Planning Committee
Wednesday 19 May 2021

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa on Wednesday 19 May 2021, at 6.00pm and available for the public to watch via the Warwick District Council YouTube channel.

Councillor M Ashford
Councillor A Boad
Councillor G Cullinan
Councillor R Dickson
Councillor T Heath
Councillor O Jacques
Councillor J Kennedy
Councillor V Leigh-Hunt
Councillor T Morris
Councillor N Murphy
Councillor N Tangri

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.

3. **Site Visits**

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

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Part B – Planning Applications

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

4. **W/21/0950 – Land South of Chesterton Gardens, Royal Leamington Spa (Pages 1 to 50)**

Major Application

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.

Published Wednesday 12 May 2021

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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: 19 May 2021 **Item Number: 4**

Application No: W 21 / 0590

Registration Date: 29/03/21
Town/Parish Council: Radford Semele **Expiry Date:** 28/06/21
Case Officer: Dan Charles
01926 456527 dan.charles@warwickdc.gov.uk

Land South of Chesterton Gardens, Leamington Spa
Outline planning application for a residential development of up to 200 dwellings with associated access, landscaping and public open space. FOR n/a

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This application is being presented to Committee due to the number of objections and an objection from the Parish/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 alterations to the final list of conditions.

Should a satisfactory Section 106 Agreement not have been completed within 1 month from the date of Committee and there is no ongoing progress towards the satisfactory completion of the Section 106 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

This is an outline application with all matters reserved except for access for the erection of up to 200 dwellings together with all ancillary works. Access into the development is proposed from Brimstone End via St Fremund Way and Emperors Boulevard.

The overall site area is 9.59 hectares with a developable area of 6.2 hectares giving a development density of approximately 32 dwellings per hectare.

THE SITE AND ITS LOCATION

The site is currently agricultural land to the south of the new development known as Emperor Boulevard.

The site abuts the new dwellings to the north but is separated by a public bridleway that runs along the entire site boundary. This bridleway also forms an agricultural access track serving properties to the east of the site.

The eastern side of the site abuts open land and part of this area falls within Flood Zones 2 and 3 comprising the flood plain of Whitnash Brook.

To the south lies open agricultural land which also forms part of the wider housing allocation H03.

The western boundary flanks the railway line that runs the length of the boundary. Beyond the railway line lies residential development.

The northern and western boundaries of the site are defined with mature hedgerows. To the east, the boundary is a combination of hedgerows and trees.

The site is predominantly flat with no significant levels changes.

As explained below, the site forms parts of the strategic Local Plan allocation H03 and as such is an important aspect of the Council's housing delivery strategy. That strategy supports the ongoing provision of a 5-year housing land supply which itself is crucial in continuing to enable the Council to retain control of the pattern of housing development across the District.

PLANNING HISTORY

W/20/0617: Outline planning application for a residential development of up to 200 dwellings with associated access, landscaping and public open space. (all matters reserved apart from access) - **REFUSED 12.02.2021** (see commentary below)

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- DS1 - Supporting Prosperity
- DS2 - Providing the Homes the District Needs
- DS3 - Supporting Sustainable Communities
- DS4 - Spatial Strategy
- DS10 - Broad Location of Allocated Sites for Housing
- DS15 - Comprehensive Development of Strategic Sites
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix or Housing
- SC0 - Sustainable Communities

- BE1 - Layout and Design
- BE2 - Developing Strategic Housing Sites
- BE3 - Amenity
- DS11 - Allocated Housing Sites
- BE5 - Broadband Infrastructure
- BE6 - Electronic Communications (Telecommunications and Broadband)
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- 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
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- FW4 - Water Supply
- HE4 - Archaeology
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions

Whitnash Neighbourhood Plan (2011-2029)

- W4 - Building Design Principles
- W6 - Protection and Enhancement of Whitnash Brook and Brook Valley
- W9 - Landscape Design Principles
- W10 - Improving Accessibility for All
- W11 - Housing Mix
- W14 - Sustainable Design
- W15 - Flood Resistance and Resilience
- W16 - Design to Reduce Surface Water Run Off
- W17 - Reducing Flood Risk through Landscaping

Guidance Documents

- Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - April 2019)
- Distance Separation (Supplementary Planning Guidance)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Affordable Housing (Supplementary Planning Document - July 2020)

SUMMARY OF REPRESENTATIONS

Whitnash Town Council: Planning Committee discussed the application quite fully but still felt we had some doubts.

1) We are still not fully happy with crossing into the proposed development and have concerns with the traffic past Brimstone End during construction, but note the proposal for construction access. And it emphasises the unsuitability of Church Lane access. We are also concerned about the access to the homes and workplaces to the east of the brook, especially their larger vehicles and for deliveries. We note the tarmacked crossing for access and it seems a pity that the rest of the track bridle way cannot be tarmacked as far as the bridge over the brook. The access bridle path track is very uneven. We welcome the layby provision.
2) We still feel that the access road from the top of Sydenham Drive should be a priority during the time to be taken before a final decision is made on this application.
3) We would be happy if the proposed cycle way from the new estate could be taken further over the railway bridge up Church Lane and go to Home Farm Crescent and the Shopping Parade in St Margaret's Road.
4) We have no objections to the proposed extension to the brook nature reserve, having regard to that area being significant to Whitnash's history and the Holy Well.
5) We hope in regard to Bus Routes that Stagecoach are intending to run services there in light of the Section 106 contributions for their bus stops in the previous application.
6) We are also concerned about a further influx of youngsters for local primary schools and would hope Warwickshire County Council Education department has been consulted.
7) We would want adequate fencing around the balancing ponds for child protection.

Royal Leamington Spa Town Council: The reasons for refusal of the original application do not appear to have been addressed i.e. access into and out of the proposed estate via the single road and traffic/air quality impacts on this area of the one road access. Future alternative access via Campion School cannot be taken into consideration until secured. This key issue needs to be resolved satisfactorily ahead of any further development.

Whilst this site is not within the Leamington Spa boundary, should it go ahead impacts on Leamington's roads, schools and leisure facilities will be felt and therefore should also be taken into consideration.

Radford Semele Parish Council: Radford Semele Parish Council requests that the following three issues are addressed in considering this application.

First, that the planting along the Whitnash Brook and adjoining land to the west of the brook is strengthened as much as possible to reinforce the break with the open countryside to the east of the site.

Second, that the terms of the permission and any accompanying agreements ensure that there is adequate primary school provision available to meet the additional pupil numbers without putting further pressure on Radford Semele Primary School.

Third, access along the track at the north of the site to properties in Radford Semele parish is not prejudiced by the proposals.

Councillor Mini Mangat: I object to this planning application, both as a District Councillor representing the area and a resident living in the area, of this proposed development.

There are many issues with this application, even including the additions that AC Lloyd have made from the previously rejected application W/20/0617 to try and satisfy WDC Planning Committee.

Many issues will still cause a detrimental impact to this living area. The major concern about the access route has still not been addressed in this new application, there is only one single access route along St Fremund Way into this area and the roads already struggle to cope with existing traffic loads. It's not suitable for the major traffic this development will bring, its simply not sustainable and whilst I welcome proposals for traffic calming measures and measures to reduce noise, the efforts to mitigate noise doesn't consider the pre-existing concerns residents have and will also force residents into their homes away from the outdoors that will be polluted by noise and stopping construction traffic for 2 hours a day will do very little, due the pandemic many people work from home so there is not a good time, and as we come out of the pandemic we will see more people working from home so this method of mitigation is simply poor, with the major concern about the access route has still not been addressed.

The infrastructure of the only access route is not designed for more and more developments and the many vehicle journeys daily resulting along St.Fremund Way. Having campaigned on this issue for a few years now and knowing that hundreds of residents signed the 'Stop East Whitnash' petition it is insulting that this application has been submitted again, but as a new application, without addressing the major concern of the access route.
In the appeal decision for this development in 2012, the Planning Inspector stated that no further development should take place on the land of the then newly built Chesterton Gardens estate unless a new access road is created, alleviating the noise and traffic concerns that will be unavoidable without it. Neither in this slightly modified 'new' application, nor in the appeal application submitted to the Planning Inspectorate is there a commitment to build any such access road. How can the Planning Inspectorate go against its own decision?

The road measurements I took showed me just how much of a risk the lack of gauge of highways is because Chesterton Drive is 7.4 metres which should actually be the gauge of the whole estate going all the way round, but the width of St Fremunds Way is 6.8 metres which is small anyway, but this road has cars parked both sides and it's a bus route so the risk is just so tremendous.

More traffic will cause a detrimental effect on the health and wellbeing of residents.

