Planning Committee: 31 January 2017 **Item Number:** **7**

Application No: W 16 / 1542

Registration Date: 22/08/16
Town/Parish Council: Kenilworth **Expiry Date:** 21/11/16
Case Officer: Sandip Sahota
01926 456554 sandip.sahota@warwickdc.gov.uk

Land at Common Lane, Kenilworth CV8

Variation of Condition 22 of planning permission ref: W/14/1340 from: "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 "Development Management Policy Guidance : Achieving Mix of Market Housing on new Development Sites" to: "The mix of type and size of market dwellings submitted as part of any reserved matters shall be: 2 bed houses - 10%, 3 bed houses - 30%, 4/5 bed houses - 60%". FOR Bloor Homes Ltd and Bluemark Projects Ltd

---

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 the report and a new s.106 agreement.

PLANNING HISTORY

W/16/1724 - Application for Variation of Condition 7 to allow a 'fabric first' approach under planning application W/14/1340 - Granted 22/12/2016.

W/14/1340 - Application for outline planning permission with all matters reserved except for access, for erection of up to 93 dwellings together with open space, drainage infrastructure and access from Common Lane - Granted: 23/12/2014

W/14/0618 - Application for outline planning permission with all matters reserved except for access, for erection of up to 93 dwellings together with open space, drainage infrastructure and access from Common Lane - Refused: 22/08/2014.

A subsequent appeal (ref: APP/T3725/A/14/2224356) was received in October 2014 in relation to the requirements of the s.106 Agreement and viability. This appeal is currently held in abeyance pending the outcome of the current application and negotiations with the Local Authority on the s.106 agreement, which is the subject of a separate report to Planning Committee.

DETAILS OF THE DEVELOPMENT

The outline application referred to above was granted subject to a range of planning conditions and a Section 106 agreement. The applicant contends that condition 22 is too restrictive and the limited flexibility has a consequent impact on the development viability of the scheme. The applicant therefore contends that if this market mix can be 'flexed', this would help to ensure the scheme remains viable and also limit the need to reduce the level of planning obligations to improve the viability of the development.

The applicant is seeking to vary Condition 22 of the outline permission to enable the mix of housing in the development to be varied in order to ensure the scheme remains viable in light of increases in infrastructure costs that the applicant now anticipates.

The approved mix of housing was as follows:

2 bed houses - 20 units (35%)
3 bed houses - 25 units (45%)
4 bed houses - 11 units (20%)

The housing mix proposed:

2 bed houses - 10-20%,
3 bed houses - 30-40%,
4 bed houses - 55-65%.

The application is accompanied by a Viability Report. Due to the nature of the commercially sensitive material contained in the report it has been treated as confidential and for internal circulation only. However, in order to assess its validity, it has been referred to the Council's independent consultant for assessment. The Council has received the independent assessment report which has been treated as confidential for the same reasons.

The applicant is also seeking to vary the existing Section.106 Agreement associated with outline planning permission ref: W/141340 to reduce the level of planning contributions. This application is the subject of a separate report.

THE SITE AND ITS LOCATION

The application site was taken out of the Green Belt on 15 December 2008 by the High Court following a successful legal challenge to its inclusion. There is a thin long slither of land which is in the Green Belt and this runs along the eastern boundary of the site and the railway.

The site adjoins the north-eastern side of Kenilworth and forms a triangular piece of land between the railway cutting to the east and Kenilworth Greenway to the west. The Greenway is a linear country park, permissive bridleway, and Sustrans Route 52. The site access currently consists of a farm gate set back from Common Lane, which is bridged at this point to pass over the railway line and Greenway.

The application site consists of agricultural land and is within the open countryside designation in the Local Plan. It covers a total of 3.22 ha. The field immediately to the north which is separated by a hedge line containing two TPO Oak trees is within the Green Belt, and there are strips of Green Belt land each side of the southern tip of the site. This boundary is also the Parish boundary between Kenilworth and Stoneleigh. The application site includes a parcel of land within this field measuring approximately 120m by 60m (0.72ha.). The western and eastern boundaries generally consist of dense tree lines.

