Planning Committee

Minutes of the meeting held on Wednesday 15 September 2021 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Boad (Chairman); Councillors, Ashford, R. Dickson, Falp, Jacques, Kennedy, Leigh-Hunt, Quinney, Tangri, Tracey and Wright.

Also Present: Legal Advisor – Caroline Gutteridge; Committee Services Officer – Rob Edwards, Principal Planning Officer – Helena Obremski (attended remotely), Manager – Development Services – Gary Fisher, Principal Planning Officer – Dan Charles, and WCC Highways Officer – Dave Pilcher.

88. **Apologies and Substitutes**

(a) there were no apologies for absence made; and
(b) Councillor Falp substituted for Councillor Heath, and Councillor Wright substituted for Councillor Morris.

89. **Declarations of Interest**

Minute Number 74 – W/21/ 0169 – Castle Farm Sports Centre, Fishponds Road, Kenilworth

Councillor Falp declared an interest because she was a Member of the District Council's Cabinet. She left the room whilst this item was discussed.

Minute Number 75 – W/20/ 2020 – Land at Thickthorn, Kenilworth

Councillor Wright declared an interest because he lived very close to the development site and it bordered his Ward of Stoneleigh & Ashow. He held a predisposition in terms of traffic management and the effect on Crewe Lane. He left the room whilst this item was discussed.

90. **Site Visits**

To assist with decision making, the following Members visited the following application sites independently:

W/20/2020 – Land at Thickthorn, Kenilworth: Councillors Dickson and Kennedy.

W/21/0169 – Castle Farm Sports Centre, Fishponds Road, Kenilworth: Councillors Jacques, Dickson and Kennedy.

W/21/0657 – 2 Elizabeth Way, Kenilworth: Councillors Wright and Dickson.

91. **W/21/0169 – Castle Farm Sports Centre, Fishponds Road, Kenilworth**

The Committee considered an application from Warwick District Council for the demolition of an existing sports centre and the erection of a new sports

centre for Scout and Guide Headquarters with associated parking and landscaping.

The application was presented to Committee because the applicant was Warwick District Council and because of the number of objections received.

The officer was of the opinion that the proposed development represented inappropriate development in the Green Belt, which needed to be offered significant weight. However, there were also substantial benefits to the scheme, including the provision of enhanced sports facilities which met an identified local need, delivering a more energy efficient building, which would replace a dilapidated building in need of repair. The significant benefits in this case were considered to provide a set of very special circumstances which outweighed the harm caused to openness and outweighed the harm to the Green Belt.

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

An addendum circulated at the meeting advised that if Councillors resolved to grant planning permission, in accordance with the Town and Country Planning (Consultation) (England) Direction 2009, the application would need to be referred to the Secretary of State. This was because the development was considered to represent inappropriate development in the Green Belt and was over 1,000sqm, which was the threshold required for referral.

N.B. The updated Town and Country Planning (Consultation) (England) Direction 2021 applied to applications received after April 2021. The application would still need to be referred the Secretary of State under the updated Direction.

The addendum also advised of additional consultation responses from the Programme Director for Climate Change, Historic England, WCC Ecology, Natural England and Kenilworth Town Council, as well as six further objections.

Officers wished to confirm that a Biodiversity Impact Assessment was received on 9 August 2021 and was available online to view. This was assessed by WCC Ecology, which had no concerns regarding this matter, and concluded there would be a small net biodiversity gain.

The addendum also advised of an amendment to condition 5.

The applicant queried whether condition 8 (floor levels – requested by the EA) met the required six tests for conditions. They queried whether it was relevant, necessary, or precise. They also noted that the proposed levels were provided within the submitted plans. This was discussed with the EA which confirmed in writing that:

"That's fine, if the ground levels are raised we will address this via the permitting regs".

Therefore, condition 8 should be deleted. It should also be noted that in any event, condition 11 required the provision of details of the finished floor levels.

The addendum also advised that the applicant requested that condition 4 (construction and environmental management plan) be amended. The update report had initially stated this was condition 2.

The following people addressed the Committee:

- Councillor Hyde, Kenilworth Town Council, objecting;
- Ms Tyler, objecting;
- Mr Harding, objecting;
- Mr Stanistreet, objecting;
- Mr Olley, objecting;
- Councillor Bartlett, representing the applicant;
- Mr Heaton, speaking in support;
- Ms Rowley, speaking in support; and
- Councillor Milton, Ward Councillor, objecting.

In response to questions from Members, the Highways Officer advised that the applicant had provided Highways with a swept path analysis to show a large coach could access the road when normal parked vehicles were there, so he did not see there was any need to provide formal permanent marking, but if there was a larger event on he suggested that traffic management could be looked at, for example using Police No Waiting cones, if it did appear to be a problem of getting large vehicles in and out.

In response to a question from Members, the Development Services Manager advised that condition 3 could be amended to make reference to maintaining access to the skate park, children's play area and pedestrian access during construction.

Members raised concerns about the number of electric vehicle charging points proposed, however the Development Services Manager advised that a note suggesting that trunking be installed to extend the number of electric vehicle charging points would be appropriate.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Jacques and seconded by Councillor Tracey that the application should be granted.

