

Application No: [W 17 / 2150](#)

Town/Parish Council: Kenilworth

Case Officer: Lucy Hammond

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Registration Date: 17/11/17

Expiry Date: 16/02/18

Land On The East Side Of, Warwick Road, Kenilworth

Outline application with all matters reserved except for access for the erection of up-to 125 dwellings together with vehicular/pedestrian access from Warwick Road; Green Infrastructure including a play area, other open space and landscaping; sustainable drainage; and other related infrastructure. FOR
Richborough Estates Limited

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 are recommended to GRANT planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to secure the necessary financial contributions/obligations in relation to affordable housing, highway improvements, sustainable travel packs, health care, education, libraries, sport and leisure and biodiversity offsetting.

Should a satisfactory Section 106 Agreement not have been completed by 22 May 2018, 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

Outline planning permission, with all matters reserved except for access, is sought for the erection of up to 125 dwellings. Approval is sought for the access as part of this application; one vehicle access is proposed off Warwick Road, towards the southern edge of the site, which would serve the whole development. An indicative layout plan has been submitted with the application although this could change at the reserved matters stage. It illustrates a potential layout including the green infrastructure, play areas, sustainable drainage and other open space for which outline permission is being sought.

In response to a number of objections received early on in the consultation period, the applicant has submitted amended plans which reduce the number of dwellings proposed at the site from 135 to 125. Part of the rationale behind the revisions relates to the proximity of the site to the Kenilworth Cricket Club and

the indicative areas of open space/play areas for children. To that end an addendum to the Design and Access Statement has also been submitted which considers the key issues that have been raised by consultees and neighbours/objectors, including, but not limited to, a response to the Kenilworth Cricket Club's objection, as well as the Conservation Advisory Forum's response and concerns raised by the Town Council.

Given the outline nature of the application, precise details as to the layout and appearance of the dwellings are unknown at this time. That said, the Design and Access Statement states that the overall appearance of the scheme would reflect the residential built character adjacent to the site and since this is quite varied, a series of urban design principles have been used to inform the future reserved matters application. These principles underpin the illustrative layout submitted with this application and incorporate features such as focal buildings, key frontages and spaces and street typology while maximising views and vistas both into and out of the site.

For the most part the dwellings would be two storeys although the illustrative layout suggests the use of some 2.5 storey buildings which would represent the feature buildings across the development, positioned in prominent positions and/or at key focal points throughout the internal layout. It is envisaged that a locally responsive palette of materials would be used including both red brick and white render with red and grey roof tiles.

The exact housing mix is not yet known however the proposals include a range of 1-bed through to 5-bed properties.

THE SITE AND ITS LOCATION

The application site is located to the south of Kenilworth, east of the Warwick Road and adjacent to the Kenilworth Cricket Club. The site measures 5.83ha in area and comprises agricultural land which is generally bounded by mature field boundary hedgerows and trees. The northern site boundary is bounded by the private gardens of the properties in Swift Close (accessed off Newey Drive). The Kenilworth Cricket Club lies adjacent to part of the western site boundary, enclosed to the south by a timber post and rail fence and to the east by hedgerows interspersed with some trees and gaps. The rest of the western site boundary is bounded by the Warwick Road. The railway line follows the eastern site boundary, the other side of which is Bullimore Wood. The southern boundary of the site is defined by an existing mature mixed tree and hedgerow line.

The site comprises allocated site H41 in the Local Plan and has been removed from the Green Belt following the adoption of the Warwick District Local Plan 2011-2029. There is a Grade II listed farmhouse opposite the site, approximately in line with the position of the proposed new access into the development off Warwick Road.

PLANNING HISTORY

There is no relevant planning history at the site.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029)
- DS15 - Comprehensive Development of Strategic Sites (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- LES - Low Emission Strategy Guidance for Developers (April 2014)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Objection for the following reasons:

- While the principle of development is accepted, objection is raised to the number of dwellings which is in excess of the figure in the Local Plan #
- A 35% increase is excessive
- The neighbouring Cricket Club requires larger buffer zones
- The children's play area is shown to be located in an area exposed to risk from cricket balls although it is appreciated this is a reserved matter
- The access appears to have been designed in isolation, without regard for access required for the Rugby Club and existing development across the road
- A roundabout would be preferable to slow traffic down
- A development of this size should have an emergency access
- A pedestrian/cycle access at the northern end of the site was necessary to prevent an unduly deviation to travel into the town centre, if a suitable route is available
- There is a need for a soft edge for this development to minimise the visual impact of the development in this edge of town centre location