This is a family area and as a mum of two children who both have asthma, I'm very concerned about the air pollution more traffic will cause and of construction vehicles pumping out fumes.

Road safety is a worry for all but particularly for children playing out, there have been some near misses already on St Fremund Way with speeding vehicles. People's quality of life is affected, particularly during the construction with all the noise pollution and the heavy rumbling. If any large vehicle breaks down in the middle of a road which is only 6.4 metres wide, how would emergency vehicles like a fire engine get past it's so dangerous. What happens when the road is being resurfaced how do you get in and out of the estates?

As we know, we are in a climate emergency, we need to think about how children will get to school, this route would be extremely hazardous so people will be getting in their cars to take their children to school, and Sydenham Primary School area already has issues with the volumes of traffic.

My reasons for objection to this development are listed above, this application does not include solutions to the many concerns raised.

Councillor Will Roberts: Object to AC Lloyds' planning application. AC Lloyds appear to have replicated their W/20/0617 application with few minor changes which fail to address the issues outlined by myself, others and those of the Planning Committee in February 21.

The application still only has a single access road creating a mega Cul-de-Sac and the single route will have a considerable negative impact on all the residents living along it, as well as creating more congestion in the South Leamington traffic network.

Where changes have been made from the original plan, they seem to identify where AC Lloyd were wrong and it was correct that W/20/0617 application was rejected by the planning committee.

Traffic Assessment - AC Lloyd have used the same traffic assessment from W/20/0617 which includes using data from the 2011 census. This needs to be addressed and data used from the 2011 need to be replaced with up-to-date surveys.
Construction Management Plan - Whilst I welcome this, something that was missing from the last application. The plan is poor and only pays lip service to the residents on the single access route.

- 7.9 states - The main access / egress route to the Site is via St Fremund Way and Brimstone End.

This is the only access to site, unless AC Lloyd plan to use other routes such as the bridle path.

- 7.10 states - 'To minimise the likelihood of congestion and reduce impacts on pedestrians/cyclists during the construction period ..... We will endeavour to take all reasonable measures to ensure all deliveries are undertaken outside of peak hours, specifically to avoid the times between 08:30-09:30 and then between 15:00-16:30 in term time. Then outside of term time the 15:00-16:00 restriction wouldn't apply. Deliveries will be sequenced so that we don't take more than two deliveries at the same time. Where peak deliveries cannot be avoided we will limit activity during this period.'

AC Lloyd construction traffic will have an impact on pedestrians / cyclists. This highlights the dangers of pushing construction traffic through the narrow roads of St Fremund Way & Emperor Bld and raises safety concerns for many residents and their children. Any construction traffic would increase the risk along the route and if AC Lloyd are unable to mitigate all the risk, then this application should not be allowed.

They have also offered to stop taking deliveries between 08:30 -9:30 and 15:00 - 16:30 (term time) & 15:00 - 16:00 (outside of term). Whilst I note that the construction site will be operating from 07:30 -17:00. This is shameful and hardly mitigates the issues of congestion or safety and raises several questions:

- Deliveries will be allowed to arrive to site between 07:30 & 08:30, this is surely a time when many people are leaving homes to go to work or travelling to school?

- Whilst term times are recognised, this Construction Management Plan seems to think that during the school holidays, children living in the area won't be leaving their homes or going out to play.

Surely during holiday times, the plan should reduce delivery times not look to increase them? The single route access will be increasing the danger to pedestrians / cyclists and children, especially during holiday times.
- It's mentioned that only two vehicles will be allowed on site except when during peak deliveries.

What defines a peak delivery and how often will this happen? Also when construction / delivery vehicles are waiting to get on site, where will they be staged? During the construction of Chesterton Gardens, many of these vehicles were parked up on the roadside on St Fremund Way and Chesterton Drive. Will a ban be put on any construction vehicles parking along the single access route being proposed.

Noise Assessment

In this application AC Lloyd have adapted their last noise assessment and I welcome the fact they have chosen not to just do a noise assessment on Sydenham Drive, Prospect Road and Chesterton Drive, but also include Withy Bank and Brimstone End. Although, once again it draws attention to why the previous W/20/0617 was refused and the fact AC Lloyd have done the minimal to address the issue.

This assessment does conclude that there will be noise increase in all areas and will have adverse effects on several properties meaning:

'The noise causes a material change in behaviour and/or attitude, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep the windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting back to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.'

It borders the SOAEL (Significant Adverse Effect Levels) on other parts of the access route, once again showing the single access route proposed having a negative effect on residents living along it and is poor planning.

Why wasn't a noise assessment carried out on the junction of St Fremund Way and Chesterton Drive and on St Fremund Way before the Withy Bank Junction where houses are on each side of the road? Two points along the route where residents have continually highlighted the impact of noise from the previous development. AC Lloyd seem to have a theme of missing out noise assessments where they are needed the most.

Whilst AC Lloyd have adopted the recommendations given from the consultants they used, they again fail to really mitigate the problems here. Their own report says that houses along Brimstone End will have an adverse impact from noise pollution if they want to open their windows. Whilst it is a nice gesture for AC Lloyd to offer to put in triple glazing (it is at this stage only an offer). This effectively means that residents won't be able to open their windows or enjoy their gardens. I also query why AC Lloyd don't make a similar gesture to other home along the single access route where noise pollution will increase.

Access

Whilst I'm not opposed to building more homes, this revised planning application has failed to address issues raised from the previously rejected W/20/0617 application. The impact on residents who live along the proposed single access route with be detrimental from the construction phase to the additional traffic from the new homes. The current design from the Sydenham roundabout to Brimstone End was not designed to cope with so much traffic from the current proposal. This is backed up by the Planning Inspector from the Chesterton Gardens estate (W/12/0027) appeal who said in his appeal report:

(20) 'Should the land to the south of the appeal site be identified for housing development in the future adopted local plan, its development would not be prevented through the development of the appeal site. The appellant at the hearing indicated that the company has an interest in this further site and that they have control of the land between the west of the appeal site and the railway line.

They are in discussion with the County Council over the prospect of gaining access to the land south of the appeal site. In view of this, it appears that the land to the south would be able to be developed and would not be dependent on access via

the appeal site, which I note in any event would not be suitable for accessing additional development to the south beyond the appeal proposals due to limited capacity in the Sydenham road network.'

This goes against AC Lloyds planning submission 6:20 which states:

'It is considered that the proposed access route via the existing Chesterton Gardens development and access arrangements from Brimstone End will provide attractive, safe and suitable access for all users including service and emergency vehicles. An access to the west of Campion School is not required to enable this phase of development to come forward. The provision of an additional access link through Campion School is however still being negotiated and will be progressed separately from the current proposals.'

In conclusion

This application has shown that the danger to pedestrians, cyclists and school children will be increased during the construction phase and this will continue once the homes have been occupied. The mental health and well-being of residents along the route will be affected from pollution, especially noise pollution. AC Lloyd have already shown they have failed to do a proper noise assessment and they current one also fails to do this as it has missed out key locations along the single access route. The transport assessment hasn't been updated and still uses data that over 10 years old and we know that a Planning Inspector has said that no further development should happen without a second access route.

I therefore object to this application on the grounds of health and safety under TR1 and TR2 of the Local Plan and the detrimental effects to amenity of residents along the single access route going against BE3 of the Local Plan.

This application should not be allowed to go ahead until a second access route is delivered that will also be used as the only haul route for construction vehicles.

WDC Open Space: Note that development is outline. All open space typologies and allotments should be provided on site. Suggestions provided for the detailed layout subject to reserved matters.

WDC Sport and Leisure: Request S106 contribution totalling £232,477 for improvements to indoor and outdoor sports facilities to mitigate the impact of the increased demand as a result of the development. (comment from W/20/0617)

WDC Health and Community Protection: No objection on grounds of traffic noise impact and air quality mitigation. Recommend conditions for railway noise, Construction Management Plan, Air Quality Mitigation and contaminated land assessment. Following extensive negotiations, no objection subject to conditions.

WDC Waste Management: No objection. All of the properties will be part of the alternate week collection for refuse and recycling and will each have their own wheelie bins and containers. Cul-de-sacs will have to be big enough for a refuse collection vehicle to turnaround without the vehicle having to manoeuvre onto

private property and subsequently been accused of causing damage. The turning circle should be a minimum of 20.3m. Each property will need to store their containers within its own boundary.

WCC Infrastructure: Recommend package of contributions totalling £3,116,925 towards education, bus service and local infrastructure improvements. (comment from W/20/0617)

WCC Highways: No objection subject to conditions and Section 106 Contributions towards highway mitigation measures.

