and contemporary design that respects and responds in a positive manner to local character will be supported. Proposals should seek to maintain views of higher slopes, skylines and the wider landscape. Proposals that fail to respect the character of an area and result in poor design will not be permitted.

Members of the public raise concern regarding the proposed development, stating that there is no precedent for three storey houses in the immediate vicinity, which is comprised mostly of bungalows which would be more in keeping. Members of the public consider that the proposal represents overdevelopment of the site and it is out of keeping. These comments have been

taken into account and the proposal has been amended to a reduced scale and it no longer includes any three storey properties.

The application site is positioned in a discrete location, behind Kennan Avenue and Edinburgh Crescent, but does still form part of the street scene of Turpin Court, which is a small cul-de-sac. The wider character is very mixed, consisting of bungalows, two storey semi-detached dwellings which have hipped and gable roofs, and a mixture of materials including render and brick.

It is recognised that the proposed dwellings would be of a modern design, some being 1.5 stories, with a large cat-slide roof and box roof dormer. However, the proposed bungalows would be of a more traditional design, which are closest to the existing development within Turpin Court and would be read within the context of the existing street scene, which consists of bungalows. The dwellings would all be constructed from red brick, which is in keeping within the character of the area, and would benefit from grey feature panels to some of the elevations, providing visual interest. As there is no strong prevailing architectural character which the development would need to conform with, and as the proposal is for a modern development, of an interesting design, which would not have a significant impact in visual terms owing to its discrete position within the street scene, it is considered that the proposal would be acceptable in this location. It is noted that Policy RS4 welcomes innovative and contemporary designs which respond in a positive manner to local character, which is considered to be the case in this instance.

The land level slopes away from west to east, meaning that the bungalows are on a higher ground level than the 1.5 storey dwellings towards to east of the site. These bungalows would sit comfortably opposite the existing bungalows serving Turpin Court and would not appear out of keeping in this context. The 1.5 dwellings would then sit behind the proposed bungalows, stepping up gradually owing to the topography of the site.

The proposed materials can be controlled by condition to ensure a high quality development. The amended scheme is not considered to represent overdevelopment of the site and is considered to provide an appropriate form of development which would improve the site, which currently adds no value to the street scene. The proposal is considered to respond appropriately to its surroundings, providing a modern development which also respects the existing built form. Therefore, the proposed development is considered to be in accordance with Local Plan Policy BE1 and the relevant RLSNDP policies.

Impact on Neighbouring Residential Amenity and Amenity of the Future Occupiers of the Dwellings

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue

disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide SPD provides a framework for Policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of the nearest front or rear facing habitable room of a neighbouring property.

Members of the public have raised concern regarding the impact of the proposed development on neighbouring amenity, stating that it will cause overlooking and loss of privacy to neighbours' amenity. Members of the public also consider that the amenity space for the three storey properties is insufficient for future residents, stating that they will be overlooked and overshadowed. Members of the public state that the development would be overbearing to neighbouring properties and increase in noise and air pollution. Again, it should be noted that these comments relate to the original rather than the amended proposal.

Impact on neighbouring residential amenity

Officers did initially have concerns regarding the proposed 3 storey dwellings, which would have resulted in overlooking to an unacceptable degree into the gardens of the properties to the north of the site, at a short distance from the proposed upper floor windows. However, the proposal has been amended so that there would be an increased separation between the upper floor windows at the gardens of the properties to the north of the site by reducing the scale of the proposed development. In all cases, there is at least 28 metres between the proposed dwellings and neighbours to the north of the site, which exceeds the required distance separation guidance of 22 metres. However, previously the concern expressed by Officers related to the fact that the windows serving the three storey properties essentially immediately overlooked the neighbours gardens, without any relief. Now that the proposal has been amended to remove the three storey properties, there would be over 8 metres between the proposed first floor windows and gardens serving the neighbouring properties, which is considered an acceptable distance.

The required distance separation of 22 metres between the properties at the rear of the site (to the south) and the proposed dwellings would in all cases be exceeded. The rear gardens of the proposed dwellings serve to separate the dwellings and the gardens at the rear of the site. It is therefore considered that the proposal would not result in overdue overlooking or loss of privacy to these neighbours.

There is a first floor side facing window proposed to the property serving Plot 6, which could overlook into the garden area of the neighbouring property. As this is a secondary window, a condition will be added to ensure that this is permanently obscure glazed and non-opening unless above 1.7 metres from the floor level to ensure that neighbouring privacy is protected.

Living conditions for the future occupiers

The proposal would provide adequate levels of amenity for the future occupiers of the dwellings. All of the dwellings apart from Plot 2 would have access to adequately sized private amenity areas which exceed the requirements of the Residential Design Guide SPD. The garden serving Plot 2 should be 40sqm in accordance with the requirements of the Residential Design Guide SPD, however, it is 39.1sqm. Although it is recognised that this is slightly below the required standards, on balance, given that it under provision is 0.9sqm, it is not considered that this under provision would be so harmful to warrant reason for refusal of the application, particularly given that the proposal is for much needed affordable housing, which is a material benefit which would outweigh this minor under provision of garden space for just one of the dwellings.

Environmental Health have raised no concerns regarding the proposed living conditions or impact on neighbouring amenity. It is not considered that the proposed works or use of the site for residential purposes would cause undue noise or disturbance to neighbouring properties within an existing residential area.

The impact of trees on the proposed dwellings and associated living conditions is discussed in more detail below.

For these reasons the proposed development is considered to be in accordance with the NPPF and Local Plan Policy BE3.

Parking and Highway Safety

Members of the public have stated that they have concerns regarding vehicles driving into the boundary fence owing to the steep drop between behind the fence, causing pedestrian safety issues. They also express concerns regarding the proposed car parking, which is already limited and impacts on highway safety. A local Councillor has stated that there is no pavement marked on the plans, and that there should be full pedestrian access.

WCC Highways have no objection to the proposed development on the basis of highway or pedestrian safety concerns. It should be noted that there are likely to be fewer vehicular movements associated within the proposed use for 6 dwellings, in comparison to the 42 garages which were previously serving the site.