On the opposite side of the railway are dwellings on Highland Road, and on the opposite side of the Greenway are dwellings on Woodland Road. The application site adjoins the residential curtilage of one dwelling on Redthorne Grove where there are TPO Oak and Horse Chestnut trees close to the site boundary.

The entire site is within Flood Risk Zone 1. The site slopes in a north easterly direction from the south, from 92m AOD to 79m AOD towards the Canley Brook. Most of the site is Grade 2 (Very Good) agricultural land with the remainder Grade 3 (Good/Moderate). The site is within the Feldon Parklands local landscape character area.

The site is within the open countryside allocation of the current Local Plan where rural area policies apply. The site is included in the Draft Local Plan as an allocated housing site for 90 dwellings (Site H07, Map 5 in the Warwick District Policies Map). The safeguarding route of HS2 lies 320m to the north-east.

RELEVANT POLICIES

- National Planning Policy Framework
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Clerk - Members objected to this proposal and insisted that the request for change of wording should not be approved, and the status quo retained. They felt that the provision contained in the original plan is in accordance with the requirement for the needs of the Town, and in accordance with Local Plan Policy Guidance: "Achieving Mix of Market Housing on new Development Sites".

WCC Highways - No objection. The amendment only alters the proposed housing mix and the Highway Authority considers that the change in traffic levels will be insignificant and the access and highway network will operate without any detrimental impact to its safe and efficient operation.

WCC Ecology - No comments to make.

Natural England - No objection. Make reference to standing advice.

Public Response - 16 objections have been received. Most of these reiterate the objections to the principle of residential development on this site which were submitted in response to the application for outline planning permission. Objections relating specifically to the proposed variation to housing mix have been made on the following grounds:

- Financial viability information submitted to support this application have not been made available to the public;
- An increase in the number of 4 bedroom dwellings is likely to increase further the volume of traffic entering and existing the contrived entrance to the estate;
- Contrary to the Local Authority's adopted policy, and
- Overdevelopment of the site

Assessment

This assessment focuses on the viability issues relating to the outline planning permission and how condition 22 is to be varied. Issues relating to the assessment of the previously approved outline application are not revisited.

Bloor Homes became involved in the scheme in early 2012. The promoter of the site had previously employed a consultant to assess the likely design and cost of the proposed bridge. Bloor Homes subsequently employed their own consultant to review the costs. Both consultants assessed the proposed bridge from a design and cost perspective and both concluded that based on the traffic flows on Common Lane and the likely impact of the additional units that the design was acceptable and both concluded a similar cost and Bloor Homes proceeded to enter into a conditional contract to acquire the land. The purchase price was based on an appraisal which factored in this cost and reflected a developer profit margin on gross development value which was at the lower end of what is generally considered a reasonable return.

Since that time the design of the bridge has gone through a substantial amount of refinement and Bloor Homes have arrived at a design which has recently been agreed with the County Council Highway Authority. The final design has seen the bridge / access way widened by approximately 4 metres which has both necessitated the requirement for the purchase of third party land and also a substantial uplift in build costs as more of the proposed road needs to be structurally retained. In total, the additional road and third party land access costs have significantly increased the overall cost of the road.

Part of the increase in cost for the road can be attributed to the general increase in build costs between 2012 and now. The BCIS index reflects an increase in build costs of 20%.

In addition to the road, build and infrastructure cost increases, the package required through the s.106 agreement is considerably higher than the amount which was anticipated at inception.

While costs have increased, so have sales values. However, due to the housing mix required by Condition 22 of the outline planning permission which seeks to development of more smaller units, the scheme has become unviable. If the

housing mix, as approved, is taken together with the increases in costs outlined above, then the overall margin of the scheme becomes negative.

As part of the assessing the viability position, the developer has undertaken an exercise to look at increasing the number of units to in excess of 110 units, however, this raises problems of affordable housing, increasing s106 costs and potentially a complete review of the highways position.