Leek Wootton & Guy's Cliffe Parish Council (adjoining PC): Objection for the following reasons:

- The proposal for 135 houses is excessive and an over-development of the site
- There is concern about the access into this development which could become one of multiple accesses with future developments coming forward on the land to the south as well as the existing accesses to the west of the site
- A roundabout would be preferable

WCC Highways: No objections subject to conditions and request for financial contributions

WCC Archaeology: No objections

WCC Fire and Rescue: No objections subject to condition

WCC Landscape: No objections

WCC Ecology: No objections subject to conditions and request for S.106 obligations/contributions related to biodiversity offsetting

Natural England: No comments to make

Lead Local Flood Authority: No objections subject to conditions

Waste Management: No objections

Crime Prevention Officer: No objections

Housing Strategy and Development Officer: No objections

Health and Community Protection (Environmental Sustainability): No objections subject to conditions

South Warwickshire NHS Foundation Trust: No objections; request for financial contribution of £155,364.93

Sport England: Holding objection pending further comments from the ECB (England & Wales Cricket Board)

WDC Conservation: No objection raised; condition recommended for a site-wide design code

Conservation Advisory Forum (CAF): Raise the following comments:

- The Green Belt site serves to protect the setting of the historic town of Kenilworth and the setting of the Grade II listed farmhouse abutting the site
- The site also serves as a southern gateway to Kenilworth from Leek Wootton
- This proposes a 35% increase in the number of dwellings approved for the site in the Local Plan
- CAF would like to see a masterplan and design code that complements the historic town of Kenilworth and the setting of the listed farmhouse but there is currently no convincing design vision or rationale for the numbers proposed
- The proposed layout is a single large cul-de-sac with no connectivity to surrounding land or existing residential communities to the north
- It is not clear how the proposal relates to the identity of Kenilworth
- In summary the proposed 35% increase would intensify the harm caused to the wider setting of designated heritage assets and to the wider setting of the historic town of Kenilworth with no clear justification for the increase

Public Response:

32 letters received objecting on the following grounds:

- the number of houses proposed is excessive and above the number in the Local Plan
- a traffic roundabout should be created to improve traffic movements in and out of Kenilworth
- proposed housing would be too close to the cricket club and there is a danger of balls flying close to play area/housing
- concern about loss of privacy to neighbouring properties
- concern about impacts on ecology
- there will be a negative impact on the existing highway network and a danger to highway safety
- concern about the cumulative impacts of this, and other, developments that may come forward
- concern about drainage
- concern about the impact the development could have on the cricket club and its future ability to survive in this location with housing in such close proximity
- there should be appropriate mitigation for the cricket club in terms of boundary treatments
- there should be suitable links for pedestrians and cyclists

ASSESSMENT

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

- principle of development;
- impact on the character and appearance of the area;
- impact on the living conditions of neighbouring dwellings;
- provision of appropriate living environment for future occupants of the proposed development;
- impact on heritage assets;
- car parking and highway safety;
- housing mix;
- section 106 contributions;
- drainage and flood risk;
- ecological impact;
- health and wellbeing; and
- the number of dwellings proposed relative to the allocation.

Principle of development

The application site is one of the allocated sites (H41) set out in Policy DS11 of the Warwick District Local Plan 2011-2029. Site H41, identified on the Policies Map, relates to East of Warwick Road, Kenilworth with an estimated figure for the number of dwellings shown as 100.

The explanatory text to DS11 states that the sites were assessed against a number of criteria and an estimated figure for the number of dwellings for each site is identified. That explanatory text also sets out that at the detailed planning application stage that figure may vary.

The Local Plan Inspectors Report following the Examination in Public made specific reference to this site and the housing numbers on it. At paragraph 248 of his report, the Inspector states *"there are no fundamental constraints to development and detailed issues including the need to provide a buffer along the boundary with the railway line and to take account of the presence of the cricket ground could be satisfactorily addressed through specific proposals."*

With this in mind therefore, the Inspector goes on to say, at paragraph 249, that the Council's estimate of 100 dwellings on the site is "reasonable", however, it may be that a suitable detailed scheme could come forward with more dwellings. Policy DS11 (as modified) would allow for such flexibility.