WCC Rights of Way: Access crosses Public Bridleway W119. Measures taken to prevent vehicular access to the bridleway are welcomed. Landscaping buffer adjacent to the bridleway also welcomed. Recommend conditions and notes on any permission granted.

WCC Public Health: Recommend Building for Life Principles be adopted for detailed design stage. (comment from W/20/0617)

WCC Flood Risk Management: No objection subject to conditions requiring final drainage design to be submitted for approval.

WCC Ecology: No objection subject to conditions.

WCC Archaeology: A programme of evaluative archaeological work comprising a geophysical survey and trial trenching was undertaken across the proposed development area in order to establish the archaeological potential of this site. A report detailing the results of the evaluation have been submitted with the information accompanying this application. Other than remnants of furrows, indicative of medieval and post-medieval cultivation practices across the site no archaeological features or deposits were identified.

In light of the results of the archaeological work undertaken across this site I am of the opinion that the proposed scheme is unlikely to have a significant archaeological impact. I therefore have no archaeological comments to make on this application.

WCC Landscape: Comments as per W/20/0617 - Proposed development edge is shown with attenuation ponds and allotments (including car parking provision) lying within the western part of Whitnash Brook Valley corridor.

- Proposed attenuation ponds appear to be engineered features offering little visual amenity or habitat value.
- Landscaped areas should be designed using SUDs to create linking green features that can appear to merge with wider countryside.
- Buildings greater than 2 storeys (with ridge heights of around 12m) could be located within the lower, eastern sector of the site.
- Do not recommend positioning buildings more than 2 storeys immediately adjacent to proposed extension to Local Nature Reserve / Whitnash Brook Valley corridor.

- Proposed development seeks to retain majority of existing vegetation. A number of breaks will be created in the hedgerow on the northern boundary.
- Possible requirement for further hedgerow removal to comply with visibility splays. Sections of this hedgerow will need to be realigned to accommodate the passing places.
- Passing trains can be seen and heard from site. Properties along Home Farm Crescent, across the other side of railway line, in Whitnash, likely to have views of development site and potentially countryside beyond.
- Limited screening from passing trains for dwellings and garden areas along western edge of site. Proposed 5m wide planted buffer as mitigation, this will include an acoustic barrier, the height of which is unknown. Paragraph 6.29 of the Noise Assessment suggests height of the barrier may vary from 3m at northern end of the site to 4.5m at southern end.
- Functions of green buffer are to help soften the visual impact of proposed acoustic barrier and help reduce the perception of noise so should be located within public open space to allow ease of access for ongoing maintenance of barrier and planting.
- Important views do not appear incorporated within design process. Along southern edge of development, the scheme ends abruptly with complete reliance on potential future phase providing a green buffer. Numerous viewpoints indicate generally open, large scale landscape. Hard built edges should not abut open farmland.

Application has sought to follow principles set out in WDC's Garden Towns, Villages and Suburbs design guidance.

Current proposals do not provide a strong landscape framework therefore I am unable to support this application.

Warks Police: Recommend contribution of £33,645 to mitigate for the additional policing requirements as a result of the development. (comment from W/20/0617)

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

Coventry and Warwickshire Clinical Commissioning Group: Recommend contribution of £132,058 to mitigate for the increased demand on services as a result of the development.

Warks NHS Foundation Trust: Recommend contribution of £194,396.07 to mitigate for the increased demand on services as a result of the development.

Warks Police Designing Out Crime Officer: Recommend that these properties be built to a minimum standard that complies with Secured By Design (New Homes 2019) Silver and this be made a condition of this application.

Warks Wildlife Trust: The Trust has a particular concern as this proposed development abuts Whitnash Brook Local Nature Reserve and Local Wildlife Site. Local Nature Reserves are statutory sites which are protected and potential impact on such sites must be fully assessed to ensure no loss of biodiversity and to ensure they are not negatively impacted by developments, for instance with increased

visitors/recreational use of the greenspace. New developments need to fulfil net gain of biodiversity, and should provide integral green space to support recreational and health needs of the development. Recommend a range of requirements if permission granted. (comment from W/20/0617)

Public Response: At the time of writing, a total of 92 letters of objection received making the following comments;

- Previous application refused and nothing has changed.
- Without new access, no dwellings should be built.
- Traffic calming scheme would be hopefully insufficient.
- Planning Inspector clearly stated in the appeal decision of 2013 that no further development should take place on the land off the then-newly-built Chesterton Gardens estate unless a new access road is created - alleviating the traffic and noise concerns that will be unavoidable without it.
- Unavoidable impact on the local environment.
- Already an excess of 4,000 homes being built.
- Impact on wildlife habitats.
- Destruction of the remaining rural aspect of Whitnash.
- Damage has already been done by existing development.
- Loss of character of area.
- Impact on rural landscape.
- Loss of charm and community.
- Loss of Green Belt land.
- Increased traffic noise and pollution.
- Closing windows is not feasible or reasonable during summer.
- Loss of light and privacy to adjacent dwellings.
- Harm from noise disturbance and dust during building works.
- Access through Brimstone End is unrealistic and no certainty that an alternative solution can be provided.
- Acoustic fence could result in noise of railway being deflected onto existing dwellings.
- Site is in an area that is subject to flood alerts due to proximity of Whitnash Brook.
- Increased air pollution from traffic.
- Proposed crossing of bridlepath could result in vehicular conflict.
- Existing roads are not designed to be used as a thoroughfare.
- Lack of infrastructure to support new dwellings.
- Would be preferable to build a school on the site.
- Nature Reserve has already been harmed.
- Would limit existing traffic using railway bridge if permanent restriction is put in place.
- Contrary to guidance within the NPPF.
- Cycle routes and paths in the area are inadequate.
- Already been many accidents and development will make things worse.
- Houses should be built on brownfield sites, not greenfield.
- Information submitted with the application is out of date or disingenuous.
- Submitted drainage details are inadequate.

ASSESSMENT

History/Background

This application is a resubmission of an earlier scheme (reference W/20/0617) which was refused at Planning Committee on 2 February 2021 on the grounds of highway safety and impact on residential amenity. The reasons are set out below;

"In the opinion of the Local Planning Authority, the provision of a single vehicular access to the site via an existing residential area would result in a substandard form of development that would not provide an attractive or safe route for vehicles into the site or within that wider area due to the circuitous nature of the access through an existing residential cul-de-sac and the resulting traffic volumes. The provision of an additional 200 dwellings off a singular point of access to this development is therefore considered to be detrimental to highway safety."

And

"In the opinion of the Local Planning Authority, the provision of a single vehicular access to the new development from an existing substantial cul-de-sac would direct significant traffic movements onto the existing development access which would lead to an unacceptable impact on the amenity of local residents through increased noise and disturbance."

This application is a resubmission of that scheme with additional proposals in the form of traffic speed reduction measures and noise reduction measures introducing detailed measures at an early stage which seek to demonstrate that those concerns will not materialise on the ground and therefore that the scheme would not result in harm as set out in the reasons for refusal.

The main content of the scheme remains as previously considered.

The key material considerations in the consideration of this revised application are therefore whether the additional proposals overcome the previous reasons for refusal.

The assessment of the remainder of the main proposals remains as was previously the case for the earlier application. Whilst these matters are not for further consideration, they are nevertheless repeated below for completeness.

ASSESSMENT

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.

The continued provision of that supply of new homes within the District is inextricably linked to development sites coming forward through the delivery of

planning permissions for new residential development. In particular, the allocated housing sites included within the Local Plan, of which this site is one, form the backbone upon which that delivery is predicated. Therefore, the fact that the site the subject of this application comprises part of a strategic allocated site carries significant weight in the assessment of this application.

Local Plan

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 Leamington Spa 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 H03 Allocation within the Local Plan identified an estimated 500 dwellings.

The application site is identified within the Local Plan as a site for new housing development as part of a strategic H03 allocation. The H03 allocation is a wider allocation and identifies up to 500 dwellings across the wider site. This scheme represents the northern area only where it abuts the existing, recently completed housing development known as Emperors Boulevard which itself was a strategic allocation under the previous Local Plan regime.

In allocating the wider site, the Inspector noted that there was concern with highway capacity but noted that the promoters submitted a masterplan and the Council and County Council have subsequently accepted that with appropriate highway mitigation and improvement works, the site could accommodate approximately 500 dwellings.

