

**Planning Committee:** 30 January 2018

**Item Number: 11**

**Application No:** [W 17 / 2086](#)

**Town/Parish Council:** Burton Green  
**Case Officer:** Lucy Hammond  
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**Registration Date:** 20/12/17  
**Expiry Date:** 21/03/18

**Land on the corner of Red Lane and Hob Lane, Burton Green, Kenilworth**  
Proposed erection of 90 dwellings and the provision of vehicular and pedestrian access plus all other associated infrastructure and enabling works including village green, playing field and drop off/pick up point for the adjoining primary school. FOR CALA Homes (Midlands) Ltd

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This application is being presented to Committee due to the number of objections and an objection from the Parish 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 highways infrastructure, open space, improvements to public rights of way and affordable housing.

Should a satisfactory Section 106 Agreement not have been completed by 21 March 2018, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal make inadequate provision in respect of the issues the subject of that agreement.

### **DETAILS OF THE DEVELOPMENT**

This is a detailed planning application which seeks permission, in accordance with one of the District's allocated sites for housing development, for the erection of 90 dwellings on allocated site H24 as illustrated on the Local Plan Policies Map. The proposals include new vehicle and pedestrian accesses off both Hob Lane and Red Lane and permission is also sought for the associated landscaping, earthworks to facilitate surface water drainage and all other ancillary infrastructure and enabling works. The proposals include the provision of a village green, playing field and pick up/drop off area for the adjoining school.

Prior to submitting this application the developers have engaged in multiple public consultation exercises with the Parish Council and with the local community the outcome of which has helped inform the proposals as they are currently submitted. One of the key benefits of the scheme to come out of this

public engagement is the provision of a playing field which was seen as a community asset and generally desired by the community.

The submitted Planning and Design and Access Statements state that the proposals have been designed very much with the existing landscape constraints in mind and retains existing hedgerows and trees where possible. Each dwelling would have access to private amenity space but the layout also makes provision for a village green, playing field and a drop off/pick up point to serve the adjacent primary school. The layout also includes an attenuation pond towards the northern edge of the site which incorporates part of the sustainable urban drainage (SUD's) solution.

Access to the site is to be taken off the existing point from Red Lane and via an additional (new) access point off Hob Lane. The layout deliberately prevents a vehicular route through the site but does make provision for pedestrian movement through the site from one access to the other.

A number of different house types are proposed, in accordance with the Council's housing mix guidance, and ranging in size from maisonettes up to 5-bed dwellings. The proposed market housing mix is set out in the table below:

<b>Dwelling Type</b>	<b>Total no. proposed</b>
2 bedroom	14
3 bedroom	25
4 bedroom	11
5 bedroom	4

In design terms, the proposals aim to reflect the traditional 'Warwickshire' architectural style with facades predominantly being high quality brickwork to add aesthetic value. In addition, the use of brick detailing to incorporate arched heads, stone cills, cottage style windows, open rafter eaves details and pitched door canopies is proposed to create a traditional vernacular appropriate to the rural location.

**THE SITE AND ITS LOCATION**

The application site forms allocated site H24 as set out in Policy DS11 of the Local Plan 2011-2029 and as illustrated on the Policies Map. It is therefore allocated for housing development and associated infrastructure and uses, with an estimated figure for the number of dwellings stated as 90.

The site is irregular in shape and covers a site area of approximately 3.8 hectares. It is bounded to the west by Hob Lane and to the north by Red Lane. The eastern and southern boundaries are bounded by farms. The site, used as a horticultural and arboricultural nursery, is relatively flat, has a central car parking area which is covered in hardstanding and contains an area of

polytunnels as well as an open area of horticultural matting. There are some brick built buildings including a house and sheds/storage building.

Long Meadow Farm, a Grade II listed building, lies approximately 65m from the southern boundary of the site (measured between the nearest points). This is well screened by trees on an embankment. The site is well contained by mature trees within the site's boundaries (to be retained) or by trees/hedgerows outside of the site. For clarity, the red line has been revised through the course of the application (and re-consulted on accordingly) due to a strip of land to the north west corner of the site moving out of the ownership of the applicants and into HS2's ownership. This strip is now illustrated by a blue line on the revised site plan.

The site is wholly in Flood Zone 1 and is of limited ecological value.