The proposal would provide adequate parking for the proposed development, which meets with the requirements set out in the Vehicle Parking Standards SPD for 10 spaces.

Officers consider that it is unlikely that the difference in land levels between the existing and neighbouring site would likely result in pedestrian safety concerns as the sites will be separated by boundary treatments.

The proposal is therefore considered to be in accordance with Local Plan Policies TR1 and TR3, and the Vehicle Parking Standards SPD.

Waste Management

Waste Management have assessed the application and have no objection to the proposal, recommending individual waste storage for each property. A dedicated waste storage area is marked out on the plans and can be secured in perpetuity by condition.

Trees

Members of the public and the Town Council have raised concerns regarding the impact on trees near to the site. They support the comments of the Tree Officer with regard to the current proposed layout amounting to overdevelopment of the site and the issue of existing trees causing shade and debris problems for future residents of the properties. Members of the public also consider that trees will need to be lost to secure the development and the tree report does not adequately assess the issue of mature trees on the southern boundary of the site.

The Tree Officer initially raised concerns regarding the proposal in relation to the impact that the development would have on the pressure to remove trees which are next to the site boundaries. The Tree Officer noted that the proposal would have the potential to give rise to amenity issues due to shade and debris caused by the neighbours trees would cause tension for the occupiers.

To confirm, there is no proposed removal of trees to facilitate the proposed development. The properties most affected by existing trees would be those serving Plots 1 and 2. The site plan shows that the canopies of three trees to the south of the site within the gardens of neighbouring properties would extend across the gardens of these plots. The trees are considered to provide amenity value within the street scene, therefore, Officers wish to ensure that they are adequately protected from pressure to remove them in the future.

Further information was provided by the applicant which shows that the tree canopies are 6 metres from the ground level. As these properties are bungalows, it is considered therefore that outlook would not be significantly affected. The garden areas of these properties which be impacted as a result of the neighbouring trees in terms of overshadowing. The additional tree shadowing and 3D modelling provided by the applicant shows that in reality, Plot 1 would be affected for a maximum of 3 hours per day and Plot 2 would also be affected for a maximum of 3 hours per day by overshadowing from the trees, thus only being for a short, temporary period of the day. Furthermore, the 3D modelling provided shows a "worst case scenario" with the tree canopies being made larger than those on site, and during the summer months, when the sun is at its highest. Therefore, during other months of the year, the impact would be even less.

With reference to concerns of debris which could fall onto the proposed dwellings and their gardens, as the proposal would be for the provision of affordable housing, which the Council would own and manage themselves, the applicant

has confirmed that any concerns of this nature could be addressed directly by the Council if required.

The Tree Officer has confirmed that the proposed development itself proposes no risks to the health of the trees. A condition will therefore be added to ensure that the works are carried out in accordance with the tree protection measures identified in the submitted information.

Although the impact of the existing trees is limited, it would still lead to the gardens of Plot 1 and 2 being cast in shade for small periods of the day, which does not provide ideal living conditions. The impact on the future living conditions for the occupiers has to therefore be balanced against the material benefits of the scheme, which is carried out within the conclusion below.

Ecology

WCC Ecology have been consulted and have no objection to the proposed development. They recommended the inclusion of a condition to secure a combined ecological and landscaping plan, which has been provided during the course of the application. WCC Ecology have confirmed that the details contained within the plan are acceptable, therefore discharging the need for a condition for the provision of this information. WCC Ecology also recommend an informative note relating to nesting birds, which will be added.

The proposal is therefore considered to be in accordance with Local Plan Policy NE2.

Drainage

RLSNPD Policy RLS2 states that new housing development should include design features and measures to reduce the impacts of climate change by increasing resilience to extreme weather events, including the increased risk of river and surface water flooding. Applicants should be able to demonstrate that their proposals are water efficient and that unless not reasonably practicable the design includes water efficiency and re-use measures. A condition can be included to ensure compliance with Local Plan Policy FW3 and RLS2 of the RLSNDP.

Other Matters

The Town Council have in part objected to the proposal because of a lack of electric charging points provided. However, these are included on the proposed drawings and could in any event be secured by condition. A condition will be included to ensure that adequate electric vehicle charging points are provided in line with the requirements of the Council's Air Quality SPD.

The Environmental Health Officer recommended that a condition is included for the provision of contaminated land survey. A ground investigation report was then submitted during the course of the application which identifies that there is low risk of contamination. However, Environmental Health Officers note that only one round of gas monitoring was carried out, and therefore there could still be risks to human health. They recommend that further monitoring is carried out which can be secured by condition. They also recommend that a watching brief is kept during the works in the event that any previous unidentified contamination is discovered, which can be secured by condition.

A neighbour states that they are in the process of obtaining quotes to create a two storey rear extension on the back of their property, so the development will not meet the required distance separation guidance. However, Officers are only able to assess the application based on the site circumstances as they currently are - even if a neighbour is obtaining quotes, there is no guarantee that the neighbour will extend their property and it would therefore be unreasonable to refuse the application on this basis.

A neighbour states that step free access to the dwellings is stated in the information provided, however, this is not shown on the plans and could cause issues for those with restricted access ability. However, this is not a planning requirement, so no further information has been requested regarding this matter.

A neighbour states that the development will put strain on the already struggling local amenities such as doctors, dentists and schools. Only proposals for 11 or more dwellings require financial contributions towards the improvement of local facilities such as those identified by the neighbour. As this proposal is only for 6 dwellings, Officers are unable to insist on financial contributions.

The applicant has demonstrated that they should be able to meet the Building Regulation requirements (and potentially exceed them). In planning terms, no further information regarding this matter is required.

