Planning Committee: 21 July 2021 **Item Number: 4**

Application No: W 20 / 2020

Registration Date: 03/12/20
Town/Parish Council: Kenilworth **Expiry Date:** 04/03/21
Case Officer: Dan Charles
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Land at Thickthorn, Kenilworth
Hybrid planning application comprising:

Full planning application for 98 dwellings (Class C3) served via two new vehicular / pedestrian / cycle access connections from Leamington Road, pedestrian and cycle access to Thickthorn Close; strategic landscaping and earthworks, surface water drainage and all other ancillary infrastructure and enabling works

Outline planning application for demolition of existing buildings and structures; residential development of up to 452 dwellings (Class C3); primary school (Class F.1); employment (Class B2); Class E development; hot food takeaway (sui generis), community centre (Class F.2); strategic landscaping and earthworks, surface water drainage and all other ancillary infrastructure and enabling works with means of site access (excluding internal roads) from the new junction into the detailed parcel of development and access junction off Glasshouse Lane; all other matters (internal access, layout, appearance, scale and landscaping) reserved for subsequent approval. FOR Barwood Development Securities Ltd

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

RECOMMENDATION

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

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

Should a satisfactory Section 106 Agreement not have been completed within 3 months of the date of Committee or in the opinion of Officers, insufficient progress has been made within this period to warrant the agreement of additional time to complete the Agreement, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

The application is a Hybrid planning application comprising of both full planning and outline planning application elements as part of one overall submission for development on part of the H06 Allocated Housing Site and the E1 Employment Land Allocation.

The full planning application element is for the erection of 98 dwellings to be served via two new vehicular / pedestrian / cycle access connections from Leamington Road. Additional pedestrian and cycle access is proposed from Thickthorn Close. In addition, the proposal also includes strategic landscaping and earthworks, surface water drainage and all other ancillary infrastructure and enabling works forming part of the detailed application area.

The outline planning application element of the scheme is formed by 3 distinct elements;

- Residential Development of up to 452 dwellings.
- Non-residential elements consisting of a one-form entry primary school, a community centre and a local centre consisting of commercial elements including retail and hot food takeaway uses
- 7.9 hectares of employment land uses covering the full E1 Employment Land allocation.

The application also covers all strategic landscaping and earthworks, surface water drainage and all other ancillary infrastructure and enabling works with means of site access (excluding internal roads) from the new junction into the detailed parcel of development and access junction off Glasshouse Lane; all other matters (internal access, layout, appearance, scale and landscaping) reserved for subsequent approval.

THE SITE AND ITS LOCATION

The site is located to the southern edge Kenilworth.

The site was removed from the Green Belt, when the Green Belt boundary was redrawn as part of Warwick District Council's Local Plan review, and now forms part of a wider site allocation (H06). The allocation seeks the delivery of an urban extension to Kenilworth including new housing, schools, local centre and employment space. The application also incorporates allocation E1 which is identified for 8 hectares of employment land consisting of B1 (now superseded by use class E) and B2 uses.

The site's eastern boundary is formed by the A46, which is part of the strategic highway network, and the north west boundary is defined by the back gardens of the development of Glasshouse Lane and Kenilworth Rugby Club.

To the south-west is the A452 Leamington Road with residential properties situated on the southern side of the road, and to the north east is a public right of way that separates this site from the remainder of the allocated area.

The overall site occupies 31.70 ha of agricultural land with a small woodland along the eastern boundary and with some trees subject to Tree Preservation Orders (TPO). There are some mature hedgerows delineating field boundaries, areas of mature tree belts some located alongside the public footpaths and a limited number of scattered mature trees across the site.

The site generally slopes down gently in a south easterly direction. The low point is gathered at a woodland area within the central eastern edge of the site.

The Grade II listed Thickthorn Manor and the Stables are located adjacent to the northwest boundary. The Grade II* Registered Stoneleigh Abbey Park and Garden is located some distance to the south east, on the opposite side of the A46, and the Roman settlement at Glasshouse Wood – a scheduled monument – is located to the north east of the application site.

PLANNING HISTORY

No relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework

Kenilworth Neighbourhood Plan (2017-2019)

- KP4 - Land East of Kenilworth
- KP8 -Traffic
- KP9 - Cycle Routes
- KP11 - Footpaths
- KP12 - Parking Standards
- KP13 - General Design Principles
- KP15 - Environmental Standards of New Buildings
- KP16 - Industrial Estates
- KP18 - Green Infrastructure
- KP19 - Local green space
- KP20 - Street trees
- KP21 - Flooding

Warwick District Local Plan (2011-2029)

- DS1 - Supporting Prosperity
- DS3 - Supporting Sustainable Communities
- DS5 - Presumption in Favour of Sustainable Development
- DS6 - Level of Housing Growth
- DS10 - Broad Location of Allocated Sites for Housing
- DS11 - Allocated Housing Sites

- DS15 - Comprehensive Development of Strategic Sites
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix or Housing
- H15 - Custom and Self-Build Housing Provision
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE2 - Developing Strategic Housing Sites
- BE3 - Amenity
- BE5 - Broadband Infrastructure
- BE6 - Electronic Communications (Telecommunications and Broadband)
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- HE4 - Archaeology
- HS1 - Healthy, Safe and Inclusive Communities
- HS3 - Local Green Space
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- HS5 - Directing Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- FW4 - Water Supply
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions
- DM2 - Assessing Viability

<u>Guidance Documents</u>

- East of Kenilworth Development Brief Supplementary Planning Document (March 2019)
- Custom & Self Build Supplementary Planning Document (July 2019)
- Affordable Housing (Supplementary Planning Document - June 2020)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Public Open Space (Supplementary Planning Document - April 2019)
- Parking Standards Supplementary Planning Document (June 2019)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Kenilworth Design Advice (Shops, Warwick Road area)

- Developer Contributions (Supplementary Planning Document - July 2020)

SUMMARY OF REPRESENTATIONS

Consultation Responses

Kenilworth Town Council: Objection. No issue with principle of development. Concern that scheme lacks adherence to the Development Brief and Kenilworth Neighbourhood Plan. Net effect is a degraded concept with less amenity for current and future residents.

Since the adoption of the Development Brief, WDC have declared a climate emergency. Members take the view that major developments must adhere to targets on carbon reduction, active travel and biodiversity gain that are explicit in this priority policy area.

- No written commitment to the quality or numbers of low energy houses or the degree to which they will be climate change proofed. The only commitment made is to meet current building regulations (currently 8 years old). If this application is approved, it will deliver 'everywhere' houses with no energy or carbon emission improvement on what we have seen before.
- In the statement, there is no consideration of centralised energy or heating networks.
- We urge WDC Planning Committee to mandate that the dwellings on the new development meet - as a minimum - the Government's 2019 Future Homes Standards for Part L 31% carbon reduction on previous standards (currently debated) and that they are defined as climate change-proofed (e.g. solar panels, hydrogen ready boilers, dedicated EV chargers).
- The LEoK Brief density map shows the whole site as low density (30-35 pha) which does not seem to match the 'proposed site plan'. How this change in density then impacts and integrates with housing densities on other sites across the LEoK development is unclear.
- In the submitted plan, the high density is alongside the main road through the development which will mean many people living immediately adjacent to the busiest, noisiest and polluting road on the development.
- The proposed layout also clearly affects residential amenity of some existing properties (e.g. Thickthorn Close) where proposed 2-storey dwellings overlook existing bungalows.
- With regards to affordable housing over the whole site, the numbers to be built are not clear and the idea that the 40% requirement will be met in a later phase raises concerns regarding effective pepper-potting.
- The new proposed site for the Local Centre cannot serve the new development as a whole (p.40 D&A statement) and the justification for choosing Option 1 over Option 2 is flawed. Contrary to the proposal, all of H40 does not lie within 400m (5 minute walk distance) of the existing facilities located at Leyes Lane (figure 22 Access and Design Statement). Option 2 where the Local Centre is located towards the eastern end of the site is much more likely to be attractive as a local centre for the rest of the development.