At Paragraph 148 of the Inspectors Final Report for the Local Plan, the Inspector states that;

"Whilst there are some specific issues to address, particularly in terms of access and highway mitigation, there are no fundamental constraints to development"

This development represents a scheme of 200 dwellings as part of a first phase of development in pursuance of allocation H03. The applicants have provided detailed traffic modelling to show that appropriate highways mitigation can deliver the scheme of up to 200 dwellings from the existing access and clearly acknowledge that to deliver the additional 300 units, further mitigation, most likely in the form of a second access would be required.

Conclusion on Matters of Principle

In summary, this proposal is an outline application for 200 dwellings on a site allocated for residential development within the Local Plan which falls within the allocation as set out within H03 of 500 dwellings. That allocation attracts significant weight in the consideration of this proposal.

In the case of this site, the scheme has demonstrated that 200 dwellings can be comfortably accommodated on the application site and achieve a very high level of quality together with a level of public and other open space that exceeds all the thresholds for a scheme of this scale.

The site has also been masterplanned to demonstrate that this first phase of development is acceptable in its own right but can be appropriately assimilated with the wider allocation at the point a further application comes forward with the provision of a second access being provided adjacent to Campion School to allow the facilitation of further development on the wider allocation.

The proposal is therefore considered to be acceptable in principle having regard to Policies H1 and DS11 of the Local Plan, the delivery of which it is an important component.

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.

The affordable housing will be secured by a Section 106 agreement to accord with Policy SC11.

Design

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.

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.

The application is currently in outline form so the detail of the proposal is limited. However, as part of the submission, an indicative Masterplan has been submitted to demonstrate that a high quality scheme can be provided on the site to meet the aspirations of the Design Guide as well as National Guidance within the NPPF.

The Indicative Masterplan sets out the scheme that incorporates the 200 dwellings as well as all open space requirements to the level that exceeds the required standards for a scheme of this scale.

The site is currently an open field and all hedgerows around the perimeter of the site are to be retained. The eastern area of the scheme lies within Flood Zones 2 and 3 so has been set aside as Open Space with associated planting enhancements to provide a reinforced green buffer between the proposed dwellings and land to the east. The proposal also retains the mature woodland areas around the edges of the site.

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

A central spine of Public Open Space is also shown on the Masterplan together with areas for allotments and surface water attenuation features.

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. This is also appropriate as it will set the framework for the future phase(s) of development as they come forward.

Subject to the imposition of conditions, Officers are satisfied that the scheme will result in a development of very high design standards.

Impact on visual amenity and the character of surrounding area

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

Views from outside the site are mitigated by the presence of the railway line that flanks the western boundary that benefits from existing mature boundary planting along the route. A public bridleway runs along the northern boundary of the site that provides an offset from the existing housing on the development to the north.

As part of the proposal, the site boundaries would be 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 a strategic allocation on greenfield land so will 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 residential development to the north and west. The southern area also forms part of the residential allocation so the future situation would see additional housing in this area. The eastern boundary is already set to a wooded area which will be bolstered and 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 Leamington Spa and would not be out of character or unacceptable development within the context of the wider built form.

The 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 phase of 200 dwellings 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.

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.

The proposal is therefore considered acceptable having regard to Policy BE3 of the Local Plan.

Impact on features of Archaeological Importance

Archaeology

Policy HE4 of the Local Plan requires an appropriate evaluation of potential archaeological remains. Where a development has the potential to have an adverse effect on archaeological remains, mitigation would be required through an appropriate form of archaeological investigation.

The results of the survey work and trial trenching were submitted in a report with the supporting information as part of the current application. The County Archaeologist has considered the proposal and noted that the site has archaeological potential and as some areas of the site were not capable of being trial trenched, the Archaeologist has recommended that further investigative and evaluative archaeological fieldwork of these areas should be secured by an appropriately worded condition.

Subject to the proposed condition, Officers are satisfied that the proposal is in accordance with Policy HE4 of the Local Plan.

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.

Impact on existing properties - Amenity

As this development is outline only, there is no specific layout other than the indicative masterplan. Whilst this 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 the dwellings on the site and no impact as a result of the development would occur that would result in demonstrable harm to existing properties.

The western perimeter of the site abuts the railway and beyond this is residential development. This naturally forms a significant buffer between existing and proposed properties, greatly in excess of the required standards set out in the residential design guide.

To the north the properties on the indicative plan have a front to front relationship with the existing houses to the north. The site is separated by the frontage of the existing dwellings including private drives as well as a separate bridleway. The indicative drawing shows

The majority of the remaining site would abut open countryside where there would be no near neighbours that would be directly affected by the residential development of the site.

Notwithstanding the above, it is noted that this scheme is coming forwards as the first phase of a larger development that would extend to the south of this site. Whilst indicative, Officers note that the dwellings on this boundary have been designed to face this boundary with an access road in front. This would allow any future phase to mirror that relationship to allow for acceptable separation distances.

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.

Impact on existing properties – Noise

One of the reasons for the refusal of planning application W/20/0617 related to the impact of the development on the amenity of existing local residents through increased noise and disturbance particularly arising from the traffic using the access route into the site.

In response to this, the applicants have provided an updated Noise Assessment with the current application. This document has brought together all the discussions relating to noise impacts that were discussed on the previous application with the applicant's acoustic consultant and the District Council Environmental Health Officer. The document sets out fully the commitments by the applicant to deliver a comprehensive suite of noise mitigation measures as part of the development scheme including:

- Funding for a comprehensive traffic calming scheme.
- Commitment to improve the sound insulation performance of the external building fabric of the properties on Brimstone End, specifically numbers 1 to 6 Brimstone End prior to development commencing.
- Provision of £200,000 funding for off-site cycle network improvements to improve linkages to the site;
- Funding of sustainable travel welcome packs to all new households;
- Provision of high-speed internet to support home working;
- Provision of pedestrian/cycle links within the site and linking into to the railway crossing to Church Lane;
- Provision of an appropriate external wall plug for EV charging for each unit with dedicated parking;

Traffic Calming Scheme

The key features of the proposed traffic calming measures are as follows:-

- Creation of 20mph zone from the main route through St Fremund Way and Emperors Boulevard.

- Change of surfacing at junctions to create natural traffic calming features.
- Additional carriageway projection to reduce traffic speeds.

Reduced traffic speeds along existing roads resulting from those measures will introduce the benefit of reduced vehicle related noise in the surrounding area.

The noise reduction benefits of the other measures listed above are considered to be as follows:-

Brimstone End Sound insulation works

- This will involve the provision of improved windows which will result in a minimum sound insulation improvement of 5dB thereby sufficiently overcoming any increased noise to these properties arising from the proposal.

Off-Site Cycling Improvements

- This will provide an improved cycle network within the Leamington Spa area aiming to reduce reliance on the car and the associated noise levels.

Sustainable Travel Packs

- Provided to each property to give the occupiers details of bus timetables, cycle routes etc again aiming to reduce reliance on the car and associated noise levels.

High Speed Internet Provision

- To maximise opportunities for homeworking to potentially reduce the need for commuting, the use of cars and the associated noise levels.

Provision of pedestrian/cycle links within the site

- To provide easy access for sustainable transport options of walking and cycling aiming to reduce reliance on the car and the associated noise levels.

Pr**ovision of Electric Vehicle Charging Points to each property**

- To deliver the required infrastructure to allow homeowners the option to use an electric vehicle which along with a range of environmental benefits will encourage the use of vehicles which are less noisy.

In addition, the applicants have agreed to limit construction traffic hours to avoid peak times of 08:30-09:30 and 15:00 to 16:30 during school term times. This is in the form of a Construction Traffic Management Plan that will be secured by condition.

The above mitigation measures have been brought forward by the applicant and the revised proposal including those measures have been reassessed by the Environmental Health Officer in terms of potential noise disturbance to existing dwellings.

The consolidated noise assessment provided by the applicant's acoustic consultant seeks to address three specific aspects;

- environmental noise impacts on future occupiers of the proposed development
- road traffic noise impacts on existing residents at Withy Bank and St Fremund Way, and;
- the road traffic noise impacts on existing residents at the proposed Brimstone End entrance.

The findings identified within the report identify the key area of potential harm as the six existing residential properties on Brimstone End that will experience an increase in road traffic noise as a result of the proposed access route into the new development. The most significant noise impacts are predicted to occur at 1 to 6 Brimstone End which are located closest to the roadside with 1-4 being the most directly impacted as they face directly onto the road.

The noise assessment has considered the impacts of development traffic on these existing residents with and without windows open. When windows are closed with trickle-vents in an open position, existing residential properties are likely to achieve the indoor noise guidelines recommended by the relevant British Standard (BS8233: 2014). When windows are open, the indoor noise guidelines are likely to be exceeded.

