

Planning Committee: 16 June 2026

Item Number:

Application No: W 25 / 1717

Town/Parish Council: Kenilworth
Case Officer: Dan Charles

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Expiry Date: 16/03/26

Former Kenilworth School, Leyes Lane, Kenilworth, CV8 2DA

Hybrid planning application comprising:

Full planning application for demolition of all buildings situated on the former Kenilworth Secondary School site, including artificial pitch and associated infrastructure

Outline planning application with all matters reserved apart from access for the redevelopment of the site for up to 224 homes (40% affordable), up to 75 bed extra care for the elderly, public open space and associated infrastructure FOR Homes England

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

RECOMMENDATION

As this is a hybrid application, Planning Committee is recommended to grant full planning permission for the demolition of the existing buildings within the site and to grant outline planning permission for the residential development, 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 is also recommended to delegate authority to the Head of Place, Arts and Economy 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 4 months from the date of the committee meeting and, in the opinion of Officers, there is no ongoing progress towards the satisfactory completion of the Section 106 agreement, Planning Committee is recommended to delegate authority to the Head of Place, Arts and Economy to refuse planning permission on grounds that the proposal makes inadequate provision in respect of the issues subject of that agreement.

DETAILS OF THE DEVELOPMENT

This is an hybrid application consisting of a full application for the demolition of all existing buildings on the site and an outline application with all matters reserved (except for access) for the erection of up to 224 dwellings and a 75 bed extra care facility together with all ancillary works.

THE SITE AND ITS LOCATION

The application site is the former Kenilworth School site on Leyes Lane in Kenilworth. The site is now redundant following the relocation and construction of the school to its new site on Glasshouse Lane. The site is allocated for housing within the current Local Plan as Allocation H09.

The site area extends to approximately 9.5 hectares and is made up of a range of redundant schools buildings and associated hardstandings, together with the main playing field space to the rear of the site which includes an existing artificial playing pitch within the grassed playing field area.

The application site is not within a conservation area nor is it considered to be within the setting of any heritage assets.

There are no significant levels changes across the site.

To the north lies Leyes Lane which features a range of residential properties fronting onto the site together with an existing local centre that sits to the north eastern boundary of the site that offers a range of local facilities. Leyes Lane also contains existing bus stops in close proximity to the site.

To the east, south and west, the site is flanked by existing residential development that abuts the site with predominantly back gardens facing the site boundary but there are instance of other relationships, especially to the east where a number of properties are side-on to the application site.

PLANNING HISTORY

W/25/1708 - Prior Approval Notification under Part 11, Class B of the GPDO 2015 for the demolition of Kenilworth School, Leyes Lane, Kenilworth, CV8 2DA – Approved, 08.01.2026.

RELEVANT POLICIES

- National Planning Policy Framework
- Kenilworth Neighbourhood Plan (2017-2029)
- KP4 - Land East of Kenilworth
- KP8 -Traffic
- KP9 - Cycle Routes
- KP11 - Footpaths
- KP12 - Parking Standards
- KP13 - General Design Principles
- KP15 - Environmental Standards of New Buildings
- KP16 - Industrial Estates
- KP18 - Green Infrastructure
- KP19 - Local green space
- KP20 - Street trees
- KP21 - Flooding
- Warwick District Local Plan (2011-2029)
- DS1 - Supporting Prosperity
- DS3 - Supporting Sustainable Communities