- Cycling connectivity should achieve unambiguous compliance with the KNP policy KP9. The cycle routes need to be integrated with planned external routes so that the cycle route into the town centre is linked to the development.
- Members could not see any cycle provision at these junctions on the detailed drawings. For example, there is no cycle infrastructure beyond the Thickthorn Close access to the A452.
- Nor does the spine road design with 2-way cycle route on one side of the road appear to match the LEoK Brief for a Primary Route. Drawings appear to show cycle paths are too narrow and non-compliant with national design standards.
- The link road from the 98 House Plot through to Thickthorn Close looks too narrow on the plan to accommodate a shared use path.
- A "Green Corridor" is one of the key features envisaged linking the whole East of Kenilworth development. There is no evidence of this.
- The proposed location of the new Community Facility should be returned to its original location (fig 22, Design and Access Statement) in order to deliver maximum amenity and convenience for residents. It's current position significantly and negatively impacts the amenity of residents in Thickthorn Close.
- It is unclear how this proposal integrates with the Rugby Club site which is currently cut-off and isolated. We need to know the plans for this site and how it is to be linked into the rest of the development. Will residents there have easy access to the local centre and primary school? How do new and existing roads link to the site?
- No self-build plots are being offered.
- The spine road between A452 and Glasshouse Lane Rocky Lane is likely to be very busy as a by-pass for the town centre and for access to and from the new school and residential developments in the northern part. The spine road should be designed and constructed to mitigate speed to 20 mph rather than simply introducing speed limits.
- The proposed roundabout on Glasshouse Lane should therefore be relocated further away from existing dwellings to reduce their loss of amenity.
- At the southern end, a direct link to the A46 or the existing island would reduce the likely congestion at the proposed A452 junction.
- A new road of unclear designation is shown which connects the spine road through to A452 at a point more northerly than the spine road junction. This is likely to be used as a rat run to avoid the main spine road junction. It is not clear whether there will be controlled access to and from the A452 and how it will be designed to govern speeds to 20 mph.
- One of the Play Areas (LEAPS) is co-located with a sustainable drainage system (SuDS) which creates an unnecessary water hazard to young children.
- Members support the objection from the Lead Local Flood Authority (WCC).
- No Civic space is shown. It is not clear if this is proposed to be part of the Local/Community Centre.
- Are all the pedestrian access points shown actually shared use? The pedestrian access out to Thickthorn roundabout would be useful as a cycle access as well for K2L phase

- It would be good if the pedestrian path round the south and east of the development was shared use. This would create some of the green route through the whole of the East Kenilworth development.

Kenilworth Town Council Additional Comments: Members maintained their submitted OBJECTION in full and as stated. However, reference to Local Plan policy CC2 is removed in acceptance that this policy is not applicable to this type of development. Members further commented that in light of the Town Councils' declared Climate Emergency, they would welcome any proposal to take on board a Fabric First approach to housing design. Members highlighted the objection to the additional access road through phase 1 from the Leamington Road (A452). It would appear reasonable to assume that southbound traffic from St John's gyratory may use this new route as a 'rat run' to access the whole of the East Kenilworth development. Vehicles originating from the phase 1 area or from the wider development may use this egress to avoid the spine road egress. This may result in long tailbacks at busy periods impacting on St John's gyratory. These two impacts are likely to occur at opposite ends of the day so do not offset each other in terms of the overall impact on the A452. Members ask that WCC Highways be requested to give this additional access full consideration with respect to the A452 and the traffic flow within the development and report on this as part of their response to this application.

WDC Tree Officer: No objection subject to condition securing appropriate tree and hedge mitigation and protection measures.

WDC Environmental Health: Following negotiations with the applicants, no objection subject to conditions and Section 106 contribution for Type 3 Air Quality Mitigation.

WDC Conservation: No objection in principle. Recommend appropriate conditions to ensure close attention paid to materials and detailing of new dwellings.

WDC Policy: The application site is allocated for development within the local plan, and therefore there are no principle policy objections to the scheme. It is noted that the indicative arrangement of this hybrid application does not fully correspond with the detail of the adopted development brief for the East of Kenilworth, for reasons set out within the application.

WCC Ecology: Proposal has been assessed in detail and following discussions with applicants Ecology specialist, no objection subject to conditions and notes together with Biodiversity Offsetting contribution to mitigate on-site Biodiversity loss.

WCC Highways: Proposal has been assessed and no objection is raised subject to conditions, notes and Section 106 contributions.

WCC Flood Risk Management: Following submission of additional details, no objection subject to conditions to secure the final design and scheme for maintenance of the drainage of the scheme.

WCC Public Rights of Way: No objection subject to condition and notes.

Historic England: No objection. Recommend advice sought from local advisors on Conservation and Archaeological Matters.

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

Warks Police Designing Out Crime Officer: No objection but recommend guidance notes regarding security.

Natural England: Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Highways England: Following negotiations with the applicants, no objection subject to the imposition of conditions to ensure that the strategic road network is not adversely affected by the development.

Consultation Responses for Section 106 Contribution Requests

WDC Sport and Leisure: Require contributions towards indoor sport, outdoor sport and grass pitches totalling £1,073,956 be secured through the Section 106 Agreement.

WCC Infrastructure: Require the following contributions;

- Public Rights of Way Improvements: £22,591 towards footpath improvements/maintenance within a 1.5-mile radius.
- Libraries: £11,879 towards improvements to local libraries.
- Education: £7,252,582 to support the delivery of the new Primary School along with the provision of additional secondary school places through the relocation and expansion of Kenilworth School. Funding is also requested to support the provision of new facilities for pupils with SEND.
- Safer Routes to Schools Initiative: £15,000 towards the provision of measures including zig zag lining, school warning signs, dropped kerb crossings etc.
- Sustainable Travel Promotion: £10 per dwelling.
- Road Safety: £29,500 for road safety initiatives to include road safety education for schools and training/education for other vulnerable road users within the area.
- Bus Stop Commuted Sums: £13,000 per bus shelter towards maintenance of new bus stops and Real Time Information screens.
- Monitoring and Administration: £2,000

WCC Highways: Require Section 106 Contribution of £4,146,258.00 towards local highway improvements towards schemes set out in Table 2 of Warwick District Council's Land East of Kenilworth Development Brief March 2019 or other schemes as developed by Warwickshire County Council as Local Highway Authority and shall be agreed in writing with Warwick District Council and the Developer.. Additional figure for Employment land tbc

Warks Police: Require Section 106 Contribution of £99,930 towards additional policing requirements as a result of this development.

NHS Clinical Commissioning Group: Require Section 106 Contribution of £1,079,939 towards additional doctor's surgery requirements as a result of this development.

Warks NHS Foundation Trust: Require Section 106 Contribution of £500,381.22 towards additional hospital requirements as a result of this development.

Public Response

A total of 46 letters of objections received making the following comments;

- Consider that applicants have made inadequate engagement with affected properties.
- Scheme appears to have been changed since original consultations carried out.
- It is simply not right to suggest that shops, a takeaway and a community centre are of the same nature as the existing housing. All off these types of building attract noise, traffic and footfall as very different times and nature to a residential cul de sac.
- Will be a significant problem with traffic.
- Traffic congestion at peak times is already awful.
- Do not consider Transport Assessment has taken into account with wider Catesby Development.
- New roads will become a rat run.
- Greater consideration should be given to protect residents of Thickthorn Close.
- Location of new junctions will result in harm to amenity of properties adjacent.
- Will result in increased air pollution.
- Increased risk of road accidents from increased number of junctions.
- Trees are protected and should not be removed.
- Harm to wildlife and protected species.
- Potential for Thickthorn Close to be used for school drop-off parking.
- Potential for noise disturbance due to increased use of Thickthorn Close as foot/cycle access.
- Light pollution from vehicle headlights from junctions shining into windows.
- Overdevelopment of the site.
- Additional vehicles will exacerbate air pollution.
- Will put additional parking pressures on Kenilworth Town Centre.
- No evidence that developer will continue to develop the site after detailed phase completed.
- Will cause harm to neighbouring amenity by siting two storey dwellings adjacent to existing bungalow.
- Not satisfied that overall density is appropriate.

- Location of local centre has changed from the Development Brief. New location is more harmful to existing residents.
- Pedestrian and Cycle Access within scheme is not considered accurate.
- No justification for two separate schools.
- Large boundary trees are protected by Tree Preservation Orders and should be protected.
- Loss of green corridor and harm to protected species.
- Development should provide EV Charging Points.
- Surface water run off treatment is inadequate.
- Scheme does not take into account existing drainage and development will cause flooding in Ashow.
- Developers must be responsible for measures to contain surface water within the development area.
- Will impact on the wider character of the town.
- Scheme does not adequately address the climate or ecological emergency.

A total of 3 letters making the following general comments;

- Pleased that no vehicular access to Thickthorn Close.
- Require assurance that no temporary vehicular access is proposed as Thickthorn Close is too narrow for large vehicles.
- Future provision should be made for the inclusion of the Rugby Club land into the proposed development in the form of a secondary street from the Spine Road so that the schemes are fully integrated because existing Rugby Club access is unsuitable and should be limited to pedestrians/cyclists only.
- The Developer should be aware that drainage from Kenilworth RFC discharges from the southeast corner of the existing KRFC land into a soakaway on the adjacent farmland and has done so since the rugby club site was established in the early 1950s. A right of drainage has been established and the outfall must be maintained throughout the development of the Land at Thickthorn.

