Planning Committee
Wednesday 15 September 2021

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa on Wednesday 15 September 2021, at 6.00pm and available for the public to watch via the Warwick District Council YouTube channel.

Councillor Boad (Chairman)
Councillor Morris (Vice Chairman)

Councillor M Ashford
Councillor R Dickson
Councillor T Heath
Councillor O Jacques
Councillor J Kennedy
Councillor V Leigh-Hunt
Councillor C Quinney
Councillor N Tangri
Councillor J Tracey

Emergency Procedure

At the commencement of the meeting, the emergency procedure for the Town Hall will be announced.

Agenda
Part A – General

1. **Apologies & Substitutes**

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

2. **Declarations of Interest**

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

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

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

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

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3. **Site Visits**

The Chairman to report the location of the planning application sites visited and the names of the Committee Members who attended.

Part B – Planning Applications

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

4. **W/20/2020 – Land at Thickthorn, Kenilworth (Pages 1 to 58)**
Major Application

5. **W/21/0169 – Castle Farm Sports Centre, Fishponds Road, Kenilworth**
***Major Application* (Pages 1 to 39)**

6. **W/21/0657 – 2 Elizabeth Way, Kenilworth (Pages 1 to 3)**

7. **W/21/1150 – Ingon, Old Warwick Road, Lapworth, Solihull (Pages 1 to 4)**

8. **TPO 567 – Land to the rear of 22 - 25 The Spinney, Royal Leamington Spa (Pages 1 to 3)**

Part C – Other matters

9. **Appeals Report (Pages 1 to 16)**

Please note:

(a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.

(b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.

(c) in accordance with the Council's Public Speaking Procedure, members of the public can address the Planning Committee meeting remotely by joining the remote meeting through their personal device on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please register online at Speaking at Planning Committee any time after the publication of this agenda, but **before 10.00am** on the working day before the day of the meeting and you will be advised of the procedure.

(d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.

(e) occasionally, items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's website, and where possible, the applicant and all registered speakers (where applicable) will be notified.

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

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

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Planning Committee: 15 September 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
01926 456527 dan.charles@warwickdc.gov.uk

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 application includes the submission of a Framework Masterplan that provides a range of parameters for the development. This indicates areas of low, medium and high density housing with the overall density across the site as a whole being medium density. The plan also identifies a range of footpath and cycle path links, areas of open space and indicative links to adjacent sites.

THE SITE AND ITS LOCATION

The site is located to the southern edge of 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.

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.
- 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.

The application was withdrawn from the July Planning Committee Agenda to allow the concerns of Kenilworth Town Council to be further considered.

A virtual meeting was held on the 2 August 2021 where the applicant provided a presentation to the Members of Kenilworth Town Council. The applicants provided feedback to all of the points raised. Following the meeting, a briefing note was prepared by Officers as a summary of the meeting and this was provided to Kenilworth Town Council to consider at their next Town Council Meeting.

It is understood that the briefing note was considered by the Town Council at their recent meeting, following which they have made no further comments.

The issues referred to by the applicant at the meeting with the Town Council in response to the Town Council's objection, are clarified and explained further in the body of the assessment below.

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.

1 letter of support received making the following comments;

- Very interested to see more detail as to the provision for those that live in the town and have been on the self-build register for many years.
- Don't currently see any detail but very much look forward to hearing how this demand is going to be met.

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

History/Background

As indicated above, the application was removed from the July Planning Committee Agenda to allow the concerns of Kenilworth Town Council to be further considered.

A virtual meeting was held on the 2 August 2021 where the applicant provided a presentation to the Members of Kenilworth Town Council. The applicants provided feedback to all points raised. Following the meeting, a briefing note was prepared by Officers as a summary of the meeting, and this was provided to Kenilworth Town Council to consider at their next Town Council Meeting.

It is understood that the briefing note was considered by the Town Council at their recent meeting, following which they have made no further comments.

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;

1. Delivery of a mix of housing to create a sustainable community.
2. Delivery of high-quality employment land and employment opportunities that are compatible with adjacent uses.
3. Delivery of an effective and efficient transport system.
4. Delivery of social and community infrastructure including new education establishments to support the new community.
5. 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.
6. Promoting a healthy and safe community.
7. Promoting high quality design.
8. 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.

In terms of development density, the plans indicate a mix of densities across the site to reflect the characteristics of the locality and in the interests of good urban design methodology. The detailed phase is designed to be lower density to reflect the character and layout of the surrounding housing. The outline area has areas of low, medium and high density housing identified on the framework masterplan. The overall density of the site where taken as a whole will achieve the medium density requirement as set out in the Development Brief.

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.

Highways Matters

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.

<u>Vehicular Traffic</u>

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.

Walking/Cycling

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 along the main spine road.

It is noted that the indicated details for the spine road within the Development Brief showed a combined cycle/footway on both sides of the spine road. However, since the production of the spine road, highways guidance has been updated that recommends the provision of a two way cyclepath, segregated from the footway facility. The proposals put forward include the segregated cycle facility along the Spine Road is in line with the very latest current guidance and has been discussed and accepted by WCC.

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.

The Development Brief sought the provision of Green Corridors through the site to link various land parcels. The requirement for the Green Corridor is to facilitate cycle and pedestrian movement through the site and into adjacent sites away from the roads used by vehicular traffic. Whilst the majority of the scheme is outline only, the Framework Masterplan indicates that dedicated footpaths are 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.

The applicants have advised that the proposed housing will be designed in accordance with the principles of the energy hierarchy to include measures to reduce the primary energy use and carbon emissions which aim to go beyond the requirements of the current Building Regulations, taking into account the results of the Future Homes Standard and any interim standards.

Phase 1 of the planning application, which is a detailed planning application, specifically includes a range of fabric first and energy efficiency measures which will deliver carbon savings beyond the requirements of the current Building Regulations.

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
Secondary Education Land	£196,482.56
Community Centre Construction	£785,713.50
Community Centre 5yr running costs	£66,432.14
Community Centre 5yr Staffing costs	£129,642.70
Wayfinding (Pedestrians)	£7,857.14
Secondary School Forward Funding--Interest	£139,353.50
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.
- Provision of MUGA within Parkland.

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)

(a) layout

(b) 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).

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.

4

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:

(c) 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.

(d) 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.

- 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.

a) The brightness of lights should be as low as legally possible
b) Lighting should be timed to provide some dark periods
c) 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:

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

Planning Committee: 15 September 2021 **Item Number: 5**

Application No: W 21 / 0169

Registration Date: 11/02/21
Town/Parish Council: Kenilworth **Expiry Date:** 13/05/21
Case Officer: Helena Obremski
01926 456531 Helena.Obremski@warwickdc.gov.uk

Castle Farm Sports Centre, Fishponds Road, Kenilworth, CV8 1EY
Demolition of existing sports centre and erection of new sports centre and Scout and Guide Headquarters with associated parking and landscaping FOR Warwick District Council

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed in the report.

DETAILS OF THE DEVELOPMENT

The proposal is for the demolition of the existing sports centre and erection of new sports centre and Scout and Guide Headquarters with associated parking and landscaping. The proposal will remove the dated existing recreation centre, which the applicant states is no longer fit for purpose, and replace it with a new two storey leisure centre including multi use activity studios, fitness suite, six court sports hall, changing facilities, reception and café area, petanque terrain, and facilities for the Scout and Guide associations.

The proposed development is centred on a main feature double height entrance that forms the primary active elevation of the new facility. The proposed building is a part single and part two storey structure, with a varied roofline and glazing to the front elevation. The materials proposed are brown/grey brickwork and feature panels. Timber and grey zinc cladding are also proposed to add texture and interest to the building. Large areas of glass are proposed along the frontage of the building to allow light into the building, improve the building's active frontage, and strengthen the connection with the surrounding landscaping.

During the course of the application, in response to consultation responses, the applicant has provided a suite of additional information to address the points raised. The following amendments to the proposal have been made during the course of the application:

- existing sport pitches has been re-orientated to ensure that no outdoor sports facilities are lost.

- Three oak trees which were to be removed to relocate the petanque pitch are now proposed to be retained and relocated.

THE SITE AND ITS LOCATION

The application site is a Recreation Centre which includes sports pitches, a skate park and car parking, and is located on the edge of the town within the Green Belt. The site is accessed off Fishponds Road. The rear of residential properties on Fishponds Road, Brookside Avenue and Castle Road overlook the site.

The remains of Kenilworth Castle Fish Ponds lie about 80m away to the north, on the opposite side of an existing tree line forming the playing field boundary. The Fish Ponds are a Scheduled Ancient Monument, part of the Kenilworth Castle Grade II* Registered Historic Park and the Conservation Area. The site is also within a Flood Risk Zones 2 & 3.

RELEVANT PLANNING HISTORY

There are various previous applications related to this site, for alterations and to the building, however, none are considered relevant to the assessment of this application.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- DS23 - Land for outdoor sports and recreation in Kenilworth
- DS18 - Green Belt
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities
- HS5 - Directing Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- CC1 - Planning for Climate Change Adaptation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- HE4 - Archaeology
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources

- CT4 - Extensions to Tourism, Cultural or Leisure Facilities in Rural Areas

Kenilworth Neighbourhood Plan (2017-2019)

- KP8 -Traffic
- KP7 - Castle Farm
- KP12 - Parking Standards
- KP13 - General Design Principles
- KP14 - Non-designated Heritage Assets
- KP15 - Environmental Standards of New Buildings
- KP21 - Flooding

Guidance Documents

- Open Space (Supplementary Planning Document - April 2019)
- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Deferred formal response until additional information is submitted, however provided comments (updated response expected shortly):

- Traffic key concern - Transport Assessment not considered robust due to conflicting circumstances. Additional 500 traffic movements not acceptable in terms of impact on neighbouring properties. - Traffic movement associated with all Local Plan designated sporting activity in this location (SP1) should be included in any assessment. - Members requested a review of the existing Travel Plan and Transport Assessment, having regard to the above concerns
- Travel Plan: Initially, most visitors may be expected to arrive by car but provision for cycling/pedestrians should be prioritised and fully integrated with this development. No detail on safe cycle/pedestrian movement is provided. Members felt pedestrians and cyclists should be given clear priority as part of the attempt to minimise vehicular flow and promote active travel.
- Energy: The Energy Statement complies with neither the Neighbourhood Plan (KP15) nor Local Plan (CC3) requirements. A decision not to meet the net zero carbon standard due to cost is shortsighted and will merely result in expensive future retrofitting. Members specifically ask for a Life Cycle Analysis to be conducted, considering energy and cost savings over a 30 year period with a higher energy performance building. These comments are especially pertinent, given the WDC declaration of a Climate Emergency and pursuant Action Plans. There appears to be a disconnect between this pledge and working intentions.
- Environmental Concerns: potential for light and noise pollution and expect full mitigations as necessary. Members stressed the need for full protection of the nearby watercourse and attendant wildlife, noting the reported presence of otters. They requested the preparation of an Ecology Report. Members requested assessment of any Net Biodiversity Gain, as required.

WCC Ecology: Recommends conditions, and request for additional information on lighting.

Environment Agency: No objection.

WCC Highways: No objection, following submission of additional information.

Historic England: Concerns regarding the proposal, whilst the visualisations show that the impact on the setting of heritage assets was not as severe as expected, this is not reflected in the revised documentation on which you have consulted us. There is no revised assessment of the setting with images to demonstrate that the setting would not be harmed to any great degree.

WCC LLFA: Objection, further information required.

Environmental Protection: No objection, subject to conditions.

Sports England: No objection, subject to condition.

WCC Fire and Rescue: No objection, subject to condition.

Natural England: No objection.

CCTV: No objection.

Sports and Leisure: No objection.

WCC Archaeology: No objection, subject to condition.

Tree Officer: No objection, subject to condition.

WCC Landscape: Would prefer that tree planting to north of car park is located closer to the car park, in order to screen / soften views of the car park. There appears to be an area to the west of the building, surrounded by the proposed pitches, petanque area and paddock - the plans don't indicate what is proposed for this area but, if possible, I would like to see some tree planting here, in order to soften the new building in views from footpaths to the west. I would also like to see a proposal for replacing the translocated trees if they fail.

Conservation Officer: No objection, subject to condition for sample materials.

CAF: too many materials are proposed; the overall use of colours, shapes and angles is incoherent; the scale of fenestration, particularly to the upper storey of the front elevation, was not of human scale and could be better controlled. Some members were concerned that the large, high areas of glazing would be highly visible and prominent when lit at night, causing detriment to neighbouring residential development; rear elevation appeared more industrial than the existing building and noted that what should be a ‘soft edge’ to the town, given views to and from open countryside, would be particularly impacted upon by the proposed development; the pétanque court be relocated so as to avoid the proposed removal of three mature trees.

Public Responses:

134 Objections:

Need / Location of the development:

- The development is not needed.
- The proposed development is contrary to policy HS5 Directing Open Space, Sport and Recreation Facilities - there is no clearly identified need within the *Built and Indoor Sports Facilities Strategy Updated: July 2018* for an indoor leisure development of the scale proposed, which is specifically required to be located on this particular site, which cannot be provided within Kenilworth on more suitable, more accessible, (which would be much better located alongside or close to the proposed new high school site), more sustainable site, which is better related locationally to new areas of population growth and away from the Kenilworth AQMA and Kenilworth's precious historic assets. The Leisure Strategy does not recognise the impacts which COVID19 has had on sports facility usage.
- This development is contrary the Council's Playing Pitch Strategy, Green Infrastructure Study and / or Green Space Strategy, and is therefore contrary to policy HS5 Directing Open Space, Sport and Recreation Facilities of the LDP, as it proposes building upon existing, and valuable, green leisure space and playing pitches, which should be retained in their own right, and not built over for a new leisure centre in this location – another site for the leisure centre should be found to create more leisure space, not build over our already valuable outdoor areas.
- The site is not included for major development within the Neighbourhood Plan, so should not be developed as such and would be contrary to the plan.
- Inappropriate location which will result in loss of leisure facilities in north eastern area of Kenilworth.
- Lack of meaningful public consultation.
- Loss of access to public green space.
- Castle Farm is allocated for *outdoor* sport only and the proposal will reduce the amount of outdoor sport, replacing it with indoor sport.
- The development is too large and not located in the right location.
- Castle Farm ground should be developed into a nature reserve or a country park.
- Suggests alternative sites and requests detailed site appraisals for alternatives. Increase sporting facilities at Kenilworth School rather than this location.
- The development is on the wrong side of Kenilworth to provide for the increased population which it is meant to serve.
- Unsustainable location.
- The existing building should be reused / extended.