The Committee therefore

Resolved that W/21/0169 be **granted**

(1) subject to the following conditions, and subject to receiving no objection from the Flood Authority and including any conditions as required from the Flood Authority.

Prior to a decision being issued, in accordance with the Town and Country Planning (Consultation) (England) Direction 2009, the application will be referred to the Secretary of State. This is because the development is considered to represent inappropriate development in the Green Belt and is over 1,000sqm, which is the threshold required for referral; and

No.	Condition
(1)	the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
(2)	the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings; 12944-DB3-B02-XX-DR-A-20000 Rev B (ground floor plan), 12944-DB3-B02 -01-XX-DR-A-20001 Rev C (first floor plan), 12944-DB3-B02-RF-DR-A-20002 Rev B (roof plan), 12944-DB3-B02-XX-DR-A-90004 Rev A (site sections), 12944-DB3-B02-ZZ-DR-A-20200 Rev A (N & E elevations 1), 12944-DB3-B02-ZZ-DR-A-20201 Rev B (S & W elevations 2), 12944-DB3-B02-ZZ-DR-A-20202 Rev # (elevations 3), 12944-DB3-B02-ZZ-DR-A-20300 Rev B (building sections), 12944-DB3-B02-ZZ-DR-A-20301 Rev A, 18/2995/E63-EX01 (lighting plan) submitted on 28th January 2021, and 12944-DB3-B02-XX-DR-A-90002 Rev H (site plan) and 12944-DB3-B02-XX-DR-A-90007 (Rev A) sports pitches location submitted on 9th August 2021, and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
(3)	The development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: temporary measures required to manage traffic during construction, plans and details for the turning and

No.	Condition

unloading and loading of vehicles within the site during construction, dust suppression, noise and vibration, demolition or clearance works, details of wheel washing, site working hours and delivery times, restrictions on burning and details of all temporary contractors buildings, plant and storage of materials associated with the development process. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP.

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

(4) the development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition, the LPA expect to see the following during construction; pollution and noise control measures, protective tree fencing, and details concerning appropriate working practices and safeguards for bats, otters, water voles, nesting birds, hedgehogs, reptiles and amphibians that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

Reason: To ensure that protected species are not harmed by the development, in accordance with the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029

(5) no development shall take place until:

a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority;

b) prior to construction of the building (excluding demolition down to current ground levels) the programme of archaeological

No.	Condition

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, shall be submitted to the planning authority; and

c) should the programme of archaeological evaluation identify significant archaeological remains then, prior to construction of the building (excluding demolition down to current ground levels) an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) will be submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

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

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

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

a) The location and installation of services/utilities/drainage.

b) Methods of demolition within the root protection area (RPA as defined in BS 5837:2012) of the retained trees (if appropriate).

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

No.	Condition
	materials have been removed. The development thereafter shall be implemented in strict accordance with the approved details. **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;
(7)	the development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;
(8)	this condition was deleted in line with the addendum;
(9)	the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of

No. **Condition**

planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full.

Reason: To ensure a net biodiversity gain in accordance with NPPF;

(10) no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

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

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

(12) in the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion

No. **Condition**

of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.

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

(13) prior to commencement of first use, the sports pitches shall be laid out in accordance with the approved drawings.

Reason: To ensure that playing fields are retained and can be accessed in accordance with Policy HS2 of the Warwick District Local Plan 2011 – 2029;

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

Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy HS5;

(15) no development shall be carried out above slab level until the a noise mitigation scheme has been provided and agreed in writing by the Local Planning Authority, demonstrating that the noise impacts of the development have been reduced to a minimum as far as reasonably possible. The agreed mitigation measures shall be implemented in full prior to first use of the site and shall be retained in perpetuity.

Reason: To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

(16) within three months of the first occupation of the development, a report shall be submitted to and

No. **Condition**

approved in writing by the Local Planning Authority demonstrating that the energy efficiency measures detailed within the Revised Energy Strategy Report (submitted to the LPA on 31st March 2021) 'low-carbon strategy' have been implemented in full. These measures shall be retained as per the approved details or replaced with a betterment in energy efficiency terms.

Reason: To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029;

(17) the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times.

Reason: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029;

(18) no deliveries, waste collections or other noisy external activities likely to cause nuisance to nearby residents shall take place before 0730 hours or after 1900 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays.

Reason: To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

(19) noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

Reason: To protect the amenities of the occupiers of nearby properties in the locality in accordance

No.	Condition
	with Policy BE3 of the Warwick District Local Plan 2011-2029;
(20)	prior to the occupation of the development hereby permitted, thirteen 32amp (minimum) electric vehicle recharging points and two rapid electric vehicle recharging points (43kW AC/50kW DC minimum) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging points have been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging points; (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging points shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document;
(21)	the development shall be carried out in accordance with the submitted travel plan produced by SLR Consulting Ltd (Ref. 418.05578.00006, Version 1.1, dated January 2021). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document; and
(2)	subject to a note to the applicant suggesting that trunking be installed to extend the number of electric vehicles charging points.