The predicted noise impacts are slightly off-set by the fact that the ground floor rooms of the existing properties overlooking the roadside are largely limited to kitchen and breakfast rooms where there are no specific noise guidelines/criteria, however, there is the occasional dining room, lounge or study where noise criteria thresholds would apply during the daytime. Where the above noise guidelines do apply, the standard says that a +5dB relaxation (which would equate to a reduction in perceptible noise by a third) can be applied if the scheme is necessary or desirable.

The applicant has calculated the traffic noise impacts at existing residential properties on Brimstone End. As this road currently experiences minimal road traffic, the calculated noise impacts are higher than those at Withy Bank and St Fremund Way.

At the worst-affected properties, the Design Manual for Roads and Bridges (DMRB (LA111) would classify this noise increase as a major short term noise change and a moderate long term noise change. The applicant's noise report, however, does identify that the absolute noise levels would be below the DMRB definition of significant observed adverse effect level (SOAEL) but slightly above the recommendation for 'reasonable' internal noise levels under BS8233:2014 thereby indicating a moderate such increase at this location.

On this basis the calculated noise impacts sit between the lowest observed adverse effect level (LOAEL) and a significant observed adverse effect level (SOAEL). In accordance with Paragraph 180 of the National Planning Policy Framework (NPPF) and the Noise Planning Practice Guidance (2019), the planning policy response to this would be to mitigate and reduce the noise impacts to a minimum. On this basis the NPPF and NPPG make it clear that mitigation and minimisation of those effects should be considered. It would only be where the noise exposure would be predicted to be above the SOEAL and exposure would cause extensive and sustained adverse changes in behaviour or on health regardless of the benefits of the activity causing the noise the situation should be avoided. That is not considered to be the case here.

Section 6.48 and 6.49 of the applicant's noise assessment report has provided a list of proposed mitigation measures that the developer will implement in order to reduce the predicted traffic noise impacts on existing residential properties.

Section 6.49 states that the developer will review the sound insulation performance of the external building fabric for the properties on Brimstone End with a view to providing an upgraded scheme of sound insulation for existing residents impacted by the changes in road traffic noise. These proposals have been explored further in the applicant's technical note prepared by Resound Acoustics (Ref. RA00564 – TN3, dated 21st April 2021). The technical note proposes that the sound insulation performance for 1 to 6 Brimstone End will be improved by the developer. Section 3 of the technical note sets out possible specifications for improved glazing and acoustic trickle vents that could be provided to mitigate the increase of road traffic noise.

A scheme for mitigation works has been proposed detailing the improvement to the performance of windows facing Brimstone End. This comprises of;

- Replacement of existing double glazed windows with improved performance units to achieve a minimum sound insulation improvement of at least 5dB improvement over the existing.
- Use of acoustically attenuated trickle vents to increase sound insulation of between 5-10dB.

It is intended that the final detailed aspects of the proposal for sound insulation improvements will be secured by a suitably worded Section 106 agreement that shall require the approval of specific details of the mitigation measures with the Local Planning Authority for 1 to 6 Brimstone End. Subject to this Section 106 agreement and the aforementioned planning condition, the Environmental Health Officer does not object to the proposed development with regards to noise. The Section 106 Agreement will require the applicants to contact the owners to agree the works and where agreed, the works are to be completed prior to commencement of development.

The applicant's noise assessment report has considered the potential noise impacts at existing residential properties located on St Fremund Way and Withy Bank as a result of the additional development traffic. This assessment has been completed

in accordance with the Design Manual for Road and Bridges (DMRB), Volume 11 Environmental Assessment, Section 3 Environmental Assessment Techniques, Part 7 LA111 Noise and Vibration (version 2, May 2020) and with reference to the residential acoustic guidelines in BS8233:2014.

The noise assessment assumes the implementation of a 20mph traffic calming scheme, the specific details of which will be secured by a Section 106 agreement with Warwickshire County Council to include new surfacing works and speed reduction features. The noise assessment has calculated an increase of road traffic noise ranging from +1.6dB to +2.8dB. In accordance with the DMRB (LA111), this would be classified as a minor short term noise change and a negligible long term noise change. A change of 3dB is often acknowledged as the smallest difference in sound level that can be easily heard by most listeners, and represents a slight change in volume. On this basis the calculated change in noise level at the worst affected residential façade (Table 5.6 *Emperor Boulevard 1 – front façade*) would be classed as slight/minor.

As the proposed development is allocated for residential housing in the council's Local Plan, it is considered that the scheme delivers a necessary development. The assessment has also used a conservative approach by assuming that a partially opened window will provide a sound reduction of 13dB. BS8233:2014 suggests that a sound reduction of up to 15dB may be achieved through an open window with some research suggesting that fully furnished rooms may provide up to a 20dB sound reduction. The level of sound reduction achieved through an open window would depend on a number of factors such as the frequency of the noise source, the size of the window, the angle of noise incidence, and other variables.

Given that the identified noise impacts to the six dwellings on Brimstone End will be mitigated through enhancements to the existing dwellings and works for traffic calming will reduce noise impacts on the wider development, the Environmental Health Officer raises no technical objection to the scheme on the grounds of an adverse impact to residential amenity in terms of noise.

On the basis of the above, Officers are satisfied that the development is acceptable having regard to Policy BE3 of the Local Plan and the NPPF.

<u>Provision of an appropriate living environment for future occupants of the proposed development</u>

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 railway line 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 noise as a result of the proximity to the railway line.

In assessing the proposal, the Consultant has provided a mitigation strategy to provide appropriate screening to the development to overcome the current increased noise environment. The indicative proposal that has been modelled is the provision of acoustic fencing along the site boundary.

No details of the acoustic fence have been provided at this stage and this can be controlled by suitable planning conditions to ensure the acceptability of the proposal. Officers are satisfied that the acoustic fence would be adequately screened by existing trees and vegetation with further work being carried out to the appearance of the fence to mitigate for its visual appearance.

Officers are satisfied that the development accords with Policy BE3 of the Local Plan.

Highways Considerations

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.

Highway safety was identified as the first reason for refusal on the earlier scheme and focussed around the provision of a single point of access.

To address this, the applicants have provided additional information on road safety in an updated Transport Assessment which includes the latest accident data together with a Road Safety Audit of the proposed access and bridleway crossing off Brimstone End. In addition, a traffic calming scheme for St. Fremund Way has also now been designed to reduce traffic speeds to 20mph through the existing residential area. The applicants have advised that these works can be secured through a Section 278 highways agreement and further secured as a condition to ensure timely delivery of the required scheme.

The traffic calming measures proposed are as follows:-

- Creation of 20mph Speed Limit from St Fremund Way/Kingfishers Reach junction into Emperors Boulevard.
- Provision of new block paved surfacing to junctions along St Fremunds Way and Emperors Boulevard.
- Provision of additional vertical build out traffic feature to beginning of Emperors Boulevard.

The proposed development is to be served by a single point of access from Brimstone End on the northern boundary of the application site across the existing bridleway into the site. This element is being considered as part of the scheme.

The wider development proposed over the remainder of the allocation could be accessed via a second point of access before additional housing beyond that proposed here within this allocation could come forwards. This scheme is considered to be the first phase of that wider development that will be served from an access route through the existing Emperors Boulevard Development.

The access point crosses an existing public bridleway. This bridleway also serves dwellings to the east and therefore, it would not be possible to provide bollards or any other stopping up works to prevent vehicular access. In considering this element, the applicant's highways consultant has designed a scheme that uses bollards to narrow the access point into the site and prevent vehicles turning either from the access onto the bridleway or vice versa. The narrowing of the access also has the benefit of natural traffic calming by reducing vehicle speeds into and out of the application site.

The application has been submitted with a Transport Assessment that includes strategic transport modelling of the wider area to assess the transport implications on the surrounding area from developments coming forward.

Extensive modelling has been carried out to demonstrate that the site can be served satisfactorily through the proposed access point which has been agreed with the Warwickshire County Council Highways Officer who has raised no objection subject to a financial contribution to secure a range of mitigation measures within the vicinity of the site to improve traffic flows and reduce overall speeds in the local area.

The technical note accompanying the application accepts that there are impacts on the wider highway network from this and other schemes coming forward which will be mitigated by proposals identified in the Infrastructure Delivery Plan through assessment of the Local Plan, and that proportional contributions towards these schemes will be expected.

The junction assessments show that the Chesterton Drive/St Fremund Way junction that serves the existing development will continue to operate within capacity with the delivery of a further 200 dwellings.