### **PLANNING HISTORY**

This application follows extensive public consultation exercises undertaken by the developer with the Parish Council and members of the community and is a revised application following the withdrawal of an earlier scheme (W/17/1247) which was for 83 dwellings. The key change in this current application relates to the housing mix; dwelling types and sizes have been amended to better reflect the content of the most recent SHMA and to therefore accord with Policy H4.

There is no other recent or relevant planning history associated with this 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)
- 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)
- H10 - Bringing forward Allocated Sites in the Growth Villages (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)
- CC1 - Planning for Climate Change Adaptation (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)
- LES - Low Emission Strategy Guidance for Developers (April 2014)

#### **SUMMARY OF REPRESENTATIONS**

**Burton Green Parish Council:** Objection for the following reasons:

- The first submission for 83 houses was generally acceptable and the developer's public consultations were done on this basis
- The size of the playing field has been reduced with plots 60, 61, 73 and 74 now on land that was previously identified as part of the playing field
- The Parish Council asked for some changes which are not shown on the plan (including tractor access for maintenance and the area to be fenced not hedged)
- 2 designated parking spaces should be available for every dwelling
- The maisonettes and plot 55 are short of parking
- The maisonettes have no provision for cycle or bin storage

**WCC Highways:** No objection subject to conditions and S.106 contributions/obligations relating to strategic highway infrastructure and measures to improve walking and cycling.

**Highways England:** No objection

**WCC Landscape:** No objection

**WCC Ecology:** No objections subject to conditions

**Natural England:** No objection

**Open Space team:** No objection subject to S.106 contributions/obligations

**Housing Officer:** No objection

**Lead Local Flood Authority:** No objection subject to conditions

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

**WCC Fire and Rescue:** No objection subject to condition

**WCC Archaeology:** No objection subject to condition

**WCC Public Rights of Way:** No objection subject to S.106 contribution

**HS2:** No objection

**Warwickshire Police:** No objection

**Coal Authority:** No objection

**Public Response:** 16 letter of objection received (from 10 individuals) raising the following comments:

- There is no need for additional homes here
- Concern about impact on ecology
- Concern about additional traffic and congestion
- The revised scheme for 90 dwellings results in the loss of some 5-bed dwellings and the addition of maisonettes which is not in keeping with the character of Burton Green
- The playing field is a community asset and it has been reduced in size from the earlier submission
- Concern about impacts on existing infrastructure
- The scheme does not consider the cumulative impacts of this and other developments on infrastructure
- Change to the housing mix is not what was originally consulted on by the developers
- Concern about cumulative impacts on highway safety
- Concern about impacts on and potential conflicts with proposed HS2 works
- Concern about damage to existing hedgerows
- Insufficient parking
- Affordable housing should be better dispersed throughout the development
- Concern about landscape and visual impacts
- This harms the openness of a large area of land that until recently was in the Green Belt

## **ASSESSMENT**

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

- the 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;
- car parking and highway safety;
- impact on the setting of heritage assets;
- housing mix
- section 106 contributions;
- drainage and flood risk;
- ecological impact;
- archaeological impact; and
- health and wellbeing.

### **The principle of development**

The application site is one of the allocated sites (H24) set out in Policy DS11 of the Warwick District Local Plan 2011-2029. Site H24, identified on the Policies Map, relates to Burton Green – Burrow Hill in one of the Growth Villages with an estimated figure for the number of dwellings shown as 90. The policy states within the explanatory text (at 2.52) that the allocation at Burton Green will also make provision for facilities to serve the wider needs of the village (for example a village green and parking). It is noted that the development seeks to provide both.

The proposals seek permission for the construction of 90 dwellings together with the relevant associated infrastructure, as well as providing a village green, playing field and school drop off/pick up area for the adjacent school. In accordance with the provisions of Policies DS11 and H10 and having regard to the fact this is one of the District's allocated sites for housing development, the proposals are considered acceptable in principle subject to an assessment being made of the other relevant considerations which are set out below.

### **Impact on the character and appearance of the area**

Since this is a full planning application, comprehensive details are known at this stage in respect of the layout and visual appearance of the proposed dwellings. The layout has been configured so that each respective access point off Red Lane and Hob Lane provides vehicle access into the development but not such that it would create a through route and potentially a 'rat run' through the scheme. Pedestrian links are however facilitated through the entire development creating a sense of permeability and connectivity. With two distinct estate roads internally within the development there are clusters of residential development, each of which generally provides a good mix of dwelling types, sizes and tenures.