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

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

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

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

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

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

The proposals seek outline permission for the construction of up to 125 dwellings, associated open space and green infrastructure. In accordance with the provisions of Policy DS11 and having regard to the fact this is one of the District's allocated sites for housing, officers consider that the site is capable of delivering a high quality scheme notwithstanding the proposed increase in numbers. This conclusion has been drawn having regard to the above and taking into account the comments of the Inspector in his final report.

Impact on the character and appearance of the area

Details of the layout are unknown at this time however, an indicative layout plan submitted with the application demonstrates that the site is capable of being developed for the number of houses proposed in an acceptable manner. The surrounding character is mixed; neighbouring development is arranged in cul-de-sacs and small clusters which are set back from the more regular and linear continuous frontage that contributes to Warwick Road's identity. The illustrative layout indicates assorted clusters of development within the site that reflects adjacent development patterns. This could be interspersed with areas of open space and landscaping around the site's perimeters and the indicative plans show

a circular network of footpaths around the edge of the development which seek to maximise the areas of open space for future occupiers.

It is considered appropriate to impose a condition on any forthcoming outline permission requiring the submission of a site-wide masterplan and design code which will ensure that the relevant design principles set out within the Garden Towns, Villages and Suburbs guidance are adhered to, for example, the provision of a tree-lined boulevard along the spine road, and the layout of the development is to a high standard which meets and preferably exceeds the requirements set out in the guidance.

Although indicative, the dwellings will generally be 2 storeys high, with some 2.5 storey buildings used to provide focal points throughout the development. Based on the illustrative layout and the number of dwellings proposed the density would be approximately 21.4 dwellings per hectare which is considered to be lower than average thus contributing to the overall sense of spaciousness across the development.

Overall, officers consider that subject to conditions on the outline and the subsequent reserved matters stage, that the proposals will bring forward a high quality scheme which is acceptable in respect of the character and appearance of the area and as such would comply with Policy BE1 of the Local Plan.

Impact on the living conditions of neighbouring dwellings

Due to the site's location to the southern edge of Kenilworth and its relationship with the existing built development, the closest neighbours to the proposals are the properties in Swift Close which would share both side to back and front to back relationships. The illustrative layout plan shows that distance separation between these particular properties exceeds the guidance and there is sufficient space within the site to revise the positions of properties in the final reserved matters stage (should this be necessary) to ensure this remains the case. Elsewhere within the site, the proposals, in relation to existing built development, together with existing boundary treatments consisting of landscaping, are not considered to result in any material impacts on the amenity of existing residential properties in terms of overshadowing, overlooking or overbearing impacts.

In terms of noise and disturbance, and with regard to the impacts of the development on existing neighbours, there has been no objection from the Council's Environmental Health Officer. Therefore it has been concluded that the proposals would not cause unacceptable noise and disturbance for neighbouring dwellings.

For the above reasons it has been concluded that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings and accordingly the development complies with Policy BE3 of the Local Plan.

Provision of appropriate living environment for future occupiers of the proposed development

Within the development, the illustrative layout of the proposed dwellings demonstrates that the Council's Distance Separation Guidelines can be achieved, and in many cases, exceeded. Where properties share a front to front relationship, consideration has been given to the fact that such dwellings would be positioned on opposite sides of a road or pedestrian route running through the development and accordingly regard is had to the more 'public' frontage these properties would have, from which views, certainly into ground floor windows, would be facilitated by pedestrians, cyclists and other passers-by. Overall, having regard to the relevant guidance, the proposals are compliant and the development is acceptable in this regard.

In terms of other benefits of the scheme, the illustrative layout shows areas of open space placed across the development. Recognising that this is indicative only and that the reserved matters layout could change, the plan demonstrates that there is sufficient space within the site to accommodate the proposed number of dwellings as well as appropriate landscaping and sufficient areas of amenity land and open space which would be for the benefit and enjoyment of future occupiers. Overall, officers consider this would provide an attractive environment for people to live.

Concerns raised in respect of this development relate to the proximity of the development to the Cricket Club to the west and the prospect of cricket balls being hit towards the application site.