Highways / Parking:

- The transport assessment is based on assumptions that are too optimistic, principally car and coach traffic flows and parking. The data provided is unreliable, based on assumptions not fact and undertaken when the site was

not working at its busiest, up to date data is required. Transport assessment is not factual or robust and does not take account of Wardens development or impacts from COVID19. Full peak-use surveys should be undertaken after COVID has passed.

- Increased traffic will impact on nearby surrounding residential streets which cannot cope with additional demands, cars park already on the verges and both sides of the road, there is no additional capacity.
- Claims of consultation within the transportation statement with local residents is untrue.
- False statements regarding width of the roads, current parking along nearby road contained within TS, road widths proposed by the applicant are incorrect.
- Coach visits to the site are likely to increase and this is not accounted for, roads are not wide enough to accommodate coaches.
- Will encourage speeding on surrounding roads and congestion.
- Increasing numbers of commercial vehicles in nearby residential roads are not accounted for in the traffic note from the applicants.
- The Transport Statement and Technical Note should not be relied upon as accurate and contain inaccurate, unsubstantiated statements.
- Swept path analysis is inadequate.
- Safe pedestrian and cycle access unproven - dark and dangerous, with no lighting or natural surveillance.
- Site is accessed by crossing busy roads with no pedestrian crossings leading to conflict with vehicles.
- Impact on pedestrian safety - particularly re nursery children - lack of cumulative impact assessment.
- Clarification sought regarding where double yellow lines are to be installed and how they will be enforced.
- Proposals would result in significant impact on highway network and insufficient mitigation measures have been proposed to mitigate impacts.
- Lack of parking for the Wardens and inadequate parking provision generally which does not accord with requirements of Vehicle Parking Standards.
- Impact of the Wardens relocation is not taken into consideration as part of the proposals.
- Disabled, young and older people will find dealing with level of traffic at junction and surrounding area extremely difficult and frightening, additional traffic will cause additional danger.
- Disregarding the adopted parking guidelines undermines the hierarchy of policy and adopted SPDs which guide the planning process within the WDC area, and undermines legislation which sets the status of adopted planning guidance.

Impact on neighbouring amenity:

- Noise and light disturbance to local residents. Neighbours request additional fencing and hedgerows are installed to reduce impacts from additional noise and lighting.
- Lack of consideration for impact on local residents.
- Incompatible scale of development in residential area.
- Members of the public will be prevented from using their own community land as a result of the proposed development and from the Wardens development.

- Commercial use of the site will go uncontrolled and impact detrimentally on neighbours.

Impact on the Green Belt

- Detrimental impact on the Green Belt which does not preserve openness, inappropriate development.
- The development is sited on green field land which should be protected.
- The proposal represents a disproportionate extension within the green belt.
- The cafe is not incidental to the sport and leisure use of the site and provides a new use in the green belt.
- The site has an important function in maintaining the openness of the green belt, which acts as a buffer between the urban area and registered park.
- Insufficient 'very special circumstances' apply to the proposed development, and the very principle of the proposal on this site must not be supported.

Impact on the character of the area / heritage assets:

- Loss of rural-urban fringe character to historic part of Kenilworth.
- Harmful to sensitive area and public benefits do not outweigh the harm to heritage assets.
- Loss of trees / relocation of trees.

Air Quality / Sustainability

- The proposals fail to address the climate change emergency and could be designed to be net carbon zero.
- The development which will generate a substantially higher amount of traffic through the Warwick Road AQMA and past the homes of 'people in the area' and through the Abbey Fields and Barrow Road LSOAs is obviously contrary to WDCs Air Quality Impact Assessment, Warwickshire Joint Strategic Needs Assessment July 2020, WDCs Air Quality Action Plan (AQAP) June 2015 and policies TR1 and TR2 of the LDP and is contrary to WDCs own proclaimed carbon-neutral targets, and must not be supported.
- Constitutes 'development that results in significant negative impacts on air quality within identified Air Quality Management Areas' and will cause unacceptably ' significant negative impacts on the health and wellbeing of people in the area as a result of pollution'.
- Inadequate air quality mitigation measures.
- Erecting an enlarged building, both in area and height, would have a much greater negative impact on the environment than the refurbishment and improvement of the existing facilities.

Other:

- No environmental assessment has been provided.
- Inadequate drainage provision and detrimental impact on flooding.
- Harmful impact on protected species and wildlife habitats.
- Larger car park will encourage anti-social behaviour.
- The planning and transport consultants have no local knowledge of the site.
- Devaluing of nearby properties.
- Query about what is being done about drug taking behind sports centre.

- Ecological biodiversity gains have come at loss of green space for members of public to use, further loss of access when Wardens development comes forward.

3 Neutral:
- Parking not provided for coaches.
- Concern about narrow approach roads for large vehicles.
- Planting along eastern boundary of site alongside properties to Fishponds and Greville Road be reinforced to mitigate noise and light spill, and along footpath.
- Improvements should be made to watercourse as this is in poor state
- Lack of control of parking along Fishponds Road and access to Castle Farm. Yellow lines should be used to control parking. Verges should be reinstated.
- Lighting should not be used at night to protect neighbouring amenity.
- Biodiversity enhancements welcomed.
- Cycle access is an after thought and not a key design consideration.

20 Support:
- Provision of enhanced sports, leisure and community facilities.
- There needs to be sufficient onsite parking.
- Traffic flows and usage need to be realistic, access routes need proper evaluation.
- Pedestrian and cycle access needs to be prioritised.
- Facilities needed to support increase in population resulting from planned housing development.
- Pleased to see plan taking shape after so many consultations with stakeholders.
- The development will provide for outdoor activities for all regardless of age, gender or disability.
- Opportunity to promote wellbeing.
- Lighting and covered area would be beneficial.
- The petanque community which plays regularly at Castle Farm are delighted that's this development is going ahead, including the provision of improvements to the new petanque playing area. Since the original terrain was constructed in 1997 it has been subject to flooding.
  The engagement of the petanque community by council staff has been first class and our views have been taken into account regarding all aspects of the construction. Changes have been made to the plans to address matters which have been raised.

These are a summary of public comments, please refer to the Council website for the detailed comments provided on the application.

Assessment

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

- the principle of development;
- whether the proposal constitutes appropriate development in the Green Belt;

- impact on sports pitches;
- design and impact on heritage assets;
- archaeological impact;
- impact on amenity;
- impact on trees;
- car parking and highway safety;
- sustainability
- air quality
- ecological impact;
- flood risk and drainage;
- other matters.

Principle of development

Replacement / extension of sports facilities

Members of the public have the following concerns regarding the need and location of the proposed development:

- The development is not needed.
- The proposed development is contrary to policy HS5 Directing Open Space, Sport and Recreation Facilities - there is no clearly identified need within the *Built and Indoor Sports Facilities Strategy Updated: July 2018* for an indoor leisure development of the scale proposed, which is specifically required to be located on this particular site, which cannot be provided within Kenilworth on more suitable, more accessible, (which would be much better located alongside or close to the proposed new high school site), more sustainable site, which is better related locationally to new areas of population growth and away from the Kenilworth AQMA and Kenilworth's precious historic assets. The Leisure Strategy does not recognise the impacts which COVID19 has had on sports facility usage.
- This development is contrary the Council's Playing Pitch Strategy, Green Infrastructure Study and / or Green Space Strategy, and is therefore contrary to policy HS5 Directing Open Space, Sport and Recreation Facilities of the LDP, as it proposes building upon existing, and valuable, green leisure space and playing pitches, which should be retained in their own right, and not built over for a new leisure centre in this location – another site for the leisure centre should be found to create more leisure space, not build over our already valuable outdoor areas.
- The site is not included for major development within the Neighbourhood Plan, so should not be developed as such and would be contrary to the plan.
- Inappropriate location which will result in loss of leisure facilities in north eastern area of Kenilworth.
- Lack of meaningful public consultation.
- Loss of access to public green space.
- Castle Farm is allocated for *outdoor* sport only and the proposal will reduce the amount of outdoor sport, replacing it with indoor sport.
- The development is too large and not located in the right location.
- Castle Farm ground should be developed into a nature reserve or a country park.

- Suggests alternative sites and requests detailed site appraisals for alternatives. Increase sporting facilities at Kenilworth School rather than this location.
- The development is on the wrong side of Kenilworth to provide for the increased population which it is meant to serve.
- Unsustainable location.
- The existing building should be reused / extended.
- The wording of policy DS23 requires the provision of *outdoor* sport, that an extension of the building represents the loss of some outdoor sports provision, and addition of indoor sports provision.

Supporters of the proposal state that the development would result in the provision of enhanced sports, leisure and community facilities. Supporters also note that the facilities are needed to support an increase in population resulting from planned housing development.

They state that there has been extensive consultations with stakeholders and that the development will promote wellbeing and outdoor activities for all regardless of age, gender or disability. Supporters also state that the petanque community which plays regularly at Castle Farm are delighted that's this development is going ahead, including the provision of improvements to the new petanque playing area. Since the original terrain was constructed in 1997 it has been subject to flooding, and the engagement of the petanque community by council staff has been first class and, with their views having been taken into account regarding all aspects of the construction.

Local Plan policy DS23 states that Castle Farm is allocated for the provision of outdoor sport. Appropriate facilities associated with the provision of outdoor sport will be permitted provided that they preserve the openness of the green belt and do not conflict with the purposes of including land within it.

It is important to understand the context regarding policy DS23 and its intended purpose. The supporting text for this policy informs that the provision of additional land at Castle Farm for outdoor sport will complement, and may assist the improvement of, existing playing facilities at the site.

It is clear that the intention of the allocation of the land for SP1 was to provide additional outdoor playing facilities, rather than restrict the existing indoor sports facilities from expansion, or proposed their removal from the site to provide for outdoor sports facilities.

It can therefore be concluded that policy DS23 is not directly relevant to the assessment of the proposed replacement existing facilities. Whilst some of the open space around the sports pitches would be lost to make way for the new leisure centre, as the sports pitches are proposed to be reoriented, there is no loss of actual playing area.

Importantly, it should also be noted that Neighbourhood Plan policy KP7 states that proposals to extend the current spots and leisure facilities to enable the

relocation of existing sports clubs in the town will be supported, provided that certain criteria are met.

Clearly, the Neighbourhood Plan supports the appropriate extension of leisure facilities in this location. Moreover, whilst the comments of members of the public are noted, no outdoor sports facilities would be lost as a result of the proposed development.

In fact, the proposal will enhance facilities which are associated with outdoor sport, such as new changing room facilities and provision of a new petanque pitch.

There would be some loss of public open space, but this is replaced with indoor sports facilities, which represents an extension to an existing established use of the site.

Therefore, it is considered that the provision of a replacement leisure centre with extensions would not be contrary to Local Plan policy DS23 in that the site would remain allocated for outdoor sport. The outdoor sports provision for the site as a result of the development would be enhanced through the provision of supporting infrastructure.

Turning to the requirements of Neighbourhood Plan policy KP7, development at Castle Farm will be permitted provided that:

a. the existing or enhanced facilities, both in the building and in the open space remain accessible to the public where possible;
b. the existing Scouts and Guides facility is retained unless suitable alternative premises are found locally
c. vehicle access routes in both the existing and new facilities are designed to accommodate predicted flows whilst addressing and minimising the adverse affects on dwellings
d. adequate car and coach parking provision is made on site to minimise any detriment to residential neighbours and local residential roads
e. the scheme delivers the appropriate facilities associated with the provision of outdoor sport, and they are located and designed in such a way as to preserve the openness of the Green Belt and do not conflict with the purposes of including land within it
f. any buildings, parking areas and lighting are appropriate not only to the Green Belt location but also respect the amenity of existing residents both visually and as noise sources.

The site will remain in the ownership of the Council, and will remain accessible to the public. The Scouts and Guides facility will be retained.

As discussed in more detail below, WCC Highways have no objection to the proposed development in terms of access arrangements and traffic flows. It is considered that the impact on neighbouring properties is acceptable, which is discussed in more detail below.

The development is considered to provide appropriate facilities, which have been informed by the Council's Built and Indoor Sports Facilities Strategy.

As stated above, in terms of the provision of outdoor sports facilities, these would not be affected as a result of the development and would not directly impact the Green Belt.

The requirements of point f are also considered to be met and discussed in depth below. Notably, there is a clear distinction between points e and f above in terms of the impact of outdoor sports facilities vs buildings / infrastructure within the Green Belt. It is considered that the development is in accordance with Neighbourhood Plan policy KP7.

Local Plan Policy HS1 gives an overarching direction, for creating healthy, safe and inclusive communities, which seeks to encourage healthy lifestyles by providing opportunities for formal and informal physical activity, exercise, recreation and play. Policy HS5 indicates general support for proposals for new and improved open space, sport and recreation facilities. It then goes on to require such proposals to demonstrate that they address any shortfall in provision identified in the Built and Indoor Sports Facilities Strategy, the Green Infrastructure Study and / or the Green Space Strategy.

The supporting information submitted with the application informs that the Council’s Sports and Leisure Strategy 2018 provides the long term approach to sports and leisure provision and planning across Warwick District.

The improvement of facilities in Kenilworth is one of the main focuses of this strategy, in order to bring Kenilworth's facilities in line with others across the District, which have seen investment in recent years. Importantly, the Sports and Leisure Strategy establishes that the existing Castle Farm Recreation Centre has been identified as in need of refurbishment and modernisation for a number of years. The Strategy recognises the impact of planned housing development within Kenilworth and that by 2029, there will be an unmet demand of leisure facilities if no enhancements are provided.

The Strategy specifically states that Castle Farm should be increased from a 4 badminton court size hall to a 6 or 8 court size. It also suggests that any modernisation of Castle Farm should consider the scope to provide a flexible multi-purpose studio space in addition to the main sports hall. The Strategy sets out the results of a condition survey which was undertaken to assess the condition of the existing sports and leisure buildings. It notes that external roof and wall cladding at Castle Farm were in need of replacement (the roof has since been replaced), and that the internal spaces in the Recreation Centre would benefit from refurbishment. It also noted that mechanical and electrical plant had reached the end of its economic life.

Since 2013/14, Warwick District Council Executive have considered a number of options for how best an improved recreation and leisure facility could be provided in Kenilworth. This process has included analysis of all school sites including the possibility of locating all leisure provision on one shared school site in the town.

However, following analysis of the site and its context, this option was discounted for a number of reasons including that this would result in removal of sports facilities from their existing accessible location close to the town centre, and would lead to an unacceptable impact in terms of traffic.