- DS5 - Presumption in Favour of Sustainable Development
- DS6 - Level of Housing Growth
- DS10 - Broad Location of Allocated Sites for Housing
- DS11 - Allocated Housing Sites
- DS15 - Comprehensive Development of Strategic Sites
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix of Housing
- H15 - Custom and Self-Build Housing Provision
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE2 - Developing Strategic Housing Sites
- BE3 - Amenity
- BE5 - Broadband Infrastructure
- BE6 - Electronic Communications (Telecommunications and Broadband)
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- HE4 - Archaeology
- HS1 - Healthy, Safe and Inclusive Communities
- HS3 - Local Green Space
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- HS5 - Directing Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- FW4 - Water Supply
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions
- DM2 - Assessing Viability
- Guidance Documents
- Affordable Housing (Supplementary Planning Document - June 2020)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Public Open Space (Supplementary Planning Document - April 2019)
- Parking Standards Supplementary Planning Document (June 2019)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Kenilworth Design Advice (Shops, Warwick Road area)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Whilst having no reason to object, Members regret the delay in bringing forward plans for this site. This Committee recognises the need for this site, as allocated in the Local Plan, to be developed with appropriate mitigations.

Members commented as follows:

- There needs to be appropriate service provisions accessible to residents from this and nearby residential sites.
- Members support the comments from the South Warwickshire NHS Trust concerning the need for an appropriate section 106 agreement to include provision for NHS services.
- It is necessary that all disturbance to local residents is minimised during the demolition and construction phase. This should include limiting noise, dust and traffic movements as well as protection of the natural habitat. An appropriate Construction Management Plan will need to be produced. In addition:
 1. The site is in close proximity to a primary and secondary school. Members request a condition be applied that lorry and wagon movements are restricted to avoid school access times.
 2. Members request that a direct single point of contact is made available to all nearby properties during the demolition and construction phase, along with a regular newsletter advising of progress of the project.
 3. Members would like assurance of the status of the layout of the site. This includes confirmation that there will be a further opportunity to consider a detailed development application for this site including its layout.
 4. Members would like to support an approach to achieving the best possible energy efficiency within the properties.

WDC Conservation Officer: No objection, no designated heritage assets are considered to be impacted by the proposals.

WDC Environmental Protection Officer: No objection, subject to conditions on land contamination, Construction Management Plan, air quality mitigation and noise mitigation.

WDC Housing Strategy: No objection. The level of affordable housing provision is acceptable at 40% on the 224 dwellings. An affordable housing mix that includes rented, and shared ownership would be acceptable. The 75-unit extra-care element is a welcome form of specialist provision to meet the demographic trend for an older population and their housing needs. Support of a scheme would be subject to:

- Confirmation of a detailed housing mix that meets the Housing SPD 2020, and the most recent housing need evidence requirements;
- Securing the proposed tenure split and affordable housing quantum through a Section 106 agreement;
- Confirmation that all homes meet NDSS;
- Further consideration of accessible and adaptable housing provision; and
- Ongoing engagement with a Registered Provider to ensure effective delivery.

WDC Sports and Leisure: Request Section 106 contribution of £495,436 to mitigate increased demand for sports facilities as a direct result of this development.

WCC Arboriculture: Satisfied with reports submitted. Raise some concerns regards tree losses and impact on TPO trees. Recommend further information submitted through detailed soft landscaping plans.

WCC Archaeology: Following receipt of Written Scheme of Investigation (WSI) and results of trial trenching across the site, satisfied that no further archaeological work is necessary.

WCC Ecology: No objection subject to mandatory net gain in biodiversity being secured. Recommend conditions to secure adequate mitigation measures for protected and notable species.

WCC Flood Risk Management: No objection, subject to requested drainage conditions.

WCC Highways: No objection, subject to requested conditions and Section 106 Contribution of £2,292,294.82 to mitigate for the impact of increased traffic movements as a result of this development.

WCC Infrastructure: Request Section 106 contributions totalling £4,096,577.83 to mitigate increased demand for education, libraries, public rights of way and for use for road safety education as a direct result of this development.

WCC Landscape: Having reviewed the associated documentation, I can see that the Site is allocated for housing in Policy DS11 of the Local Plan as an Urban Brownfield Site (H09). I have the following observations about the proposals: While in general, I can see that the land use parameter plan has evolved to allow for the retention of trees, there are a couple of occasions where the extent of built form (including buildings, attenuation ponds and allotments) would appear to be within the root protection area of Category A and Category B trees. Examples include, the far southern edge of the site, the area of proposed allotment to the east and along the northern site boundary where there appears to be a clash between the attenuation pond and the mature Oak/Horse Chestnut trees. In order to protect these valuable trees and ensure that they continue to contribute positively to the local landscape, I propose that the land use parameter plan is revisited, to avoid incursions into the RPA. There are currently no landscape design details provided (for either hard or soft landscape). As such, should WDC be minded to approve this application, we would hope to see an appropriately worded landscape condition, requiring that these be provided.