Predominantly the dwellings would be 2 storey in height to reflect the local context. A choice of more bespoke 2.5 storey properties would be 'pepper potted' at key locations within the scheme to frame views, terminate vistas and create interesting street scenes. Key focal points such as plots 48-49, 77-78 and 84-85 are highlighted using 2.5 storey dwellings which adds interest to the visual amenity and enhances legibility around the development. Dual aspect houses have been used to address corner positions, with active frontages onto all public areas to create visual interest and increase passive surveillance.

With regard to visual appearance the proposals aim to reflect the traditional 'Warwickshire' architectural style and take inspiration from more attractive buildings in and around the local area. Facades would be predominantly high quality brickwork to add aesthetic value and signify key locations. These materials would be complimented with brick detailing to arched heads, stone cills, all bar cottage style windows, open rafter eaves details and pitched door canopies to create a traditional vernacular appropriate to its rural location.

A mix of hard landscaping is proposed through the development, with changes in surfacing mixed with soft landscaping around the perimeter of the site as well as internally across the site.

All of these features are considered in keeping with the established pattern of development in the area and accordingly, it has been concluded that the proposals would have an acceptable impact on 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 position in relation to existing built development, together with existing boundary treatments consisting of landscaping, the proposed dwellings would not have 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.

Some concern has been raised locally about construction noise and construction traffic. Both Environmental Health and the Highway Authority have recommended a condition to require the submission of a Construction Management Plan. This would ensure that adequate controls are put in place to address these issues.

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 occupants of the proposed development**

Within the development, the layout of the proposed dwellings achieves the Council's Distance Separation Guidelines where dwellings share a back to back or back to side relationship and in many instances are exceeded. In respect of front to front relationships 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 proposed village green, playing field and the amount of open space and landscaping in general would provide an attractive environment for people to live along with the amenity benefits provided by such facilities.

A noise assessment for the whole site but with particular reference paid to the northern corner where proposed dwellings would be close to Red Lane and Hob Lane, was submitted with the application and this identifies the need for some mitigation from road traffic noise to be provided. The Environmental Health officer (EHO), is in agreement with the noise assessment 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 inclusion of the public open spaces, including village green and playing field.

### **Car parking and highway safety**

The development proposals include two vehicle access points; one off Red Lane (in its existing position) and a new one off Hob Lane. Both access points together with the internal layout, comply with the requirements of the Highway Authority and would provide a safe form of access into the new development.

These proposals follow extensive pre-application discussion that was undertaken between the developers and the County Highways Authority and the application has been accompanied by a Transport Assessment (TA) which includes localised transport modelling. There is mitigation identified in the Infrastructure Delivery Plan and this scheme, together with others, would contribute towards the delivery of such works. The development is therefore considered to be acceptable in this regard.

Concern has been raised by objectors over the impact of development related traffic on the surrounding Highway Network. However, as the TA and the Highway Authority have both confirmed, there is identified mitigation which would contribute to wider improvement works. An appropriate financial contribution would therefore need to be secured via a Section 106 Agreement in this regard.

In terms of car parking, the proposed development would provide the requisite number of spaces for each dwelling based on size (number of bedrooms). There is in fact a slight over-provision in the number of spaces marked out on the site layout plan, by approximately ten spaces and in response to one of the Parish Council's concerns about the maisonettes not having sufficient parking, the latest revision to the proposed layout illustrates a further 4no. parking spaces for the



maisonettes. Given the concerns that have been raised locally in respect of the amount of parking provision, it is considered appropriate to allow for a parking provision in excess of the standards in this case.

Overall, there is no objection to the proposals from the County Highways Authority, subject to the imposition of suitable conditions relating to the provision of accesses and estate roads within the development, as well as the inclusion of financial contributions to be secured via the Section 106 Agreement. It is therefore considered that the development would result in no detriment to highway safety and accordingly the development complies with Policies TR1 to TR3 (inclusive) of the Local Plan.

### **Impact on the setting of 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 application was submitted with a Heritage Statement that presents a heritage assessment and statement of significance in respect of non-designated heritage assets and one designated heritage asset (Grade II listed Long Meadow Farm, approximately 70m to the south of the site). The statement concludes overall that the proposed development of the site would have no direct impact on the fabric of any designated or non-designated heritage assets but there would be some impact on the setting of Long Meadow Farm by virtue of built development being constructed in a part of the site which is currently open.