Officers are satisfied that at this outline stage, the advice that has been received demonstrates that the site can be developed in a manner incorporating appropriate mitigation measures to ensure that any such risk is minimised to an appropriate level and a condition is proposed to control this.

A noise assessment for the whole site was submitted with the application which has been reviewed and agreed by the Environmental Health officer (EHO) who is in agreement with the supporting information and has raised no objection subject to the imposition of a standard condition requiring a noise mitigation scheme to be submitted for approval.

Overall, having regard to the above, the development is considered to provide appropriate living environments for future occupants, which is further enhanced by the extent of the public open spaces proposed as part of the development.

Impact on heritage assets

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect listed buildings and conservation areas respectively. These duties affect the weight to be given to the factors involved.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard

to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

The comments from CAF are acknowledged however since the application is made in outline, officers are satisfied that appropriate conditions can be imposed requiring the submission of a Masterplan and Design Code for the site which will ensure that the subsequent reserved matters application(s) not only reflect the relevant design guidance but also recognise and accordingly respect the presence of the Grade II listed farmhouse on the opposite side of Warwick Road where the access is proposed into the new development.

Officers are satisfied that the proposals are unlikely to have any impact on the setting of this heritage asset, however, if this were not the case, officer conclude that any level of harm would amount to less than substantial. Weighed against this degree of harm is the fact not only that this is an allocated site in the Local Plan which would deliver additional housing, but other benefits such as the provision of open space which would form an integral part of the layout and define the character of the development.

Car parking and highway safety

At the request of the County Highways Authority and following local concerns being raised that suggested the access had been considered in isolation, additional information has been submitted which includes a Transport Assessment Addendum that considers the options for access into this site. The assessment concludes that a single access point to serve this and other future development to the south is not feasible given the constraints of the area and the type of junction needed. The Highway Authority agrees with this conclusion and the direct access from the Warwick Road which complies fully with the relevant design standards can be achieved. The Highway Authority is therefore satisfied that this sufficiently demonstrates that the proposed access to the site is the most suitable.

Concerns have been raised about the level of housing proposed; that it is in excess of the number estimated in the Local Plan, and that the local highway network may not be suitable to cater for the development related traffic. In response to this, the Highways Authority has confirmed that it has considered these proposals within the wider context of other developments that are coming forward. In addition to this, and prior to the formal submission of this application, transport modelling work has been conducted by the Infrastructure Delivery Team which recognises that with the mitigation identified in the Infrastructure Delivery Plan, the highway network is capable of accommodating the development related traffic, despite the increased number of dwellings. The Highways Authority is seeking contributions to help deliver these schemes which will be secured by S.106 obligations.

Given the application is made in outline the precise number of parking spaces is unknown because the layout is indicative only. At the point at which the detailed layout is determined any proposals would be expected to comply with the adopted parking standards.

In view of the scale of the proposed development (i.e. less than 150 dwellings) there is no requirement for the provision of an emergency access into the development. The Highways Authority has raised no objection in that respect and this matter will be considered further at the reserved matters stage.

Overall, the site is capable of being developed for the proposed number of dwellings and the access, for which approval is sought at this stage, is considered to be suitable for the scale of development and would not lead to any harm to highway safety. There are no objections from the Highways Authority subject to conditions and S.106 obligations/contributions and the development is considered to comply with Policies TR1 to TR3.

Housing mix

Given the outline nature of this application, the exact market housing mix is not yet known although it is stated that there will be a range of 1-bed through to 5-bed dwellings which would reflect the housing mix guidance and the provisions of Policy H4.

Likewise with the affordable housing mix which has yet to be determined, this will be reviewed in detail by the Housing Strategy and Development Officer who has already considered the outline application and the supporting information submitted in this regard and confirmed there is no objection to the proposals on the basis that there is a commitment to providing the required 40% affordable units on the site. The proposals are therefore considered to be acceptable in accordance with Policy H2.