Active Travel England: No specific comments, refer to Standing Advice.

NHS Coventry and Warwickshire ICB: Request Section 106 contribution of £419,777 to mitigate increased demand for Doctors surgeries as a direct result of this development.

South Warwickshire University NHS Trust: Request Section 106 contribution

of £449,427 to mitigate increased demand for NHS Hospital Services as a direct result of this development.

Sport England: No objection.

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

Warwickshire Police Design Officer: I strongly recommend that any residential accommodation is built to the standards laid out in the Secured by Design 'Homes 2025 Guide'. It is important that 'Secured by Design' is achieved, not just some of the principles embedded into the design.

Warwickshire Police Assets Manager: Request Section 106 contribution of £80,108.32 to mitigate increased demand for Police services as a direct result of this development.

Public Response: 69 objections received raising the following issues;

- Traffic is already a major issue and additional homes with new access will make it worse.
- Site access and crossing points are inadequate.
- Lack of local infrastructure to support new homes.
- No assessment of site for potential re-purposing of existing buildings.
- Will have a detrimental impact on neighbouring properties as a result of overlooking, overshadowing and loss of light.
- Care home facility is in the wrong place on the site.
- Care home facility will be imposing and overbearing to existing residents.
- Care home facility should be restricted to two storey.
- Will have a detrimental impact on local character.
- Plans are too radical for the area.
- Playing field has flooded in the past and this may present issues for the new occupiers.
- Drainage strategy is inadequate.
- Drainage pond threatens the longevity of mature trees.
- Transport Statement does not take into account the increased traffic of new developments.
- Contrary to H5 as medical facilities are not within a reasonable distance of the site.
- No guarantee that affordable housing will be delivered.
- Significant concerns over the safety of demolition works and the impact on local residents.
- Air Quality will be negatively affected by demolition works.
- Increased noise disturbance to existing properties.
- No guarantee trees and hedges will be protected.
- Harm to wildlife and biodiversity including protected species.
- Insufficient information that homes will meet net zero standard.
- Development should be built to Passivhaus standards.
- Lack of sufficient detail on waste and recycling.
- Does not achieve Secured By Design standards.
- Use of northern land for recreation whilst being a bat commuting corridor is contradictory.
- Reliance of reactive approach to health care infrastructure.
- Level of housing exceeds Local Plan allocation.

- Inappropriate massing to achieve housing numbers.
- Require smaller properties that young people can afford.
- Require revisions to layout to make scheme more suitable for the site.

ASSESSMENT

Principle of Development

Paragraph 38 of the National Planning Policy Framework (NPPF) states that Local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Five Year Housing Land Supply and the 'tilted balance'

The Council is unable to demonstrate the requisite housing land supply, with 1.96 years. In such circumstances, paragraph 11(d) of the NPPF indicates that the development plan policies which are most important for determining the application should be considered out-of-date and planning permission should be granted unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraph 11(d)(ii) is applicable to the proposal. This requires a balanced planning assessment, with particular regard to be paid to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Given the Council's position on its five-year housing land supply, the 'tilted balance' is deemed to be engaged.

Although being 'out-of-date' provides a reason to depart from a policy, it does not of itself mean that the policy should be disregarded outright. The weight to be given to the policies of the Development Plan that are most relevant to the proposal is dependent on their degree of consistency with the Framework.

Local Plan

Strategic Policy DS5 sets out the presumption in favour of sustainable development. It states that where there are no policies relevant to the

application or relevant policies are out of date at the time of making the decision, the Council will grant permission unless material considerations indicate otherwise, taking into account whether:

- i. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- ii. Specific policies in that Framework indicate that development should be restricted.