Conclusion

It is recognised that the gardens serving the two proposed bungalows would be overshadowed partly during the summer months, which may cause some pressure for the trees to be removed. However, it should be noted that this would only be for a short period (3 hours of the day at the height of summer), which throughout the rest of the year would be reduced even further. It is also noted that one of the gardens has a very minor under provision of private amenity space by 0.9sqm. These factors have to be weighed against the balance of providing affordable housing. Furthermore, the development would represent the effective use of brownfield land in a sustainable location which in all other respects meets with the relevant Neighbourhood Plan, Local Plan and national planning policies. The provision of affordable housing is offered substantial weight in this case, which is considered to outweigh the relatively modest impact which the existing trees and very small under provision of private amenity space to just one of the dwellings

that are likely to have on the living conditions for the future occupiers of the dwellings. The proposal is therefore recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing PL-04 Rev C, PL-05 Rev C, PL-06 Rev C, PL-07 Rev B submitted on 1st April 2020 and drawing PC-01 Rev 0 submitted on 20th April 2020 and specification contained therein. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
- 4 No construction associated with the approved development shall commence until:

 1. A site investigation has been designed for the site using the information obtained from the approved desktop/preliminary study and any diagrammatical representations (conceptual model). The investigation must be comprehensive enough to enable:

 - An appropriate ground gas risk assessment to be undertaken
 - Refinement of the conceptual model

- The development of a method statement detailing any remediation requirements

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

b) A method statement detailing any remediation requirements, using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the local planning authority prior to the remediation being carried out on the site.

2. All development of the site shall accord with the approved method statement.

3. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.

4. Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

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

- 5 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 6 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029
- 7 No development shall be carried out above slab level until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments. **REASON:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 8 The development shall be carried out strictly in accordance with the details contained within the surface water outfall assessment. **REASON:** To ensure that the proposal would provide suitable drainage methods for the site in accordance with Policy FW2 of the Warwick District Local Plan 2011 - 2029.
- 9 The development hereby permitted shall not be occupied unless and until the external refuse storage areas for the development have been constructed or laid out, and made available for use by the occupants of the development and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. **REASON:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 10 Noise arising from the air source heat pumps installed at the site, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in

accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 11 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.
- 12 Prior to the occupation of the development hereby permitted, the first floor side facing windows in the east and west elevations of all the dwellings shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **REASON:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.
- 13 Prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.
- 14 The landscape and ecological enhancement plan, as outlined in the approved documents, shall be implemented as soon as the approved landscaping is carried out and shall not be withdrawn or altered in any way. At least two bird boxes must be installed together to allow sparrows to nest as a colony. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and to ensure biodiversity enhancements in accordance with Policies BE1, BE3, NE1 and NE4 of the Warwick District Local Plan 2011-2029.



Remote Planning Committee –
Agenda Running Order and Public Speakers
Wednesday 17 June 2020

Agenda item	Application number and address	Reason on Committee	Category	Time (mins)
3	W/18/1635 - Land East of Kenilworth, Glasshouse Lane/ Crewe Lane, Kenilworth **Major Application**	The number of objections, including one from Kenilworth Town Council having been received.	Town Council - objecting	3
			Parish Council - objecting	3
			Objector	3
			Objector	3
			Objector	3
			Applicant/Supporter	3
			District Councillor - objecting	5
4	W/20/0158 - Land East of Turpin Court, Royal Leamington Spa	Warwick District Council is the applicant, and also due to the number of objections having been received.	Objector	1
			Objector	1
			Objector	1
			Applicant/Supporter	3

NB: Please note that the above list is subject to change, to allow for any substitutes or people withdrawing. Any such amendments will be passed to the Chair of the Planning Committee before the start of the meeting by the Committee Services Officer.

Summary of Procedure for Public Speaking at Planning Committee

1. All Planning applications with public speakers will be dealt with first, followed by consideration of the remaining items in the order in which they appear above. This may not be the order in which they appear on the published agenda.
2. The Planning Officer will introduce his report, giving any updates since the preparation of the report.
3. The names of those persons having registered to speak will then be announced by the Chair, in the order of: Parish/Town Councils, Warwick District Towns Conservation Area Advisory Forum, Objectors, Applicants/Supporters and Ward Councillors. When your name is called, please come to the top table to the **seat marked 'Public Speaker'**.
4. After all the speakers have finished, the Chair will open the item up to the Planning Committee for debate. There will not be a specific formal questions slot.
5. Finally, the Committee will be asked to take a decision on the application.

PLANNING COMMITTEE: 17 JUNE 2020
OBSERVATIONS RECEIVED FOLLOWING PREPARATION OF AGENDA

Item 3: W/18/1635 – Land East of Kenilworth

Public Response: An additional 10 letters of objection received making the following comments;

- Location of roundabout severely detrimental to residents of Stansfield Grove.
- Roundabout too close to a sharp bend.
- New walls at entrance to Stansfield Grove would mitigate some of the harm.
- An alternative location for the roundabout should be sought.
- Harmful to highway safety.
- Revisions to overall Spine Road since first introduced are harmful to residents.
- All highway works should be subject to detailed modelling.
- Loss of outlook from properties across currently open land.
- Increased traffic, disruption, pollution and noise will result from the development.
- Loss of privacy and quality of life.
- Lack of information relating to dwellings for older people.
- Tree and hedgerow planting should be a priority at early stage of development.
- Any loss of trees should be mitigated for.
- Loss of Green Belt.

Update to conditions

Condition 35 – update to include the word “acceptable” as highlighted below.

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

Update to Section 106 Agreement

Forward Funding

In addition to the planning obligations stated in the Committee Report, officers will be making a further request to the applicant for a further developer contribution. In order for Kenilworth School to satisfactorily cash flow their proposed relocation to Southcrest Farm, Warwick District Council has agreed in principle to forward fund the anticipated s106 contributions for secondary education, post-16 education and sports provision that have been identified by the Council with input from Warwickshire County Council to be directed towards

Kenilworth School. This will be on the basis that the Council will seek to recoup its funding from the relevant s106 receipts when they are paid.

Department for Education guidance 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. The Council will therefore be requesting an additional contribution from the applicant to cover these matters.

Whilst a formal request has not yet been made to the applicant, this matter has been discussed with the applicant and officers seek delegated authority from Committee to negotiate this matter with the applicant and agree the details of the contribution with the applicant.

Custom/Self-Build Housing

The precise number of self-build plots to be required through this development is still under consideration and will be addressed through the finalising of the s106 agreement. Officers will work with the applicants to share methodologies and agree a formula for the final figure.