Some impacts are shown at the roundabout junction of Prospect Road/Chesterton Drive but mitigation has been identified that reduces these impacts and allows the junction to operate within capacity. Delivery of this mitigation scheme will overcome that impact. This will be the subject of works that will be delivered through the Highways Section 106 Contribution.

The technical note accompanying the application accepts that there are impacts on the wider network which will be mitigated by schemes identified in the Infrastructure Delivery Plan through assessment of the Local Plan and that proportional contributions towards these schemes will be expected.

As part of their consideration of the previous Planning Application for this proposal, Members made reference to an appeal decision in respect of an earlier application on adjoining land W/12/0027, (Appeal reference APP/T3725/A/13/2190334);

"Should the land to the south of the appeal site be identified for housing development in the future adopted local plan, its development would not be prevented through the development of the appeal site. The appellant at the hearing indicated that the company has an interest in this further site and that they have control of the land between the west of the appeal site and the railway line. They are in discussion with Campion School and are seeking to negotiate with the County Council over the prospect of gaining access to the land to the south of the appeal site. In view of this, it appears that the land to the south would be able to be developed and would not be dependent on access via the appeal site, which I note in any event would not be suitable for accessing additional development to the south beyond the appeal proposals due to limited capacity in the Sydenham road network."

Previous decisions are a material consideration when determining a planning application and the weight that should be attached to them is a matter for the decision maker. They are not binding precedents for local planning authorities and future inspectors. In this case decision W/12/0027 was made some 8 years ago before the adoption of the current Local Plan. When determining W/12/0027 the Inspector was considering whether that development (of Land South of Fremund Way) would be premature in terms of whether it would preclude development of land to the south (of which part is the Site that is the subject of this current application). In the paragraph quoted above the Inspector's comments related to the capacity of the road network and did not make any finding on highway safety impacts.

In addition, it is important to note that the Inspector in reaching the decision on W/12/0027 did not have evidence before him of any highway assessments for development on the current application site. It should also be noted that the response from the Highway Authority to W/12/0027 made no reference to the capacity of the Highway Network for future development, and this was not being considered as part of that proposal. On this basis the weight that can be attached to the Inspectors comments in relation to W/12/0027 when deciding this application should be very limited.

Members at committee made further reference to the comments made by the Highway Authority in respect of an unrelated Planning Application W/17/2387, where an objection was made in respect of the number of units served via a single access point. It should be noted that this Planning Application was subsequently granted at appeal, (APP/T3725/W/18/3206423) with the inspector making note of the following in respect of Transport and Roads for Developments: The Warwickshire Guide 2001;

"no more than 100 dwellings, as a benchmark figure, should be served to an all-purpose road which should be a link within the existing local or wider highway network capable of safely accommodating and distributing the generated traffic. It

continues that this benchmark figure may be exceeded where it is considered reasonable to do so having regard to the likely influence of the cumulative effect of traffic on the dwelling or dwellings closest to the connection to the existing highway network, and the adequacy of any proposed emergency access arrangements"

Concluding that

"Since 2001 both Manual for Streets (MfS) and Manual for Streets 2 (MfS2) have *been published. The former of these was published in 2007 jointly by the* Welsh *Assembly Government, the then Department for Communities and Local* Government *and the Department for Transport. The latter by the Chartered* Institution *of Highways & Transportation in 2010. As these documents postdate the Warwickshire Guide I consider that more weight should be given to MfS and MfS2 as these flow from latest research and represent latest best practice."*

The Highway Authority considers that, in lieu of any later published design guidance, the latest views of the Planning Inspectorate are the most appropriate in this case. Therefore, our assessments of this, and the previous applications considered the impacts of the development on the Chesterton Drive/Prospect Road/Sydenham Drive and the Chesterton Drive/St Fremund Way Junctions, which would be the constricting points on the Network.

Observed flows have been used in place of modelled flows in the assessment of this junction as they are higher and considered more robust.

Although an increase in delay has been identified at Chesterton Drive/Prospect Road/Sydenham Drive with development, the mitigation scheme identified in the IDP reduces queuing and delay on Prospect Road and Chesterton Drive in the PM peak. The modelling shows a marginal increase in delay on Sydenham Drive which will be linked to the increased throughput from Prospect Road but this is not severe.

The Chesterton Drive/St Fremund Way Junction has been assessed using Picady priority junction assessment tool and tested with and without development. The junction assessments show that the Chesterton Drive/St Fremund Way junction that serves the existing development will continue to operate within capacity with the delivery of a further 200 dwellings.

From the above, it is considered that the development proposals, which include Emergency Access provision to the satisfaction of Warwickshire Fire and Rescue, meets with the relevant provisions of paragraphs 108-110 of the revised National Planning Policy Framework which suggests that;-

- *significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree;*
- *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; and;*

- *allow for the efficient delivery of goods, and access by service and emergency vehicles*

As indicted above, impacts on the wider network will be mitigated by schemes identified in the Infrastructure Delivery Plan through assessment of the Local Plan, therefore proportional contributions towards these schemes will be expected.

Proposals have been submitted as part of the application which specifically deal with the matter of connectivity into the adjoining Highway Network, and for a Traffic Calming Scheme on the existing Highway to regulate traffic speeds. These schemes have been supported by Stage 1 Road Safety Audits, which have highlighted no significant issues that cannot be addressed.

It should be noted that the current access point is not part of the Publicly Adopted Highway, therefore at present, it is unlikely that the estate roads proposed as part of this development will be Publicly Maintained.

Again, proposals have been submitted as part of the application, which specifically deal with the matter of connectivity into the adjoining Highway Network. As this matter is part of this application, these proposals have been assessed and found to be an acceptable means of accessing the site.

From this point on, the access will extend through the site via a primary spine road and serve the minor residential roads and private drives. These elements will however be considered at reserved matters stage.

The Developer is also requested to provide a sufficient number of bus stops on the main arterial loop road penetrating the proposed new development site ensuring all dwellings are within 400 metres walking distance to the nearest bus stop, in line with County Council policy as stipulated in the Warwickshire Local Transport Plan.

The submitted indicative Masterplan indicates a range of routes through the site together with the connection to the existing bridleway that runs along the northern boundary of the site. In addition to the details on site, wider improvements to the provision of cycleways forms an integral part of the proposed highways works. The spine road is proposed to provide a full off-road cycle way through the core of the site and the indicative masterplan also proposes a number of other recreational cycle routes giving a range of choice for cyclists.

Alongside the cycling improvements, pedestrian accessibility is also a key element of the proposal. The proposed links are designed to be pedestrian and cycle friendly allowing a range of choice for sustainable transport methods. As part of the Section 106 package, contributions are proposed to provide improved pedestrian wayfinding to encourage pedestrian movement rather than vehicular movement to and from the town centre and other destinations in the town.

In addition, a contribution to improve existing Public Rights of Way in the local area is also proposed. This will improve public accessibility to the surrounding countryside for leisure walking activities.

Finally, part of the Highways Contributions will specifically provide for improvements to off-road cycling routes throughout the town and surrounding areas.

The site has been the subject of a comprehensive assessment of the level of traffic/impacts from not just the application site but the earlier phases of development. This cumulative assessment has been considered by Warwickshire County Highways who, subject to the imposition of appropriate conditions and associated contributions, raise no objection on highway safety grounds.

Paragraph 109 of the NPPF states *that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe".*

The proposal is considered to comply with Policies TR1 and TR3 of the Local Plan and the NPPF and is therefore acceptable in highway safety terms.

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 scheme has demonstrated that the built development will be located away from the adjacent brook and nature reserve to ensure that the development does not have a detrimental impact on the environmental sensitivities of the area.

The County Ecologist has assessed the submitted ecological survey work and considers that the indicative scheme as set out would result in a net Bio-diversity gain and has recommended that this be reassessed at Reserved Matters stage so that the scheme results in a net Bio-diversity gain. This can be secured through an appropriately worded condition.

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 imposition of the requested conditions, Officers are satisfied that the development is acceptable having regard to Policy NE3 of the Local Plan.

Other Matters

<u>Sustainability</u>

Warwick District 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 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 current application is 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 as these can be reliant on the final form of not just the scheme but also the design of the proposed dwellings.

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 scheme and it is likely that these would form part of any reserved matters submission.

It is also noted that the delivery of the new homes would 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.

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.

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 Lead Local Flood Authority has raised no 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.

Trees and Hedgerows

The site is currently an open field delineated by mature hedging. Other than the field boundaries, there is limited vegetation located within the main site area.

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.

In addition to the retained hedgerows, 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 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 for Type 1 and Type 2 mitigation are items 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 Type 3 Air Quality Mitigation to fund local projects is required totalling £67,405.