A review of whether the facilities at the Abbey Fields Swimming Pool should be relocated to the Castle Farm Recreation Centre site was also undertaken. However, following analysis, it was determined that achieving adequate and appropriate swimming pool facilities at the Castle Farm site was not viable due to a number of factors, including predicted traffic impacts due to increased usage of the site and likely impact on the Green Belt due to a substantially larger development being required. The Council did not own any other suitable sites, and purchasing a new site on the open market was not a financially viable option for the local authority.

It is therefore considered that part 'a' of Policy HS5 is met, as there is a clear projected unmet need for additional leisure facilities in Kenilworth, and the Built and Indoor Sports Facilities Strategy sets out a clear direction that the facilities at Castle Farm require replacement and enhancement.

Policy HS5 then goes on to set out a "town centre first" approach to the location of new sport and recreation facilities, unless: (i) the proposal is accessible to the community it proposes to serve by means other than the private car; and (ii) there is a need to enhance an existing facility or provide a new facility that has specific locational requirements. Paragraph 5.74 of the explanation to the policy gives the example of where it may be more appropriate to enhance an existing facility, co-locate or combine with other community uses, at other sustainable locations, to ensure long term viability.

With regard to Criterion (i), whilst situated outside of the town centre, the site is in a sustainable location, being approximately 480 metres from the edge of the town centre boundary (6 minute walk). There are a number of bus stops within a 6 - 10 minute walk of the site which would allow sustainable access. The site is also within easy walking and cycling distance of the town centre. Therefore it has been concluded that the proposals comply with Criterion (i).

In relation to Criterion (ii), the site is one of the two main existing leisure facilities for Kenilworth. The proposals are for a replacement and expansion of this existing facility in order to ensure its long term viability and to meet an projected unmet need within the local area of Kenilworth. Consequently Criterion (ii) above is clearly met.

Local Plan policy CT4 states that extensions to leisure facilities in rural areas will be permitted where these do not: establish new uses which are not ancillary to the normal business operation; generate significant volumes of additional traffic; and, harm the character of the area.

As the site is located outside of the urban area boundary, technically this policy applies to the assessment of this application, albeit as stated above, this site is considered to be located in a relatively sustainable location.

The proposal is not considered to establish any new uses which would not be ancillary to the normal functioning of a leisure centre; the sports facilities are provided on a needs basis and a cafe area is commonly found within many leisure centres, including those within the District, such as Newbold Comyn for example. As discussed in more detail below, the development is not considered to generate significant volumes of additional traffic, and as already stated, this site is identified for potential expansion as per the Neighbourhood Plan. As detailed below, the development is not considered to cause harm to the character of the area.

For the above reasons it has been concluded that the proposals are in accordance with the aforementioned policies.

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Paragraph 149 of the NPPF provides a list of exceptions to inappropriate development in the Green Belt. Local Plan policy DS18 echos the requirements of the NPPF.

Members of the public raise the following concerns regarding the impact of the development on the Green Belt:

- Detrimental impact on the Green Belt which does not preserve openness, inappropriate development.
- The development is sited on greenfield land which should be protected.
- The proposal represents a disproportionate extension within the green belt.
- The cafe is not incidental to the sport and leisure use of the site and provides a new use in the green belt.
- The site has an important function in maintaining the openness of the green belt, which acts as a buffer between the urban area and registered park.
- Insufficient 'very special circumstances' apply to the proposed development, and the very principle of the proposal on this site must not be supported.

The applicant proposes that because the development comprises the redevelopment of previously developed land for the same purposes as currently exists and will not give rise to a disproportionate increase in the scale of built development, that the proposal represents appropriate development within the Green Belt.

However, Officers disagree with this assertion, which adopts a mix of the different aspects of what might be considered to be appropriate development.

The NPPF allows for the limited infilling or the partial or complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development. The NPPF also allows for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

However, neither of these exceptions are considered to match closely to what is proposed, which is the demolition and replacement of an existing building, with additional car parking facilities. Therefore, Officers conclude that exception "d" of paragraph 149 of the NPPF is most relevant in this instance, being the "the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces".

Officers have calculated that the existing floorspace of the building is approximately 2,362sqm. The floorspace of the proposed building is calculated as approximately 5,813sqm, which is an increase of 146%.

Whilst the new building would be in the same use as the current building, it cannot be agreed that the building is not materially larger than the one it replaces.

Even if the other exceptions referred to by the applicant were considered, the test for previously developed land is the works not having a greater impact on the openness of the Green Belt than the existing development. Moreover, the test for the potential acceptibility of an extension to an existing building is that it isn't disproportionate relative to the original building.

In considering proportionate extensions to dwellings, the Local Plan has identified that 30% addition in floorspace would generally be considered as to be proportionate. Whilst the leisure centre is larger in scale, the addition of 146% floorspace above the original building cannot be considered as proportionate in planning terms, and would have a greater impact on openness than the existing development.

In terms of the impact on openness, this should be considered in visual and spatial terms. There is no doubt that the scale of development would be larger than the existing and would extend the built form on the site.

The proposed parking area and increased traffic movements associated with the site would also have an impact on the openness of the Green Belt. However, the site still remains contained in the sense that the increased parking area is positioned in between the existing building and residential development to the east of the site. Nevertheless, it is recognised that the level of harm to the Green Belt has to be judged as significant given the size of the development.

It is therefore necessary to consider whether any very special circumstances exist which would outweigh the harm to openness and any other harm identified. The applicant has set out that there are four main very special circumstances to justify the development and outweigh any harm identified which are summarised below:

1. Significant health and recreational need

The proposed development is being brought forward in the context of the Council's 'Indoor Sport and Leisure Strategy', which was updated in 2018. This strategy included an assessment of swimming pools, sports halls, health and fitness suites and other specialist indoor sports provision, primarily within Council control but also extending to those run by schools, private companies and community providers. It drew on contributions from Sport England and other key sporting bodies as well as from local community groups and from public consultation feedback. The evidence underpinning the Strategy has confirmed that whilst the District has a rising healthy and active population, participation levels are at risk of being detrimentally impacted by:

- sports hall stock being reliant on a number of school sites which, in some instances, have no community use agreements in place and carry a risk of long term availability;

- sports hall stock being ageing and becoming less usable and attractive to users;

- a lack of purpose built dance studios and studios for activities such as pilates and yoga;

- very little spare capacity within existing sports halls at peak periods;

- a shortfall in the availability of dedicated health and fitness stations and an overall reliance on the private sector for this form of provision.

The updated Strategy in 2018 highlighted that, despite interventions, there remained a pressing need to modernise and extend leisure facilities in some parts of the District - particularly in the north and around Kenilworth where there was evidence of lower participation levels, relative to other parts of the District and a significant number of residents travelling to facilities outside of the District, in south Coventry (with attendant detriment to sustainability measures including traffic patterns and air quality emissions).

Castle Farm Leisure Recreation Centre was noted as a significant issue in both the 2014 and 2018 studies. Its external roof and wall cladding is in a poor and deteriorating condition (the roof has subsequently been replaced), the majority of mechanical and electrical plant has reached the end of its economic life and the range and quality of indoor accommodation does not meet modern day standards. Its capacity is also a limiting factor, with peak time usage providing very little spare capacity (standing at 78%, against Sport England's comfort level of 80%). An express need for investment and re-provision is apparent.

Allied to these circumstances, the Scouts and Guides headquarters at Castle Farm is also a deteriorating facility. The organisation has been housed in the premises for over 30 years and are a strongly supported organisation in Kenilworth with a healthy waiting list. A fit for purpose building which is inclusive

and accessible for all, with direct access to open space as well as to parking, safe drop off/pick up areas for children and access for loading/unloading of equipment is a pre-requisite to sustaining their invaluable contribution to the health and wellbeing in the District.

2. Absence *of alternative sites*

The current planning application has been preceded by an extensive site search and feasibility stages, to determine whether the identified needs (whether together or in part) could be met on any alternative site (or sites) potentially outside the Green Belt. The following key factors were taken into account: accessibility, availability, and suitability. A thorough options evaluation process was undertaken of all alternative development options to ensure that the prescribed scale and form reflected customer requirements, as well as sporting and accessibility standards. Also key to the evaluation process was feasibility in design terms, underlying cost constraints and whether the mix would deliver flexibility in the long term and represent value for money.

A Preliminary Area Schedule was developed to specifically test the scale and mix assumptions and this was subject to extensive consultation and feedback, from key stakeholders and users during the summer of 2018. This process (for example) ruled out the inclusion of an 8 court sized sports hall and helped define the number of fitness suites needed. Consideration was given, as part of this process, to the option of integrating swimming pool provision on the one site and any flexibilities which could be applied in terms of the necessary ancillary parking and circulation requirements. The option of disaggregating the Scout and Guide HQ to a separate site was also fully explored, as was the level of outdoor changing provision.

Applying all of the above factors and consulting extensively, no alternative sites were found which satisfied the site search criteria. Whilst consideration was given to using land at the new Kenilworth School site for the new facilities this option had to be discounted at an early stage. Underlying covenants associated with the permissible uses on the site, coupled to landowner and CPO sensitivities as well as the associated cost of land purchase all rendered the co-location of school and leisure provision unviable. This site was in any event a less accessible option and would have led to key community assets being removed from the heart of the town.

Specifically, in respect of the Scouts and Guides facilities, there is an imperative to be near to Kenilworth town centre, and located within proximity to the main residential catchment, to the south east. As many of the young people attending the site travel independently, the need for the facilities to remain 'local' and to be highly accessible by all the 2,000-3,000 people involved is key. A more peripheral geographical location would not only disadvantage many members, who cannot rely on a private car, but would create a 'void' in the provision of activities in this part of Kenilworth.

3. Necessary facilities mix and scale

The Leisure Strategy presented has confirmed the clear requirement for any new site to be capable of accommodating a multi-use sports hall, studio space and gym facilities, fully accessible changing rooms and associated storage, amenity and service space, together with new accommodation for the Scouts and Guides:

- The scale of the sports hall, studios space and gymnasium space has been expressly calculated based on the output of the leisure needs assessment. This reflects the overall scale/quality of supply in other parts of the District, specific unmet needs (eg for women) and forecast demands based on population growth.
- The number and size of changing rooms has been dictated by the size and type of facilities mix, with reference to Sport England guidance and leisure industry standards and best practice.
- The allowance for a catering area and for viewing space reflects the essential need for an integral, multifunctional social space to act as a core meeting point within the foyer, as well as to generate income capable of contributing to the overall viability of the scheme.
- Minimal circulation space is provided. Necessary allowance has had to be made to allow for groups congregating, for wheelchair and buggy parking, for staffrooms and management offices and for effective escape in case of fire or other emergency.
- A rigorous options appraisal was undertaken during 2017 and 2018, which involved extensive consultation with user representatives. The appraisal process involved defining the Scouts and Guides' key accommodation requirements and testing how this might be laid out and managed efficiently, taking due account of the need for the resultant design to be flexible, accessible, inclusive, value for money and viable and also that, given the Green Belt context, it was commensurate with the need identified. The options appraisal also included consideration of various space saving innovations, such as individual, non-gender-specific toilets and removable room dividers. Whilst the new accommodation reflects an increase in some areas of function and a reduction in others, the overall increase in floor area, relative to existing, represents the incorporation of one additional key meeting room, to meet the specific needs of Explorers, alongside other identified expansion activities.

4. No conflict with purposes

The baseline conditions mean that the existing, inherent openness of the site and its contribution to Green Belt purposes is relatively limited and that the degree of potential impact might be relatively low. It is submitted that the development does not carry a risk of urban sprawl, merging of towns or encroachment into the countryside or associated potential for conflict with the purposes of including land within the Green Belt. This is on the basis that it is a fully contained development, where there is a clear, defensible boundary with adjacent open land protected through the extant allocation for outdoor sports activities. Through increasing public access to this site and through beneficial reutilisation of the existing poor quality facility, the purposes of the Green Belt will not, in any way, be undermined.

Assessment of very special circumstances

The applicant has provided a thorough justification of the need for the development of this size, and that Castle Farm specifically is in need of updating. The Council Sports and Leisure Strategy is specifically referred to within the Local Plan as a supporting document, and this clearly defines that additional sports facilities are needed to support Kenilworth. The selection process for these improved facilities has demonstrated that other than this site, there are no alternative viable options which can deliver the sports facilities required in time for the forecasted demand and that the type of facilities provided are determined through a needs basis.

Officers agree that the development is unlikely to conflict with the purposes of including land within the Green Belt. The development would for example remain contained within the site and the replacement of one building with another (albeit larger) would not lead to unrestricted sprawling development.

Although it is recognised it is on a larger scale than the existing building, overall the context of the site remains the same as the existing arrangements. There would be no concerns regarding neighbouring towns merging into one another in this location. The development would not result in any particular encroachment into the countryside - the development is still read as the edge of the urban area and forms part of an allocated area for outdoor sport, with car parking and associated infrastructure, therefore overall the impacts in this regard are minimal. There are no concerns regarding the preservation of the setting and special character of historic towns and the purpose of assisting urban regeneration is not relevant in this instance.

Importantly, the updated facilities would deliver <u>significant</u> benefits in terms of meeting a demonstrated need for sports facilities. These are key priorities within local and national planning policy. Therefore these benefits are considered to comprise very special circumstances and should be afforded significant weight in the assessment of the application.

Drawing the above considerations together, whilst the level of harm to the Green Belt has been judged to be significant, the benefits of the scheme are considered to be substantial and comprise very special circumstances which are sufficient to clearly outweigh that harm. Therefore, due to the existence of compelling very special circumstances, it has been concluded that the proposals comply with national and local Green Belt policy.

<u>Impact on Sports Pitches</u>

As the proposed building would be larger than the existing footprint, the development has a potential to impact on existing sports playing fields, therefore Sports England were consulted. Following concerns that the development could result in impact on one of the sports pitches, the applicant submitted an amended plan which showed the reorientation of the sports pitches. Sports England have no objection to the revised proposal, but consider that there would be a loss of potential sports pitches i.e. land which could be used as sports

pitches as part of the wider allocation, however when assessing this against Sports England policy, they consider that the proposal meets the following exception, which states:

'*The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field*.'

In summary, they consider that the proposal meets the above planning policy exception. They however express concerns over certain elements of the design, but confirm that this can be controlled by condition. They also strongly urge the WDC leisure team to fully engage with the Football Association/Football Federation on the issues they have raised during the consultation to ensure proper dialogue going forward.

The recommended condition has been added, and a note to the applicant will be added to encourage them to engage with the Football Association/Football Federation. Sports England have confirmed that the condition can be worded so that works below ground level can be carried out prior to the submission of the required information. Overall, they have no objection to the proposed development.

Design and Impact on Heritage Assets

Policy BE1 of the Warwick District Local Plan (2011-2029) and Policy KP13 of the Kenilworth Neighbourhood Plan seek to ensure that development proposals achieve a high quality design. Increased emphasis on good design is proposed by the updated NPPF (2021).