The formula shall be calculated upon submission of each reserved matters/full planning application for housing in sites H06 and H40 and the evidence used by the Local Planning Authority will be the most recent Custom & Self-Build Annual Progress Report at that point in time, which provides an analysis of the self-build register. As this scheme is at outline stage, the s106 includes a clause relating to the provision of self-build properties using an agreed formula to secure the appropriate number of custom/self-build dwellings on the development site.

Committee are asked to delegate authority to officers to finalise this number.

Item 4: W/20/0158 – Land East of Turpin Court

Based on the further information provided in the Case Officer's Report, the Town Council have withdrawn their objection to the proposed development.

Planning Committee: 17 June 2020

Item Number: Urgent Item

Application No: W18/2099

Town/Parish Council: Warwick

Case Officer: Lucy Hammond

lucy.hammond@warwickdc.gov.uk

Land to the north and south of the A45 (between Festival and Tollbar junctions) and land at the A45/Festival Roundabout, the A46/Tollbar Roundabout and at the junctions of the A444 with the A4114/Whitley Roundabout

Comprehensive development comprising demolition of existing structures and the erection of new buildings to accommodate offices, research & development facilities and light industrial uses (Use Class B1), hotel accommodation (Use Class C1), car showroom accommodation, small scale retail and catering establishments (Use Classes A1, A3, A4 and/or A5), new countryside park, ground modelling work including the construction of landscaped bunds, construction of new roads/footpaths/cycle routes, remodelling of junctions on the existing highway network, associated parking, servicing and landscaping (outline application discharging access with all other matters reserved)

For Coventry and Warwickshire Development Partnership ("CWDP")

INTRODUCTION

This report relates to the above planning application reference W/16/0239 which was granted on the 10th July 2017 and subsequently varied on 5th February 2019 under reference number W18/2099 ("the Variation Application").

This proposal seeks minor variations to the content of the Section 106 Agreement dated the 4th February 2019 which was entered into as part of the Variation Application and which provided for the payment of a contribution by CWDP within 28 days of the commencement of construction of a roundabout scheme at **Stoneleigh by the County Council ("the Roundabout Scheme")**. The agreement also provides that if the commencement of the construction of the Roundabout Scheme has not taken place by the 30th June 2020 that the CWDP will construct and complete a signal scheme at Stoneleigh.

The County Council will not now be in a position to award the main works contract and start construction by 30 June 2020 because of a number of issues within the project development that has caused delay. CWDP have agreed to extend the date from 30 June 2020 and it is anticipated that a new variation agreement will extend the date to 30 September 2020. The recommendation is that the date for commencement of the construction of the Roundabout Scheme be extended for a period of up to 6 months from the date of the completion of the Deed of Variation.

The County Council first advised the Council that they would need to amend the Section 106 Agreement to extend the date on 8 June 2020. Subsequent legal **advice was that Warwick District Council's Planning Committee should approve** any variation and also that the Council as LPA should be a party to any further Deed of Variation. This has had to be brought to Planning Committee as an urgent item as the Section 106 Agreement needs to be varied before 30 June 2020 and this is the last Planning Committee that will take place before that date.

It has been agreed with the Chair of the Planning Committee that this matter can be dealt with as an urgent item as the proposed Deed of Variation must be completed prior to the 30th June 2020.

RECOMMENDATION

Planning Committee are recommended to resolve to agree and authorise the proposed changes to the Section 106 agreement to extend the time period for the commencement of construction of the Roundabout Scheme by the County Council to up to 6 months from the date of the Deed of Variation and to make any consequential amendments.

RELEVANT POLICIES

- National Planning Policy Framework
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)

ASSESSMENT

The main issue relevant to the consideration of this proposal is whether the variations would continue to enable the delivery of a sustainable development that mitigates its impact through appropriate infrastructure contributions having **regard to the Council's policies** and national planning guidance.

Further Section 106A of the Town and Country Planning Act 1990 provides that in considering a request to vary a Section 106 Agreement the Local Planning Authority should consider that *"if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications"*.

The proposed variations will provide the County Council with additional time in which to commence construction of the Roundabout Scheme and will ensure that payment of the necessary infrastructure from CWDP is secured. As such it is the view of officers that the variations would continue to enable the delivery of a sustainable development that mitigates its impact through appropriate **infrastructure contributions in accordance with the Council's policies and national planning guidance.**

It is also the view of officers that the obligation continues to serve a useful purpose but would serve that purpose equally well if varied in accordance with the proposal. As such the proposal meets the requirements of Section 106A.

SUMMARY / CONCLUSION

The proposed variations to the Section 106 Agreement require authority from Members. The proposals have been fully justified and Members are requested to authorise the variations as set out within this report.

**List of Current Planning and Enforcement Appeals
June 2020**

Public Inquiries

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

Informal Hearings

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

Written Representations

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Current Position
W/18/0986	Ivy Cottage, Barracks Lane, Beausale	One and two Storey Extensions Committee Decision in accordance with Officer Recommendation	Rebecca Compton	Questionnaire: 23/10/18 Statement: 14/11/18	Ongoing
W/19/0091	21 Northumberland Road, Leamington	Erection of Railings and Gates Delegated	Emma Booker	Questionnaire: 17/6/19 Statement:	Ongoing

				9/7/19 Comments: -	
W/18/2177	Four Brothers Farm, Five Ways Road, Shrewley, Warwick	Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to 3no. Dwelling Houses (Use Class C3) together with associated works to facilitate the conversion. Delegated	Rebecca Compton	Questionnaire: 03/09/19 Statement: 01/10/19	Ongoing
W/19/0350	Barn at Little Manor Farm, Manor Lane, Pinley Green.	Change of Use of Building to Dwelling Delegated	Dan Charles	Questionnaire: 15/11/19 Statement: 13/12/19	Appeal Dismissed

The appeal site is located outside of the settlement boundary of Claverdon as defined by Policy H1 and therefore is located within the open countryside. Paragraph 79 of the NPPF states that decisions should avoid the development of isolated homes in the countryside.