As the Local Planning Authority is unable to demonstrate a 5 year supply of deliverable housing, the presumption in favour of development is engaged and the tilted balance is relevant to housing proposals.

The application site is identified as a site appropriate for housing within the current Local Plan as Allocation H09.

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 H09 Allocation within the Local Plan identified an estimated 250 dwellings.

This outline application is for up to 224 dwellings, together with an up to 75 bed care facility, giving a total of up to 299 potential residential units on the site. Officers note that the care facility would result in a smaller land take than 75 individual dwellings and having assessed the site, consider that the total quantum of development would not be an overdevelopment of the site.

Demolition of existing buildings

The proposal includes the complete demolition of all buildings across the site.

In considering this proposal, Officers note that the buildings can be lawfully demolished following the granting of a Prior Approval for the demolition of the buildings under application reference W/25/1708.

The prior approval regulations are set out within the Town and Country Planning (General Permitted Development) (England) Order 2015. This allows for the demolition of buildings, subject to an assessment of the stipulations set out within the appropriate part. In the case of demolition, the only considerations that can be assessed are.

- whether the building has been rendered unsafe by the action or inaction of any person having an interest in the land on which the building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support.
- whether the demolition is "relevant demolition" for the purposes of section 196D of the Act.
- whether the building is used, or was last used, for a purpose falling within (i) article 3(6)(p) (drinking establishments etc.) of the Use Classes Order; or (ii) article 3(6)(q) (drinking establishments with expanded food provision) of that Order.

- whether the building is used, or was last used, for the purpose of a concert hall; a venue for live music performance; or a theatre; or
- the demolition relates to a statue, memorial or monument (“a commemorative structure”) in place for a period of at least 10 years on the date of any proposed demolition, other than a commemorative structure that is a listed building, a scheduled monument, within a cemetery, on consecrated land, within the curtilage of a place of public worship, within the grounds of a museum or art gallery, or is within the curtilage of a dwelling.

As the proposed demolition complied with the above criteria, there were no grounds to resist the demolition proposal and the Prior Approval was granted.

Taking the above into consideration, Officers consider that there are no grounds to resist the demolition works.

It is also noted by Officers that there was a wider desire to discuss the potential to retain and convert the buildings into alternative uses rather than demolish them. However, there is no legal requirement to consider this as part of the demolition process. As the site is allocated for residential development, the demolition of the buildings to make way for new housing is considered acceptable in principle.

Overall, Officers consider that the demolition of the existing building would not be a block on any development of the site and there would be no reasonable grounds to resist the application on that basis.

Conclusion on Matters of Principle

In summary, this proposal is an outline application for 224 dwellings and a 75 bed care facility on a site allocated for residential development within the Local Plan which falls within the allocation as set out within H09 of 250 dwellings.

In the case of this site, the scheme has demonstrated that the quantum of development can be comfortably accommodated within the application site and achieve a very high level of quality together with a level of public and other open space that meet the required thresholds for a scheme of this scale.

In light of the tilted balance, Officers do not consider that there are any exceptional circumstances that would outweigh the acceptability of this proposed development.

The proposal is therefore considered to be acceptable in principle having regard to Policies H1 and DS11 of the Local Plan.

Assessment of 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.

In addition to the 224 dwellings, the proposal includes an extra care facility for up to 75 units. This further contributes to the mix of housing options available on the site and provides a choice of accommodation for the elderly or those with alternative housing needs.

An affordable housing allocation of 40% will be incorporated into the design of the dwellings 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 and Impact on Visual Amenity and the Character of the Surrounding Area

Section 12 of the NPPF places significant emphasis on the creation of high quality, beautiful and sustainable buildings and places. Paragraph 131 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 139 states that permission should be refused for development that is not well designed and that fails to take into account local design guidance and supplementary planning documents. This paragraph also states that significant weight should be given to development which reflects local design guidance and policies and government guidance on design and/or outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Policy BE1 of the Warwick District Local Plan reinforces the importance of good design stipulated by the NPPF 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 Residential Design Guide SPD 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.