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.

Health and wellbeing

The site contains large areas of open space for use by future occupants. The area of land set out for open space on the parameters plan exceeds the requirements for all types of on-site open space provision. Whilst the final detail and form of the open space areas will be provided within the Reserved Matters submission for

later consideration, the actual areas are defined within the parameters plan so will not be altered in terms of overall area.

The site contains significant potential for walking and cycling within the site together with the provision of appropriate footpath/cycleway links to the surrounding area to promote sustainable transport methods and reduce the reliance on the private car.

Warwickshire Police have raised no objection to the outline scheme subject to a financial contribution towards additional policing requirements for the area as a result of the additional dwellings.

In general terms it is proposed to ensure that the development follows Secured by Design principles through the imposition of an appropriate condition. This will assist in minimising the potential for crime and improve community safety for future residents.

Impact on local services

The proposed development of up to 200 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 works on the associated Section 106 Agreement are able to proceed.

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 200 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.

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;

- Sustainable Travel Promotion - £2,000.
- Libraries - £4,378.
- Education and Learning - £2,620,547.
- Public Rights of Way Improvements - £tbc.

- Off-site Highway Improvements - £720,000.
- Off-site Cycling Improvements - £200,000
- Road Safety Contribution – £10,000.
- Public Transport (Bus Service) Improvement - £480,000.
- NHS Hospitals - £194,396.07.
- NHS Clinical Commissioning Group - £132,058.
- Warwickshire Police - £33,645.
- Indoor Sports Facilities - £157,316.
- Outdoor Sports Facilities - £75,161 (grass and artificial pitches).
- Air Quality Mitigation - £67,405.
- Bus Stop contribution of £5,000 per bus stop.
- Bus Stop Real Time Information Board contribution of £4,000 per unit.
- Maintenance of Real Time Information Board at £2,500 per unit.

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

- 40% Affordable Housing
- Adoption of Open Space Areas.
- Mitigation Measures for dwellings on Brimstone End.
- Adoption of SUDS.
- Local Labour Agreement.
- Monitoring Fee.

Conclusion

The application site is allocated within the Local Plan for residential development as part of allocation H03 which identifies approximately 500 dwellings for the wider area of the site and forms a first phase of development pending further negotiations into the second access point.

The development is only in outline form at this stage but the indicative site plan demonstrates that the site is capable of accommodating a very high quality scheme of up to 200 dwellings which is acceptable in overall terms including in respect of the integration of built development within the surrounding landscape and the site provides additional benefits in securing an appropriate highway linkage to the adjacent site to provide a comprehensive development across the overall allocation.

The indicative Masterplan demonstrates that the scheme retains existing green features and delivers a high quality environment with accessible sustainable transport links to the surrounding areas together with areas of open space that are in excess of the requirements set out within the Open Space SPD.

In the opinion of Officers in conjunction with their technical consultees from Environmental Health and Warwickshire County Highways, the reasons for refusal have been satisfactorily mitigated and subject to the required conditions, notes and Section 106 Obligations, no technical objection is raised to these matters.

For the above reasons, Officers recommend that outline planning permission be granted subject to the conditions listed and the signing of a Section 106 Agreement.

CONDITIONS

1 **Reserved Matters**

Details of the appearance, landscaping, layout and scale of the development (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in strict accordance with these reserved matters as approved.

REASON: To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

2 **Submission of Reserved Matters Timescale**

Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

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

3 **Commencement of Development**

The development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later.

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

4 **In Accordance with Plans**

The development hereby permitted shall be carried out strictly in accordance with the site location plan and the development area as detailed on the Parameters Plan reference AAH5485/14 Revision B received by the Local Planning Authority on 24 April 2020 and access drawing 29376-01D received by the Local Planning Authority on 20 July 2020.

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

5 **Construction Environmental Management Plan (CEMP)**

The development hereby permitted shall not commence on any phase of development until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the District Planning Authority for that phase of development. The CEMP shall be compliant with the British Standard on Biodiversity BS 42020:2013 published in August 2013. In discharging this condition, the Local Planning Authority expect to see details concerning pre-commencement checks and monitoring for protected and notable species, and habitats 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 should be included. The CEMP shall include a timetable for the implementation of measures stated. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

REASON: To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan.

6 **Landscape and Ecological Management Plan (LEMP)**

No phase of development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan (LEMP) for that phase of development has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan shall also include details of tree and hedgerow retention; habitat enhancement/creation measures and management, such as ponds, wildflower grasslands; and the provision of habitat for protected species. The LEMP shall also include details on soil management to make best use of the high quality soils on site - detailed guidance to inform this matter is available in Defra 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites'. Such approved measures shall thereafter be implemented in full.

REASON: To protect, enhance and/or restore habitat biodiversity in accordance with Policy NE3 of the Warwick District Local Plan 2011-2029.

7 **Protected Species Contingency and Local Wildlife Site Protection**

No phase of the development hereby permitted shall commence until a Protected Species Contingency Plan and a scheme for the protection of the Local Wildlife Sites at Glasshouse Spinney and The River Avon for that phase has been submitted to and approved in writing by the Local Planning Authority. The protected species contingency plan shall include the following measures:

a) Further bat roosting surveys in accordance with BCT Bat Surveys – Good Practice Guidelines, have 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 Local Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.

b) A pre-commencement badger survey carried out by a suitably qualified badger consultant and has been submitted to and approved in writing by the Local Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.

c) Details on safeguarding great crested newts during construction and post development to include details of a development licence and appropriate mitigation strategy.

The Local Wildlife Protection scheme shall include;

i. adequate measures to protect existing trees, scrub and ground flora of the adjacent Local Wildlife Sites during development.

ii. Details of an appropriate barrier(s), (such as a wire fence) to be erected before works start. This area should include a sufficient buffer zone between the development / associated works and the boundary of the Local Wildlife Site.

Thereafter, the approved mitigation plan and approved protection scheme shall be implemented in full prior to any construction works on site and shall remain for the duration of the development.

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

8 **Ground Investigations and Mitigation to be Submitted (Pre-Commencement)**

Notwithstanding details contained within the approved documents, prior to the commencement of development under each Reserved Matters Consent, ground investigations for that phase of development to include;

a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:

- A risk assessment to be undertaken relating to human health
- A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
- An appropriate gas risk assessment to be undertaken
- Refinement of the conceptual model
- The development of a method statement detailing the remediation requirements

b) The site investigation has been undertaken in accordance with details approved by the planning authority and a risk assessment has been undertaken;

c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the planning authority. The method statement shall include details of how the remediation works will be validated upon completion; and

d) Program of delivery (if applicable).

Shall be submitted to and approved in writing by the Local Planning Authority. Any remediation shall thereafter be carried out in accordance with the approved details.

REASON: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

9 **Contamination not Previously Discovered**

Notwithstanding details contained within the approved documents, if during development, contamination not previously identified, is found to be present at the site;

a) No further development shall take place within that area of Reserved Matters Consent (unless otherwise agreed in writing with the planning authority for an addendum to the method statement);
b) This addendum to the method statement must detail how this contamination shall be dealt with; and
c) Program of delivery (if applicable)

Shall be submitted to and approved in writing by the Local Planning Authority. Any remediation shall thereafter be carried out in accordance with the approved details.

REASON: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

10 **Verification of Remediation to be Submitted** Notwithstanding details contained within the approved documents, in the event that any phase of development requires land remediation agreed through an approved method statement;

a) Upon completion of the remediation a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement; and

b) A post remediation sampling and monitoring which 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.

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

Any mitigating/monitoring works shall be carried out in accordance with the approved details.

REASON: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

11 **Construction Method Statement**

No phase of development (including any works of demolition) hereby permitted 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 the Local Highways Authority. 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. This should also include consideration of the impact of HS2.

The submitted statement shall provide:

- Construction Phasing and Routing Plans
- Permitted construction traffic arrival and departure times
- An HGV routing plan.
- Any temporary measures required to manage traffic during construction
- Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction
- Dust management and suppression measures – level of mitigation determined using IAQM guidance
- Wheel washing

- Noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites – Part 1 and 2
- Concrete crusher if required or alternative procedure
- Delivery times and site working hours
- Site lighting
- Access and protection arrangements around the site for pedestrians, cyclists and other road users
- Restrictions on burning and details of all temporary contractor's buildings
- Plant and storage of materials associated with the development process
- External safety and information signing notices
- Complaints procedures, including complaints response procedures and dedicated points of contact
- Best practicable means shall be employed at all times to control noise and dust on the site including:
- Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays.
- Delivery vehicles should not be allowed to arrive on site between 7:30am and 9:15am and 4.30pm and 6:00pm Mon – Fri.
- A strategy to manage and maintain any construction materials from entering or silting up the local ditch network.
- Details to prevent silt or chemicals leaving the phase being constructed.