Applicants Comments

- This application site is part of an allocated site for up to 760 dwellings (this site delivers up to 550 dwellings), 8 hectares of employment land, a local centre and primary school in the adopted Local Plan. The principle of the site for a mixed-use development has therefore already been tested through the examination of the Local Plan and found to be acceptable.
- During the Local Plan preparation, the impact of the proposed allocation on heritage was assessed thoroughly and found to be acceptable subject to mitigation measures. Furthermore, the proposals will provide significant benefits which outweigh the less than substantial harm to the setting of the listed buildings.
- The applicant previously undertook extensive consultation with the Council and adjoining landowners to produce the Land east of Kenilworth Development Brief.
- A hybrid planning application has been submitted to ensure the most efficient delivery of the site and enable development delivery at the earliest opportunity. The Council's latest published housing trajectory assumes 50

dwellings to be delivered from the Thickthorn development next year – the early delivery of part of this site will assist in meeting delivery.

- The design of the development focuses on placemaking and delivering a well-connected and integrated new neighbourhood for Kenilworth, with a range of new homes, primary school, parkland, local centre (including a community centre) and business hub to serve the local community.
- The provision for pedestrians and cyclists has been designed so that it can be integrated into the wider existing and emerging network, including the County Council's K2L cycle route. The cycling provision proposed is considered to be 'exemplar' as it accords with the very latest standards contained within the cycle infrastructure guidance of the Department for Transport Cycle Infrastructure Design Guide 2020.
- The delivery of new homes will include 40% affordable housing in accordance with Policy H2 of the Local Plan as well as an overall mix of housing that meets the Council's requirements for this area.
- There is a significant amount of open space amounting to 4.31 hectares, as well as 1.29 hectares of public parkland the benefit of existing and future residents and the retention of 2.11 hectares of Ancient Woodland, for biodiversity. The site provides the opportunity for biodiversity enhancements both on and off-site which will be secured through the Section 106 Agreement.
- This green infrastructure includes areas for sustainable drainage, formal play provision and proposed walking and recreational routes. Existing trees and hedgerows are proposed to be retained where possible, and veteran trees are to be retained. Additional landscaping works including tree planting is proposed throughout the site.
- The application site is not at risk of flooding and a sustainable drainage solution will be provided to serve the proposed residential and commercial development without increasing the risk of flooding on- or off-site. The applicant has engaged with Warwickshire County Council's Planning and Sustainable Drainage Engineer throughout the planning application process to provide additional information to ensure there is no objection to the scheme and that the concerns of the public and Kenilworth Town Council have been fully responded to.

The proposals have been discussed in detail with Officers and statutory consultees at both pre-application and planning application stage with the resultant position now being that there are no objections from any statutory consultees to the planning application.

ASSESSMENT

Principle of Development

Five Year Housing Land Supply

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

Local Plan

The application site is identified within the Local Plan as a site for new housing development as part of the wider strategic urban extension to the East of Kenilworth. The land forms part of the H06 allocation which lies to the south-west of the H40 allocation. The site also incorporates the E1 employment allocation which forms part of this application and lies to the southern corner of the site area.

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

Policy DS11 sets out the allocations of housing development and gives an overall figure for each of the allocated sites. The overall allocation for new dwellings on the H06 Allocation within the Local Plan identified an estimated 760 dwellings.

Policy DS15 seeks the comprehensive development of strategic sites including H06 and H40. Whilst this development forms part of the allocation (H06), the proposal is in general accordance with the adopted Development Brief and has been designed to tie seamlessly into the remainder of the H06 allocation. The final form of the links will be dealt with at reserved matters stage and conditions are recommended to ensure that there are no impediments to this being provided.

In addition, the scheme also incorporates the land for local facilities to serve the whole site. On this basis, Officers are satisfied that the development represents an undertaking to provide a comprehensive form of development.

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

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

This application seeks the provision of up to 550 dwellings (in a combination of detailed approval for 98 dwellings and the rest of the scheme in outline) together with the provision of a one-form entry primary school, a community hall and retail centre. Following earlier negotiations, it was proposed that an additional one-form entry primary school will be sited within the H06 allocation to complement the one-form entry primary school already approved within the H40 allocation to the north east of the site to fully meet the requirements of DS11. This is in lieu of a single, two form entry primary school as envisaged within the Development Brief. Negotiations between the landowners and Warwickshire County Council agreed this change and this has been proposed within the current application.

It is noted that the estimated figure of 760 dwellings was identified by the Inspector in the final report into the Local Plan. This takes into account the additional area of land currently occupied by the cricket and rugby clubs. These areas are under separate control and any application coming forward would need to feed into the overall 760 dwellings.

The site identified within the plans for the employment land is consistent with the area of allocation E1 for employment land as set out within Policy DS9 of the Local Plan. Whilst in outline form only, Officers are satisfied that this provides for the required employment land to be delivered with the infrastructure delivery being provided as part of the wider housing allocation leading to an integrated form of development to deliver the required employment land in a timely manner.

Development Brief

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

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

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

The adopted Development Brief is a Supplementary Planning Document (SPD) and as such, is a material consideration in the determination of planning applications within the area covered by the document. This document provides detailed development principles that expand upon and help interpret existing policies as they relate to the site. There are 8 objectives within the Development Brief which are;

- Delivery of a mix of housing to create a sustainable community.
- Delivery of high-quality employment land and employment opportunities that are compatible with adjacent uses.

1. Delivery of an effective and efficient transport system.
2. Delivery of social and community infrastructure including new education establishments to support the new community.
3. Creating a high-quality environment with a strong sense of place that responds sensitively to and takes advantages of the existing environmental characteristics of the site including greenspaces, ecology and heritage assets.
4. Promoting a healthy and safe community.
5. Promoting high quality design.
6. Delivery of utilities and infrastructure to meet the needs of the development.

This proposal is considered to meet the above criteria in general terms through the full and outline elements of the scheme. Housing will be subject to conditions ensuring that a balanced mix of housing, both private and affordable, is delivered

by the scheme. The site delivers the full requirement of Employment land in accordance with E1 and appropriate access is provided to serve the employment land. The scheme incorporates the provision of a spine road through the site to provide appropriate vehicular access to serve the whole site. Throughout the site, footpaths and cycleways are proposed to link into the wider site and existing network. The scheme incorporates a new one form entry primary school to supplement the primary school already approved as part of the development of the H40 housing allocation together with the new secondary school that is currently under construction.

The detailed element of the scheme has been designed to reflect the character of the surrounding housing which responds sensitively to the surrounding development. The scheme has been designed to ensure that the heritage assets are preserved, and appropriate space remains around them so as to not detract from their setting. The detailed element has the appropriate level of open space within the site and this will be continued across the outline element of the scheme to ensure a high-quality development. The form of development can be secured by a Design Code to ensure that the development remains high quality across the whole site.

The location of the Local Centre differs from the area identified within the Development Brief when assessed against the final Masterplan. However, it does accord with the concept plan as set out within the Development Brief. In justifying this location, the applicants have advised that the commercial elements are all grouped in one place with easy access and a strong road frontage directly onto the spine road. The siting is also in close proximity to the Employment Area so would be a more viable position to pick up the local business from users of the businesses on the land. On balance, Officers are satisfied that should the detailed scheme come forwards with the Local Centre in the position identified on the draft indicate Masterplan, it would be acceptable.

Officers are therefore satisfied that subject to appropriate conditions, the scheme meets the objectives of the Development Brief.

Kenilworth Neighbourhood Plan

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

Conclusion on Matters of Principle

In summary, this proposal is for 550 dwellings and employment uses on a site allocated for these uses within the Local Plan which falls within the allocation as set out within H06 of 760 dwellings. It is noted by Officers that the figure of 760 dwellings will incorporate additional dwellings on the rugby and cricket club land.

In the case of this site, the scheme has demonstrated that up to 550 dwellings can be comfortably accommodated on the application site together with all of the additional facilities required by the Local Plan and achieve a very high level of quality together with a level of public and other open space that meets or exceeds all the thresholds for a scheme of this scale.

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

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

In addition to the residential elements of the scheme, the proposal also proposes the full allocation of Employment Land as identified in policy DS9 and the proposal as submitted meets all of the requirements and land area as set out within that policy. The detail of the scheme would be subject to a separate reserved matters submission.