Section 72 of the Town and Country Planning (Listed Building and Conservation Areas Act) 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Local Plan mirrors the above requirements of the NPPF. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by

impacting on important views and groups of buildings within and beyond the boundary.

To the north of the application lies the character area 5 of Kenilworth Conservation Area, the Fishpond complex – a Scheduled Monument – and boundary of Kenilworth Castle's Grade II* listed Registered Park and Garden. Although there are no heritage assets on the site itself, the development site is nonetheless highly sensitive due to the proximity of designated heritage assets. The existing building however is of poor quality and is not considered to be of any architectural merit. The loss of this building is therefore acceptable.

Historic England and the Conservation Officer initially expressed concerns regarding the lack of visualisations provided, particularly from key vantage points from heritage assets. Concern was also expressed regarding the increased bulk and mass of the building and potential to impact on the setting of nearby heritage assets, and use of materials. Members of the public consider that the development results in a loss of rural-urban fringe character to a historic part of Kenilworth, that the development would be harmful to a sensitive area and that public benefits do not outweigh the harm to heritage assets. The Conservation Area Forum (CAF) suggested that too many materials are proposed and that the scale was too large, with an incoherent design. They considered the rear elevation appeared more industrial than the existing building and noted that what should be a 'soft edge' to the town, given views to and from open countryside, would be particularly impacted upon by the proposed development. It should be noted that comments from CAF however were submitted prior to the visualisations being provided.

Visualisations of the scheme were provided which enabled Historic England and the Conservation Officer to consider the impacts of the proposed development in more detail. The key vantage points from important views show that owing to the position of the development, and surrounding screening, the proposed building would not have a detrimental impact on the setting of the aforementioned heritage assets as it would not materially impact on these views. The Conservation Officer has confirmed that they have no objection to the proposal. Historic England have informally confirmed that they no longer have concerns regarding the proposal, but have requested that the revised documentation (heritage statement etc.) need to be updated to demonstrate that the setting would not be harmed to any great degree, before any objection can be formally removed. Councillors will be updated on this matter prior to the meeting.

The visualisations show that whilst a reasonably large structure, the use of glazing across the front elevation, and complementary materials provides visual interest and interaction between the internal and external realms. The glazing also provides a more lightweight appearance to the front of the building and softens what could be a reasonably stark frontage. The materials also help to break up the different sections of the building, to reduce the overall bulk and mass, and provide coherence between the pair of two storey elements either side of the central glazed section when observed from the front elevation. Careful consideration will need to be given to the final choice of materials, which will be secured by condition.

WCC Landscape have made requests regarding the location of the proposed tree planting which can be positioned to soften the impact of the development. This can be secured via a detailed landscaping scheme which will be secured by condition.

Therefore, the proposal is not considered to have a harmful impact on heritage assets and adopts a high quality design which responds well to its setting, and would be vast improvement in comparison to dilapidated and incongruous existing building. The proposal is considered to be in accordance with the aforementioned policies.

Archaeological Impact

Members of the public suggest that there would be a harmful impact on items of archeaological importance.

Initially, Historic England and WCC Archaeology raised concern regarding the impact of the development on items of archeaological importance, and lack of information on this matter. Discussions were held between these parties and the applicant, and further information was provided in support of the application to address this matter. Both WCC Archaeology and Historic England have confirmed that following the submission of this additional information, they are now reassured that the development can proceed without (presumably) harm to items of archaeological importance, subject to a condition for the provision of a program of archaeological works. This has been added.

The development is therefore considered to be in accordance with Local Plan policy HE4.

Impact on amenity

Policy BE3 seeks to ensure that the residential amenities of the occupiers of neighbouring residential properties are not harmed by proposed development. Policy KP13 states that the impact on residential amenity of existing and future residents must be assessed and addressed.

Members of the public have expressed concerns regarding additional noise and light disturbance, and request that additional fencing and hedgerows are installed to reduce impacts. Objectors state that there is a lack of consideration for impacts on local residents, and that the development is incompatible to the scale of development in residential area. Members of the public consider that they will be prevented from using their own community land as a result of the proposed development and from the Wardens development. They state that the commercial use of the site will go uncontrolled and impact detrimentally on neighbours. The Town Council raise concerns regarding the potential for light and noise pollution and expect full mitigation as necessary.

The leisure centre is positioned within the centre of a large expanse of public open space / playing fields, and will be located in a similar position as the

building, being over 120 metres at the closest point to neighbouring properties. The proposed structure is therefore not considered to have a detrimental impact on outlook, privacy or natural light to neighbouring amenity.

Environmental Health Officers have assessed the application. They note that a noise report has been provided which considers commercial plant and breakout noise from the proposed development, as well as on-site traffic movement. The noise statement also sets out proposals for the assessment of additional off-site road traffic noise generated by the proposed development. Environmental Health also requested that the impact of vehicle noise from the extended car park is also included within the scope of the assessment report, which was updated.

The report has identified adverse/moderate noise impacts at residential receptors nearest to the site access road. The BS:4142 assessment has identified an adverse noise impact of +5dB above the existing background sound level. The report does note, however, that this increase is limited to the weekday site peak between 18:15 and 19:15, and that the noise level would be equal to or below the background sound level at all other peak times. The report also highlights that the background sound level measurement used in the assessment was taken at a time when the existing leisure centre was closed therefore it is likely to provide a more conservative assessment due to the absence of existing leisure centre traffic. The assessment has identified that minor noise impacts will occur during weekdays and Saturdays, but that moderate noise impacts could occur during Sundays.

In conclusion, the results of the noise assessment do indicate an adverse impact on neighbouring amenity. It is important to note that, in accordance with the Noise Planning Practice Guidance (July 2019), the appropriate planning policy response to this would be to mitigate these noise impacts and reduce to a minimum as far as reasonably possible, it is not a planning requirement to mitigate these impacts entirely. Environmental Health recommended that noise mitigation measures were explored for the site access road in order to reduce the potential adverse noise impacts on existing residential dwellings. Environmental Health have requested that the applicant demonstrates that they have considered all reasonable mitigation options. They have confirmed that this could be secured by a planning condition if necessary, which has been added.

Plant noise can be controlled by condition limiting the noise output, and Environmental Health also recommend that a condition is attached which limits the hours of delivery and any other noisy external activities, which have been added. To minimise any adverse impacts on local amenity arising from the demolition and construction phases of the proposed development, Environmental Health recommend that a condition requiring the submission of a construction management plan. This has also been added.

Environmental Health Officers have not raised any concerns regarding the impact of lighting.

The conditions are considered to be reasonable and necessary for the purposes of the development and have been added. The development is therefore

considered to be in accordance with Local Plan policy BE3 and Neighbourhood Plan policy KP13.

Impact on Trees

Members of the public expressed concern regarding a loss of trees and whether relocated trees will survive.

A tree survey was provided in support of the application. WCC Landscape and the Tree Officer initially raised concerns regarding the removal of three oak trees in order to facilitate the provision of the petanque pitch. These will now be relocated elsewhere within the site boundaries so will not be lost. The Tree Officer sought additional information from the applicant in order to gain confidence that the relocated trees are likely to survive and is confident in their findings. To implement the design proposal there will be an overall loss of 4no. individual trees, 2no. groups and 1no. hedgerow. These comprise of 1no. category B and 6no. category C retention value. There will be an additional part-loss of 2no. category C groups. The proposed removals are of moderate to low quality and are positioned internally to the Site. As such, the tree removals should have a minimal impact on the amenity value and scene of the surrounding area. Replacement tree planting is also proposed as part of the scheme.

The Tree Officer now has no objection to the proposal, subject to a condition requiring the provision of an arboricultural method statement and tree protection plan. This has been secured by condition.

Car Parking and Highway Safety

Policy TR1 of the Warwick District Local Plan seeks to ensure that there is a safe and convenient access to serve new development and Policy TR3 seeks to ensure that sufficient parking is provided. Policy KP12 states that development proposals should incorporate parking and cycle spaces at or above the numerical and design expectations set out in the Vehicle Parking Standards.

The Town Council have deferred making formal comments, which are expected shortly. Councillors will be updated with their comments prior to the committee meeting. The Town Council did however make some informal comments on the original submission documents, stating that traffic is a key concern, and that the Transport Assessment is not considered robust due to conflicting circumstances.

They consider that an additional 500 traffic movements are not acceptable in terms of impact on neighbouring properties and that traffic movements associated with all Local Plan designated sporting activity in this location (SP1) should be included in any assessment. Members requested a review of the existing Travel Plan and Transport Assessment, having regard to the aforementioned concerns. Regarding the Travel Plan, the Town Council noted that most visitors may be expected to arrive by car but provision for cycling/pedestrians should be prioritised and fully integrated with this development. No detail was provided on safe cycle/pedestrian movement, and

members felt pedestrians and cyclists should be given clear priority as part of the attempt to minimise vehicular flow and promote active travel.

Members of the public express the following concerns regarding highway safety, access and parking:

- The transport assessment is based on assumptions that are too optimistic, principally car and coach traffic flows and parking. The data provided is unreliable, based on assumptions not fact and undertaken when the site was not working at its busiest, up to date data is required. The transport assessment is flawed and does not take account of Wardens development or impacts from COVID19.
- Increased traffic will impact on nearby surrounding residential streets which cannot cope with additional demands, cars park already on the verges and both sides of the road, there is no additional capacity.
- Claims of consultation within the transportation statement with local residents is untrue.
- False statements regarding width of the roads and current parking along nearby road contained within Transport Statement.
- Coach visits to the site are likely to increase and this is not accounted for, roads are not wide enough to accommodate coaches.
- Will encourage speeding on surrounding roads and congestion.
- Increasing numbers of commercial vehicles in nearby residential roads are not accounted for in the traffic note from the applicants.
- The Transport Statement and Technical Note should not be relied upon as accurate and contain inaccurate, unsubstantiated statements.
- Swept path analysis is inadequate.
- Safe pedestrian and cycle access unproven - dark and dangerous, with no lighting or natural surveillance.
- Site is accessed by crossing busy roads with no pedestrian crossings leading to conflict with vehicles.
- Impact on pedestrian safety - particularly re nursery children - lack of cumulative impact assessment.
- Clarification sought regarding where double yellow lines are to be installed and how they will be enforced.
- Proposals would result in significant impact on highway network and insufficient mitigation measures have been proposed to mitigate impacts.
- Lack of parking for the Wardens and inadequate parking provision generally which does not accord with requirements of Vehicle Parking Standards.
- Impact of the Wardens relocation is not taken into consideration as part of the proposals.
- Lack of coach parking.
- Lack of control of parking along Fishponds Road and access to Castle Farm. Yellow lines should be used to control parking. Verges should be reinstated.
- Disabled and older people will find dealing with level of traffic at junction and surrounding area extremely difficult and frightening.

Highway Safety

The Travel Plan for this application sets out a number of measures and initiatives to promote sustainable transport to the Leisure Centre, which can be expected to reduce the use of private cars, including through initiatives such as the promotion of car sharing, use of public transport and cycle parking.

Initially, WCC Highways raised concerns regarding the access to the site for coaches and requested further analysis on this matter. The applicant has submitted a swept path analysis showing that a large coach can access the site along Brookside Avenue and Fishponds Road. Objectors have noted that other routes exist into the site which could be used, however, WCC Highways consider that the suggested route is the most direct access from a classified road, therefore is the most likely route. This point could be managed by the provision of signage to the facility. In terms of coach trips to the site, it should be noted that this maintains the existing situation, as confirmed by the site operators, Everyone Active; and whilst the Scouts and Guides may occasionally book a coach for special events (no more than 2-3 times per year), this also reflects the existing situation which is managed safely and effectively without detriment. Footpath access to the site and disabled parking is provided within the site boundaries.

Some objectors have raised the issue of parked vehicles on Brookside Avenue and Fishponds Road hindering access for large vehicles. However, the likelihood of large coaches accessing the site is considered low by the applicant. WCC Highways have no reason to dispute this and suggest that on the few occasions large coach access is required, temporary traffic management could be arranged through the Local Constabulary, much as would be the case with other large events at similar locations.

Transport Planning have reviewed the Transport Assessment and taken into account the objections received from the Castle Farm Neighbour Group and concluded that the traffic counts were undertaken between January and February 2019, before COVID19 and outside the school holidays, therefore this data is considered robust. The parking surveys were carried out in February 2020, before lockdown was introduced.

This data was used to assess the trips and the junction capacity modelling, therefore they find no concerns in this respect and the modelling raised no issues. The relocation of the Wardens Cricket Club is also considered within the Transport Assessment in terms of site access capacity.

On this basis, WCC Highways have no concerns regarding the proposed development on highway safety. Officers have no reason to dispute these findings.

It is noted that members of the public consider that there would be a detrimental impact on the highway network, and by virtue of this, the application should be refused as being contrary to the NPPF. However, the test within the NPPF is that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." The test within the Local Plan is

that development should not have a "detrimental impact to highway safety." The Highways Authority have assessed the detailed modelling exercise undertaken by the applicant, which includes the Warden development, and has determined that there would be an *acceptable* impact on the highway network, which would not be severe. Therefore the relevant tests are met in this regard.

Parking

The existing main pedestrian and vehicle access off Fishponds Road is to be retained as existing. Pedestrian and cycle access, via the pedestrian/cycle link from Borrowell Lane, will also be retained. The existing car park is to be redeveloped and extended to provide a total of 198 vehicle spaces of which 54 standard bays would be accommodated in an overflow area, or 42 standard bays and two coach spaces. Of the 198 spaces, 8 will be EV charging spaces. A further 8 motorcycle spaces and 47 cycle spaces (of which 5 are secure cycle lockers) will be provided.

The current parking requirement for the site is 179 in accordance with the requirements of the Vehicle Parking Standards, however, there are 77 spaces currently provided at the site. A total of 439 spaces would be required for the proposed development in accordance with the Vehicle Parking Standards, and there are 198 provided. The net increase requirement is 260 spaces, with the actual net increase providing 118 spaces. However, paragraph 4.7 of the Vehicle Parking Standards sets out that there may be occasions where these standards are applied flexibly. A parking assessment therefore was undertaken to identify an appropriate amount of parking to facilitate the proposed development, whilst ensuring no overspill into the local highway. The parking assessment has been undertaken utilising existing parking usage and demand, and takes account of opportunities to promote journeys via sustainable transport modes.