Kenilworth Neighbourhood Development Plan sets out general design principles under Policy KP13 and also has specific detailed requirements for the former school site at KP5. Both policies require high levels of design and open space facilities that are accessible to existing and future residents. KP13 requires

development to provide a positive response to the surroundings in terms of layout, density, scale, proportions, massing, orientation, detailing, materials and landscape.

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 224 dwellings and care facility as well as all open space requirements to the level that meet the required standards for a scheme of this scale.

The site is currently a former school site with the existing vacant school buildings still in situ. Consent has been granted for the demolition and clearance of the site.

In terms of boundaries, the proposal seeks to maintain the hedgerows and trees around the perimeter of the site so that the existing relationship with adjacent properties is retained. As the site is bounded by existing development on three sides, no encroachment is proposed through any of the existing boundaries to provide access, thus preventing any losses of these boundaries.

Access is to be provided from the existing access points serving the site which are to be modified to meet the standards of vehicular traffic to serve a development of this scale.

The indicative Masterplan demonstrates that the scheme is generally 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 Authority that is flanked by grass verges with tree planting together with associated footway. The tree lined avenue continues in a circuitous route through the development with a hierarchy of roads that naturally link from this primary access route to serve the properties.

A central spine of Public Open Space through the site is identified together with a large area of open space to the northern area of the site that contains a proposed play area and surface water attenuation features. The result is that the built form is set back from the northern boundary with Leyes Lane behind the open space areas. The added benefit of this is that the main area of open space is accessible to all residents, both new and existing so offers a wider community benefit to the local area.

Additionally, an area of allotments is identified to the eastern boundary of the site with additional community orchard space.

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 Adjacent Properties

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.

Policy KP13 of the Kenilworth Neighbourhood Development Plan requires new development to ensure that impact on residential amenity is assessed and addressed.

In terms of the impact of the demolition works, this will be controlled by a Construction Management Plan and Demolition Method Statement to ensure that all demolition works are carried out with minimal disruption to the amenity of neighbouring residents.

Concern has been raised regarding the potential for hazardous materials to be released through the demolition process. Officers can advise that if the demolition works involved any hazardous materials it would be covered by legislation outside of the planning regime, but all measures will be incorporated into the above statements to ensure compliance.

The site currently has the built form focussed to the front area of the site with the open playing fields to the rear. The proposed residential development will introduce housing onto the currently open land and as such the relationship the neighbouring properties currently have will be changed as a result of the development.

The majority of properties have their rear boundaries facing the application site and so have the existing rear gardens immediately adjacent to the boundary.

The proposed care facility is to the north-eastern corner of the site. Concern has been raised by local residents of the potential impact of this building on the amenity of existing residents of The Wardens. Whilst it is noted that the building is located in fairly close proximity to these properties, it is noted that this is only an illustrative layout of the site and the final layout would be subject to a separate approval where the impact will be assessed in detail.

In general terms, the overall scale of development can adequately be achieved on site without resulting in significant demonstrable harm to the amenity of neighbours and Officers consider that the scheme is acceptable having regard to Policy BE3 of the Local Plan and the Policies of the Kenilworth Neighbourhood Development Plan.

Amenity of Future Occupiers

Policy BE3 of the Warwick District Local Plan states that new development that does not provide acceptable standards of amenity for future occupiers of a development will not be permitted.

Policy KP13 of the Kenilworth Neighbourhood Development Plan requires new

development to ensure that impact on residential amenity is assessed and addressed.

As this is an outline application, the exact layout of the scheme is not being considered under this application. The illustrative masterplan submitted demonstrates how the development could be laid out to provide the 224 dwellings and this demonstrates that the proposed dwelling are able to achieve the requisite separation distances set out within the Residential Design Guide SPD. The plots as identified on the illustrative masterplan also demonstrate that separation distances between plots can also be achieved for the new housing to meet the SPD requirements.