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

Assessment of the proposed housing provision

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

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

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

An affordable housing allocation of 40% will be incorporated into the design and these dwellings will be integrated across the site to ensure tenure blindness. This element would be assessed at reserved matters stage.

It is noted that the detailed element of 98 dwellings would provide approximately 20% affordable units for that element. However, the wider site will then incorporate the required units to provide an overall 40% level of affordable housing across the site.

Whilst the detailed element would not provide the required 40% of units for that scheme of 98 dwellings, the area of land where the dwellings are proposed is located in close proximity of existing housing and the curtilage of a Grade II Listed Building. The housing is therefore designed to be in keeping with the lower density character of the adjacent dwellings whilst respecting the setting of the Listed Building.

The 40% affordable housing requirement will be secured by a Section 106 agreement to accord with Policy SC11 and the outline phase will provide the appropriate number to provide the full 220 affordable housing units across the site as a whole.

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

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

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

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

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

The Warwick District Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area;

the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

In addition, a range of principles for new development are set out with Policy KP13 of the Kenilworth Neighbourhood Plan that set out a framework for setting a benchmark for good design that maintains the special characteristics of Kenilworth whilst not stifling innovation in new design. The final design elements can be secured through the use of a site wide design code to ensure that the scheme delivered is a high quality development in line with the objectives of the Kenilworth Development Brief.

Views from outside the site are mitigated by existing mature boundary planting along the public highway along the Leamington Road, Glasshouse Lane and the A46. There are currently views of the site from various points. As part of the proposal, the site boundaries would be maintained and where necessary, improved with additional planting to provide a more appropriate rural edge to the site. Existing hedgerows and woodland areas are proposed to be retained and supplemented with additional planting where necessary.

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

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

The detailed parcel of the development has been designed to reflect the local vernacular with dwellings of traditional form provided in a fairly low density layout affording high levels of open space and planting to give the character of the land a leafy and green appearance reflecting the edge of settlement location.

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

At this stage, it is acknowledged that the masterplan drawing is indicative only and the overall landscaping strategy for the site would be provided at reserved matters stage. However, the indicative masterplan clearly demonstrates that the provision of a scheme for 550 dwellings, Employment Uses together with the School and Commercial elements of the scheme would provide for appropriate areas of additional planting and green space within the site. The scheme includes a

parameters plan which does set out the areas of development which would define any future applications for reserved matters.

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

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

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

Concern has been raised by Kenilworth Town Council regarding the location of the proposed Local Centre and the accessibility of the area from the H40 Allocation area. In response the applicants have advised that there are a number of factors in the identified location as shown on the indicative masterplan submitted including;

- During the design process the team considered if other options were available that would consider the development in context. Walking distances to existing facilities and opportunities for co-locating facilities and amenities on site to offer multi trip destinations were taken into account. The Proposed Local Centre location as submitted is approximately 400 metres (5 minute walk distance) to the west of the location shown in the Development Brief but still within zone identified in the Development Brief which identifies the area in which a Local Centre could be located.
- Both Local Centre locations (that proposed and that in the concept masterplan within the Development Brief) are equidistant in walking times from Kenilworth Town Centre.
- Future residents of H40 are more likely to walk to the existing facilities provided at Leyes Lane than they are to the new Local Centre and therefore the fact that is not centrally located is not a primary consideration in this matter.
- The Development Brief location has the ability to deliver frontage and activity on to the Public Open Space as well as the Spine road and this would allow community uses to 'spill out' into the park.
- The proposed location has the benefit of being co-located with the new Primary School as well as fronting onto the Spine road. It is also more easily accessible to the daytime occupiers of the proposed employment area, increasing diversity of trade. These co-location factors will provide a greater level of footfall,

patronage and general activity to the retail and community elements contained within the Local Centre. From a commercial viewpoint this is of great importance to the viability, vitality and ultimate success of the Local Centre.
- The applicant's justification was therefore considered on balance and concluded that the proposed Local Centre location offers increased levels of mixed use vitality and commercial benefits over the Development Brief location, and further this would not be to the detriment of residents within the overall development area.

Having considered the comments put forward by Kenilworth Town Council and the applicants response, Officers consider that the location identified on the indicative masterplan is appropriate for the Local Centre and whilst not in the location in the Development Brief, the position shown would have benefits to the site and future occupiers of the Local Centre units in terms of commercial viability.

It is also noted that the layout shown on the indicative Masterplan is not the definitive location which would be assessed separately for acceptability at Reserved Matters stage.

Taking all of the above into consideration, Officers consider that the proposal is acceptable having regard to Policy BE3 of the Local Plan and Policy KP13 of the Kenilworth Neighbourhood Plan.

Impact on heritage assets

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

Regard should also be had to the Ancient Monuments and Archaeological Areas Act 1979, which makes provisions for the investigation, preservation and recording of matters of archaeological or historical interest and (in connection therewith) for the regulation of operations or activities affecting such matters.

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

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

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

The provision of residential development on an area of open land adjacent to Thickthorn Manor would inevitably result in some harm to the setting of the Heritage Asset. The development will inevitably cause some further erosion to the historical setting of Thickthorn Manor and the Stables. The Manor garden, which forms part of the immediate setting of Thickthorn Manor, is not currently on the Council's Local List of Heritage Assets or identified as a Locally Important Park and Garden under HE2 of the Local Plan. Having assessed this, the Conservation Officer does not consider the garden to constitute a non-designated heritage asset and agrees with the findings of the heritage statement.

The nearest dwellings to the boundary of the Listed Building are approximately 25 metres from the front wall of the proposed dwelling and over 75 metres from the Listed Building itself.

The gardens of the Manor are also bordered by mature vegetation which separates it from the development site, although historically this may have been substantially more open. Proposed mitigation measures also include a green buffer and natural screening, however the harm caused is considered to be less than substantial and therefore the relevant NPPF policies outlined below – weighing public benefit vs harm – should be applied when determining the application. Officers concur with the Conservation Officer in that the proposals do not result in harm to the Grade II* Registered Park and Garden of Stoneleigh Abbey; due to the topography of the site and presence of the A46 there is very limited, if any, visibility between the site and the boundary of the Registered Park and Garden.

In assessing the public benefits, this is a strategic housing site delivering a significant number of new homes for the District to maintain the Five-Year Housing Land Supply. In addition to the new dwellings, new employment opportunities will also be provided through the provision of 8 hectares of new employment land. The scheme will also deliver the benefits of an additional primary school and a community centre and local centre providing facilities within the local area to serve not just the new dwellings but the existing community as well.

Officers therefore consider that the public benefits significantly outweigh the identified harm to the setting of the Heritage Asset.

The proposal is therefore considered acceptable having regard to Policy HE1 of the Local Plan and KP13 of the Kenilworth NDP together with national guidance within the NPPF.

Impact on residential amenity

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

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

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

Impact on existing properties

The western boundary of the site abuts the main Leamington Road with the existing housing being located beyond the highway and set behind deep frontages. The existing mature boundary of the site will be retained together with a green buffer between the new houses and the boundary. The result is a significant separation between the existing and proposed dwellings.

The detailed element of the proposal identifies a significant offset between the proposed dwellings and the existing properties that bound the site area to the north and east. A small area of the scheme where adjacent to the Eastern boundary will result in a side to side relationship with the existing dwelling on Thickthorn Close. The parking area for the plot is set between the existing dwelling and proposed unit so that a sense of space is retained between the units to ensure the amenity of the occupiers is not harmed by the proposal.

This ensures that all of the dwellings exceed the required separation distances between properties. The green buffers also ensure that existing trees are retained that retain the high level of amenity currently enjoyed by existing residents. These green areas are to be supplemented with additional planting to provide a buffer between the sites.

Officers are satisfied that the proposed detailed element of the scheme results in high quality built form that respects the character of the area and retains the residential amenity of existing properties together with the setting of the adjacent Listed Building.

The remaining residential area of the development is outline only. The application has been submitted with an indicative masterplan that identifies the key areas of housing that sits adjacent or abutting existing residential properties is to be low or medium density housing to reflect the existing character and to ensure the housing is compatible with the existing properties to protect the amenity of occupiers.

The site also proposes a new primary school, local centre and community centre uses within the site. The key element is the identified location for the school that abuts the rear garden of properties on Glasshouse Lane. On this elevation, the rear garden areas of the properties are sizeable and would back onto the playing field area of the school as identified on the indicative layout. Officers have noted that the Environmental Health Officer is satisfied with this relationship. The commercial elements of the scheme are set within the boundaries of the site and would be separated from the surrounding land by intervening residential elements

of the proposed screen to provide a buffer and prevent any undue harm to the amenity of existing properties.