92. **W/20/2020 – Land at Thickthorn, Kenilworth**

The Committee considered a hybrid planning application from Barwood Development Securities Ltd, comprising of a full planning application for 98 dwellings (Class C3) served via two new vehicular/pedestrian/cycle access connections from Leamington Road, pedestrian and cycle access to Thickthorn Close; strategic landscaping and earthworks, surface water drainage and all other ancillary infrastructure and enabling works, and an outline planning application for the demolition of existing buildings and

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

The application was presented to Committee because of the number of objections received, including one from Kenilworth Town Council.

The officer was of the opinion that the development of part of this allocated site (H06) for the construction of 550 dwellings, 8 hectares of employment land, a new one form entry primary school, community centre and a local centre, including the first detailed phase for 98 dwellings and two new accesses off Leamington Road and a new access from Glasshouse Lane, together with the necessary infrastructure and associated works, including the provision of open spaces and SUD's, was considered to be acceptable in principle in accordance with Local Plan Policy DS11.

The proposals would ensure appropriate levels of amenity for neighbouring dwellings whilst also providing positive and suitable living conditions for future occupants. The proposals would have a positive impact on the character and appearance of the area and were considered acceptable in terms of car parking and highway safety. While the scale of the development would result in an impact on the setting of the heritage asset known as Thickthorn Manor, this impact equated to less than substantial harm against which was weighed the public benefits of the proposals. The development was therefore considered acceptable in this regard.

Furthermore, the proposals were considered to be acceptable in ecological terms and there were a number of necessary and relevant conditions recommended in the event permission was forthcoming which would ensure that any possible impacts of the development were adequately mitigated.

Notwithstanding the partial outline nature of these proposals, officers were satisfied, based on the illustrative layouts submitted and the parameters plans, that the site was capable of being developed for this number of dwellings and the convenience store without causing material harm to neighbouring amenity or the general character of the surrounding area. Suitable conditions were recommended regarding the phasing of the development.

Overall, the development was considered to accord with all relevant provisions of the Development Plan and for these reasons, it was therefore recommended that planning permission should be granted.

An addendum circulated at the meeting advised of an update to the report, on page 20 below the heading "Impact on Heritage Assets" the relevant Paragraph of the NPPF was Paragraph 195 and not Paragraph 129 as stated. There was also an additional letter of objection received, and an additional general letter received.

The following people addressed the Committee:

- Councillor K Dickson, Kenilworth Town Councillor, objecting;
- Mr Harban, objecting;
- Mr Martin, objecting;
- Mr Stevenson, objecting;
- Mrs Ventham, speaking in support; and
- Councillor Milton, District Councillor, objecting.

In response to questions from Members, the Development Services Manager advised that if Members were uncomfortable with the 20% proportion of affordable housing, in consultation with the Chairman of the Committee, officers could be asked to engage further with the applicant whilst the s106 agreement was being finalised to see if there was potential progress that could be made relating to increasing the proposed 20% affordable housing on the full application site.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Jacques and seconded by Councillor Falp that the application should be granted.

The Committee therefore

Resolved that application W/20/2020 be **granted,** subject to the following conditions, and a Section 106 Agreement to secure the necessary financial contributions/obligations as set out in the report.

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

Should a satisfactory Section 106 Agreement not have been completed within 3 months of the date of Committee or in the opinion of Officers, insufficient progress has been made within this period to warrant the agreement of additional time to complete the Agreement, Planning Committee are recommended to delegated authority is given 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.

No.	**Condition**
(1)	**Implementation** The development hereby permitted in detail (i.e. the means of access and the detailed first phase of 98 no. dwellings,

No.	Condition
	landscaping, SUD's and open space) must be begun not later than the expiration of three years from the date of this permission. The development hereby permitted in outline must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved. **Reason**: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
(2)	**Submission of Reserved Matters** With the exception of the detailed first phase of 98 no. dwellings and associated access, servicing, highway works, parking, footpaths, cycleways, public realm and other related works, this permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 as amended, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced on each subsequent phase of development: • Appearance. • Landscaping (other than the structural landscaping hereby approved). • Layout. • Scale. **Reason**: To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended);
(3)	**Submission of Reserved Matters Time Limit** In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings

No. **Condition**

and particulars must be made to the Local Planning Authority, for each phase of the development, not later than the expiration of three years beginning with the date of this permission.

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

(4) **In accordance with Plans**

The development hereby permitted shall be carried out in accordance with the following approved plans:

Dwg No.	Rev.	Dwg Name	Received
RG-M-01	D	Site Boundary Plan	3 December 2020
RG-M-Ai08	C	Framework Masterplan	3 December 2020
03798-Ci-SK002-03	-	Preliminary Priority Junction Layout	3 December 2020
03798-Ci-SK003-06	-	A452 Preliminary Access Arrangements	3 December 2020
3584-02	L	Proposed Site Plan	19 April 2021
3584-03	-	Proposed Materials Plan	3 December 2020
3584-04	A	Boundaries Plan	3 December 2020
3584-05	A	Hard Landscaping Plan	3 December 2020
3584-06		Site Sections and Street Scenes	3 December 2020
3584-10	-	House type HQI M2	3 December 2020
3584-11	-	House type Alnwick	3 December 2020
3584-12	-	House type HQI 2.1	3 December 2020
3584-13	-	House type HQI 3.1	3 December 2020
3584-14	-	House type Harwick	3 December 2020
3584-15	-	House type Waddeston	3 December 2020
3584-16	-	House type Harewood	3 December 2020
3584-17	-	House type Holdenby	3 December 2020
3584-18	-	House type Ragley	3 December 2020
3584-19	-	House type Ascot+	3 December 2020
3584-20	-	House type Birstall	3 December 2020
3584-21	-	House type Wentworth and Waddeston	3 December 2020
3584-22	-	House type Wentworth and Holdenby	3 December 2020
3584-23	-	House type HQI 4.1	3 December 2020
3584-24	-	House type Belvoir	3 December 2020
3584-25	-	House type Claydon	3 December 2020
3584-26	-	House type Highclere+	3 December 2020
3584-27	-	House type Longleat+	3 December 2020
3584-28	-	House type Lyme+	3 December 2020
3584-29	-	House type Hatfield+	3 December 2020
3584-30	-	House type Sutton+	3 December 2020
3584-31	-	Single Garage	3 December 2020
3584-32	-	Double Garage	3 December 2020
03798-C-0101-P1	-	Adoption Plan	19 April 2021
03798-C-0102-P1	-	Geometry Plan	19 April 2021
03798-C-0103-P1	-	Visibility Plan	19 April 2021
03798-C-0104-P1	-	Private Visibility Plan	19 April 2021
03798-C-0105-P1	-	Refuse Vehicle - Swept Path S1	19 April 2021
03798-C-0106-P1	-	Refuse Vehicle - Swept Path S2	19 April 2021
03798-C-0107-P1	-	Shared Driveway – Swept Path	19 April 2021
03798-C-0108-P1	-	Private Driveways – Swept Path	19 April 2021

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

(5) **Surface Water Drainage Scheme**

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved FRA, and an assessment of the hydrological

No.	Condition
	and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall: • Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753. Provide cross sections of all proposed features and the require maintenance easements are provided. • Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 4.3 l/s/ha for the site. • Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in '*Science Report SC030219 Rainfall Management for Developments'.* • Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus 40% climate change return periods. • Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event. **Reason:** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-

No.	Condition
	2029;
(6)	**Prevention of Material entering Watercourses** No development and subsequent use of the development shall take place until a strategy to manage and maintain any construction materials from entering or silting up the watercourse has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. Details to ensure that no silt or chemicals can leave the phase being constructed shall be provided and monitoring of the watercourse during construction. **Reason:** To ensure the construction of the development does not have impacts to the on-site watercourse or off site to flood risk;
(7)	**Updated Drainage Strategy for A46 Culvert** Prior to the commencement of the development, an updated Flood Risk Assessment and Drainage Strategy shall be submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. This document shall describe how the site drainage will be maintained at greenfield run-off rate. In addition, the FRA should include a scenario where the downstream A46 culvert is at 50% of its capacity. In the event that risk of flooding becomes evident, appropriate mitigation should be incorporated to address the issue. Any mitigation should be completely within the bounds of the development site. **Reason:** To ensure that the A46 Trunk Road continues to serve their purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980, and in the interests of road safety;
(8)	**Foul Drainage Scheme**

No.	Condition
	Notwithstanding details contained within the approved documents, prior to commencement of each phase of development hereby approved, a Foul Drainage scheme to include: (a) A drainage strategy for the disposal of foul sewage; and (b) Program of delivery. Shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented in accordance with the approved details prior to the first occupation of the relevant phase of development. **Reason:** To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies BE1, FW2 and NE5 of the Warwick District Local Plan 2011-2029;
(9)	**Road traffic noise (Detailed Phase)** The detailed housing phase of 98 dwellings of the development hereby permitted shall not commence until a scheme detailing arrangements to protect residents of the development from excessive road traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road traffic noise has been submitted to and approved in writing by the local planning authority. Once approved the scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **Reason**: To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
(10)	**Road traffic noise (Outline application)**

No.	Condition
	Prior to the submission of any reserved matters application a supplementary road traffic noise assessment and scheme of mitigation including detailed arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. Once approved the scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **Reason:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
(11)	**Impacts of commercial development (Outline application)** Prior to the submission of any reserved matters application, a noise assessment (including details of any noise mitigation measures if deemed necessary) of the impacts from the proposed primary school (Class F.1), employment uses (Class B2), Class E development, and community centre (Class F.2) shall be submitted to and approved in writing by the local planning authority. Any noise mitigation measures shall be implemented in strict accordance with the approved details. The noise mitigation measures shall thereafter be retained and maintained in strict accordance with the approved details at all times. **Reason:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
(12)	**Air quality Mitigation** The detailed phase of the development shall not commence until an appropriate scheme of mitigation in accordance with Warwick District Council's Air Quality

No.	Condition
	Supplementary Planning Document (January 2019) has been submitted to and approved by the local planning authority. The approved scheme shall then be implemented in full and shall not be altered in any way without expressed written consent from the local planning authority. Prior to the submission of any reserved matters application an appropriate scheme of mitigation in accordance with Warwick District Council's Air Quality Supplementary Planning Document (January 2019) shall be submitted to and approved by the local planning authority. The approved scheme shall then be implemented in full prior to the first occupation of the development and shall not be altered in any way thereafter without expressed written consent from the local planning authority. **Reason:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
(13)	**Air Quality Mitigation from A46** Prior to the submission of any reserved matters, a scheme of air quality mitigation measures to protect the residential amenity of future occupiers shall be submitted and approved in writing by the Local Planning Authority. Thereafter, the reserved matters submissions should incorporate these measures into the final layout and design of the scheme together with the submission of a compliance statement setting out how these measures have been achieved. Thereafter, the development shall be carried out in accordance with the approved mitigation measures. **Reason:** To ensure appropriate mitigation against air quality impacts for future residents within the proposed development in accordance with Policies BE3 and NE5 of the Warwick District