As such, to address the viability issue, the developer has sought to maintain the number of units at 93, but deliver a mix of 2, 3, 4 and 5 bed houses on the site. The proposed private mix is:

2 bed houses - 6 units (10%)
3 bed houses - 17 units (30%)
4/5 bed houses - 33 units (60%)

The parameters set out in the proposed mix outlined above when taken together with a reduction in the s.106 contributions (assessed separately) would allow the delivery of a viable scheme on the site. The applicant has stated that the profit margin produced by the development would still be well below a level which would normally be deemed to be viable but given the considerable time, resources and money which they have already expended on the project, the developer is prepared to lower their margin requirement in this particular case.

Jones Lang LaSalle (JLL), on behalf of Warwick District Council, have undertaken a critical review of the viability information submitted with the application and the further information they have subsequently requested. They have focussed on the financial assessment of development viability to examine the viability of the scheme, highlighting areas where they believe that further interrogation or information is required or where assumptions or the approach should be revised. They have also undertaken a sensitivity test of the sales values that the applicant has applied, to assess the impact on the viability of the scheme if higher sales values can be achieved.

After incorporating JLL's revised assumptions in the development viability appraisal analysis, a land value range has been deduced, based upon the level of Section 106 contributions that are assumed to be provided and whether the policy compliant housing mix is assumed or the applicant's proposed revised mix. In all scenarios, the Residual Land Value does not exceed the revised Site Value Benchmark that JLL have proposed. This remains the case after sensitivity testing the results to factor in possible higher sales values.

Summary/Conclusion

The viability report submitted and JLL's critical assessment of it suggests that the applicant's proposal to 'flex' the housing mix to ensure the scheme remains viable is justified and therefore planning permission should be granted to vary condition 22 as proposed. If permission is refused, it is highly likely that the site will not be able to move forward to provide housing.

CONDITIONS

1 Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of planning permission ref: W/14/1340, i.e. 23 December 2014. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

2 The development to which this permission relates shall begin within three years of the date of planning permission ref: W/14/1340, i.e. 23 December 2014 or within two years of the final approval of the reserved matters, whichever is the later. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

3 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (B.0292_13, B.0292_13-2 461095-003 Rev.H, 461095-014 submitted on 25 September 2014 and 10 November 2014. Tree removal and tree protection plan Figure 2 submitted on 25 September 2014), and advanced stop line for cyclists as shown on diagram 1001.2 submitted on 12 December 2014 and specification contained therein. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

4 This permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 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:-

(a) layout
(b) scale
(c) appearance
(d) landscaping

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

5 Prior to the submission of any Reserved Matters applications for any phase of development:
· a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work across this site shall be submitted to and approved in writing by the local planning authority.
· the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI is to be undertaken. A report detailing the results of this fieldwork is to be submitted to the local planning authority.
· An Archaeological Mitigation Strategy document shall be submitted to and approved in writing by the LPA. This should detail a strategy to

mitigate the archaeological impact of the proposed development. Dependent upon the results of the trial trenching, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits worthy of conservation.

No development shall take place until any fieldwork detailed in the approved Archaeological Mitigation Strategy document has been completed to the satisfaction of the Planning Authority. The post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the approved Mitigation Strategy document. **REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.

6 No development shall take place under any relevant phase of development until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, 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:

(a) low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps;
(b) the brightness of lights should be as low as legally possible;
(c) lighting should be timed to provide some dark periods; and
(d) connections to areas important for foraging should contain unlit stretches.

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

REASON: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3, DP9 and DAP3 of the Warwick District Local Plan 1996-2011.

7 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO^2 emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be

maintained strictly in accordance with manufacturer's specifications. **REASON**: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

8 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. **REASON**: To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan.

9 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the local planning authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2012, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the local planning authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

10 The development hereby permitted (including demolition) shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation 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), ODPM Circular 06/2005 and Saved Policy DAP 3 of the Warwick District Local Plan.

11 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the local 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 pond, wildflower grasslands, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON**: To ensure a net bio-diversity gain in accordance with the National Planning Policy Framework (NPPF).