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

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

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

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

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

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

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

In assessing the proposal, the Environmental Health Officer has considered the survey work carried out by the applicant’s specialist consultant and has requested a range of further information throughout the course of the application. In concluding on the matters of noise, the Environmental Health Officer is satisfied that an appropriate mitigation strategy can be provided to overcome the increased noise environment due to the proximity of the A46 to the site. The indicative proposal that has been modelled is the provision of acoustic fencing along the site boundary. Due to the differing levels, there are two distinct elements proposed.

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

The Environmental Health Officer also considers it appropriate to require the submission of a noise assessment prior to the submission of reserved matters for the school, employment uses, local centre and community centre to set out any required mitigation measures (if necessary as a result of the survey work) to ensure that the commercial elements do not have a harmful impact on residential amenity.

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

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

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

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

Highway Safety

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

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

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

The application was submitted with a detailed Transport Assessment and has been the subject of significant discussions relating to the impact of development related

traffic on the surrounding network have been ongoing during the consultation process. The review of the Transport Assessment concluded:-

The assessment shows that the development has negative impacts at Thickthorn roundabout and along the A452 corridor to the Blackdown and Bericote junctions which are mitigated to some degree in the Local Plan scenario. The Local Plan scenario takes into account the dualling of the A452 between Thickthorn and Bericote and the signalisation of both the Blackdown and Bericote junctions. It is therefore agreed that the development should make reasonable contributions to the delivery of these schemes along the A452/Bericote Road corridor.

There are further impacts highlighted at the junctions of Stoneleigh Road/B4115 in the AM peak and at the junction of St Martin's Road/B4115 in the PM peak and post-peak periods, although the development is predicted to reduce traffic flows along this corridor and modelling shows that there are existing capacity constraints along this corridor.

Individual junction assessments conducted for the site accesses show that the junctions operate with residual capacity. A LINSIG assessment of the A452 site access/Thickthorn junction shows that the mean maximum queue on the approach to the site access to be 25 PCUs, although it is not considered that this will extend to the circulatory of the Thickthorn junction and cause any blocking of the A46 northbound off-slip and is acceptable.

In line with the trigger-point testing carried out for delivery of the spine road it is concluded that the development spine road should be completed prior to the delivery of 475 dwellings and 55% of the employment site to avoid severe impacts at St Johns Gyratory.

Warwickshire County Council Highways are satisfied that sufficient mitigation has been identified within the Infrastructure Delivery Plan attached to the Kenilworth Development Brief to accommodate the traffic generation from this, and other surrounding, development proposals. In line with the Development Brief and the recommendation above, developer contributions are sought to deliver these schemes.

The County Highways Officer has requested a contribution of £4,146,258 to provide wider infrastructure improvements to mitigate the increased traffic as a result of the development. The Section 106 contribution will fund associated infrastructure capacity projects identified within the East of Kenilworth Development Brief to improve traffic flows and capacity within the highway network within the locality of the site to mitigate the impact of the increased number of houses on the existing highway network.

In addition, a further contribution is required to mitigate the impact of the Employment Land. This figure is currently under consideration and will be reported within the update sheet accordingly.

The main access to the site forms the primary spine road through the development. At the Leamington Road end of the development, the proposal is for a signalised

junction together with highway improvements to provide left and right turn lanes for traffic entering the site. The access has been designed to the appropriate highways standards and will provide access to the wider residential development as well as the employment land. This access has been assessed by the County Highways Officer who is satisfied that the access point is appropriate for the site based upon the anticipated traffic movements associated with the development on the site.

The Glasshouse Lane access point is proposed to be designed to offer priority to the spine road route with a junction to serve Glasshouse Lane. This design seeks to encourage vehicles to utilise the spine road in place of Glasshouse Lane and Birches Lane. In order to achieve this the primary route will be formed by Glasshouse Lane and the spine road to the northerly direction ensuring a continuous movement of traffic. The connection to Glasshouse Lane to the West forming the minor arm with the creation of a 'T' junction. The resultant highway layout is designed to reduce traffic flow on Birches Lane by encouraging vehicles heading to/from the A46 Thickthorn roundabout to utilise the spine road.

In addition to the spine road accesses, an additional access is proposed to serve the detailed element of the scheme with a left in/left out junction arrangement. This will allow the deliver of this area of housing prior to the delivery of the main spine road which is a significant infrastructure project and will allow for an early delivery of new housing.

The Development Brief envisioned 2 access points from the Leamington Road although the indicative plans identified an access to the Employment land directly from the Thickthorn Island. Following negotiations with County Highways and Highways England, it was determined that it was more appropriate to provide access to the Employment Land from the Spine Road within the development. By introducing this connectivity, the traffic movements on Leamington Road are reduced as drivers will not need to leave the residential area before entering the employment area and vice versa.

In respect of the outline element of the proposal, plans have been submitted which deal with the matter of connectivity into the adjoining Highway Network. These proposals have been assessed and found to be an acceptable means of accessing the site. Road Safety Audits have been submitted which have been further assessed by the County Council's Safety Engineers, with no issues found. These access arrangements will be ultimately dealt with by Section 278 Agreements under the Highways Act 1980.

The scheme also proposes a range of footpath and cycleways through the site. Within the detailed phase of development, a combined foot/cycleway is proposed to connect the access point with the Leamington Road to the proposed spine road combined foot/cyclepath. This combined foot/cyclepath is proposed to continue throughout the development giving a dedicate route for pedestrians and cyclists off the main spine road. In addition to these arterial routes, additional routes and linkages are proposed into the Rugby Club land as well as the existing properties on Thickthorn Close. Dedicated footpaths are also proposed throughout the wider site on or adjacent to areas of open, green space to provide attractive routes

through the development that link into future phases to provide a continuous route away from the main spine road.

Overall, the scheme, whilst a divergence from that set out within the Development Brief, provides appropriate access to the development that will result in a satisfactory form of development.

The scheme is therefore considered acceptable having regard to Policies TR1 and TR3 of the Local Plan and Policies KP5 and KP9 of the Kenilworth Neighbourhood Plan.

Impact on Ecology/Protected Species

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

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

The key areas of the site that have the greatest potential for protected species are to be retained as part of the proposal including the existing hedgerows/tree belts that form green corridors through the site together with the area of Ancient Woodland that lies on the southern boundary of the site. These areas will be protected by appropriate conditions.

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

The County Ecologist considers that some of the loss of Bio-diversity can potentially be offset through the design of the scheme at Reserved Matters stage subject to assurances that this will be implemented. Any residual loss of Biodiversity as a result of this application can be appropriately mitigated through a Bio-diversity offsetting contribution of £1,025,598. It is noted that this figure is based upon a worst-case scenario. The final figure will be calculated through the reserved matters and based upon the type and form of landscaping, the figure would be adjusted accordingly. This would be secured and agreed through the Section 106 agreement.

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

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

Drainage

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

The proposed surface water run-off will be mitigated through the Sustainable Urban Drainage Systems which will ensure that surface run off is minimised. The site naturally drains into a culvert underneath the A46 Trunk Road. With the original submission, the Lead Local Flood Authority raised concern regarding the potential impact of the scheme downstream of the site.

As the SUDS includes all drainage within the site, it has been agreed that the maintenance of the SUDS would involve ensuring that the culvert is not affected by the development. The SUDS Maintenance is a clause set out within the Section 106 Agreement and the final wording has been agreed with Highways England together with the Lead Local Flood Authority.

The scheme has been through several iterations following feedback from the Lead Local Flood Authority to ensure that the scheme would not exacerbate flooding elsewhere. With the final scheme detail, the Lead Local Floor Authority has removed their objection to the scheme, subject to the final detailed design to be secured by condition.

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

Sustainability

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

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

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

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

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

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

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

Concern has been raised by Kenilworth Town Council regarding the future proofing of the dwellings to provide low/zero carbon dwellings to address the WDC Climate Emergency.

The detailed phase of development will be subject to a condition requiring details of energy saving measures and the inclusion of sustainable energy sources to minimise carbon emissions from the new dwellings. The applicants are proposing the fabric first approach to the dwellings to minimise the demand for energy at source. The use of energy will then be mitigated through the use of sustainable energy sources and this will be secured through the aforementioned condition.

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

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

In line with Policy CC3, the Sustainability Statement has considered the use of a District Heating System or Combined Heat and Power Source. Officers consider that a further assessment of the energy provision on the site can be secured by condition and further assessment of District Heating would be considered at that stage.