No.	Condition
	Local Plan;
(14)	**Construction Environmental Management Plan** No phase of development hereby permitted shall commence until a Construction and Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the District Planning Authority. The CEMP needs to be compliant with the British Standard on Biodiversity BS 42020:2013 published in August 2013. In discharging this condition, the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition, appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF) and Policy NE2 of the Warwick District Local Plan 2011-2029;
(15)	**Protected Species Contingency Plan** No phase of development hereby permitted shall commence until a Protected Species Contingency Plan for that phase has been submitted to and approved in writing by the local planning authority. The plan shall include: (a) further bat surveys of the buildings and trees in accordance with BCT Bat Surveys – Good Practice Guidelines, has been carried out and if appropriate a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation plan shall

No.	Condition
	thereafter be implemented in full; and (b) an updated badger survey carried out by a suitably qualified badger consultant and has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation plan shall thereafter be implemented in full; Any approved mitigation plan shall thereafter be implemented in full. **Reason**: To ensure that protected species are not harmed by the development in accordance with NPPF and Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029;
(16)	**Landscape and Ecological Management Plan** No phase of development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan (LEMP) for that phase has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used, and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grassland, woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net biodiversity gain in accordance with NPPF and Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029;
(17)	**Protection of Ancient Woodland** No phase of development hereby permitted shall commence until adequate measures have been taken to protect existing trees, scrub and ground flora of

No.	Condition
	the adjacent Thickthorn Ancient Woodland, during development. A barrier, such as a wire fence, should be erected before works start. This fenced area should include a sufficient buffer zone between the development / associated works and the boundary of the Ancient Woodland. It is important NOT to allow access, or storage of materials within this buffer zone, otherwise soil compaction is likely to occur, with subsequent damage to the ground flora. **Reason**: To ensure the protection of important habitats during development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;
(18)	**Tree and Hedgerow Protection** No phase of development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site, for that phase, has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition, and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered, or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** To protect trees and other features on site during construction in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;

No.	Condition
(19)	No phase of development hereby permitted shall commence until a detailed lighting scheme for that phase has been submitted and agreed between the applicant and the local planning authority. In discharging this condition, the District Planning Authority expects lighting to be restricted around the boundary edges, along hedgerows, around known bat roosts and badgers' setts, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways: • Lighting should be directed away from vegetated areas. • Lighting should be shielded to avoid spillage onto vegetated areas. • The brightness of lights should be as low as legally possible • Lighting should be timed to provide some dark periods • Connections to areas important for foraging should contain unlit stretches The agreed scheme to be fully implemented before/during development of the site as appropriate. **Reason**: To ensure that protected species and habitats to be retained are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029, the National Planning Policy Framework (NPPF) and ODPM Circular 06/2005;
(20)	**Construction Method Statement** No phase of development hereby permitted (including any works of demolition) shall commence until a construction method statement for that phase has been submitted to and approved in writing by the Local Planning Authority in consultation with Warwickshire County Highways and Highways England. The approved statement shall be strictly adhered to

No.	Condition
	throughout the construction period and shall provide for: • Any temporary measures required to manage traffic during construction. • Construction Phasing Plan. • Construction site layout showing clearly designated areas for the parking of vehicles for site operatives and visitors; areas for the loading and unloading of plant and materials (i.e. deliveries/waste); storage of plant and materials used in constructing the development; areas for managing waste, and wheel washing facilities. • A HGV routing plan to include likely origin/destination information, potential construction vehicle numbers, construction traffic arrival and departure times, and construction delivery times (to avoid peak hours) Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction. • Dust management and suppression measures – level of mitigation determined using IAQM guidance. • Clear and detailed measures to prevent debris, mud and detritus being distributed onto the Local highway and SRN. • Noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites – Part 1 and 2. • Concrete crusher if required or alternative procedure. • Delivery times and site working hours. • waste management. • Site lighting. • Access and protection arrangements around the site for pedestrians, cyclists and other road users. • Restrictions on burning and details of all temporary contractors buildings. • Plant and storage of materials associated with the development process. • External safety and information signing notices.

No.	Condition

- Complaints procedures, including complaints response procedures and details of the responsible person (e.g. site manager/office) who could be contacted in the event of complaint.
- a scheme to minimise dust emissions arising from demolition/construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.
- mitigation measures in respect of noise and disturbance during the construction phase including vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic numbers and routes.
- Best practicable means shall be employed at all times to control noise on the site including:

    - Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays.
    - Delivery vehicles should not be allowed to arrive on site before 8 am or after 4.30 pm Mon – Fri, 8 am - 1 pm Sat and not on Sundays or Bank Holidays.