Paragraph 79 of the NPPF states that decisions should avoid the development of isolated homes in the countryside, save for a number of exceptions, including where the development would re-use redundant or disused buildings and enhance its immediate setting.

The Council contended that the term "isolated" relates to both physical separation from other properties and accessibility to local services and facilities. The Council accept that the site is not physically isolated being within a reasonable distance of a number of other dwellings and buildings. However, the Council also argued that as the site is not well connected to services and facilities or accessible by means of public transport the site is isolated with regard to the wider area.

The Inspector was directed by the appellant to Court of Appeal case *Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd* [2018] **EWCA Civ 610 where the word "isolated" was considered, albeit in the context of paragraph 55 of the previous version of the Framework.** The judgement concluded that the term isolated should be understood in its plain meaning i.e. physically separated or remote, and that adding a second limb to the policy relating to accessibility to services and facilities only serves to make the policy more onerous than intended. Furthermore, no such restriction is implied in its text. In other words, the term isolated should be taken to mean physically remote or separate only, in the sense of being isolated from other dwellings or settlements.

Taking this into account, the Inspector came to the judgement that the site is therefore not isolated in the context of paragraph 79 of the

Framework and Policy H1.

In terms of enhancement, the Inspector considered that the barn whilst of relatively modern construction is in a good condition with features including timber framing, deep roof overhangs and a barn door that make it an attractive rural building. He found that the loss of the traditional barn features and the modern appearance of the windows and doors would be unsympathetic to the building and would erode its attractive rural appearance. The proposal would significantly change the appearance of the barn into something more suburban that would appear discordant in the surrounding rural setting. Therefore, it would not enhance the character and appearance of the countryside.

W/19/1299	19 Camberwell Terrace, Leamington Spa.	Change of Use to HMO Delegated	Dan Charles	Questionnaire: 26/11/19 Statement: 24/12/19	Appeal Dismissed
<p>The appellant acknowledged that the proposal would lead to 14.1% of the dwellings being HMOs representing a significant over-concentration against the upper limit set by Policy H6.</p> <p>The appeal site is located in a predominantly residential area, there are mixed-uses present and that Camberwell Terrace is but a short walk from Radford Road which is a main thoroughfare. Because of this the appellant considers the latter exception should be applied in this appeal. The Inspector does not share that view because Camberwell Terrace is a cul-de-sac, albeit with pedestrian links beyond, not a main thoroughfare. Additionally, all of the properties on Camberwell Terrace appear to be in residential use and while the Victoria Business Centre lies nearby, and partially lies within the 100m radius of the appeal site, it is clearly separate and distinct.</p> <p>The Inspector concluded that the appeal proposal exacerbates the levels of disturbance prevalent in the area through an over-concentration of HMO properties. Accordingly, the proposals are contrary to Policy BE3 of the LP which seeks to resist development that has an unacceptable adverse impact on the amenity of neighbouring residents. The HMO is also contrary to Policy H6 e) since waste arising from the occupants of No 19 is not being adequately dealt with.</p>					
W/19/0111	2 Mill End, Kenilworth	New Dwelling Delegated	Helena Obremski	Questionnaire: 18/11/19 Statement: 16/12/19	Appeal Dismissed

The Inspector observed that the appeal site forms part of a well-proportioned and defined traditional terraced housing which includes a generally consistent arrangement of fenestration and entrance features and positively contributes to the established urban character of the area and also the setting and significance, of the Conservation Area.

The Inspector noted that the proposal would infill a gap and is of a similar overall form to the host property, when viewed from the highway. However, he considered that the proposed contemporary detailing, along with the atypical fenestration arrangement to the front of the proposed dwelling, which includes 3 roof lights, 3 windows at first floor level, and the absence of a ground floor window, along with a double door front entrance, would severely disrupt the rhythm of the existing terrace and appear particularly incongruous. He therefore concluded that the proposal fails to respond positively to, or respect the existing character of the street scene, by virtue of the use of incongruous design features which are a harmful to the established traditional street scene.

He also noted that there would be a significant reduction in the amenity space for No 2 measuring about 10 sqm. In relation to the proposed dwelling, its amenity space would be about 23 sqm. Therefore, the amenity space for the existing and proposed dwelling would fall significantly **short of the Council's requirement of 40sqm as set out in the SPD. Although open space facilities are available nearby, the** Inspector did not believe that this would be a reasonable atonement for the failure to provide adequate private amenity space directly associated with the **dwelling itself, in accordance with the Council's requirements.**

The Inspector noted that a letter **from the EA as appended to the appellant's final comments, identifies the flood risk for the location of the** appeal site as medium, and the likelihood of flooding from surface water as low, but considered that he must make a decision based upon the current flood risk classification – Flood Zone 3. Consequently, he concluded that the proposal does not overcome the need to firstly pass the sequential test to establish whether the appeal proposal is acceptable in principle on flood risk grounds. Taking all matters into consideration, including the lack of objection from the Local Lead Flood Authority in respect of drainage and surface water management, the proposal would not be acceptable in respect of the risk of flooding.

W/19/1265	21 Elizabeth Road, Queensway, Leamington.	Change of use to HMO Delegated	Dan Charles	Questionnaire: 25/12/19 Statement: 22/1/20	Appeal Dismissed
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The appellant does not contest the Council's figure of 14%, they do however disagree over interpretation of the numbers, focusing instead on the number of HMOs along Elizabeth Road. The appellant has produced a list of licensable and non-licensable HMOs, of which there are three listed along Elizabeth Road. There

are 43 properties along Elizabeth Road, therefore the current concentration is 7%, which would increase to around 9% with the proposal.

However, the Inspector considered that the wording of Criteria a) of Policy H6, is clear with regards to the test to be applied and the proposal would not meet this policy requirement.

W/18/1034	Ewe Green, Hockley Road, Hatton	Certificate of Lawfulness for Conversion of Outbuilding into Granny Annexe Delegated	Helena Obremski	Questionnaire: 7/1/20 Statement: 4/2/20	Appeal Dismissed
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The appellant seeks an LDC on the basis that no material change of use would arise if the building was used for a purpose that would be incidental to the existing dwellinghouse. Their argument is based on the fact that the use of the outbuilding as an annexe for an elderly relative, with some reliance on the main dwellinghouse, would not amount to development as defined by the Act.