Section 106 contributions

The applicant has agreed to enter into a section 106 agreement to secure the following:

- provision of 40% of the total units proposed as affordable housing;
- the appropriate provision of allotments to serve the development;
- a contribution of £450,000 towards strategic highway infrastructure and measures towards improving walking and cycling within the Kenilworth area;
- a contribution of £250,000 towards the cost of diverting bus services to serve the proposed new development and enhancing the service timetable over a 5 year period;
- a contribution of £9,375 towards sustainability packs ;
- a contribution of £1,024,538 towards education (early years/pre-school/primary/secondary)
- a contribution of £187,762.32 towards biodiversity offsetting;
- a contribution of £8,907 towards outdoor artificial grass pitches;
- a contribution of £104,077 towards indoor sports facilities;
- a contribution of £2,736 towards libraries;
- a contribution of £155,364.93 towards acute and community healthcare (hospitals) [this amount is to be amended following the reduction in numbers from 135 to 125; this will be reported via the committee updates];

- S.106 monitoring fee of £30,000 or 1% of the total contributions (whichever is the lesser)

The proposed financial contributions are in accordance with the requests from the various consultees in relation to the relevant services. It is considered that these contributions will ensure that all relevant services and infrastructure can be provided to serve the level of development proposed at the site in an appropriate manner.

Drainage and flood risk

Although the site is in Flood Zone 1, a Flood Risk Assessment has been submitted with the application. The Lead Local Flood Authority has confirmed there is no objection to the development subject to a condition requiring a detailed drainage strategy to deal with surface water. The development is therefore considered to be acceptable in this regard.

Ecological impacts

A number of supporting documents have been submitted with the application in respect of protected species and other ecological features. The County Ecologist has confirmed there is no objection to the development subject to a number of conditions which require necessary mitigation as well as a financial contribution towards biodiversity offsetting. Subject to such conditions and financial contributions being secured, officers are satisfied the development would not be detrimental to any protected species or features of ecological importance and is therefore acceptable in this regard.

Health and wellbeing

The proposals would provide housing to meet the housing needs of the district, including an element of affordable housing for people in housing need. This is a benefit that contributes to health and well-being. Additionally, the illustrative layout demonstrates that there is sufficient space within the site to provide a appropriate amount of open space which is a positive benefit that would add to the effective layout of the scheme and provide an enhanced environment in which to live for future occupiers.

The number of dwellings proposed relative to the allocation

This application proposes up to 125 dwellings; a 25% increase over the estimated number for the allocation in the Local Plan. It is acknowledged that the application originally proposed a 35% increase over the allocation but has been amended and reduced accordingly, in response to some of the objections received from local residents.

No objections have been received from the key infrastructure providers in this respect and in light of the responses received from the Highways Authority, Education and Healthcare services, all of whom have requested financial contributions, officers are satisfied that the level of development can be

comfortably accommodated within the site and an appropriate level of infrastructure provided in an acceptable manner.

The layout, albeit indicative, positively demonstrates that even with the additional numbers, a high quality development within a landscaped setting can be achieved that would provide desirable living environments in which future occupiers will live.

Other benefits are capable of accruing as a result of the increased number of dwellings proposed relative to those estimated at the time of the allocation. Within the context of the Government objective to significantly boost housing supply, the provision of addition dwellings in a sustainable manner within a high quality development is considered to be a positive outcome which as set out above increases opportunities for the provision of affordable housing and a wider tenure mix in a manner which may not otherwise be the case and in accordance with the relevant policies to suit the housing requirements of a variety of people. The overall housing mix has been confirmed to provide between 1 bed and 5 bed properties which reflects the policy requirements of Policy H4 and is applicable to Kenilworth town as well as responding to the wider District's needs.

Other matters

Open Space

Notwithstanding the outline nature of the application the indicative layout illustrates where within the site the areas of open space and children's' play areas might be located. In considering the proximity of the cricket club to the application site the Open Space team has considered where might be preferable to locate children's' play equipment in order to appropriately minimise any risks associated with cricket balls. To that end, officers consider that there are locations within the site sufficiently distant from the cricket club so as not to result in material harm to the safety of children and other users of the amenity open spaces.

In terms of the mitigation required to minimise any risks associated with cricket balls there have been ongoing discussions between the applicant, the Cricket Club, Sport England, the England Cricket Board and the Open Space team. Whilst those discussions are ongoing, officers consider it is appropriate to attach a pre-commencement condition to any forthcoming outline permission that would require the submission of a suitable scheme for the provision of appropriate mitigation measures to be implemented that minimises any such risks. Pursuant to this any future reserved matters submissions in which the final layout and landscaping is determined would need to reflect the approved mitigation and since both these issues are reserved for subsequent approval, they are subject to change from the illustrative layout submitted with this application in any case.