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

Reason: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR3 and NE5 of the Warwick District Local Plan 2011-2029;

(21) **Phasing Plan**

No.	Condition
	No development other than the detailed phase of 98 dwellings shall commence until a phasing plan for the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the phases established in the phasing plan or any subsequent update to that phasing plan as approved by the local planning authority. **Reason**: To ensure the proper phasing of the development;
(22)	**Contaminated Land Assessment** No phase of development hereby permitted shall commence until: (1) (a) A site investigation for that phase has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable: • A risk assessment to be undertaken relating to human health. • A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected. • An appropriate gas risk assessment to be undertaken. • Refinement of the conceptual model. • The development of a method statement detailing the remediation requirements. (b) The site investigation has been undertaken in accordance with details approved by the planning authority and a risk assessment

No.	Condition
	has been undertaken; (c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the planning authority prior to the remediation being carried out on the site. (2) All development of the site shall accord with the approved method statement; (3) If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with; (4) Upon completion of the remediation detailed in the method statement a report shall be submitted to the planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report. **Reason:** To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;

No.	Condition

(23) **Fire Hydrants**

No phase of development hereby permitted shall commence until a scheme for the provision of adequate water supplies and fire hydrants for that phase, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

Reason: In the interests of Public Safety from fire, and the protection of Emergency Fire Fighters;

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

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

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

Shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: To ensure appropriate open space and recreational facilities are provided to serve the development in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029;

No.	Condition
(25)	**Site Wide Masterplan to be Submitted** Notwithstanding details contained within the approved documents, prior to the submission of reserved matters application for any phase of the development hereby approved, a Site Wide Masterplan to include: (a) Illustrative details of how the proposed layout of development has been designed with due regard to the surrounding urban and rural context; (b) Land form topography as existing and proposed; (c) Land use plan and character areas (including densities and building heights); (d) Movement corridors within the site (including principal roads, public transport corridors, footpaths, cycleways and green corridors) and demonstrating how these relate to existing movement networks in the wider area; (e) Key infrastructure (including SUDs, significant utility provision, schools, district/local centres); (f) Landscape corridors and open space network; (g) Public open space; (h) Structural planting landscape areas; (i) Street lighting arrangements and any other lighting to public space; (j) A phasing plan including triggers for delivery of key elements of supporting infrastructure; and (k) A statement establishing how the development proposals accord with the principles set out in the Site Wide Design Code. Shall be submitted to and approved in writing by the Local Planning Authority. The Site Wide Masterplan shall be used in the assessment of future applications unless otherwise agreed in writing by the Local Planning Authority.

No.	Condition
	Reason: In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029;
(26)	**Site Wide Design Code to be Submitted** Notwithstanding details contained within the approved documents, prior to the submission of reserved matters application for each phase of the development hereby approved, a Site Wide Design Code to include: (a) Hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas); (b) Development blocks including built form and massing and relationship with adjoining development areas/blocks including areas of transition between development parcels (including the relationship between built form and adjoining open space); (c) Building types; (d) Building heights; (e) The means to accommodate the parking of vehicles and cycles; (f) Sustainable Urban Drainage features; (g) Key spaces, open spaces and green features; (h) Architectural language and detailing; (i) A scheme of strategic landscaping (including site sections, site visuals, site levels, structural landscaping and hedgerow retention); (j) Design principles for street tree planting and other structural planting landscaping areas; (k) Design principles on hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long-term management; (l) Design principles on waste disposal and recycling; (m) Design principles on the colour and texture of external materials and

No.	Condition
	facing finishes for roofing and walls of buildings and structures; (n) Design principles for street lighting and any other lighting to public space (including parking areas); (o) The principles shall include a regulating plan on an ordnance survey base at a scale no greater than 1:1250; and (p) A mechanism for periodic review and refinement if necessary, of the approved Design Code. Shall be submitted to and approved in writing by the Local Planning Authority. The Site Wide Design Code shall be used in the assessment of future applications unless otherwise agreed in writing by the Local Planning Authority. **Reason**: In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029;
(27)	**Sustainability Statement** Notwithstanding details contained within the approved documents, prior to commencement of development within its relevant phase, a Sustainability Statement including an energy hierarchy scheme for that phase and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include: (a) How the development will reduce carbon emissions and utilise renewable energy; (b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures; (c) How proposals will de-carbonise major development; (d) Details of the building envelope (including U/R values and air tightness);

No.	Condition
	(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; and (g) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading. No dwellings, the primary school or commercial buildings shall be first occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. No further development phases shall be inhibited from shared heating/cooling systems unless otherwise agreed in writing by the Local Planning Authority. **Reason:** To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019);
(28)	**Site Levels/Finished Floor Levels** No development other than site clearance and preparation works shall take place on any phase of the development until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on that phase and the relationship with adjacent phases have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments.