The parking assessment identified a peak demand of 185 spaces. The proposed car park and overspill car park will provide a total of 198 spaces. It is therefore considered that the proposed car park can accommodate the parking demand. It should also be noted that this is in a highly sustainable location within the urban area of Kenilworth, within walking distance of the local community which it would serve, and also close by to public transport options and a national cycle route, which can be picked up to the north east and south of Abbey Fields. WCC Highways have raised no concerns regarding the parking provision and method of assessment of parking required for the site. Officers have no reason to come to an alternative conclusion.

Based on this assessment, the Highway Authority is satisfied that the development proposals will not have a detrimental impact on the safety, operation or capacity of the local highway network, and accord with the NPPF. Therefore, the response of the Highway Authority is one of no objection. Given that the parking surveys show that the car park will provide ample parking for the site, it is unlikely that the proposal would result in additional on street parking in nearby residential streets which would be harmful to amenity.

The development is therefore considered to be in accordance with the aforementioned policies.

Sustainability

Local Plan policy CC3 states that all non-residential development over 1000 sq. m is required to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent), unless it can be demonstrated that it is financially unviable or a suitable alternative sustainability strategy is proposed and agreed with the Council. Neighbourhood Plan policy KP15 states that development proposals are encouraged to adopt higher environmental standards of building design and energy performance.

Members of the public state that the development goes against the Council's sustainability policies and will emit more carbon than the existing site, and should be designed to be net carbon zero. It is considered that inadequate sustainability measures are proposed by the applicant, and that the existing building should be refurbished. The Town Council state that the decision not to meet net zero carbon standard due to cost is shortsighted and will merely result in expensive retrofitting. The Town Council request a Life Cycle Analysis to be conducted, considering energy and cost savings over a 30 year period for a high energy performance building.

The applicant proposes an alternative sustainability strategy to address the requirements of the Local Plan, which is a 'low-carbon approach' and is compliance with Part L for non-domestic buildings. The proposal will include photovoltaic panels, alongside air source heat pumps for heating and cooling and a voltage optimisation system.

The applicant outlines that BREEAM assessment is a tool which is very well suited to standard building types. However, it can be constrained when applied to more bespoke building types. In the case of the leisure centre at Castle Farm, which falls within this bespoke category, it must be recognised that the opportunity to secure several of the standard credits is limited. It is relevant to note that the Council is currently drafting a Net Zero Carbon DPD, which will move away from the use of BREEAM as a measure of sustainability.

It must also be acknowledged that where a new building is being built on an existing site (as proposed in this application), the location of the site and the extent of available land will also have a bearing on the opportunity to obtain credits and that these factors will frequently restrict a development's performance against BREEAM standards. Given how prescriptive BREEAM is and that it has acknowledged limitations when applied to a non-standard building type, such as is proposed at Abbey Fields, it is widely recognised that other sustainability assessment tools may often provide a more appropriate and more effective alternative.

Officers agree that for the above reasons, BREEAM can be restrictive and that for a bespoke site and development, such as with this application it would be suitable to consider an alternative option, given that the site is constrained and

the location cannot be altered, and that the proposal is for a leisure centre. Officers requested that the applicant demonstrate whether the proposed low-carbon approach would have similar energy saving as that which would be achieved by a BREEAM development. The Sustainability Addendum submitted addresses this. Within the document, this shows that many measures which are required through BREEAM will be adopted by the applicant as part of their strategy, such as responsible construction practises, energy monitoring, water consumption and monitoring, responsible sourcing of construction products and operational waste, would actually achieve an "excellent" rating from BREEAM, rather than the Council's required level of "very good". Notably, these elements are a betterment of what would be achieved through the BREEAM very good requirements.

Importantly, the building adopts a 'fabric-first' approach towards construction, which will reduce carbon emissions. Fabric and passive efficiency measures will enhance the building u-values, improving the values over the Building Regulations requirements. There will also be active energy efficiency measures incorporated into the design to reduce energy use and carbon emissions, and there will be a Building Management System to ensure there is regular monitoring of energy use and review. The applicant advises that the proposed building would have a 46% reduction in carbon emissions than the existing building.

The Addendum has considered alternative and additional energy saving measures, however, these were not considered financially viable. As per the wording of Local Plan policy CC3, financial viability is a material consideration.

The report concludes that the scheme would result in a 10% reduction in energy demand and 8% reduction in carbon emissions in comparison to building regulation requirements.

Many comments relate to the Council's Climate Change Emergency Declaration and the fact that the building would not be net carbon zero. An important distinction needs to be made between the Council's Climate Change Emergency Declaration as a declaration from a public body, and the requirements of the Local Plan as the adopted Development Plan, only the latter of which this application must be assessed against. The NPPF, Local Plan and Neighbourhood Plan do not have a requirement for the proposed building to be net carbon zero. What must be considered is whether the applicant's 'low-carbon strategy' is a "suitable alternative sustainability strategy" as required by Local Plan policy CC3.

In Officer's view, given the significant constraints of this site, bespoke nature of the development and restrictive nature of BREEAM, an alternative approach can be considered. The applicant has shown that many measures will exceed the 'very good' standard required by Local Plan policy CC3 and that other energy efficiency measures had to be discounted due to financial viability concerns. On balance, Officers consider that the alternative sustainability approach meets the requirements of the aforementioned policy.

Air Quality

Members of the public express the concern that the development will result in a detrimental impact on air quality, with inadequate mitigation measures proposed. Members of the public consider that the development which will generate a substantially higher amount of traffic through the Warwick Road AQMA and through the Abbey Fields and Barrow Road LSOAs, so is contrary to WDCs Air Quality Impact Assessment, Warwickshire Joint Strategic Needs Assessment July 2020, WDCs Air Quality Action Plan (AQAP) June 2015, and is contrary to WDCs own proclaimed carbon-neutral targets, so must not be supported. Objectors consider that the proposal constitutes 'development that results in significant negative impacts on air quality within identified Air Quality Management Areas' and will cause unacceptably ' significant negative impacts on the health and wellbeing of people in the area as a result of pollution'.

The applicant has provided a revised air quality assessment report which considers the air quality and dust impacts arising from the demolition and construction phases of the development, as well as the local air quality impact of additional vehicle trips generated by the operation phase of the development. Environmental Health Officers have assessed the document and concluded that there would be negligible impacts as a result of the proposed development on air quality. However, in accordance with the triggers set out in the Council's Air Quality SPD, conditions should be added to secure the provision of 13 standard electric vehicle charging points, 3 rapid electric vehicle charging points and the implementation of the applicant's submitted travel plan. These have been added.

On this basis it is unlikely that the proposed development would result in adverse air quality impacts that would warrant the refusal of planning permission.

Ecological Impact

Local Plan policy NE2 states that the Council will protect designated areas and species of national and local importance for biodiversity and geodiversity. Policy NE3 states that development proposals will be expected to ensure that they lead to no net loss of biodiversity, and where possible a net gain, to protect or enhance biodiversity and to avoid negative impacts on existing biodiversity. There is a requirement in the updated NPPF to ensure a net biodiversity gain from development proposals.

The Town Council stressed the need for full protection of the nearby watercourse and attendant wildlife, noting the reported presence of otters. They requested the preparation of an Ecology Report and an assessment of any Net Biodiversity Gain, as required. Members of the public consider that the development would have a harmful impact on protected species and wildlife habitats, and that improvements should be made to watercourse as this is in poor state.

An Ecological Assessment and Preliminary Roost Assessment have been undertaken and are submitted with application. The Assessment identifies the Kenilworth Moss potential local wildlife site situated within the south-west corner of the application site. An ecological mitigation and enhancement plan is submitted as part of this application which includes a number of bird and bat

boxes, insect hotel, wildflower planting, and replacement trees and hedgerows. The Assessment concludes that the proposal will provide a positive biodiversity net gain, and is not considered to have any adverse impacts on ecology.

Initially, WCC Ecology considered that a Preliminary Ecological Appraisal (PEA) should have been carried out, and requested that a Biodiversity Impact Assessment (BIA) was provided. However, after the applicant provided further rationale, WCC Ecology confirmed that a PEA is not required. A BIA was provided which shows that there is a small net biodiversity gain as a result of the development.

WCC Ecology have provided updated comments on the additional information from the applicant and confirm that impacts on protected species can be mitigated via conditions, to include provision of a construction environmental management plan and a landscape and ecological management plan. WCC Ecology also confirm that a biodiversity net gain will be achieved on site, and this can be secured through the aforementioned conditions.

WCC Ecology have a query regarding the proposed lighting within the car park - this has been sent to the applicant and Councillors will be updated on this matter prior to the planning committee meeting.

The development is therefore considered to be in accordance with Local Plan policies NE2 and NE3.

Flood Risk and Drainage

A Flood Risk Assessment (FRA) was submitted in support of the application. The proposed leisure centre is located within Flood Zone 1, with the car park in Flood Zone 2, and parts of the overflow car park in Flood Zone 3. Development must be resilient to surface water, fluvial and pluvial flooding. Where new development lies in an area of flood risk it must be designed to be flood resilient with safe dry access for vehicles and pedestrians. It must be noted however, that the proposal seeks to replace an existing building, which is considered to be one which is low vulnerability, with another in the same use. Less vulnerable uses are deemed appropriate within flood zone 1-3 which means that the sequential test is passed and there is no requirement to apply the Exception Test to the proposed development.

Members of the public express concern regarding increased areas of hard standing and increased risk of surface water flooding and the proposed drainage strategy.

The Environment Agency has submitted a stance of no objection to the proposal, subject to a condition relating to the provision of details on ground levels of the development.

The applicant proposes a pumped outfall arrangement, and the LLFA have stated that all other methods of surface water disposal should be exhausted prior to using a pumping station. Details regarding the proposed pumping station are

also required. The applicant is in the process of obtaining this information which will be sent to the LLFA for consideration prior to the planning committee meeting.

Subject to no objection from the LLFA, the development is therefore considered to be in accordance with Local Plan policies FW1 and FW2.

Other Matters

WCC Fire and Rescue have requested a condition for the requiring a scheme for provision of adequate water supplies and fire hydrants. This has been added.

The applicant has submitted a ground investigation report which reviewed the site history and surrounding land uses to determine the potential of contamination being present at the site and the likelihood of such contamination being at sufficient concentrations to present a risk to human health or the natural environment. The conclusions of the report have identified that there is a negligible risk to human health and a very low risk to controlled waters, and that no further investigation is necessary. As the ground investigation was completed whilst the existing sports centre is in-situ, no sampling or investigation has been completed beneath the footprint of the existing structures. It is possible that made ground or other materials used for site levelling could be present beneath the existing site. Therefore Environmental Health recommend that a watching brief is maintained during the demolition and construction phase in the event that any previously unidentified contamination is discovered. This can be secured by condition which has been added.

Members of the public objection owing to the fact that an environmental assessment has not been provided. However, as with all planning applications, the proposal was screened at the point of validation, when it was determined that an environmental statement was not required.

Members of the public consider that a larger car park will encourage anti-social behaviour. However, Officers have no evidence to suggest that this would be the case.
Members of the public suggest that the planning and transport consultants have no local knowledge of the site. However, the applicant is considered to have provided sufficient information to assess the proposal.

Members of the public suggest that the development would result in the devaluing of nearby properties and query about what is being done about drug taking behind sports centre. Neither of these matters are considered to be material planning considerations.

Conclusion

The proposed development represents inappropriate development in the Green Belt, which should be offered significant weight. However, there are also substantial benefits to the scheme, including the provision of enhanced sports facilities which meet an identified local need, delivering a more energy efficient

building, which replaces a dilapidated building in need of repair. These significant benefits in this case are considered to provide a set of very special circumstances which outweigh the harm caused to openness and outweigh the harm to the Green Belt.

The development would also not have an adverse impact on the highway network, is considered to have an acceptable impact on neighbouring residential amenity and would not be harmful to protected species or biodiversity, subject to conditions. Parking provision will meet with the forecasted demands and the development would have negligible impact on air quality.

The proposed development is therefore recommended for approval.

1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings:

12944-DB3-B02-XX-DR-A-20000 Rev B (ground floor plan), 12944-DB3-B02 -01-XX-DR-A-20001 Rev C (first floor plan), 12944-DB3-B02-RF-DR-A-20002 Rev B (roof plan), 12944-DB3-B02-XX-DR-A-90004 Rev A (site sections), 12944-DB3-B02-ZZ-DR-A-20200 Rev A (N & E elevations 1), 12944-DB3-B02-ZZ-DR-A-20201 Rev B (S & W elevations 2), 12944-DB3-B02-ZZ-DR-A-20202 Rev # (elevations 3), 12944-DB3-B02-ZZ-DR-A-20300 Rev B (building sections), 12944-DB3-B02-ZZ-DR-A-20301 Rev A, 18/2995/E63-EX01 (lighting plan) submitted on 28th January 2021, and

12944-DB3-B02-XX-DR-A-90002 Rev H (site plan) and 12944-DB3-B02-XX-DR-A-90007 (Rev A) sports pitches location submitted on 9th August 2021,

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

3 The development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, noise and vibration, demolition or clearance works, details of wheel washing, site working hours and delivery times, restrictions on burning and details of all temporary contractors buildings, plant and storage of

materials associated with the development process. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. **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 and NE5 of the Warwick District Local Plan 2011-2029.

4 The development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition, the LPA expect to see pollution and noise control measures during the development, and details concerning appropriate working practices and safeguards for bats, nesting birds, badgers, otters, hedgehogs, reptiles and amphibians 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 the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.

5 No development shall take place until:
a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.
b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.
c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

Reason: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.

6 Prior to the commencement of the development hereby approved (including all demolition and all preparatory work) an Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. Specific issues to be considered in the AMS and TPP shall include, without being limited to:

- The location and installation of services/utilities/drainage.

a) Methods of demolition within the root protection area (RPA as defined in BS 5837:2012) of the retained trees (if appropriate).
b) Details of construction within the RPA or that may impact on the retained trees.
c) Recommendations for the specification for the construction of any roads, parking areas, driveways or the like that encroach over the RPA's of the retained trees, including the extent of those areas to be constructed using a no-dig specification.
d) Recommendations for protective measures to safeguard the retained trees during both demolition and construction phases, those control measures to be shown on a plan with offsets from fixed points to confirm the alignment of any protective fencing and the extent of any ground protection.
e) Recommendations for ground protection measures where scaffolding will be erected within the RPA or which will affect retained trees' canopies.
f) Recommendations for ground protection measures where cranes will be installed within the RPA or which will affect retained trees' canopies (if appropriate).
g) A specification and schedule of tree pruning work to allow the crane to operate effectively (if appropriate).
h) Recommendations for site setup (including access, internal roads, temporary parking, on-site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste, as well as the delivery or mixing of concrete), complete with suitable control measures to protect the retained trees from harm from those facilities or activities.
i) Details of an arboricultural site monitoring protocol that will confirm to the local planning authority by independent examination that the agreed tree protection measures are in place for the duration of the development.
j) Methods to improve the rooting environment for retained and proposed trees and landscaping.