The Inspector notes that the for planning purposes, **it is commonly held that the term "incidental to the enjoyment of the dwellinghouse"** implies that the intended use should be subordinate to the main residential use of the property. The essential feature of an incidental use is that there should be a functional relationship with the primary use within the planning unit.

The **Council's reason for refusal was** based on the functional relationship with the primary use. Its reasons being that the proposal would have all of the elements necessary for day to day living, including washing and sleeping. It is the provision of these facilities which the Council believe could result in the outbuilding being capable of independent occupation. As such, this would create a separate planning unit which would require planning permission.

However, the Inspector considered that even if the accommodation provided facilities for independent day-today living, it would not necessarily become a separate planning unit from the main dwelling; it would be a matter of fact and degree. Accommodation may give an occupant the facilities of self-contained living, although it was intended to function as an annexe only, with the occupant sharing living activity in company with the family in the main dwelling. There is no reason, in law, why such accommodation should consequently become a separate planning unit from the main dwelling.

Applying planning principles established in case law, the Inspector considered that if an outbuilding with its living accommodation was part of the same planning unit as the dwellinghouse, and provided that the planning unit remains in single family occupation and continues to function as a single household, no material change of use would be involved.

The use of the proposed granny annexe for the elderly relative would be incidental to the enjoyment of the dwellinghouse. Planning permission would not be required for the change of use of the outbuilding for that purpose, provided the evidence, presented clearly and unambiguously,

shows all occupants would function as a single-household.

The Inspector considered that the proposal before him was an outbuilding with all the necessary facilities for day-to-day private existence and a plan that shows it physically separate from the main dwellinghouse with land in residential use. With no functional relationship with the primary use of the planning unit and a lack of specific evidence about the proposed occupation and use, this raises the prospect of a separate planning unit being created, given the significant degree of physical and functional separation.

Consequently, he concluded that the outbuilding would no longer have a functional relationship with the primary use of the planning unit - the residential use of the dwellinghouse. Therefore, the proposed use would not be considered incidental to the use of the host dwelling as a dwellinghouse and would amount to a material change of use.

On reflection, while the decision was correct the Council's reason for refusal was not.

W/19/1164	24 Church Hill	Replacement of Sash Windows and Doors Delegated	Jonathan Gentry	Questionnaire: 20/12/20 Statement: 17/1/20	Appeal Dismissed
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The existing timber and single glazed windows are all proposed to be replaced with double glazed units. The appellant argues that the proposed development will not result in the loss of any original historic fabric at No 24 because the existing timber windows are not original and were replaced in 1997.

On the available information, the Inspector could not be certain that the existing windows are not original. Moreover, he found the existing frames and the use of single glazing are broadly consistent with other nearby historic windows.

The Inspector noted that the individual changes from the existing windows to the replacement units would result in some increase in the width of the frames, along with a refractive difference resulting from the double-glazed units. These, along with the use of astragal bars, which would be applied to both the internal and external panes with a black spacer bar, add bulk and give each unit a modern appearance. Such incremental changes to each window replaced, incorporating all of the windows along the front, rear and a side elevation of the building would cumulatively and appreciably alter and modernise its overall appearance. His findings on this matter were reinforced having observed the replacement windows which have already been installed. Consequently, the replacement windows would fail to preserve or enhance the historic character and appearance of the CA.

	Mulberry Cottage,	Conversion of Redundant Barn into	Rebecca	Questionnaire:	Appeal dismissed
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W/18/2453	Warwick Road, Leek Wooton	Holiday Accommodation – revised scheme. Delegated	Compton	19/12/19 Statement: 16/1/20	and Costs Award Refused
<p>Planning permission has been granted for the alteration, extension and conversion of the host property from a barn into holiday accommodation. From the evidence before me there are differences between the planning permission and the development that has been carried out. These mainly relate to the rebuilding and enlargement of the smaller projection and new openings in the northern and southern elevation of the building, the widening of front and rear door openings, the construction of a chimney, the insertion of rooflights and the bricking up of existing openings.</p> <p>The Inspector found that the enlarged openings in both the northern and southern elevation and the proposed doors and glazing would introduce incongruous domestic style features that would not sit comfortably with the more traditional rural appearance of the building. The appellant contends that the development includes less windows and doors than the original scheme. However, irrespective of the reduction in the amount of glazing, the use of 'conservation' type roof lights and original tiles, the Inspector found the number of rooflights in the eastern roof slope excessive and obtrusive interrupting the form of the roof space and undermining the building's traditional appearance.</p> <p>COSTS:</p> <p>The costs application relies on the appellant's view that the Council acted unreasonably by delaying the application by requesting a Heritage Statement and not undertaking a fair assessment of the development proposals. As the site is located within the Leek Wooton Conservation Area the Council requested a Heritage Statement in line with their Local Validation Checklist. The Inspector considers that whilst there may not have been a requirement for submission of one prior to the application subject of this appeal, the Council have clearly set out why this was the case. Therefore, the request for a Heritage Statement was justified and the Council have not acted unreasonably by requesting one.</p> <p>The appellant contends that due to delays in obtaining planning permission he has incurred a loss of rental income that would have been generated from the use of the property as holiday accommodation. The PPG is clear that an award of costs relates to costs associated with the appeal which includes the time spend by appellants and/or their agents in preparing for an appeal or providing advice. Claims relating to indirect losses such as those that may result from an alleged delay in obtaining planning permission are ineligible. Therefore, the loss of rental income as a result of the application and appeal process is not grounds for an award of costs.</p>					
W/19/0925	Sunnyside Old Warwick Road, Lapworth	Erection of a Dwelling Delegated	Andrew Tew	Questionnaire: 28/1/20 Statement: 25/2/20	Appeal Dismissed