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

Self-Build Housing

The East of Kenilworth Development Brief and Kenilworth Neighbourhood Plan Policy KP4 seek a proportion of units to be provided on a self/custom build basis. The Custom and Self-Build Housing SPD seeks the provision of 5% of housing to be provided as Custom and Self-Build Housing. On a scheme for 550 dwellings, this would equate to 28 units.

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

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

It would therefore be considered unreasonable for the proposed development to provide 5% of all plots as custom build plots, as this would result in 28 plots being provided on this development, which is virtually all of the Kenilworth requirement. Therefore, it is considered appropriate to pro-rata the self-build housing across the East of Kenilworth Developments to ensure that there is an even provision across all development sites to meet the demands for self-build housing in Kenilworth.

The application of a pro-rata approach has already been used for the H40 allocation and this approach is therefore carried forward to this submission. The pro-rata approach should therefore be relevant to the expressions of interest at the time of submission of any reserved matters application. The mechanism to deliver the correct amount of Self/Custom Build houses will be secured through the associated

Section 106 Agreement to ensure that the requirements of the Kenilworth NDP and East of Kenilworth Development Brief are achieved.

Trees/Hedgerows

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

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

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

The proposal will result in the loss of 9 trees or small groups of trees/hedgerows. Predominantly these are to be removed to facilitate appropriate access to the site or due to their poor condition.

Although the proposals result in the loss of nine trees, including those the subject of a TPO, the development accords with principles set out in the March 2019 Warwick District Council Land East of Kenilworth Development Brief, in particular Development Principle 5A which advises:

"Mature trees within high tree retention categories should be incorporated within the layout of development where possible and shall be protected throughout construction works. Existing trees subject to a Tree Preservation Order shall be retained unless the Local Planning Authority authorises their removal because the wider benefits of their removal outweigh their retention. Any mature trees to be removed within the site should be replaced with trees of an appropriate species and size in suitable locations."

The scheme has been design to maximise the amount of retained trees and hedgerows as important landscape and ecological features across the site. A significant part of the proposal is to enhance the tree planting on the site as part of the development to create a softening effect to provide an appropriate environment for the new housing that will also mitigate the potential impact on the open countryside. This has the added benefit of significantly increasing the level of tree planting within the site and this is to be welcomed from both an aesthetic view point as well as a biodiversity view point.

The scheme has been reviewed by the Councils Arboricultural Expert who is satisfied that the survey work undertaken is extremely robust and well executed and the justification for the loss of species is well reasoned and set out within the report. It is noted that the proposed landscaping will result in a significant net increase in trees and hedgerows to mitigate for the small loss of species to facilitate the development.

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

Air Pollution

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

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

Appropriate mitigation measures such as electric vehicle (EV) recharging provision and other locally specific measures to be used to minimise and/or offset any emissions from new development can be secured by condition. In addition to this, a request for Air Quality Mitigation to fund local projects is required totalling £273,984.

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

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

Officers are satisfied that these are technical matters and the specific details can be secured by the requested condition so as to make the proposed development

acceptable. The air quality contributions would be secured through the Section 106 Agreement.

Waste Storage

All properties are provided with adequate storage areas for refuse and recycling bins. The layout of the detailed element of the scheme demonstrates that a refuse vehicle can adequately service all of the proposed plots. The outline area would be assessed as reserved matters stage for adequate waste storage facilities.

Open space

The site in its entirety proposes large areas of open space. The detailed Phase 1 site meets the requirement for open space provision for the immediate use by residents of this phase. The wider site masterplan identifies that full provision will be made on those requirements. Overall, on balance, the proposals are supported and there is no objection to the application 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. A one form entry primary school is also proposed to provide additional school places for the future occupiers. The scheme proposes a community centre to serve the needs of the local population together with a local centre providing a range of local facilities and services. Additionally, the proposed areas of open space 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.

Impact on local services

The proposed development of up to 550 dwellings would create significant additional demand for local services and to mitigate this, contributions towards community facilities would be required.

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

Having considered the available evidence, the contributions are considered to be in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. A development of 620 dwellings on this site would have a material impact on or need for affordable housing, education, open space, health care, sports facilities, drainage, monitoring costs, and rights of way, employment/training for locals and highway matters.

This is a particular issue given the cumulative impact that is expected from the substantial level of housing growth proposed across this area of Kenilworth as well as across the District as a whole. It is reasonable to expect a development of this

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

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

Outdoor Sporting Contribution	£38,267
Indoor Sporting Contribution	£425,986
Grass Pitch Contribution	£609,703
Type 3 Air Quality Mitigation	£273,984
Additional Policing Needs	£99,930
Doctors Surgeries	£1,079,939
Hospitals	£500,381.22
Footpath Improvements	£22,591
Libraries	£11,879
Education	£7,252,582
Bus Stop Commuted Sums	£13,000/stop
Sustainable Travel Promotion	£5,500
Road Safety	£29,500
Safer Routes to Schools Initiative	£15,000
Local Highways Improvements	£4,146,258
Biodiversity Offsetting	£1,025,598
Monitoring (County)	£2,000
Monitoring (WDC)	£tbc.

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

- 40% Affordable Housing
- Transfer of land to the County Council for the primary school
- Appropriate mechanism for securing Biodiversity Offsetting Payments.
- Adoption of Open Space Areas.
- Adoption of SUDS.
- Local Labour Agreement.
- Securing Self Build/Custom Housing.
- Monitoring Fee.

Conclusion

The development of part of this allocated site (H06) for the construction of 550 dwellings, 8 hectares of employment land, a new one form entry primary school, community centre and a local centre, including the first detailed phase for 98 dwellings and two new accesses off Leamington Road and a new access from Glasshouse Lane, 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.

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 are considered to be acceptable in terms of car parking and highway safety. While the scale of the development results in an impact on the setting of the heritage asset known as Thickthorn Manor, this impact equates to less than substantial harm against which is weighed the public benefits of the proposals. The development is therefore considered acceptable in this regard.

Furthermore, the proposals are considered to be acceptable in ecological 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.

Notwithstanding the partial outline nature of these proposals, 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 and the convenience store without causing material harm to neighbouring amenity or the general character of the surrounding area. Suitable conditions are recommended regarding the phasing of the development.

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 **Implementation**

The development hereby permitted in detail (i.e. the means of access and the detailed first phase of 98 no. dwellings, landscaping, SUD's and open space) must be begun not later than the expiration of three years from the date of this permission.

The development hereby permitted in outline must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 **Submission of Reserved Matters**

With the exception of the detailed first phase of 98 no. dwellings and associated access, servicing, highway works, parking, footpaths, cycleways, public realm and other related works, this permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 as amended, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced on each subsequent phase of development:-

- Appearance
- landscaping (other than the structural landscaping hereby approved)
- layout

(a) scale

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

3 **Submission of Reserved Matters Time Limit**

In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars must be made to the Local Planning Authority, for each phase of the development, not later than the expiration of three years beginning with the date of this permission.

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

4. **In accordance with Plans**

The development hereby permitted shall be carried out in accordance with the followintg approved plans;

Dwg No.	Rev.	Dwg Name	Received
RG-M-01	D	Site Boundary Plan	3 December 2020
RG-M-Ai08	C	Framework Masterplan	3 December 2020
03798-Ci-SK002-03	-	Preliminary Priority Junction Layout	3 December 2020
03798-Ci-SK003-06	-	A452 Preliminary Access Arrangements	3 December 2020
3584-02	L	Proposed Site Plan	19 April 2021
3584-03	-	Proposed Materials Plan	3 December 2020
3584-04	A	Boundaries Plan	3 December 2020
3584-05	A	Hard Landscaping Plan	3 December 2020
3584-06		Site Sections and Street Scenes	3 December 2020
3584-10	-	House type HQI M2	3 December 2020

3584-11	-	House type Alnwick	3 December 2020
3584-12	-	House type HQI 2.1	3 December 2020
3584-13	-	House type HQI 3.1	3 December 2020
3584-14	-	House type Harwick	3 December 2020
3584-15	-	House type Waddeston	3 December 2020
3584-16	-	House type Harewood	3 December 2020
3584-17	-	House type Holdenby	3 December 2020
3584-18	-	House type Ragley	3 December 2020
3584-19	-	House type Ascot+	3 December 2020
3584-20	-	House type Birstall	3 December 2020
3584-21	-	House type Wentworth and Waddeston	3 December 2020
3584-22	-	House type Wentworth and Holdenby	3 December 2020
3584-23	-	House type HQI 4.1	3 December 2020
3584-24	-	House type Belvoir	3 December 2020
3584-25	-	House type Claydon	3 December 2020
3584-26	-	House type Highclere+	3 December 2020
3584-27	-	House type Longleat+	3 December 2020
3584-28	-	House type Lyme+	3 December 2020
3584-29	-	House type Hatfield+	3 December 2020
3584-30	-	House type Sutton+	3 December 2020
3584-31	-	Single Garage	3 December 2020
3584-32	-	Double Garage	3 December 2020
03798-C-0101-P1	-	Adoption Plan	19 April 2021
03798-C-0102-P1	-	Geometry Plan	19 April 2021
03798-C-0103-P1	-	Visibility Plan	19 April 2021
03798-C-0104-P1	-	Private Visibility Plan	19 April 2021
03798-C-0105-P1	-	Refuse Vehicle - Swept Path S1	19 April 2021
03798-C-0106-P1	-	Refuse Vehicle - Swept Path S2	19 April 2021
03798-C-0107-P1	-	Shared Driveway – Swept Path	19 April 2021
03798-C-0108-P1	-	Private Driveways – Swept Path	19 April 2021

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

5 **Surface Water Drainage Scheme**

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved FRA, 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:

(b) Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753. Provide cross sections of all proposed features and the require maintenance easements are provided.
(c) 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 4.3 l/s/ha for the site.
(d) 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 40% 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.