No.	Condition
	Reason: To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
(29)	**Materials** No development on the detailed first phase of 98 no. dwellings shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
(30)	**Large Scale Details** No development on the detailed first phase of 98 no. dwellings shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **Reason:** To ensure a high standard of design and appearance in accordance with Policies HE1 and BE1 of the Warwick District Local Plan 2011-2029;
(31)	**Noise Mitigation Measures** Construction of any buildings hereby permitted in outline shall not commence until a scheme of mitigation including

No.	Condition
	detailed arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **Reason**: To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
(32)	**Estate Roads laid out to satisfaction of the Highways Authority** No dwelling shall be occupied until the estate roads [including footways and cycleways] serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
(33)	**Provision of Cycle Parking** The development shall not be occupied until details of cycle parking facilities in accordance with the Warwick District Council Parking Standards 2018 have been submitted to the Local Planning Authority. **Reason:** In the interests of sustainable transport opportunities and to assist with mitigation against air quality impacts associated with the proposed development in accordance with Policies TR1 and NE5 of the Warwick District Local Plan;
(34)	**Delivery of Spine Road**

No.	Condition
	Prior to the completion of 475 dwellings and 55% of the employment site (unless otherwise agreed with the Local Planning Authority), the spine road linking Leamington Road and Glasshouse Lane will be required. This shall be constructed to the standard specification of the Local Highway Authority and be open to all traffic. **Reason**: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
(35)	**Low Emission Strategy** The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **Reason**: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan
(36)	**Schedule of Local Centre Floorspace to be Submitted** Notwithstanding details contained within the approved documents, prior to occupation of the 200th dwelling or marketing of the site for the Local Centre (whichever is sooner), details to include: (a) a schedule of the proposed land uses; (b) details of management/ownership; and (c) program of delivery. Shall be submitted to and approved in writing by the Local Planning Authority. The approved schedule shall be

No.	Condition
	implemented unless otherwise agreed in writing by the Local Planning Authority. Where single units that include retail, meeting places, tourism, cultural and sports development in excess of 500sqm of gross floorspace, an impact test shall be submitted. **Reason:** To manage the impact of Local Centre uses on the wider area in accordance with Policies CT1 and TC2 of the Warwick District Local Plan (2011-2029).
(37)	**Schedule of Community Centre Accommodation & Management to be Submitted** Notwithstanding details contained within the approved documents, prior to occupation of the 200th dwelling or marketing of the site for the Community Centre (whichever is sooner), details to include; (a) a schedule of accommodation; (b) details of management/ownership; and (c) program of delivery. Shall be submitted to and approved in writing by the Local Planning Authority. The approved schedule shall be implemented unless otherwise agreed in writing by the Local Planning Authority and transferred to the relevant ownership/management body. **Reason:** In the interests of comprehensive development in accordance with Policy DS15 of the Warwick District Local Plan (2011-2029);
(38)	**Schedule of Employment Floor Space to be Submitted** Notwithstanding details contained within the approved documents, prior to occupation of the 200th dwelling or marketing of the site for the Employment Uses (whichever is sooner), details to include;

No.	Condition
	a) A schedule of accommodation; b) Details of management/ownership; and c) Program of delivery. Shall be submitted to and approved in writing by the Local Planning Authority. The approved schedule shall be implemented unless otherwise agreed in writing by the Local Planning Authority. **Reason:** In the interests of comprehensive development in accordance with Policy DS15 of the Warwick District Local Plan (2011-2029);
(39)	**Travel Plan to be Submitted** Notwithstanding details contained within the approved documents, prior to occupation of the Local Centre, Employment Uses or Educational Facilities under any reserved matters consent, a detailed Travel Plan to include; a) Measures to reduce single occupancy car trips to/from the site; b) Encourage modal shift; and c) Program of delivery. Shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented **Reason:** In order to prevent additional vehicular traffic and promote sustainable modes of transport in accordance with Policies BE3 and TR1 of the Warwick District Local Plan 2011-2029;
(40)	**Maintenance of Surface Water Drainage** No occupation and subsequent use of the development shall take place until a detailed maintenance plan is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and

No.	Condition
	details shall be provided to the LPA within the maintenance plan. **Reason:** To ensure the future maintenance of the sustainable drainage structures;
(41)	**Maintenance of Surface Water Drainage** No occupation and subsequent use of the development shall take place until a detailed maintenance plan is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details shall be provided to the LPA within the maintenance plan. **Reason:** To ensure the future maintenance of the sustainable drainage structures;
(42)	**Water Efficiency** Notwithstanding details contained within the approved documents, prior to construction of each phase of residential development a scheme for that phase demonstrating how water efficiency measures have been incorporated into the development and shall demonstrate how, consideration has been given to the incorporation of grey water and rainwater recycling measures, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved measures have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with the any relevant manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policies FW3 and CC1 of the Warwick District

No.	Condition
	Local Plan 2011-2029;
(43)	**Pedestrian and Cycle Links** The reserved matters for each phase of development to be submitted pursuant to condition 1 shall include full details of how the development will ensure pedestrian and cycle connectivity both within the site and to adjoining land parcels and land uses. This should include appropriate connectivity between residential development and the facilities on site and how the site will provide connectivity with the remainder of the Land East of Kenilworth area. **Reason:** In the interests of encouraging sustainable modes of travel in accordance with Policies HS1, HS6, BE1 and TR1 of the Warwick District Local Plan 2011-2029;
(44)	**All connections to site boundary** The Reserved Matters submission(s) shall include details of all connecting foot/cycleways extending up to and including the ownership/application site boundaries of the development. **Reason:** To secure an appropriate linkage to the adjacent residential allocation to provide a comprehensive transport strategy for the development in accordance with Policy DS15 of the Warwick District Local Plan;
(45)	**Provision of Allotments** Prior to the occupation of 50% of the dwellings, the allotments and associated infrastructure shall be laid out in full accordance with an Allotment Delivery and Management Plan that shall first have been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of the location of the allotments, laying out of individual plots, infrastructure, boundary fencing, car parking areas and any proposed storage structures. Once laid out the allotments shall be appropriately managed, maintained and kept in a tidy