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. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

7 The development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. 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. 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.

8 The development hereby permitted must not be commenced until such time as a scheme to ensure no raising of ground levels in areas identified as being within flood zones 2 and 3 has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/ phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority. **Reasons:** To ensure that there are no detrimental impacts to flood storage or flood flow routes in accordance with the requirements of Policies FW1 and FW2 of the Warwick District Local Plan 2011 - 2029.

9 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net biodiversity gain in accordance with NPPF.

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

11 No development shall be carried out above slab level until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details. **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.

12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority. **Reason:** To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

13 Prior to commencement of first use, the sports pitches shall be laid out in accordance with the approved drawings. **Reason:** To ensure that playing fields are retained and can be accessed in accordance with Policy HS2 of the Warwick District Local Plan 2011 - 2029.

14 No development shall be carried out above ground level until details of the design and layout of sport hall, the sport hall storage and the changing accommodation (to include all environmental details, colour finishes in the sports hall, floor and wall construction in the sports hall, storage area layouts, changing room details, section through the sports hall shown lighting and heating units, position of all wall mounted electrical equipment) have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The sports hall, sports hall storage and changing accommodation shall not be constructed other than in accordance with the approved details. **Reason:** To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy HS5.

15 No development shall be carried out above slab level until the a noise mitigation scheme has been provided and agreed in writing by the Local Planning Authority, demonstrating that the noise impacts of the development have been reduced to a minimum as far as reasonably possible. The agreed mitigation measures shall be implemented in full prior to first use of the site and shall be retained in perpetuity. **Reason:** To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

16 Within three months of the first occupation of the development, a report shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the energy efficiency measures detailed within the 'low-carbon strategy' have been implemented. These measures shall be retained as per the approved details or replaced with a betterment in energy efficiency terms. **Reason:** To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029.

17 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.

18 No deliveries, waste collections or other noisy external activities likely to cause nuisance to nearby residents shall take place before 0730 hours or after 1900 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays. **Reason:** To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

19 Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

20 Prior to the occupation of the development hereby permitted, thirteen 32amp (minimum) electric vehicle recharging points and two rapid electric vehicle recharging points (43kW AC/50kW DC minimum) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging points have been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging points; (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging points shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.

21 The development shall be carried out in accordance with the submitted travel plan produced by SLR Consulting Ltd (Ref. 418.05578.00006, Version 1.1, dated January 2021). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.

Planning Committee: 15 September 2021 **Item Number: 6**

Application No: W 21 / 0657

Registration Date: 09/06/21
Town/Parish Council: Kenilworth **Expiry Date:** 04/08/21
Case Officer: Jack Lynch
01926 456528 jack.lynch@warwickdc.gov.uk

2 Elizabeth Way, Kenilworth, CV8 1QP
Erection of timber fence (retrospective application) FOR Mr P Homer

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This application is being presented to Planning Committee due to the number of supporting comments received.

RECOMMENDATION

Planning Committee is recommended to refuse this application for the reason set out at the end of this report.

DETAILS OF THE DEVELOPMENT

Retrospective planning permission is sought for the erection of a 1.9m high timber fence which extends 22m in length along the boundary of the side (east) garden of the property and the footpath on Elizabeth Way. The fence replaces a modest hedge.

THE SITE AND ITS LOCATION

The application property is the first bungalow on the right-hand side as one enters Elizabeth Way. It is a prominent location and the property benefits from a large side garden. With the exception of the two properties on Castle Hill which have rear gardens into Elizabeth Way, this short cul-de-sac is open plan in character giving it a pleasant open feel.

PLANNING HISTORY

There is no relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Kenilworth Neighbourhood Plan (2017-2019)

- KP13 - General Design Principles

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Raised no objection, but Members noted the open aspect of other neighbouring gardens and commented that this fence could adversely affect the streetscene.

Public Response: Four objections have been received on grounds of harm to the character and visual amenity of the street scene. Eight comments of support have been received on grounds of improvement of the boundary compared to the previous hedge.

ASSESSMENT

Impact on the amenity of neighbouring uses

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The location of the property and the position of the proposed fence means that no material harm in terms of amenity is considered to result from the scheme. It is therefore considered that the proposal is in accordance with Local Plan Policy BE3.

Design and impact on the character and appearance of the streetscene

Paragraph 130 of the National Planning Policy Framework (NPPF) states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. Local Plan Policy BE1 states that development will be permitted where it harmonises with and improves the character of the surrounding area. Kenilworth Neighbourhood Plan Policy KP13 states that proposals should achieve a standard of design that is appropriate to the local area and that proposals should have a positive response to the site characteristics and surroundings.

Whilst noting the fencing at the properties fronting Castle Hill, in the context of what is largely an open plan cul-de-sac with soft landscaping providing boundary treatments creating a pleasant open character, it is considered that the fence the subject of this application at 1.9m in height and 22m in length and relating to a property within the cul-de-sac itself, results in harm to the character and appearance of the streetscene. The fence is considered to be a hard and dominating feature out of keeping with the character and appearance of the streetscene and is contrary to the aforementioned policies.

Conclusion

It is considered that the development is contrary to Local Plan Policy BE1 and the Kenilworth Neighbourhood Plan Policy KP13 and constitutes a poor design solution resulting in harm to the streetscene. It is therefore recommended that planning permission is refused.

REFUSAL REASON

1 The 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.

Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. In addition, Kenilworth Neighbourhood Plan Policy KP13 states that proposals should achieve a standard of design that is appropriate to the local area. It also states that proposals should have a positive response to the site characteristics and surroundings.

In the opinion of the Local Planning Authority the proposal is out of keeping with the character and appearance of Elizabeth Way and by reason of a combination of the height, length and solid form, the proposed boundary treatment results in harm to the streetscene.

The development is thereby considered to be contrary to the aforementioned policies.

Planning Committee: 15 September 2021 **Item Number: 7**

Application No: W 21 / 1150

Registration Date: 15/07/21
Town/Parish Council: Lapworth **Expiry Date:** 09/09/21
Case Officer: Jonathan Gentry
01926 456541 jonathan.gentry@warwickdc.gov.uk

Ingon, Old Warwick Road, Lapworth, Solihull, B94 6LN
Formation of dropped kerb to provide vehicular access FOR Mr. Gillott

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This application is being presented to Planning Committee due to an objection from the Parish Council having been received.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Formation of dropped kerb to provide vehicular access.

THE SITE AND ITS LOCATION

The application property is a two-storey semi-detached dwelling located on the south side of Old Warwick Road, Lapworth. The site is washed over by Green Belt. There is no off-street parking to the front of the property at present, although this property and those neighbouring do benefit from a rear access road. Property frontages to this run of dwellings are characterised by enclosed gardens with grass highway verge beyond. While most properties have retained front gardens, a number of properties to both the east and west have constructed driveway accesses.

RELEVANT PLANNING HISTORY

W/18/0215 - Lombardy, Old Warwick Road, Lapworth - Formation of dropped kerb to provide new vehicular access - Refused. Subsequently allowed on appeal.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- NE4 - Landscape
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council - Members object to the scheme, citing setting a harmful precedent in terms of loss of amenity of grass verge and impact on the street scene.

WCC Highways - Raise no objection on the basis of precedent set by neighbouring site and relevant appeal decision.

WCC Landscape - Object to the scheme on the basis that it will erode character of the street scene.

WCC Ecology - Recommend advisory notes in relation to nesting birds and hedgehogs attached to any grant of consent. Also suggest consideration of root protection areas. Encourage incorporation of biodiversity offsetting measures.

Public Response - One neighbour objection comment received raising concern regarding the creation of the access on a busy road, opposite shops and garage. The objection also highlights the loss of grass amenity land to the area, noting the properties along this stretch of road benefit from a rear access.

ASSESSMENT

Highway Safety

Local Plan Policy TR1 states that development will only be permitted that provides safe, suitable and attractive access routes for pedestrians and other road users.

Warwickshire County Council as the Highways Authority have provided a detailed consultation response to the proposed development. They note that the proposed scheme would result in the creation of a second access to the application site, contrary to Transport and Roads for Developments: The Warwickshire Guide 2001, of which Paragraph 5.16.6 states '*No more than one access should be provided for any dwelling.'* The Highways Authority also acknowledge that the proposed access would be deficient in turning facilities which would normally be required from this classification of road.

However, they are mindful that a very similar scheme for a dropped kerb access and driveway at a nearby property 'Lombardy' (located three dwellings to the east) was allowed at appeal in 2018. In making this decision, the appointed Inspector outlined that '*two adjacent dwellings and numerous others within the vicinity of the appeal dwelling already have dropped kerbs and vehicular accesses serving hard standings on which it would be difficult or impossible to turn a car... It is concluded on the main issue that the proposed vehicular access would have no materially detrimental effect on highway safety and in consequence there would be no conflict with Policy TR1 of the Warwick District Local Plan 2011- 2029, adopted 2017, which expects development proposals to demonstrate that they are not detrimental to highway safety".*

While the Highway Authority's response highlights that the Inspector did not acknowledge an existing access to the rear of this neighbour, they have ultimately

raised no objection to the proposal, with consideration to the matters raised and appeal decision precedent at Lombardy.

The proposed driveway construction is therefore considered to appropriately accord with Local Plan Policy TR1, subject to the imposition of a recommended compliance condition requiring the access is not used until such point that a public highway verge crossing has been constructed in accordance with the relevant standard specification.

Design and impact on character and appearance of street scene

Local Plan Policy BE1 states that development will be permitted where it harmonises with and improves the character of the surrounding area. The adopted Residential Design Guide SPD also sets out design principles which development proposals are expected to comply with.

Lapworth Parish Council, Warwick County Council Landscape Team and one public consultation representation have raised objection to the proposed driveway on the basis of its visual impact, stating that the hardstanding area will erode the character of the street scene. Officers acknowledge that the access, will result in the loss of some frontage verge landscaping and natural features. However, it is also noted that a number of neighbouring dwellings along this run of semi-detached properties have completed driveway conversions of very similar design and scale. The principle of accesses in this location being considered acceptable has therefore been established and in the context of these sites, including neighbouring 'Lombardy', the proposed development is not considered to result in material harm to the character of the streetscene or wider setting of the site. The proposed development is therefore considered acceptable in design terms. It is also noted that the formation of the main driveway area may be constructed without planning permission in any case.

Impact on neighbours

By virtue of its nature as an engineering works that would not result in the creation of additional building bulk or mass to the site, the proposed development is not considered to result in harm to the amenity of neighbouring sites by way of loss of outlook, light or privacy.

The proposed development is therefore considered to accord as necessary with WDC Local Plan Policy BE3.

Ecological Impact

The consultee Ecologist at Warwickshire County Council has commented on the scheme, recommending that advisory notes in relation to nesting birds and hedgehogs are attached to any grant of consent. Imposition of the recommended advisory text is considered a reasonable and proportionate measure to ensure the applicant is aware of their responsibilities in relation to protection of the identified species. The ecologist has suggested the use of root protection areas where necessary. In the context of this development no such protection is considered necessary. Similarly, while biodiversity offsetting measures have been

encouraged, these are not considered reasonably necessary in relation to the scale of proposed development.

The proposed access is therefore considered to accord with Local Plan Policy NE2.

Conclusion

The scheme is considered acceptable, having regard to the character of the street scene, neighbouring amenity, highways impacts and ecology. Members are therefore recommended to grant planning permission, subject to conditions.

CONDITIONS

1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON**: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan submitted on the 7th May 2021, and drawing 'KCB946LN' submitted on the 15th July 2021, and specification contained therein. **REASON**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

3 The access to the site for vehicles shall not be used unless a public highway verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** To ensure an appropriate standard of development and finish in accordance with Warwick District Local Plan Policy TR1.

Planning Committee: 15 September 2021 **Item Number: 8**

Application No: TPO 567

Registration Date:
Town/Parish Council: **Expiry Date:**
Case Officer: Gary Fisher

Land to the rear of 22-25 The Spinney,
Leamington Spa, CV32 6ED
Confirmation of Provisional Tree Preservation Order relating to a Beech Tree

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This Tree Preservation Order (TPO) is being presented to Committee because objections have been received to it being confirmed

RECOMMENDATION

Planning Committee is recommended to authorise officers to confirm TPO 567.

BACKGROUND

The Council was made aware on 18 January of an interest to reduce the mass of a large and mature beech tree on land to the rear of 22 – 25 The Spinney; following an exchange of correspondence and a site visit the beech tree was made subject of an Order.

The proposed crown reduction was considered unacceptable on technical grounds; the reduction of a beech can lead to damage as the bark on the inner branches tends to be thin, and when exposed to sunlight it becomes damaged with a loss of function. That risk may be controlled if the work is carried out when the days are short, from November to January.

ASSESSMENT

The beech is a very large and mature specimen of good overall form and structure, the radial branch spread seemed to be uniform at 9m to north, east and south but slightly reduced to the west at around 7m.

The tree's scale and mass provide a very significant public amenity. It is clearly visible on the approach to the property from along The Spinney over the rooftops, as well as from neighbouring properties on either side of the railway, including Goodfellow Street to the west and Highfield Terrace and Acacia Road to the east. It appears to be in good health with a retention span of up to 40 years.

The Council's Arboricultural Consultant assessed the tree for its TPO quality using the nationally recognised TEMPO method of assessment. The beech tree scored 17; the TEMPO guidance is that where the score is 16 or more the making of a TPO is merited (if there are no other mitigating circumstances).

In summary the Council considered it expedient to make a provisional TPO under section 198 of the Town and Country Planning Act.

OBJECTIONS

The Council has received 4 objections to the making of the Order, from each of the properties beneath the tree's canopy. In summary the objections are:

1. the size of the tree, and the liveability issues that followed from that given its proximity to the dwellings, and that the tree's owner (AC Lloyd) has not maintained the tree
2. the inconvenience to the householders balanced against the public benefit
3. the Order seemed to be a disproportionate response
4. a concern for the potential for subsidence damage

KEY ISSUES

The key issues to be addressed in deciding whether or not to confirm the Tree Preservation Order are whether the tree is of sufficient amenity importance to justify a TPO, and whether the public benefit afforded by the tree outweighs any private inconvenience experienced by individuals because of the tree.

The effect of the TPO is to allow the Council a measure of control over work to a protected tree n order to protect the amenity value that it provides.