REASON: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

6 **Prevention of Material entering Watercourses**

No development and subsequent use of the development shall take place until a strategy to manage and maintain any construction materials from entering or silting up the watercourse has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. Details to ensure that no silt or chemicals can leave the phase being constructed shall be provided and monitoring of the watercourse during construction.

Reason: To ensure the construction of the development does not have impacts to the on-site watercourse or off site to flood risk.

7 **Updated Drainage Strategy for A46 Culvert**

Prior to the commencement of the development, an updated Flood Risk Assessment and Drainage Strategy shall be submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. This document shall describe how the site drainage will be maintained at greenfield run-off rate. In addition, the FRA should include a scenario where the downstream A46 culvert is at 50% of its capacity.

In the event that risk of flooding becomes evident, appropriate mitigation should be incorporated to address the issue. Any mitigation should be completely within the bounds of the development site.

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

8 **Foul Drainage Scheme**

Notwithstanding details contained within the approved documents, prior to commencement of each phase of development hereby approved, a Foul Drainage scheme to include;

a) A drainage strategy for the disposal of foul sewage; and
b) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented in accordance with the approved details prior to the first occupation of the relevant phase of development.

REASON: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies BE1, FW2 and NE5 of the Warwick District Local Plan 2011-2029.

9 **Road traffic noise (Detailed Phase)**

The detailed housing phase of 98 dwellings of the development hereby permitted shall not commence until a scheme detailing arrangements to protect residents of the development from excessive road traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road traffic noise has been submitted to and approved in writing by the local planning authority. Once approved the scheme shall be implemented in accordance with the approved details and shall be retained thereafter.

REASON: To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

10 **Road traffic noise (Outline application)**

Prior to the submission of any reserved matters application a supplementary road traffic noise assessment and 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. Once approved the scheme shall be implemented in accordance with the approved details and shall be retained thereafter.

REASON: To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

11 **Impacts of commercial development (Outline application)**

Prior to the submission of any reserved matters application, a noise assessment (including details of any noise mitigation measures if deemed necessary) of the impacts from the proposed primary school (Class F.1), employment uses (Class B2), Class E development, and community centre (Class F.2) shall be submitted to and approved in writing by the local planning authority. Any noise mitigation measures shall be implemented in strict accordance with the approved details. The noise mitigation measures shall thereafter be retained and maintained in strict accordance with the approved details at all times.

REASON: To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

12 **Air quality Mitigation**

The detailed phase of the development shall not commence until an appropriate scheme of mitigation in accordance with Warwick District Council's Air Quality Supplementary Planning Document (January 2019) has been submitted to and approved by the local planning authority. The approved scheme shall then be implemented in full and shall not be altered in any way without expressed written consent from the local planning authority.

Prior to the submission of any reserved matters application an appropriate scheme of mitigation in accordance with Warwick District Council's Air Quality Supplementary Planning Document (January 2019) shall be submitted to and approved by the local planning authority. The approved scheme shall then be implemented in full prior to the first occupation of the development and shall not be altered in any way thereafter without expressed written consent from the local planning authority.

REASON: To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

13 **Air Quality Mitigation from A46**

Prior to the submission of any reserved matters, a scheme of air quality mitigation measures to protect the residential amenity of future occupiers shall be submitted and approved in writing by the Local Planning Authority. Thereafter, the reserved matters submissions should incorporate these measures into the final layout and design of the scheme together with the submission of a compliance statement setting out how these measures have been achieved. Thereafter, the development shall be carried out in accordance with the approved mitigation measures.

REASON: To ensure appropriate mitigation against air quality impacts for future residents within the proposed development in accordance with Policies BE3 and NE5 of the Warwick District Local Plan.

14 **Construction Environmental Management Plan**

No phase of development hereby permitted shall commence until a Construction and Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the District Planning Authority. The CEMP needs to be compliant with the British Standard on Biodiversity BS 42020:2013 published in August 2013. 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.

15 **Protected Species Contingency Plan**

No phase of development hereby permitted shall commence until a Protected Species Contingency Plan for that phase has been submitted to and approved in writing by the local planning authority. The plan shall include:

a) Further bat surveys of the buildings and trees in accordance with BCT Bat Surveys – Good Practice Guidelines, has been carried out and if appropriate a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.

b) An updated badger survey carried out by a suitably qualified badger consultant and has been submitted to and approved in

writing by the District Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.

Any approved mitigation plan shall thereafter be implemented in full.

REASON: To ensure that protected species are not harmed by the development in accordance with NPPF and Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029.

16 **Landscape and Ecological Management Plan**

No phase of development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan (LEMP) for that phase 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 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 2011-2029.

17 **Protection of Ancient Woodland**

No phase of development hereby permitted shall commence until adequate measures have been taken to protect existing trees, scrub and ground flora of the adjacent Thickthorn Ancient Woodland, during development. A barrier, such as a wire fence, should be erected before works start. This fenced area should include a sufficient buffer zone between the development / associated works and the boundary of the Ancient Woodland. It is important NOT to allow access, or storage of materials within this buffer zone, otherwise soil compaction is likely to occur, with subsequent damage to the ground flora.

REASON: To ensure the protection of important habitats during development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

18 **Tree and Hedgerow Protection**

No phase of 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, for that phase, 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.

19 **Details of Lighting Scheme**

No phase of development hereby permitted shall commence until a detailed lighting scheme for that phase has been submitted and agreed between the applicant and the local planning authority. In discharging this condition the District Planning Authority expects lighting to be restricted around the boundary edges, along hedgerows, around known bat roosts and badgers setts, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and 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

a) Lighting should be timed to provide some dark periods
b) Connections to areas important for foraging should contain unlit stretches

The agreed scheme to be fully implemented before/during development of the site as appropriate.

REASON: To ensure that protected species and habitats to be retained are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029, the National Planning Policy Framework (NPPF) and ODPM Circular 06/2005.

20 **Construction Method Statement**

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

c) Any temporary measures required to manage traffic during construction
d)

e) Construction Phasing Plan.

- Construction site layout showing clearly designated areas for the parking of vehicles for site operatives and visitors; areas for the loading and unloading of plant and materials (i.e. deliveries/waste); storage of plant and materials used in constructing the development; areas for managing waste, and wheel washing facilities;
- An HGV routing plan to include likely origin/destination information, potential construction vehicle numbers, construction traffic arrival and departure times, and construction delivery times (to avoid peak hours) 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.
- Clear and detailed measures to prevent debris, mud and detritus being distributed onto the Local highway and SRN.
- 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.
- waste management;
- 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 details of the responsible person (e.g. site manager/office) who could be contacted in the event of complaint;
- a scheme to minimise dust emissions arising from demolition/construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- mitigation measures in respect of noise and disturbance during the construction phase including vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic numbers and routes;
- Best practicable means shall be employed at all times to control noise 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.

Thereafter, all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority in consultation with Highways England.

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.

21 **Phasing Plan**

No development other than the detailed phase of 98 dwellings shall commence until a phasing plan for the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the phases established in the phasing plan or any subsequent update to that phasing plan as approved by the local planning authority.

REASON: To ensure the proper phasing of the development

22 **Contaminated Land Assessment**

No phase of development hereby permitted shall commence until: -

1. (a) A site investigation for that phase 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.

23 **Fire Hydrants**

No phase of development hereby permitted shall commence until a scheme for the provision of adequate water supplies and fire hydrants for that phase, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The 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.