<p>The Inspector found that a new dwelling on the site would be likely to have a greater spatial and visual impact than the existing buildings upon it and as such would be inappropriate development in the Green Belt.</p> <p>He also concluded that the location of the appeal site is not appropriate for the proposed new dwelling as it conflicts with LP Policy H1.</p>					
W/19/1055 and 1056/LB	The Limes, 21 Beauchamp Avenue, Leamington	Various alterations and extensions Delegated	Emma Booker	Questionnaire: 17/1/20 Statement: 14/2/20	Appeals Dismissed
<p>The Inspector noted that the proposed boundary treatment would differ from the previous boundary, as well as from the treatment to the front of the church. He also observed that boundary treatments to the houses to the right of the Limes up to the junction with Kenilworth Road consist of medium height painted/rendered walls which are also significantly different to that proposed.</p> <p>The Inspector considered that the combined height and nature of the proposed boundary treatment, at nearly 1.6m would present a significantly different boundary to the Limes to the existing hedge and low wall, to the detriment of the setting of the heritage asset. He felt that the existing side wall between the Church and the Limes does not have a significant impact on the street scene, unlike the front boundary which runs along a fairly substantial section of Beauchamp Avenue. While the proposed brick wall elements may well match the house, he considered this would clash with the painted stucco façade of the building and the adjoining walls to the east.</p>					
W/19/1658	1, The Stables, Vicarage Lane, Sherbourne	Replacement windows; doors and roof. Delegated	George Whitehouse	Questionnaire: 21/1/20 Statement: 20/2/20	Appeal Allowed
<p>The Inspector noted that the Heritage Statement includes detailed information regarding the type and specification of the products that would be used to carry out the proposed development. In particular, the specifications have been chosen to mimic the existing wooden windows and doors in terms of style and dimensions including flush finishes. They would also feature a wood effect finish with rosewood colour to match the</p>					

existing. The Inspector considered that in these circumstances the proposed UPVC products, whilst a modern material, would be visually sympathetic to the location of the appeal property and would not lead to a noticeable change to the character and appearance of the appeal property as a converted farm building.

W/19/1347	20 Hatton Terrace, Hatton	Two Storey Extensions Delegated	Ankit Dhakal	Questionnaire: 7/2/20 Statement: 2/3/20	Appeal Allowed
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The Inspector noted that properties along Hatton Terrace are generally similar in terms of form, style and appearance. However, he found that there are some variations, including 1 Hatton Terrace, which incorporates single and two-storey extensions. Most notably, these properties include projecting gables which extend partly across their front elevations. On some properties the original recessed sections of the front elevations have been infilled with two-storey extensions. This provides consistency in their appearance which creates a strong rhythm to the streetscene.

While the proposed two-storey side extension would extend the footprint of the building to the side, the Inspector considered that this would follow the form of the host property and incorporate an appreciably lower ridge height than the main roof and would be set-back from its principal elevation.

He noted that the proposed front extension does not incorporate a 450mm set-back from the projecting gable, as recommended in the **Council's Residential Design Guide. However, he considered that despite this, the proposed arrangement would be broadly consistent** with other front extensions along Hatton Terrace, and a previously approved front extension to the appeal property, which despite being of a similar size to that proposed in the appeal scheme, did not incorporate a 450mm set-back.

Moreover, due to its overall form and by incorporating a lower ridge height than the projecting gable, the proposed front extension would further replicate the nearby infill two-storey extensions. Whilst this extension would be wider than other front extensions along Hatton Terrace it would still be narrower than the projecting gable at No 20. Furthermore, its width would be absorbed by the proposed side extension and the open area to the side of this particular property.

W/19/1224	Meadow Croft, High Cross Lane, Rowington	Agricultural Building, Fencing and Hardstanding Delegated	Helena Obremski	Questionnaire: 18/2/20 Statement: 17/3/20	Ongoing

W/19/1104	107 Mallory Road, Bishop's Tachbrook	Two storey Extensions and Porch Delegated	Jonathan Gentry	Questionnaire: 17/2/20 Statement: 10/3/20	Appeal Partially Allowed and Partially Dismissed
<p>The Inspector noted that the appeal property is located on a corner plot with the house well set off the fenced side boundary with Holt Avenue by a garden area maintaining a sense of openness. He also noted that the nearest properties on the same side of Holt Avenue are positioned in a fairly uniform and unassuming arrangement of semi-detached houses and they maintain a clear building line and are set back from their site frontages, which are defined by low forms of enclosure. As a consequence, he found that the appeal site is clearly visible for some distance along Holt Avenue and this reveals that the existing side elevation wall of the house adheres to the building line.</p> <p>He noted that there is no dispute between the main parties that the width of the proposed extension would be greater than the 2/3 guideline in the SPD. Whilst he accepted that exceeding the SPD tolerances does not equate to unacceptable harm, he considered that the proposed extension would be clearly very substantially sized compared to the existing house. Accordingly, it would not be a subservient addition. This would not be satisfactorily addressed by the set down from the main roof ridge of the house and the set-back from the front elevation, to accord with the SPD in other respects, and with the use of matching materials and detailing. These matters would not overcome the harm caused by its scale.</p> <p>He considered that such detrimental effects would extend beyond simply the host dwelling. With the proposed extension's prominent siting on a corner plot, its bulk, mass and height would be highly visible. It would extend considerably forward of the building line on Holt Avenue and appear noticeably uncomfortable in these more uniform surroundings as an incongruous feature.</p> <p>Its siting and scale would also result in a significant reduction in the openness because much of the side garden area would give way to the proposed extension. That the rest of the garden areas would remain would not adequately overcome what would be a substantial loss of openness, as would be experienced from Holt Avenue, in particular. The SPD cautions against such a loss, and this would be a consequence of the proposed extension that would further reinforce the loss of local character.</p> <p>However, he felt that proposed porch causes less of a concern. It would be a fairly diminutive structure that would not be untypical of those found in the immediate environs of the site.</p>					
W/19/1124	Northbound Services, A46 Warwick Bypass	Internally Illuminated Totem Pole Delegated	Rebecca Compton	Questionnaire: 14/2/20 Statement: 9/3/20	Appeal Allowed

The Inspector observed that when travelling north, the majority of the appeal site is screened by vegetation on the verge, with only the top of the advert totem initially visible close to the site. He considered that the visual effect of the advert closer to the site is localised and is viewed in the context of the service area as opposed to any wider rural setting. When observed travelling from the southbound, it is softened by the backdrop of vegetation. As such any visual affect is predominantly limited to the immediate setting of the advert.