No.	Condition
	condition for use as allotments for the lifetime of the development as set out within the Management Plan. **Reason:** To ensure adequate infrastructure is provided in a timely manner as part of the comprehensive development of this strategic site in the interests of the sustainable development in accordance with Policy DS15 of the Warwick District Local Plan 2011-2029;
(46)	**Plant Noise** Noise arising from any plant or equipment at these premises, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq (5 minutes)) [if the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To ensure there would be no unacceptable disturbance to the detriment of the amenities of the occupiers of the development in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
(47)	**Estate Roads Layout** The layout of the estate roads serving the development [including footways, cycleways, verges, footpaths, and private drives] shall not be designed other than in accordance with the principles and guidance as set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001', in general accordance with submitted drawing number 03798-C-0102-P1 Geometry Plan. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-

No.	Condition

2029;

(48) **Construction of Estate Roads**

The construction of the estate roads serving the development [including footways, cycleways, verges and footpaths] shall not be other than in accordance with the standard specification of the Highway Authority.

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

(49) **Landscaping Standards**
Notwithstanding details contained within the approved documents, the landscaping scheme(s) approved under any subsequent reserved matters application(s) shall be:

(a) Carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation;

(b) Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted;

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

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

(50) **Landscape Replacement Planting**

No.	Condition

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

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

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

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

(51) **Housing Mix**

The mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the Strategic Housing Market Assessment at the point of submission of the reserved matters unless an alternative strategy is agreed in writing by the Local Planning Authority. The final mix must take into account the mix provided within the detailed phase of 98 dwellings.

No.	Condition
	Reason: To ensure that the housing meets the needs of the District as required by Local Plan Policy H4 of the Warwick District Local Plan 2011-2029 and the NPPF;
(52)	**Footpath Maintenance Condition** No site security fencing may be erected on or within 1m of public right of way W212. Should any damage occur to the surface or route of Footpath W212, the applicant must make good any damage to the surface of public right of way immediately and to the satisfaction of the Warwickshire County Council Rights of Way Team. **Reason**: To ensure sustainable modes of travel are maintained in accordance with Policies HS1, HS6, BE1 and TR1 of the Warwick District Local Plan 2011-2029; and

(2) Officers, in consultation with the Chairman of the Committee, engage further with the applicant whilst the s106 agreement is being finalised to see if there is potential progress that can be made relating to increasing the proposed 20% affordable housing on the full application site.

93. **W/21/0657 – 2 Elizabeth Way, Kenilworth**

The application was withdrawn from the agenda prior to the meeting.

94. **W/21/1150 – Ingon, Old Warwick Road, Lapworth, Solihull**

The Committee considered an application from Mr Gillot for the formation of a dropped kerb to provide vehicular access.

The application was presented to Committee because an objection had been received from Lapworth Parish Council.

The officer was of the opinion that the scheme was acceptable, having regard to the character of the street scene, neighbouring amenity, highways impacts and ecology. Members were therefore recommended to grant planning permission, subject to conditions.

Following consideration of the report and presentation, it was proposed by Councillor Wright and seconded by Councillor Tangri that the application should be granted.

The Committee therefore

Resolved that W/21/1150 be **granted** subject to the following conditions:

No.	Condition
(1)	the development hereby permitted shall begin not later than three years from the date of this permission. **Reason**: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
(2)	the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan submitted on the 7th May 2021, and drawing 'KCB946LN' submitted on the 15th July 2021, and specification contained therein. **Reason**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and
(3)	the access to the site for vehicles shall not be used unless a public highway verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** To ensure an appropriate standard of development and finish in accordance with Warwick District Local Plan Policy TR1.

95. **TPO 567 – Land to the rear of 22 -25 The Spinney, Royal Leamington Spa**

The Committee considered the confirmation of a provisional Tree Preservation Order relating to a beech tree at the land to the rear of 22-25 The Spinney, Royal Leamington Spa.

The application was presented to Committee because objections were received against the TPO being confirmed.

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

The proposed crown reduction was considered unacceptable on technical grounds; the reduction of a beech could lead to damage as the bark on the inner branches tended to be thin, and when exposed to sunlight it would become damaged with a loss of function. That risk might be controlled if the work was carried out when the days were short, from November to January.

The officer was of the opinion that the issues raised in objection to the TPO were sufficient to outweigh the significant amenity contribution which the beech tree made to the surrounding area and therefore it was expedient to confirm the TPO.

Following consideration of the report and presentation, it was proposed by Councillor Tracey and seconded that the TPO be confirmed.

The Committee therefore

Resolved that officers be authorised to confirm TPO 567.

96. **Planning Appeals Report**

Members received a report from officers outlining the existing enforcement matters and appeals currently taking place.

Resolved that the report be noted.

(The meeting ended at 9:32pm)

CHAIRMAN
12 October 2021