The measures indicated within the Construction Management Plan shall be implemented prior to the commencement of development in each phase and maintained for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety and the free flow of traffic, minimising pollution and to protect the amenities of the occupiers of nearby properties, and the visual amenity of the locality in accordance with Policies BE3, TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029.

12 **Low Emission Strategy**

No phase of the development shall commence unless and until a Low Emission Strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details.

REASON: To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policies NE5 and TR1 of the Warwick District Local Plan 2011-

2029 and the aims and objectives of national guidance within the NPPF 2019.

13 **Site Wide Drainage Strategy**

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

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753 through the submission of plans and cross sections of all SuDS features.
- 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 28.5 l/s.
- Demonstrate the provisions of surface water run-off attenuation storage are provided in accordance with the requirements specified in 'Science Report SC030219 Rainfall Runoff Management for Developments'.
- Demonstrate detailed design (plans, network details and calculations) of the surface water drainage scheme including details of all attenuation and outfall arrangements. Calculations should demonstrate the performance of the designed system for the critical storm duration for at least the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods. The calculations should be supported by a plan of the drainage network with all manholes and pipes labelled accordingly.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing. Water must not be directed toward properties nor flow onto third party land. Overland flow routing should look to reduce the impact of an exceedance event.

Thereafter, each Reserved Matters phase submitted shall include a compliance statement together with appropriate detailed methodology to demonstrate that the drainage for that phase is in accordance with the overarching drainage strategy for the site.

REASON: To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies FW1, FW2 and NE4 of the Warwick District Local Plan 2011-2029.

14 No development shall take place until a hydrological/hydraulic model of the Whitnash Brook adjacent to the development, and an independent review of this model, has been undertaken. The findings of the model and review should be submitted to the LPA and LLFA to provide the appropriate level of confidence that the proposed attenuation basins will be located outside of the 1 in 1000 year return period fluvial flood extent.

REASON: To prevent the increased risk of flooding and ensure effective operation of the sustainable drainage structures in accordance with Policies FW1, FW2 and NE4 of the Warwick District Local Plan 2011-2029.

15 **Drainage Maintenance Plan**

No occupation and subsequent use of the development shall take place until a detailed maintenance plan, written in accordance with CIRIA C753, 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 and LLFA within the maintenance plan.

Reason To ensure the future maintenance of the sustainable drainage structures in accordance with Policies FW1, FW2 and NE4 of the Warwick District Local Plan 2011-2029.

16 **Tree Protection Scheme**

No phase of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on that phase has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2012 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 grounds levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

REASON: To protect trees and other features on site during construction in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029.

17 **Details of External Lighting**

Prior to the commencement of the development, full details of all permanent lighting on the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with Warwickshire County Ecology. This should follow the Institute of Lighting Professionals' Guidance Note 01/20: Guidance notes for the reduction of obtrusive light. The lighting shall be installed according to an approved plan which will need to be submitted by the applicant. The lighting should be maintained in perpetuity. In discharging this condition, the Local Planning Authority expects due consideration to be given to biodiversity.

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

REASON: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and that appropriate measures are taken in relation to protected species and the strategic transport network in accordance with Policies TR1, BE3, NE2, NE4 and NE5 of the Warwick District Local Plan 2011-2029.

18 **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 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).

19 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, including any works associated with the development outside of the red line boundary (e.g. highway improvements), and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved documents, shall be undertaken in accordance with those documents.

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.

20 **Construction Traffic Management Plan**

The development hereby permitted shall be carried out strictly in accordance with the details submitted within the Construction Traffic Management Plan dated Feb 21.

REASON: To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029.

21 **Noise Mitigation Measures (Residential)**

Prior to the submission of any reserved matters relating to the layout of the dwellings hereby permitted, a detailed scheme for the proposed means of noise attenuation from the adjacent railway line shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail.

The scheme should ensure that proposed measures whilst acoustically effective are designed to minimise visual impacts and impacts upon ecological features and trees. It shall include full details of the design, siting and appearance of acoustic fencing that may be required and shall include a detailed assessment of the visual impact both within the development. The scheme of mitigation shall also include measures to minimise these impacts and a programme for the delivery of such mitigation.

Thereafter a Noise Mitigation Compliance Statement shall be submitted as part of the reserved matters submission for each phase of residential development to demonstrate how the mitigation measure have been incorporated into the layout and design of the dwellings.

All dwellings shall be constructed in accordance with the approved details. The scheme for mitigating traffic noise from the railway line shall be implemented in accordance with the approved details prior to the first occupation of any dwelling and shall be retained thereafter in perpetuity and any approved mitigation measures shall be implemented in accordance with the approved programme.

REASON: To protect residents of the development from the adverse effects of noise from within and outside the development in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.

22 **Design Code**

Notwithstanding details contained within the approved documents, prior to the submission of any Reserved Matters application a Site Wide Design Code shall be submitted to and approved in writing by the Local Planning Authority to include:

a) Hierarchy of streets/routes (including the extent of adoptable highways and associated areas);
b) Development blocks including built form and massing and relationship with adjoining development areas/blocks within and immediately beyond the site 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 Drainage features (SuDS);
a) Key spaces, open spaces and green features that reflect the open space typologies in the Council's adopted Open Space Supplementary Planning Document;
a) The incorporation of a scheme for the provision of public art within the open spaces of the development;
b) Architectural language and detailing;
c) A scheme of strategic landscaping (including site sections, site visuals, site levels, structural landscaping and hedgerow retention);
d) Design principles for street tree planting and other structural planting landscaping areas;
e) Key principles on hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long-term management;
f) Design principles on waste disposal and recycling;
g) Design principles on colour and texture of external materials and facing finishes for roofing and walls of buildings and structures;
h) Design principles for street lighting and any other lighting to public space (including parking areas);
i) The principles shall include a masterplan drawing.

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

23 **Sample Materials**

No phase of development shall be carried out above slab level unless and until a schedule of the external facing materials to be used in that phase has 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.

24 **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.

25 **Infrastructure Phasing Plan**

Prior to the commencement of development, a strategy for the phasing of the development hereby approved shall be submitted to, and approved in writing by, the local planning authority. The phasing strategy shall define:

a) the development to be delivered within each phase of the development;

b) indicative timescales; and,

c) details of the coordination of housing and infrastructure delivery, including triggers for delivery of infrastructure and the arrangements to prevent interruption of delivery across phase and phase boundaries to include the provision of the spine road, accesses, public open space including SUDS, allotment provision, and acoustic screening of the development.

Thereafter, the development shall be carried out in strict accordance with the phases established in the phasing strategy as approved by the Local Planning Authority unless otherwise agreed in writing.

REASON: To ensure that the site is developed in a comprehensive manner in accordance with Policy DS15 of the Warwick District Local Plan 2011-2029.

26 **Provision of Hydrants**

No phase of development hereby permitted shall be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire-fighting purposes for that phase of the site has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details.

REASON: In the interest of fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029.

27 **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.

28 **Retention of Existing Trees/Hedges**

The existing tree(s), hedges and shrub(s) indicated to be retained on the submitted plans contained within the Arboricultural Impact Assessment (Update) reference edp3089_r003f February 2019 received by the Local Planning Authority on 12 March 2019, shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the Local Planning Authority. Any tree(s), hedge(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s), hedge(s) and shrub(s) of such size and species details of which must be submitted to and approved by the Local Planning Authority. All tree(s), hedge(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces).

REASON: To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.

29 **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.

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.

30 **Surface Water Systems Maintenance Plan**

No occupation and subsequent use of each phase of development shall take place until a detailed maintenance plan is submitted to and approved in writing by the Local Planning Authority giving details on how surface water systems for that phase shall be maintained and managed for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the Local Planning Authority within the maintenance plan. The approved detailed maintenance plan shall thereafter be implemented in full prior to first occupation of the development.

REASON: To ensure the future maintenance of the sustainable drainage structures in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029.

31 **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.

32 **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 the existing and proposed residential development.

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.

33 **Removal of Permitted Development Rights C3 to C4**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no permitted changes contained therein shall be enacted within the development hereby permitted. For the avoidance of doubt this shall include changes from C3 dwellinghouse to C4 Houses in Multiple Occupation.

REASON: To manage the balance of sustainable communities in accordance with Policy SC0 of the Warwick District Local Plan 2011-2029.

34 **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.