In response to the objections raised:

1. The tree was undoubtedly substantial, but crown reduction at the wrong time of year could lead to further and progressive damage. The liveability issues included shade, falling leaves and branches, the loss of soil moisture.
2. The private inconvenience for the four households is to be regretted, especially as the tree has not been maintained by the owner since at least 1970 according to one of the objectors, but in view of the overall imbalance in the carbon economy we should be discouraging inappropriate works to healthy mature trees.
3. The serving of the Order was the only mechanism available to prevent the works proposed. The effect of the TPO is not to prevent work, merely to allow the local planning authority oversight and to grant consent for appropriate work, which in this case would include a crown reduction over-winter.
4. The objector has not provided evidence to support the allegation that the tree might be responsible for structural damage to their property. The tree is considerably older than the properties and they have coexisted during notable drought years including 1976, 1990, 1995, 2003, 2006, 2011 and most recently 2018.

SUMMARY/CONCLUSION

It is not considered that the issues raised in objection to the TPO are sufficient to outweigh the significant amenity contribution which the beech tree makes to the surrounding area and therefore it is expedient to confirm this TPO.

List of Current Planning and Enforcement Appeals
September 2021

Public Inquiries

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Inquiry	Current Position
W/20/0617	Land South of Chesterton Gardens, Leamington Spa	Outline Application for 200 dwellings **Committee Decision contrary to Officer Recommendation**	DC	Statement of Case: 24 May Proofs of Evidence: 15 June 2021	13 July for up to 4 Days	**Appeal and Full Costs Claim Allowed.**

<u>First Issue - Whether the provision of a single vehicular access to the site would be detrimental to the safety of pedestrians, cyclists and drivers.</u>

The Council, in its reason for refusal, was of the view that the provision of a single vehicular access to the site via an existing residential area would result in a substandard form of development which would be detrimental to highway safety and therefore contrary to Policy TR1.

The Inspector noted that the only technical evidence on highways submitted as part of the appeal was that produced by the Appellant, which was agreed by the Local Highway Authority (LHA). Having undertaken a full assessment of the development proposals, the LHA raised no objections to the proposals, subject to conditions and s106 obligations. The technical evidence deals with highway safety and capacity and accessibility. The LHA was content that the proposals are acceptable in highway terms, and the Inspector considered that as important, because the LHA is the statutory consultee, and the body charged with maintaining the safety of the highways. Independent road safety audits were also undertaken in respect of the access arrangements, and the proposed traffic calming scheme and made some minor recommendations that can be incorporated in the final detailed designs. The Inspector summarised - every expert highway and transport professional who has looked at the proposals agreed they were safe.

The CPRE suggested that less weight should be given to the LHA's response because it did not refer to the WDLP and it was not taken to Councillors or a Committee or Panel for approval. The Inspector noted that it is normal for specialist officers to provide a response on behalf of the LHA. The LHA is a technical consultee who are the independent body that manage/maintain and look after the safe operation of the local road network including footways and cycleways. The role of the LHA is to provide expert opinion to assist in the determining of planning applications. Moreover, he was not clear what difference it would make if the technical consultation had referred to the WDLP. There is no suggestion that there is any conflict between the WDLP and the NPPF.

The submitted Transport Assessment demonstrated that the local road network has significant residual capacity to accommodate vehicle movements arising from the appeal proposals. Suitable visibility can be achieved at the site access, and emergency access is to be provided via Church Lane. The precise location where the emergency access goes into the site would be an issue for reserved matters, but the Inspector found that there can be no question marks over the ability of the Appellant to deliver that access. The proposals would generate approximately 100 additional vehicle movements in the AM peak and 114 in the PM peak period. At worst, that is just less than 2 vehicles per minute which would not materially affect the operation of the local or wider highway network given the spare capacity on those roads.

He then turned to the two main points raised by the objectors in relation to highways and access matters: The first point is that the Inspector in an appeal decision in 2013 concerning land south of St. Fremund Way and north of the site appeal commented at paragraph 20 that further land to the south would not be dependent on access via that site which would not be suitable for accessing additional development to the south "due to the limited capacity in the Sydenham road network." The second point that the objectors rely on is the explanatory text contained within the WDLP at paragraph 2.47 which says that the allocation will deliver 500 dwellings and a rebuild and extension to Campion School to enable access.

The Inspector accepted that consistency in the planning process is important and like cases should be decided in a like manner. A previous appeal decision is capable of being a material consideration where the previous decision is sufficiently closely related to the issues that regard should be had to it. However, an Inspector is entitled to disagree with an earlier decision (whether on the same site or elsewhere) if there are sound reasons for so doing. Where there is disagreement then the Inspector must weigh the previous decision and give his reasons for departure from it.

Importantly, the Inspector in the 2013 appeal was assessing a different scheme, and he did not have the benefit of the detailed technical evidence that supports it which was before this Inquiry. The Inspector said that it is hard to know what evidence was before the earlier Inspector since none of the experts or participants in this Inquiry were there. Indeed, there is no evidence that was provided to that Inspector to support the conclusion arrived at. The highways evidence confirms this. Even if such evidence had been provided, the comment was given in the context of the evidence, and presumably his view, on highway capacity that the Inspector had available at

that time. The Inspector on this appeal stated that it was difficult to see how any weight can be attributed to the earlier Inspector's comment about the road network having limited capacity for any future access to the south in that context because, it is demonstrably wrong given that there is capacity on the network to accommodate traffic arising from the appeal proposals.

The Inspector's view was that the 2013 decision cannot bind his decision in this case as he was making the decision on the basis of different evidence, and in a vastly changed planning context. Most fundamentally, the development plan context has changed with the adoption of the WDLP in 2017 and the site is now allocated for residential purposes. It was not allocated in 2013 when the previous appeal was determined. Furthermore, the up-to- date highway assessment demonstrates that St Fremund Way, Chesterton Drive and connecting roads have a significant residual capacity to safely accommodate the appeal proposals. This position is agreed by the LHA who have raised no objections to this appeal subject to mitigation through conditions and s106 obligations

Having read the supporting text to Policy DS11 at paragraph 2.47 of the WDLP, he considered that there is no requirement within that paragraph or anywhere in the WDLP to deliver the Campion School access. The paragraph presents an idea or an aspiration of how access might be achieved but it does not make it a prerequisite of planning consent. It could have said that explicitly.

Further, the paragraph refers to the development of the whole allocation and it is only the first phase of the wider allocation that is proposed through this appeal. The suitability of the access for this scheme has been determined through the Transport Assessment and it is agreed as being acceptable by the LHA. If and when a second access does come forward, it would still be desirable to have two accesses including the Brimstone End access to offer full permeability through the wider development.

He noted that as a matter of law, the explanatory text is not policy, does not have the force of policy, and cannot trump the policy. As the Court of Appeal held in the Cherkley case, a development that accords with the policies in a local plan cannot be said to not conform with the plan if it fails to satisfy an additional criterion referred to only in the supporting text. The CPRE was in error to suggest accordance with the development plan was contingent on a second access being delivered, there is nothing in the Court of Appeal's judgement to support that approach.

Neither the Manual for Streets (MfS) and the Manual for Streets 2 (MfS2) indicates limits on the numbers of dwellings from a single point of access. The Fire Service considers each application based on a risk assessment for the site, and response time
requirements. He noted that the Warwickshire Fire and Rescue Service has formally raised no objection to the appeal proposal on consultation at the application stage.

The CPRE also made reference to the evolution of the WDLP and made reference to extraneous material including the Local Plan Inspector's Report. However, the appeal decision is to be made in accordance with the development plan itself, having regard to the

words of the policies informed by the explanatory text. The Inspector made the point that it is rarely appropriate to go behind the plan, which doesn't in any event move matters on here. The position at the time of the WDLP Examination was as set out in ID CPRE2. Negotiations with the Campion School have been protracted, and there has been a significant amount of correspondence between the relevant parties. It is still the Appellant's desire to secure that access, but that is not an issue that can, or needs to be resolved as part of this appeal.

It is proposed to provide vehicular access to the development off the existing highway network via the Chesterton Gardens development to the north. The access point is proposed to be from Brimstone End. Brimstone End is some 6.7m wide with footways either side. The access design includes a crossing point with an existing east-west bridleway and is designed as a one-way priority for vehicles entering the site. In respect of the proposals to cross the bridleway, there is nothing unusual or difficult about that process. Public rights of way (PROW) are often incorporated into new development and this would still be the case if access were coming from Campion School and/or Brimstone End as anticipated. The Local Plan Inspector would have been aware of the bridleway when allocating the site and nothing has changed in that respect.

An independent Stage 1 Road Safety Audit (RSA) was undertaken of the proposal. The audit highlighted minor issues regarding the priority arrangement and interaction between users of the bridleway and the site access and accordingly the access detail has been revised to respond to those recommendations. The proposed access has been agreed as being acceptable and safe by the LHA.

Throughout the course of the Inquiry the CPRE developed a case that the access to the site was unacceptable because of harm to equestrian activities. However, the Inspector could not agree with this view for several reasons. First, the response from the PROW Officer raised no objections to the scheme. Secondly, the RSA made recommendations, having particular regard to equestrians, and found that the access would be safe. Thirdly, the bridleway leads to the wider road network in any event which the CPRE expressed was a positive thing, so unless horse riders are simply going to go up and down the bridleway (which seems unlikely), they will encounter surfaced roads, and other road users at some point. Fourthly, equestrians use roads up and down the country daily. In his view, the access has been designed to accommodate a range of different users and there would be no adverse safety impacts.

<u>Second Issue - Whether the provision of single vehicular access to the development would provide acceptable living conditions for existing and future occupants, with particular reference to noise and disturbance.</u>

The Council's second reason for refusal alleges that the provision of a single vehicular access to the new development from an existing substantial cul-de-sac would direct significant movements onto the existing development access which would lead to an unacceptable impact on the amenity of local residents through increased noise and disturbance. The Council considered that the appeal

proposal was contrary to Policy BE3. The CPRE, Local Councillors and interested persons submitted objections to the proposal as they consider it would cause noise pollution along the access route during the construction and occupation periods.

The NPPF requires that planning decisions should prevent unacceptable levels of noise pollution, and that decisions should ensure that new development should mitigate and reduce to a minimum, potential adverse impacts resulting from noise, and avoid noise giving rise to significant adverse impacts on health and quality of life.

The Inspector felt it important to note that the only expert evidence on noise submitted to the Inquiry was that provided by the Appellant's acoustic consultant. With regard to the impact of noise on existing residents the consultant agreed with the Council's Environmental Health Officer (EHO), that the effects of the appeal proposals would sit between the LOAEL and the SOAEL. The most up-to-date acoustic evidence is set out in the consultants Noise and Vibration Assessment. The Inspector considered that this was a robust and comprehensive assessment that thoroughly explores the proposed noise impacts around the site, and the wider road network.

The CPRE did not agree with the consultant's Assessment claiming that constant noise "spikes" from construction traffic and increases in local traffic noise as a result of the proposed development would be unacceptable. However, there is no law, policy or guidance that recommends noise is measured in the way the CPRE advocates. Moreover, as the consultant explained the predicted change in road traffic noise using the L10, T noise level captures the noise which is exceeded for 10% of the time over the relevant period and can be considered to encompass 'spike' events from passing vehicles. In effect, the "spikes" have been taken into account.

Neither the policy nor the guidance defines a consistent numerical limit for noise or requires development to avoid all noise. The Noise Assessment provided by the Appellant's acoustic consultant sets out the thresholds adopted for the appeal site. The Inspector found these thresholds entirely appropriate to assess the suitability of the site for this scheme, and they show that no unacceptable effects would be brought about by the scheme.

From the evidence submitted, in terms of the level of noise risk, the Inspector considered that overall, the appeal site is a medium risk. The eastern part of the site tends towards a low to medium risk with noise levels below the LOAEL during the day and in the lower range of values above LOAEL but below the SOAEL during the night. The western part of the site, close to the railway is considered to tend to be a medium to high risk, with noise levels in the upper range of values above LOAEL but below the SOAEL during the daytime, and above SOAEL but below the level at which an unacceptable effect occurs during the night-time. On this basis, he considered that the site is suitable for residential use, subject to incorporation of appropriate mitigation.

With regard to off-site road traffic noise, he accepted that the traffic associated with the development has the potential to lead to changes in road traffic noise levels on the local road network surrounding the site. Road traffic data for roads around the site was supplied by the appellant.

In the case of most locations assessed, it is noteworthy that the predicted noise increase would be below +3dB as a result of traffic associated with the proposed development. The Inspector considered that increases of up to +3dB would be classed as minor magnitudes of change in the short term and negligible change in the long term. That applies at Chesterton Drive north of St Fremund Way, Prospect Road, Sydenham Drive, Withy Bank and Emperor Boulevard. The exception to that is Brimstone End, where the absolute change could be as high as +9dB, which would be classed as a "moderate" magnitude of change in the long term by the Design Manual for Roads and Bridges, but which would still meet guideline values for internal noise levels most of the time. For periods where windows are open, the internal noise levels within 1 to 4 Brimstone End are likely to be just above the 40dB guidelines value for a 'reasonable' internal daytime noise climate within living rooms and bedrooms. In all cases, the noise levels are shown to be less than 45 45dB, which is the internal daytime guideline noise value for dining areas.

The mitigation that is proposed in this case involves traffic calming measures to reduce vehicles speeds, encouraging people to travel via sustainable modes of transport, and to provide high speed internet to support working from home. Each house with a dedicated parking space would be equipped with an external wall plug for charging electrical vehicles. The Appellant also offers additional measures to the affected occupiers of Brimstone End should they choose to accept them, which would assist in controlling noise ingress further.

COSTS:

An application for a full award of costs was sought on a substantive basis that in refusing the appeal proposals, the Council had prevented or delayed development which should clearly be permitted. Contrary to the Officer's advice, the Council refused the proposals for two reasons concerning highways and amenity objections. There was no evidence to support the reasons for refusal.

The Inspector acknowledged that the Council's Planning Committee as decision-takers have the discretion not to accept the professional recommendations of its Officers, but they must have a reasonable basis for doing so - in this case there was none.

The Inspector noted that nothing at all had changed between the Committee's determination and the Council's withdrawal from the appeal. It is difficult to comprehend how a "review" so soon after the Committee's decision, and with no new or additional information to consider could have led to a different decision if the Council's refusal had been reasonable in the first place.

The Inspector concluded that the Council's actions prevented or delayed development which should clearly be permitted and accorded with the development plan and national policy. There can be little doubt that had the Council not refused planning permission contrary to the recommendation of its professional officers, that an appeal would not have been necessary. Although the Council did review its case this did not come soon enough and was only done after the second application failed. The Appellant had exhausted its free go and was left without a permission. It had no choice but to continue with the appeal in order to try and secure a consent. Taking into account all of the points raised the Inspector considered that there was compelling evidence of unreasonable behaviour by the Council in this case.