It is noted that no allotments are proposed to be provided on site, instead, the applicant has offered to pay a financial contribution. The Open Space team however has advised that in Kenilworth there is an evidenced need for the provision of allotments on site rather than contributions and a development of this scale would normally be expected to provide an allotment on site. That said,

officers consider that the S.106 can be worded in such a way as to identify an appropriate solution in that respect.

Overall, there is no objection from the Open Space team to any aspects of the proposals and any matters raised can be satisfactorily addressed either through conditions or appropriate S.106 contributions/obligations.

CIL

The proposals are CIL liable and the amount to be paid will be calculated following the determination of the application.

SUMMARY/CONCLUSION

The development of this allocated site (H41) for the construction of 125 dwellings together with the necessary infrastructure and associated works, including the provision of open spaces and SUD's is considered to be acceptable in principle in accordance with Local Plan Policy DS11.

Notwithstanding the outline nature of the application officers are satisfied that the proposals would be able to facilitate appropriate levels of amenity for neighbouring dwellings whilst also providing positive and suitable living conditions for future occupants. The proposals would have a positive impact on the character and appearance of the area and are considered to be acceptable in terms of car parking and highway safety. Furthermore the proposals are considered to be acceptable in ecological terms subject to conditions and S.106 contributions thus ensuring that any possible impacts of the development are adequately mitigated.

Overall therefore, officers are satisfied, based on the illustrative layouts submitted and the parameters plans, that the site is capable of being developed for this number of dwellings without causing material harm to neighbouring amenity or the general character of the surrounding area.

Matters related to the provision of open space, children's play areas and the mitigation measures surrounding the Cricket Club and its eastern boundary can be suitably dealt with through conditions and the Section 106 and moreover the reserved matters application will be the point at which the final layout and landscaping proposals are determined which can be designed appropriately to reflect the particular requirements in these respects.

Overall, the development is considered to accord with all relevant provisions of the Development Plan and for these reasons, it is therefore recommended that planning permission be granted.

CONDITIONS

- 1 Details of the appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (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 full accordance with these reserved matters as approved.

REASON: To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

- 2 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 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 No part of the development hereby permitted shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved FRA, *Land off Warwick Road, Kenilworth_M-EC_21088/11-17/5100_November 2017* and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
 - 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 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 8.41l/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 to show a section 106 agreement from Severn Trent Water to connect to the existing surface water network.
 - Provide a maintenance plan to the LPA giving details on how the

entire surface water systems shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA.

REASON: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

- 5 No part of the development hereby permitted shall commence unless and until a suitable scheme for the provision of appropriate mitigation measures to be implemented that minimise any risks associated with the proximity of the cricket club to the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details. **REASON:** In the interests of visual amenity and to safeguard the amenity of future occupiers in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 6 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating how and when mixed open space facilities will be incorporated into the development, to include informal open space, appropriate children's play facilities, outdoor sport facilities and allotment gardens. The scheme shall be implemented in strict accordance with the approved details and shall be retained thereafter. **REASON:** To ensure appropriate open space and recreational facilities are provided to serve the development in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029.
- 7 No reserved matters application for any phase of the development shall be submitted until there has been submitted to and approved in writing by the Local Planning Authority a Site Wide Masterplan for the approved development, which shall substantially be in accordance with the approved plans and documents listed above in condition 4 and the principles set out within the Council's approved document 'Garden Towns, Villages and Suburb: A Prospectus for Warwick District Council, May 2012' (and any subsequent revision and/or approved plans/strategy available at the time), and which shall also accord with the principles set out in the approved Site Wide Design Code. The Site Wide Master Plan shall include the following:
 - Illustrative details of how the proposed layout of development has been designed with due regard to the surrounding urban and rural context
 - Land form topography as existing and proposed
 - Land use plan and character areas (including densities and building heights)
 - Movement corridors within the site (including principal roads, public transport corridors, footpaths, cycleways and green

corridors) and demonstrating how these relate to existing movement networks in the wider area

- Location of any areas for off-street car parking areas and courts
- Key infrastructure (including SUDs, significant utility provision, schools, district/local centres)
- Landscape corridors and open space network
- Public open space
- Housing mix including tenure and size of dwelling
- Location of affordable housing
- Street tree planting and other structural planting landscape areas
- Hard and soft landscaping treatments
- Street lighting arrangements and any other lighting to public space
- A phasing plan including triggers for delivery of key elements of supporting infrastructure
- A statement establishing how the development proposals accord with the principles set out in the Site Wide Design Code.