In considering the layout of the site, its proximity to the listed building, the extent of its curtilage and the intervening features that separate the development from the listed building (e.g. a heavily landscaped area, access drive and a courtyard of barns to the north of the listed building) any impact is considered to be less than substantial and capable of appropriate mitigation.

Consideration is given to the fact that this is an allocated site where the principle of development is therefore already accepted. Nevertheless, any harm to heritage assets must be weighed against the public benefits of the proposal which in this instance, comprise more than simply the delivery of housing. Through early engagement at a local level the applicant has sought to include a number of features requested by the Parish Council/local residents such as a village green, playing field, pick up/drop off area for the adjacent school and additional parking for the proposed dwellings. All of these, when considered cumulatively as part of the wider scheme to deliver the anticipated housing on

this allocated site along with the mitigation to be provided through the appropriate landscaping of the site, are considered sufficient to outweigh the less than substantial harm to the setting of Long Meadow Farm.

Overall, the scheme is therefore considered acceptable in this regard and accords with Policy HE1 of the Local Plan.

### **Housing Mix**

The market housing mix has been revised subsequent to an earlier submission of this scheme and now reflects the housing mix guidance and the provisions of Policy H4.

The affordable housing mix has been amended in accordance with the comments and advice of the Housing Strategy and Development Officer and is 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 36no. units of affordable housing (40% of the total units proposed);
- a contribution of £324,000 towards strategic highway infrastructure and measures to improve walking and cycling on routes into Kenilworth;
- a contribution of £6,750 towards sustainability packs;
- a contribution of £4,893 towards improvements to public rights of way within a 1.5 mile radius of the development site;
- a contribution towards public open space (final figure to be confirmed and reported via the update sheet to committee);
- a contribution towards outdoor sports facilities (final figure to be confirmed and reported via the update sheet to committee);
- a contribution towards indoor sports facilities (final figure to be confirmed and reported via the update sheet to committee);

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 appropriately mitigate the impact of the development on these services.

### **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 conditions requiring a detailed drainage strategy to deal with surface water as well as a condition survey of the culvert at the proposed outfall. Subject to these conditions there is no objection from a drainage and flood risk point of view and the development is therefore considered to be acceptable in this regard.

## **Ecological impact**

An Ecological Appraisal including Biodiversity Impact Assessment (BIA) calculation has been submitted with the application. The County Ecologist has considered this information, accepted the findings and advised that the proposals would result in a biodiversity gain. It is also worth noting that the location of the proposed playing field also acts as a further landscaping buffer to the 5m wide ecological zone created along the south west boundary.

## **Archaeological impact**

A desk-based assessment to consider the archaeological potential of the site has been carried out to support the application. There is no objection to the development subject to the imposition of a condition requiring further works to be undertaken prior to the commencement of any development on site. Subject to such a condition it is therefore considered the development would be acceptable in this regard.

## **Health and Well-being**

The proposals would provide housing to meet the housing needs of the district, including an element of affordable housing for people in housing need. This is a benefit that contributes to health and well-being. Additionally, the proposed village green and playing field within the development are positive benefits that would add to the effective layout of the scheme and provide an enhanced environment in which to live for future occupiers.

## **Other Matters**

With regard to contamination, a desk study and site investigation report was submitted with the application. Environmental Health have no objection to the principle of development, but have recommended a condition to require a further site investigation and details of remediation measures to be submitted for approval. Subject to this condition, the proposals are considered to be acceptable from a contamination point of view.

In respect of air pollution, Environmental Health have recommended a condition to require the submission of a Low Emission Strategy. It is considered that this would satisfactorily mitigate the impact of the proposals in relation to air quality.

The Parish Council has raised a concern in respect of bin and cycle storage for the maisonettes, as well as requesting tractor access is facilitated for maintenance. The latest revision to the layout plan illustrates the additional provision of bin and cycle storage for the maisonettes together with illustrating how tractor access is achievable through the visitor car park.

The Parish Council has raised a concern in respect of the playing field and the reduction in its length. This is intended to be used by Burton Green C of E Primary School and also the wider community. There is no minimum size

standard for the playing field and the slight reduction in its length is not anticipated to present a problem for the end users.

Objectors have raised concerns about the proposed housing mix especially in light of the change made to the mix since the earlier submission which proposed slightly less (83) units with a higher proportion of larger dwellings (more 4 and 5 bed properties). However, the proposals have been revised to more accurately reflect the SHMA and are considered by officers to be in accordance with Policy H4.