24 **Scheme of Open Space to be Submitted**

Notwithstanding details contained within the approved documents, prior to commencement of development under each reserved matters consent, a scheme of open space for that reserved matters consent to include details of;

a) How mixed open space facilities will be incorporated into the development
b) Informal open space;
c) Appropriate children's play facilities;
d) Outdoor sport facilities
e) Allotment gardens;
f) Management arrangements; and
g) Program of delivery

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 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.

25 **Site Wide Masterplan to be Submitted**

Notwithstanding details contained within the approved documents, prior to the submission of reserved matters application for any phase of the development hereby approved, a Site Wide Masterplan to include;

a) Illustrative details of how the proposed layout of development has been designed with due regard to the surrounding urban and rural context;
b) Land form topography as existing and proposed;
c) Land use plan and character areas (including densities and building heights);
d) 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;
e) Key infrastructure (including SUDs, significant utility provision, schools, district/local centres);
f) Landscape corridors and open space network;
g) Public open space;
h) Structural planting landscape areas;
i) Street lighting arrangements and any other lighting to public space;
j) A phasing plan including triggers for delivery of key elements of supporting infrastructure; and
k) A statement establishing how the development proposals accord with the principles set out in the Site Wide Design Code.

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

The Site Wide Masterplan shall be used in the assessment of future applications unless otherwise agreed in writing by the Local Planning Authority.

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

26 **Site Wide Design Code to be Submitted**

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

a) Hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas);
b) 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);
c) Building types;
d) Building heights;
e) The means to accommodate the parking of vehicles and cycles;
f) Sustainable Urban Drainage features;
g) Key spaces, open spaces and green features;
h) Architectural language and detailing;
i) A scheme of strategic landscaping (including site sections, site visuals, site levels, structural landscaping and hedgerow retention)
j) Design principles for street tree planting and other structural planting landscaping areas;
k) Design principles on hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long-term management;
l) Design principles on waste disposal and recycling;
m) Design principles on the colour and texture of external materials and facing finishes for roofing and walls of buildings and structures;
n) Design principles for street lighting and any other lighting to public space (including parking areas);
o) The principles shall include a regulating plan on an ordnance survey base at a scale no greater than 1:1250;
p) A mechanism for periodic review and refinement if necessary, of the approved Design Code

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

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

27 **Sustainability Statement**

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

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

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

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

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

28 **Site Levels/Finished Floor Levels**

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

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

29 **Materials**

No development on the detailed first phase of 98 no. dwellings shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. 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.

30 **Large Scale Details**

No development on the detailed first phase of 98 no. dwellings shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details.

REASON: To ensure a high standard of design and appearance in accordance with Policies HE1 and BE1 of the Warwick District Local Plan 2011-2029.

31 **Noise Mitigation Measures**

Construction of any buildings hereby permitted in outline 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, has been 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 protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

32 **Estate Roads laid out to satisfaction of the Highways Authority**

No dwelling shall be occupied until the estate roads [including footways and cycleways] serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

33 **Provision of Cycle Parking**

The development shall not be occupied until details of cycle parking facilities in accordance with the Warwick District Council Parking Standards 2018 have been submitted to the Local Planning Authority.

REASON: In the interests of sustainable transport opportunities and to assist with mitigation against air quality impacts associated with the proposed development in accordance with Policies TR1 and NE5 of the Warwick District Local Plan.

34 **Delivery of Spine Road**

Prior to the completion of 475 dwellings and 55% of the employment site (unless otherwise agreed with the Local Planning Authority), the spine road linking Leamington Road and Glasshouse Lane will be required. This shall be constructed to the standard specification of the Local Highway Authority and be open to all traffic.

REASON: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

35 **Low Emission Strategy**

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.

36 **Schedule of Local Centre Floorspace to be Submitted**

Notwithstanding details contained within the approved documents, prior to occupation of the 200th dwelling or marketing of the site for the Local Centre (whichever is sooner), details to include;

a) A schedule of the proposed land uses;
b) Details of management/ownership; and
c) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The approved schedule shall be implemented unless otherwise agreed in writing by the Local Planning Authority.

Where single units that include retail, meeting places, tourism, cultural and sports development in excess of 500sqm of gross floorspace, an impact test shall be submitted.

REASON: To manage the impact of Local Centre uses on the wider area in accordance with Policies CT1 and TC2 of the Warwick District Local Plan (2011-2029).

37 **Schedule of Community Centre Accommodation & Management to be Submitted**

Notwithstanding details contained within the approved documents, prior to occupation of the 200th dwelling or marketing of the site for the Community Centre (whichever is sooner), details to include;

a) A schedule of accommodation;
b) Details of management/ownership; and
c) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The approved schedule shall be implemented unless otherwise agreed in writing by the Local Planning Authority and transferred to the relevant ownership/management body.

REASON: In the interests of comprehensive development in accordance with Policy DS15 of the Warwick District Local Plan (2011-2029).

38 **Schedule of Employment Floor Space to be Submitted**

Notwithstanding details contained within the approved documents, prior to occupation of the 200th dwelling or marketing of the site for the Employment Uses (whichever is sooner), details to include;

a) A schedule of accommodation;
b) Details of management/ownership; and
c) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The approved schedule shall be implemented unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of comprehensive development in accordance with Policy DS15 of the Warwick District Local Plan (2011-2029).

39 **Travel Plan to be Submitted**

Notwithstanding details contained within the approved documents, prior to occupation of the Local Centre, Employment Uses or Educational Facilities under any reserved matters consent, a detailed Travel Plan to include;

a) Measures to reduce single occupancy car trips to/from the site;
b) Encourage modal shift; and
c) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented

REASON: In order to prevent additional vehicular traffic and promote sustainable modes of transport in accordance with Policies BE3 and TR1 of the Warwick District Local Plan 2011-2029.

40 **Maintenance of Surface Water Drainage**

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

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

41 **BREEAM Assessment**

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

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

42 **Water Efficiency**

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

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

43 **Pedestrian and Cycle Links**

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

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

44 **All connections to site boundary**

The Reserved Matters submission(s) shall include details of all connecting foot/cycleways extending up to and including the ownership/application site boundaries of the development.

REASON: To secure an appropriate linkage to the adjacent residential allocation to provide a comprehensive transport strategy for the development in accordance with Policy DS15 of the Warwick District Local Plan.

45 **Provision of Allotments**

Prior to the occupation of 50% of the dwellings, the allotments and associated infrastructure shall be laid out in full accordance with an Allotment Delivery and Management Plan that shall first have been submitted to and approved in writing by the Local Planning Authority. The

Plan shall include details of the location of the allotments, laying out of individual plots, infrastructure, boundary fencing, car parking areas and any proposed storage structures. Once laid out the allotments shall be appropriately managed, maintained and kept in a tidy condition for use as allotments for the lifetime of the development as set out within the Management Plan.

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

46 **Plant Noise**

Noise arising from any plant or equipment at these premises, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes))
[if the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.]

REASON: To ensure there would be no unacceptable disturbance to the detriment of the amenities of the occupiers of the development in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

47 **Estate Roads Layout**

The layout of the estate roads serving the development [including footways, cycleways, verges, footpaths 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', in general accordance with submitted drawing number 03798-C-0102-P1 Geometry Plan

REASON: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

48 **Construction of Estate Roads**

The construction of the estate roads serving the development [including footways, cycleways, verges and footpaths] 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.

49 **Landscaping Standards**

Notwithstanding details contained within the approved documents, the landscaping scheme(s) approved under any subsequent reserved matters application(s) shall be;
a) Carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation;
b) Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted;
c) All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.

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

50 **Landscape Replacement Planting**

Any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition 1 shall be completed in all respects, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first occupation of dwellings within that phase and within the first planting season following the first occupation of the new school, and the tree(s) and shrub(s) shall be planted within six months of that first occupation. -

Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the Local Planning Authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted.

All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations.

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

51 **Housing Mix**

The mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations

contained within the most up to date version of the Strategic Housing Market Assessment at the point of submission of the reserved matters unless an alternative strategy is agreed in writing by the Local Planning Authority. The final mix must take into account the mix provided within the detailed phase of 98 dwellings.

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

52 **Footpath Maintenance Condition**

No site security fencing may be erected on or within 1m of public right of way W212. Should any damage occur to the surface or route of Footpath W212, the applicant must make good any damage to the surface of public right of way immediately and to the satisfaction of the Warwickshire County Council Rights of Way Team.

REASON: To ensure sustainable modes of travel are maintained in accordance with Policies HS1, HS6, BE1 and TR1 of the Warwick District Local Plan 2011-2029.