He felt that although the area beyond the service station is devoid of adverts and displays, the appeal site itself supports signage appropriate to the land-use and the appeal advert fits well in that particular context. Furthermore, when viewed collectively, the appeal advert does not **appear to dominate when set against the BP Totem and as such he saw no benefit to the Council's suggestion that the advert should be limited to the height of that structure.**

The Inspector made reference to the appeal decisions at the service station on the southbound carriageway. He noted that the service area and advert totem appear more prominent, given its slightly elevated and open position, and does not benefit from the same degree of natural landscaping that surrounds the appeal site. As such, the taller advert totem at that site appears more prominent and starker given its form, which, unlike the appeal advert, is set against the backdrop of the sky.

W/19/1285	2 Penns Close, Cubbington	Revised design of Extension Committee Decision in accordance with Officer Recommendation	George Whitehouse	-	Appeal Allowed
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Planning permission was granted for a front dormer, front porch and two storey side extension with dormer at 2 Penns Close in April 2019. The appellants seek to vary condition No. 2 of the previous permission in order to reflect a number of changes to the detailed roof and rear dormer design to the development shown in the approved scheme that has been completed.

The Council's Residential Design Guidance Supplementary Planning Document 2018 (SPD) states that side extensions should be no more than 2/3 of the width of the original property and have a minimum set down of 225mm from the ridge of the main roof in order to appear subordinate to the main dwelling. In this case, planning permission was granted for a side extension that was over 2/3 of the width of the host property and set down about 225mm. However, as constructed, the extension is set down about 0.1m from the ridge.

The Inspector considered that given the site's location and the curvature of the road, the change in the roof design is only visible over short distances when passing the site. It is seen in the context of the existing extension and alterations to the appeal property and the varied roof and building heights of the adjacent properties as a result of the changing site levels within the immediate locality. Against this backdrop, the change in the roof design does not appear significantly out of place or excessive in relation to the built form of the host property and the adjacent properties. The use of matching materials, fenestrations and the modest scale of the change ensures that the extension sits relatively unobtrusively against the existing built form of the main property and allows it to achieve an appropriate degree of subordination to the main house. He therefore concluded that the overall change in the roof design does not significantly detract from the architectural integrity of the

host property and limits any significant adverse impacts on the street scene.					
W/19/1783	Oakbank, 26 Hill Wootton Road, Leek Wooten	One and two storey extensions Delegated	Emma Booker	-	Appeal Allowed
<p>The Inspector considered that the appeal property is on a relatively spacious plot and as such the extension would not appear overlarge, relative to the overall plot size. Given the site's location and mature landscaping along the front boundaries, the proposal would only be visible over short distances when passing the site. It would be seen in the context of the previous extensions and alterations to No. 26 and nearby properties, including the two storey front extension at No.22. Against this backdrop, the scale, form and siting of the proposed extension, stepped down and set back, would not appear significantly out of place or excessive in relation to the built form of the host property and the adjacent properties.</p>					
W/19/1512	2A St Fremund Way, Whitnash	First Floor Side Extension Delegated	Thomas Fojit	Questionnaire: 25/2/20 Statement: 18/3/20	Ongoing
New W/19/0869	Leasowes Farm, Southam Road, Radford Semele	Timber Cabin for Holiday Rental. Delegated	Helena Obremski	Questionnaire: 9/3/20 Statement: 20/4/20	Ongoing
New W/19/1633	Land at Honiley Road, Beausale	Erection of 2 Dwellings Delegated	Helena Obremski	Questionnaire: 19/3/20 Statement: 30/4/20	Ongoing
New W/19/1858	Former Tamlea Building, Nelson Lane, Warwick.	Redevelopment for residential Purposes. Committee Decision in accordance with Officer Recommendation	Helena Obremski	Questionnaire: 29/5/20 Statement:	Ongoing

				26/6/20	
New W/19/2006	Unit 1, Moss Street, Leamington	Removal of Condition to allow for the Unrestricted Occupancy of 47 bed HMO. Committee Decision in accordance with Officer Recommendation	Helena Obremski	Questionnaire: 11/6/20 Statement: 9/7/20	Ongoing
New W/19/1253/LB	Waverley House, 70 Binswood Avenue, Leamington	Replacement Sash Windows Delegated	Jonathan Gentry	Questionnaire: 12/6/20 Statement: 10/7/20	Ongoing
New W/19/1769	Oldfield Farm, Old Warwick Road, Rowington.	One and Two Storey Extensions Delegated	Jonathan Gentry	Questionnaire: 12/6/20 Statement: 3/7/20	Ongoing
New W/19/1973	Wooton Grange Farm House, Warwick road, Kenilworth	Extensions and Alterations Delegated	Jonathan Gentry	Questionnaire: 23/4/20 Statement: 15/5/20	Ongoing
New W/19/0697 and 0698/LB	36 High Street, Kenilworth	Tree House, Pergola and Fencing Delegated	Rebecca Compton	Questionnaire: 11/3/20 Statement: 8/4/20	Ongoing
New W/19/1531	Land off Pitt Hill, Bubbenhall.	Prior notification of Change of Use of agricultural Building to 5 Dwellings.	Rebecca Compton	Questionnaire: 3/6/20	Ongoing

		Delegated		Statement: 1/7/20	
New W/19/2113/LB	3 Hatton Green, Hatton	New Roof over Conservatory Delegated	Zoe Herbert	Questionnaire: 12/6/20 Statement: 10/7/20	Ongoing

Enforcement Appeals

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

Act/063/19	19 Camberwell Terrace	Change of use to HMO- only Ground G period of compliance is being appealed (as there is a planning appeal W/19/1299 –see above)	RR	Start date 24/12/19 Statements due 04/02/19	Written representations	Appeal Dismissed and Enforcement Notice Upheld.
The appellant made the case that the period of compliance was too short. However, the Inspector considered that the 6 month period given was more than sufficient given the existing passage of time.						

Tree Appeals

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