Informal Hearings

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing	Current Position
W/20/1176	Land on the North Side of Birmingham Road	Variation of Condition to Allow the Removal of a Footpath/Cycle Link on Planning permission for 150 dwellings (W/19/0933) **Delegated**	DC	Statement Due: 29 April 2021	6 July	**Appeal Allowed.**
The main issue was whether the removal of the footpath/cycle link would result in an unsustainable form of development with regard to social cohesion and accessibility to local services and facilities. The Council, in the Statement of Common Ground, acknowledged that the need for a footpath/cycle link was not discussed at the Local Plan examination, that it is not a requirement under the site allocation nor that it was discussed at pre-application stage. However, the Council contended that the footpath/cycle link is desirable to connect future occupiers to the existing community and that without the link it would be less attractive for residents to interact and visit one another.						

In the Inspector's judgement, the proposed development would be read as an appropriate extension of Hatton and would still be connected to the village and its facilities through links on Birmingham Road and Ugly Bridge Road, and the absence of the footpath/cycle link at Ebrington Drive would not result in a segregated or isolated form of development and would not unacceptably undermine the ability of existing and future residents to move through the village, to meet or interact.

The Council and a number of local residents expressed concerns that the absence of the link would deter future residents from walking into the village and visiting facilities including the village green, shop and hall. The shop and hall, in his view, are attractive destinations in their own right and are likely to draw future occupants into the village to visit them. There is no credible evidence to suggest that future occupants would not make a conscious effort to visit facilities in the village in the absence of the Ebrington Drive link. He was also mindful that the creation of communities goes beyond just physical linkages and is made up by individuals and local groups having buildings and spaces to interact in which to establish connections and friendship groups. The Inspector was satisfied that the proposal would not undermine social cohesion or community sustainability.

The Inspector acknowledged that Birmingham Road is a busy road and currently the section between Ugly Bridge Road and Charingworth Drive is not an attractive route for pedestrians due to overgrown planting and sections of narrow pavement. Based on the evidence before him, including the advice of the Highway Authority, he was satisfied that the highway works proposed by the appellant and secured by the UU would improve the quality of the physical environment for both pedestrians and cyclists. The works would maintain their safety and encourage the use of Birmingham Road as a route into the village. The works would also improve access across Birmingham Road to the petrol station. Whilst acknowledging that the product range at the petrol station is more focused towards drivers filling up with fuel, it would still provide an additional option for residents including buying goods to top up their weekly shop.

The Council contended that these works would not make the route more desirable as residents would have to 'leave' the development and re-enter the village. However, the Inspector found that this would not be unacceptable given future residents would travel along Birmingham Road for only a short distance. Furthermore, existing and proposed dwellings would extend along the road frontage maintaining the impression that residents are still within the village. While the routes along Ugly Bridge Road and Birmingham Road would be less direct compared to the Ebrington Drive link, he was satisfied that the path of the routes and the overall distances would not be unduly convoluted or discourage future occupiers from walking into the village.

Written Representations

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Current Position
W/19/1604	17 Pears Close, Kenilworth	First and Ground Floor Extensions **Delegated**	George Whitehouse	Questionnaire: 19/6/20 Statement: N/A	Ongoing
W/20/1504	16 Aylesbury Court, Aylesbury Road, Lapworth	Extension to Garage to form Pool House **Delegated**	Thomas Fojut	Questionnaire: 12/2/21 Statement: 22/3/21	**Appeal dismissed**

The proposed single storey extension would be pitch-roofed and oriented with gables facing the front and rear of the property. The extension would be set down from the existing garage but would extend to the front and rear of the garage. The Inspector considered that whilst there is variation in the surrounding housing layout, outbuildings are generally of a scale and layout that is clearly subservient to the host dwellings. He had regard to the set back of the extension from the main dwelling, nevertheless, considered that the combined scale of the existing garage and the proposed extension, in combination with the forward projection and limited visual relief of the extension's frontage, would fail to maintain the subservient relationship between the outbuilding and main dwelling. As such, the proposal would be harmful to the character and appearance of the host property and the surrounding area.

Whilst the recent residential development included the demolition of several outbuildings surrounding the listed building, the residential development has significantly increased the amount of surrounding built form. The proposed extension would further urbanise the setting of Aylesbury House Hotel and would have a detrimental effect on views of the listed building from the east. Whilst these impacts would have only a very limited effect on the surroundings in which the listed building is experienced, they would, nevertheless, be detrimental to the ability to experience and appreciate the significance of Aylesbury House Hotel.

The Inspector considered that it was clear that the extension would be significantly in excess of a 30% increase in the gross floor space of the original building. The proposal would represent a disproportionate addition over and above the size of the original

building and would be, therefore, inappropriate development in the Green Belt. The proposal would increase the footprint and bulk of built development on the appeal site. It would be visible in public views from the east and within the wider residential development. As a result, both in spatial and visual terms, the openness of the Green Belt would be reduced contrary to paragraph 137 of the Framework.					
W/19/1573/LB	Church Farmhouse, Woodway, Budbrooke	First Floor Extension **Delegated**	George Whitehouse	Questionnaire: 13/3/21 Statement: 27/4/21	Ongoing
W/20/0966	45 Brook Street, Warwick	Timber Pergola **Committee Decision in accordance with Officer Recommendation**	Andrew Tew	Questionnaire: 17/5/21 Statement: 14/6/21	**Appeal Dismissed**
Whilst acknowledging that the area contains a variety of buildings of different design and materials, the Inspector found that the addition of the pergola structure constructed in short lived materials and covered in lightweight roofing fabric appears as a discordant feature that is prominent and obtrusive. Furthermore, it occupies a space that would previously have had an open appearance. Consequently, it appears out of context within its immediate surroundings. Harm to the character and appearance of the area occurs as a result. As defined within the Framework, the setting of a heritage asset is the surroundings in which the heritage asset is experienced. Grade II Listed Wootton House can be readily appreciated from within Brook Street, with glimpses also possible from Market Place which is located to the north. The appeal development forms part of the streetscene within which Wootton House is experienced. Whilst the Grade II Listed Congregational Chapel is set back from Brook Street, and is of a larger scale than its neighbours, it can only be clearly seen from the southern part of Brook Street. However, it can be seen from the appeal site and there is a clear spatial relationship between it and the appeal site. As a result, the proposed development would clearly be sited in the surrounding in which both Wootton House, and the Congregational Chapel, are experienced. Consequently, the Inspector considered there was a harmful effect on the settings of both of these designated heritage assets.					

The Inspector acknowledged that the proposal provides some shelter for customers using the outdoor seating area. He also noted that there is support for the appeal proposal from the public. However, he considered that such benefits are limited given the nature of the proposal and do not amount to public benefits which outweigh the great weight that he was required to give to the harm that would be caused to the significance of the designated heritage assets.					
W/20/1497	4 Appletree Cottages, Old Warwick Road, Warwick	First floor extensions **Delegated**	Emma Booker	Questionnaire: 1/6/21 Statement: 22/6/21	**Appeal Dismissed**
The main parties agreed that the original dwelling's floor area was approximately 58.6 m_2. However, they disagreed over the net increase resulting from existing and proposed extensions. The Council asserted that the net increase in floorspace would be 57.9 m_2, or 98.8%, whereas the appellant contended that the net increase would be 32.4 m_2, or around 55.29%. The Inspector noted that whilst allowing for some flexibility, even if he were to take the lower figure, the net increase in floorspace would still be significantly greater than the 30% recommended within the Local Plan. The Inspector was satisfied that the proposal would result in a significant increase in the width, albeit a smaller increase in the depth of the host property at first floor level. As a result, the proposed extensions would significantly add to the host property's scale, bulk, and mass. Consequently, the extension would amount to a disproportionate addition over and above the size of the original building. For these reasons, the proposed development represents inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The appeal proposal would result in the replacement of existing single storey structures with two storey extensions. The increase in height of these parts of the building would affect both visual and spatial openness in that it would be reduced. Whilst in isolation this reduction in openness would be modest, harm to the Green Belt would result. In terms of design, the Inspector noted that appeal property is a two-storey dwelling in a terrace of four cottages. Nos 1-3 are narrow fronted, have a consistent ridge line and have doors facing south. In contrast No 4 already possesses a wider frontage, a lower ridge line than the rest of the terrace and is accessed from the communal drive that lies to the north of the property. The addition of the side extension, which would be a continuation of the original building line of the cottage, would further increase the width of the host property at first floor level. As a result, it would make the appeal property more prominent in the context of the					

terrace, particularly when viewed across the access drive to Russett Cottage, and which the use of materials as proposed would not mitigate. Furthermore, the addition of a rear gable on the side extension, of a similar width and height to that proposed on the rear of the host building, would not result in a subservient extension, and would result in an unacceptable juxtaposition between the proposed extensions. It would diminish the coherent appearance of the terrace when considered as a whole and erode the modest and rural character offered by the existing dwelling.					
W/20/1732	13 North Close, Cubbington	First floor side extension **Delegated**	Emma Booker	Questionnaire: 14/6/21 Statement: 6/7/21	Ongoing
W/20/1856	12 Helmsdale Road, Lillington	Hip to gable extension; side extension and dormer window **Delegated**	George Whitehouse	Questionnaire: 8/6/21 Statement: 30/6/21	Ongoing
W/20/1415	62 Brunswick Street, Leamington Spa	Various extensions and alterations **Delegated**	Helena Obremski	Questionnaire: 26/5/21 Statement: 23/6/21	**Appeal Dismissed**
While the front part of the appeal property would remain two-storey in appearance, the rear-part of the building would be increased in height. When viewed from the front elevation this upwards extension, including an increase in the height of the eaves, would give the appearance of a three-storey building. Moreover, the north-side elevation facing Christine Ledger Square would see the height of the eaves increased even further and windows inserted at the second-floor level. The Inspector considered given that the properties immediately adjacent and to the north of the appeal site along Brunswick Street are two-storey buildings, and the properties to the rear of the appeal property along Shrubland Street are a mix of single and two-storey buildings, the proposal would result in a building that is considerably at odds with the scale of the surrounding properties. The mix of two, two-and-a-half and three storey elements and varying eaves heights would result in a confused and cramped appearance to the property. Furthermore,					

the proposed eaves height of the north-side elevation facing Christine Ledger Square would result in a roof slope that is much smaller in scale than the other roof slopes and as such would be substantially out of proportion to the other roof slopes. Although the proposal seeks to remedy the presently disjointed appearance of the building, any benefit in terms of greater uniformity in appearance would be outweighed by the harm caused as a result of the overall scale and form of the extension which would be discordant with the street scene and would detract significantly from the character and appearance of the area.

Section 5 of the Warwick District Council Residential Design Guide (May 2018) (RDG) states that a minimum of 10 square metres of outdoor private amenity space should be provided for each flat or apartment in a development. It further states that in situations where this standard cannot be achieved, such as this appeal proposal and other high density housing developments, a provision may be agreed to upgrade a nearby off-site amenity space. The Inspector considered that despite the appellant's assurances, in the absence of any formal agreement between the parties it is unclear how such funding would be secured, where or how the funding would be used, or how that would mitigate the harm arising from the cramped and sub-standard amenity space for prospective residents. Accordingly, he concluded that the proposal fails to provide adequate private amenity space for the future occupiers of the flats. The proposal therefore fails to accord with Policy BE3 of the LP.

W/20/1683	Former Polestar Foods, St Mary's Road, Leamington	Appeal against the refusal of a lawful development certificate **Delegated**	Helena Obremski	Questionnaire: 9/6/21 Statement: 7/7/21	**Appeal Dismissed**

The Council refused the application on the basis that there was insufficient evidence of a precise and unambiguous nature to demonstrate that the existing lawful use of the site is purely B1 Use Class and so the use of the site for purely B1 purposes would not be immune from enforcement action.

The appeal site comprises a substantial building located in a generally industrial area. The building was previously occupied by Polestar Foods Ltd and is stated to have been used for 'food production, storage, distribution and associated office activities'. The site was vacated a number of years ago and there has been no intervening use of the site since. The main thrust of the appellant's case is that the use of the site is a mixed use comprising B1/B2/B8 and can lawfully be used for any of the specified uses without a material change of use occurring.

Although the site was used for food production, storage, distribution and associated office activities, it seems likely from the appellant's description that some of these activities would have been ancillary or incidental to a primary use. However, it is not possible to determine from the evidence before me, whether this would have constituted a mixed use, a B1 use or some other combination of B1, B2 or B8 uses. Both the Council and the appellant describe B1/B2/B8 as a mixed use. Since sites in mixed use do not benefit from the provisions of S55(2)(f), the use of the building for a B1 use would not benefit from the provisions of S55(2)(f).					
New W/20/1428	Land to the North of Bakers Lane, Knowle	Replacement dwelling **Delegated**	Andrew Tew	Questionnaire: 19/8/21 Statement: 16/9/21	Ongoing
New W/20/1898	The Bungalow, School Lane, Hunningham	Incorporation of adjacent allotment land into domestic curtilage **Delegated**	Andrew Tew	Questionnaire: 19/8/21 Statement: 16/9/21	Ongoing
New W/20/1947	Firs Cottage, Firs Lane, Haseley	Stabling and Hay Store **Committee Decision in accordance with Officer Recommendation**	Andrew Tew	Questionnaire: 13/9/21 Statement: 11/10/21	Ongoing
New W/20/2161	Land fronting Red Lane, Burton Green	Dwelling and Garage **Delegated**	Andrew Tew	Questionnaire: 13/9/21 Statement: 11/10/21	Ongoing

New W/21/0725	Highway Verge, Primrose Hill, Woodloes Park	Prior Notification for 15m Phase 8 Monopole **Delegated**	Andrew Tew	Questionnaire: 13/9/21 Statement: 11/10/21	Ongoing
New W/20/1392	27 Upper Cape, Warwick	15 x Residential Apartments **Delegated**	Helena Obremski	Questionnaire: 31/8/21 Statement: 26/9/21	Ongoing
New W/20/1895	Terets Lodge, Rising Lane, 'Lapworth	Replacement Garage **Delegated**	Jonathan Gentry	Questionnaire: 9/8/21 Statement: 31/8/21	Ongoing
New W/20/1332	52 High Street, Leamington	48 Sheet Digital Advertisement **Delegated**	Rebecca Compton	Questionnaire: 9/8/21 Statement: 31/8/21	Ongoing
New W/20/1871	29 George Road, Warwick	One and two Storey Extensions **Delegated**	Thomas Fojut	Questionnaire: 3/8/21 Statement: 25/8/21	Ongoing

Enforcement Appeals

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

Tree Appeals

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