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

- 8 No reserved matters application for any phase of the development shall be submitted until there has been submitted to and approved in writing by the Local Planning Authority a Site Wide Design Code for the approved development. This Design Code shall be in accordance with the principles and parameters as set out within the DAS, the plans and documents listed in condition 4 above and "Garden Towns, Villages and Suburbs: A Prospectus for Warwick District Council, May 2012" (and any subsequent revision and/or approved plans/strategy available at the time). The Design Code shall include the following matters:

- hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas)
- Development blocks including built form and massing and relationship with adjoining development areas/blocks including areas of transition between development parcels (including the relationship between built form and adjoining open space);
- Building types
- Building heights
- The means to accommodate the parking of vehicles and cycles
- Sustainable Urban Drainage features
- Key spaces, open spaces and green features
- Architectural language and detailing
- Design principles for street tree planting and other structural planting landscaping areas
- Design principles on hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals

for their long term management

- Design principles on waste disposal and recycling
- Design principles on the colour and texture of external materials and facing finishes for roofing and walls of buildings and structures
- Design principles for street lighting and any other lighting to public space (including parking areas)
- The principles shall include a regulating plan on an ordnance survey base at a scale no greater than 1:1250
- A mechanism for periodic review and refinement if necessary of the approved Design Code

The Design Code shall then be used to inform the subsequent reserved matters applications.

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

9 No part of the development hereby permitted shall commence until: -

1. (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.
This should be approved in writing by the planning authority prior to the remediation being carried out on the site.
2. All development of the site shall accord with the approved method statement.

3. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be deal with.
4. Upon completion of the remediation detailed in the method statement a report shall be submitted to the 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.

- 10 The development hereby permitted shall not commence until 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 shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:**
- 11 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for:
 - 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 contractors 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:
 - o 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.
 - o Delivery vehicles should not be allowed to arrive on site before 8 am or after 4.30 pm Mon – Fri, 8 am - 1 pm Sat and not on Sundays or Bank Holidays.

REASON: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR3 and NE5 of the Warwick District Local Plan 2011-2029.

- 12 The development hereby permitted shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, 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. 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) and Policy NE2 of the Warwick District Local Plan 2011-2029.
- 13 The development hereby permitted (including demolition) shall not commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists– Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.
- 14 No part of the development hereby permitted shall commence unless and until an updated reptile survey has been carried out at the appropriate time of year and during appropriate weather conditions, by

a suitably qualified ecologist. Appropriate mitigation measures as recommended following results of the survey to be agreed between the applicant and the District Council (with advice from WCC Ecological Services), and incorporated into the development design. **REASON:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

- 15 No part of the development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland, woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure a net biodiversity gain in accordance with NPPF and Policies NE3 and NE4 of the Warwick District Local Plan.
- 16 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District 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 ground levels be altered or any excavation take place without the prior consent in writing of the District 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 Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.
- 17 The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the District Planning Authority expects lighting to be restricted across ponds and semi-improved grassland and trees/hedgerows and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:
- Lighting should be directed away from vegetated areas
 - Lighting should be shielded to avoid spillage onto vegetated areas

- The brightness of lights should be as low as legally possible
- Lighting should be timed to provide some dark periods
- Connections to areas important for foraging should contain unlit stretches

REASON: In accordance with NPPF and Policies BE1 and NE2 of the Warwick District Local Plan 2011-2029.

- 18 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority".

REASON: In the interests of Public Safety from fire, and the protection of Emergency Fire Fighters.

- 19 The development shall not be occupied until the public highway on Warwick Road has been improved so as to provide for Bus Stop infrastructure in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 20 The Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site. Prior to the commencement of the development, the details of these measures (including type, method of operation and control of use) shall be submitted in writing to the Local Planning Authority for their approval in consultation with the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