With respect to the site's proximity to HS2 safeguarded land and the fact that the site plan's red line has been revised during the course of this application to reflect a strip of land on the north west side of the site now in the ownership of HS2, there are no objections to the development from HS2 who have confirmed their intention to construct a bridleway/pedestrian diversion on the part of the development site edged blue but with no other development proposed on the land in question there are no further comments to make on the development from HS2.

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 (H24) for the construction of 90 dwellings together with the necessary infrastructure and associated works, including the provision of open spaces, playing field/village green and a school pick up and drop off area is considered to be acceptable in principle in accordance with Local Plan Policy DS11.

The proposals would ensure 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 would not materially harm the setting of a nearby heritage asset. Additionally, the proposals are considered to be acceptable in terms of car parking and highway safety. Furthermore the proposals are considered to be acceptable in ecological and archaeological terms and there are a number of necessary and relevant conditions recommended in the event permission is forthcoming which would ensure that any possible impacts of the development are adequately mitigated.

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 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 drawings 1711-PL1-03 Rev.C, 1711-PL1-04 Rev.D, 1711-PL1-05 Rev.C, 1711-PL1-06 Rev.C, 1711-PL1-07 Rev.C, 1711-PL1-08, P0018 Rev.B, J32-2718-PS-101, J32-2718-PS-102, J32-2718-PS-103, J32-2718-PS-104, J32-2718-PS-106, J32-2718-PS-107, J32-2718-PS-108, J32-2718-PS-109, P0003 (Co) Rev.A, P0004 (Co) Rev.A, P0005 (Co) Rev.A, P0007 (Co) Rev.A, P0010 (Co) Rev.A, P0011 (Co) Rev.A, P0012 (Co) Rev.A, P0014 (Co) Rev.A, P0015 (Co) Rev.B, P0016 (Co) Rev.A, P0017 (Co) Rev.A, P0020 Rev 00, P0021 Rev 00 and P0022 Rev 00 and specification contained therein, submitted on 6 November 2017, revised drawing 1711-PL-02 Rev.E submitted on 6 December 2017, revised drawing 22438\_02\_SK\_01 submitted on 12 December 2017, revised drawing P0019 Rev.D submitted on 15 December 2017 and revised drawings P0002 Rev.J and P0001 submitted on 20 December 2017. **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 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 4 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved FRA, *Land off Hob Lane, Burton Green, Kenilworth\_M-EC\_October 2017\_22438/05-17/4905 RevB* 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 6.9 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 to show an agreement from Highways 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 in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029.

- 5 No development hereby permitted shall take place until a condition survey of the culvert at the proposed outfall has been submitted to and approved by the Local Planning Authority. **REASON:** To prevent the increased risk of flooding and ensure the downstream drainage system is able to accept flows from the development site in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029.
- 6 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:
  - 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 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, TR4 and NE5 of the Warwick District Local Plan 2011-2029.

- 7 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:** To ensure that occupants of the development are not adversely affected by traffic and commercial noise, in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.s
- 8 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 dealt 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 ensure the protection of controlled waters and to prevent pollution in accordance with Policy NE5 in the Warwick District Local Plan 2011-2029.

- 9 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 protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.
- 10 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting,



wildflower grasslands, tree/hedgerow planting and 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 Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.

- 11 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: 2005, a Guide for Trees in relation to 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 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.
- 12 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 on the boundaries of the site, the proposed tussocky grassland in the south of the site, at the location of proposed bat boxes/tubes and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and to other nocturnal wildlife. 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:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.
- 13 No development shall take place until:
- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.
  - b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition

detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork shall be submitted to the planning authority.

c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

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The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document. **REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.

- 14 The development hereby permitted shall not commence 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 in strict accordance with the approved details. **REASON:** In the interests of fire safety.
- 15 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 16 The development shall not be occupied until the public highways at Hob Lane and Red Lane have been improved so as to provide for Pedestrian connectivity to the surrounding footpath network 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.
- 17 Access for vehicles to the site from the public highway at Hob Lane and Red Lane shall not be made other than at the position identified on the submitted drawing number 16747 P0002 rev J. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the

Warwick District Local Plan 2011-2029.

- 18 The accesses to the site for vehicles shall not be used unless bellmouths have been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
  - 19 The layout of the estate roads serving the development, including footways, verges and private drives shall not be designed other than in accordance with the principles and guidance as set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001'. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
  - 20 The construction of the estate roads serving the development, including footways and verges, shall not be other than in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
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