12 The development hereby permitted shall not commence until: -

(1) (a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local 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; and
- the development of a method statement detailing the remediation requirements.

(b) The site investigation has been undertaken in accordance with details approved by the local 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 local planning authority. The method statement shall include details of how the remediation works will be validated upon completion and shall be approved in writing by the local planning authority prior to the remediation being carried out on the site.

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

(3) 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 local 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 local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling

and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

REASON: To safeguard health, safety and the environment in accordance with Policies DP2, DP3 & DP9 of the Warwick District Local Plan 1996-2011.

13 The development hereby permitted shall not commence until a scheme detailing arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

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

15 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of noise, vibration, dust, dirt and light during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **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 DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.

16 No development shall take place unless and until a Low Emission Strategy addressing the requirements of the guidance for a medium

scheme under the LES guidance and confirmation from the developer to provide EV charging points has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **REASON**: To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012.

17 The development hereby permitted shall be carried out in strict accordance with a drainage scheme and details of the following that shall have been submitted to and approved in writing by the local planning authority:

- The applicant is to provide detailed design plans showing the existing and proposed foul & surface water drainage systems for the site, showing the location of yard and road gullies, manhole's, soak ways, septic tanks, cess pitts and pipes including size, shape, material, fall and level in relation to ground and building levels. This should include a manhole schedule.
- The applicant is to provide detailed engineering drawings of the proposed attenuation pond and any other SUDS features incorporated into the design of the site. This should include vehicle and pedestrian access to the proposed attenuation pond to allow for maintenance crews to access the area to maintain control structures and the pond.
- Where works are located within 8m of the watercourse the applicant must obtain land drainage consent from the Environment Agency
- The applicant is to obtain discharge consent from the Environment Agency as part of the application.

REASON: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.

18 Prior to any development commencing on site, full details of the design and appearance, including materials, of the bridge access into the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the occupation of the development. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

19 This phase of the development shall not commence until a rain water harvesting scheme for the whole of this phase has been submitted to and approved in writing by the local planning authority. This phase of the development shall not be first occupied until the works within this scheme have been completed and thereafter the works shall be retained at all times. **REASON**: To ensure that the re-use and recycling of rain water is facilitated within this phase of the development in accordance with the provisions of Policy DP11 in the Warwick District Local Plan

1996-2011 and the Sustainable Buildings Supplementary Planning Document.

20 Any landscaping (other than the planting of trees and shrubs) approved under condition 1, including boundary treatment, paving and footpaths, shall be completed in all respects for that phase of development, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of the dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of that first use. 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 DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

21 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

22 The mix of type and size of market dwellings submitted as part of any reserved matters application is to be agreed with the Local Planning Authority within the following parameters: 2 bed houses - 10-20%, 3 bed houses - 30-40%, 4 bed houses 55-65%. **REASON**: To ensure that the housing meets, as closely as possible, the needs of the District as required by Local Plan Policy SC1 and the NPPF as closely, taking into account the viability of the development.

23 No construction will be undertaken until a Construction Management Plan, which must contain a Construction Phasing Plan and HGV routing plan has been submitted and approved by the local planning authority. **REASON:** In the interests of highway safety, in accordance with Policy

DP6 in the Warwick District Local Plan 1996-2011.

24 Prior to the commencement of the development (not including alterations to the bridge structure), the access to the site from Common Lane shall be constructed, located and laid out in general accordance with drawing number 461095-003 Rev 1 (*Minor alterations may be required during the detailed design process).* **REASON:** In the interests of highway safety, in accordance with Policy DP6 in the Warwick District Local Plan 1996-2011.

25 No infill material system material (soil) shall be imported to the site unless and until analytical test results for the material have been submitted to and approved in writing by the District Planning Authority. The analytical results shall demonstrate that the soil is suitable for its final use. Once the material is in place a further report shall be submitted to and approved in writing by the Local Planning Authority to confirm that the soil cover meets or exceeds the agreed capping depth. **REASON**: To protect the health and safety of future occupiers, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011