All properties will benefit from the required standard of amenity space and this will be re-assessed at Reserved Matters stage.

Based upon the information available, Officers are satisfied that the scheme would provide appropriate levels of amenity for future occupiers and consider that the scheme accords with Policy BE3 of the Local Plan and the Policies of the Kenilworth Neighbourhood Development Plan.

Parking & Highway Safety

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

Section 9 of the NPPF seeks to promote sustainable transport and sets out a range of requirements for new development to ensure that impacts on existing transport networks can be addressed and that opportunities for the promotion of walking, cycling and public transport use are identified and pursued.

Within Section 9, Paragraph 114 of the NPPF states that in assessing applications for development it should be demonstrated that safe and suitable access to the site can be achieved for all users and impact on the highway network or highway safety can be cost effectively mitigated to an acceptable degree.

Additionally, Paragraph 115 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy KP8 Kenilworth Neighbourhood Development Plan requires new development to give priority to pedestrians and cyclists and improve safety and traffic flow whilst accommodating the needs of public transport. Policies KP9 and KP11 seek to ensure that new developments improve connectivity of footpaths and cycle paths to the wider town area. In addition, Policy KP12 requires new development to meet or exceed the Parking Standards SPD.

Since the initial submission additional information has been provided, including modelling, to allow for a further review into the development impacts.

As the proposal seeks full permission for the access, this element has been assessed by the County Highways Officer. Following an initial review, the Highways Officer sought minor revisions to the access together with a Stage 1 Road Safety Audit (RSA). The plans and associated audit have been reviewed by the Road Safety team of Warwickshire County Highways. Whilst the RSA identified a number of problems, these are considered to relate to elements that will be addressed at the detailed design stage and will be further assessed as part of the s.278 process. The site access points are considered acceptable and would not result in any harm to highway safety.

Within the site, it is noted that this is an outline application and therefore the final design is not yet known. However, no issues were identified with the illustrative masterplan and Officers are satisfied that an acceptable internal layout can be achieved within the site utilising the two proposed access points forming a loop around the site.

In terms of car parking, all dwellings should achieve the required parking standards together with informal arrangements across the site to provide visitor parking. These matters are assessed at reserved matters stage, but Officers are satisfied that the form of development that meets the required standards can be achieved within the application site.

In terms of wider impact mitigation, this site forms an allocation in the current Local Plan and so was assessed as part of the Local Plan development and mitigation identified. The modelling confirms that the mitigation identified within the Local Plan is sufficient to mitigate the development impacts and therefore, as with all sites within Kenilworth, a S106 contribution will be required towards the Kenilworth Infrastructure Delivery Plan, which includes measures to increase capacity on the highway and improve connectivity through walking, cycling and wheeling.

In addition to the housing, the development also includes for an extra 75 bed care facility which would also generate a level of pedestrian, cycle and vehicle trips, although less than the 'standard' dwellings. A contribution is also sought for these units in addition to the dwellings.

Footway/ cycleway improvements are proposed to Leyes Lane to be delivered via a s.278 agreement. This route is identified in WCC's LCWIP and also forms part of the Kenilworth IDP that informed the costings discussed above. Therefore, as the cost of this scheme is already included within the figures above, it is necessary to include in the wording of the s.106 agreement a reduction to the total figure being provided through financial contributions to avoid 'double counting' the scheme to the extent that the scheme is to be delivered directly by the eventual developer of the site.

Subject to the requested conditions and s.106 contributions, the scheme is considered to be acceptable having regard to Policies TR1 and TR3 of the Local Plan and the Policies of the Kenilworth Neighbourhood Development Plan and the Parking Standards SPD.

Impact on 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.

Paragraph 186 of the NPPF States that when determining planning applications, if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The application site is in an urban location and dominated by habitats of limited ecological interest, which is not surprising for a school site. However, more notably from a wildlife perspective, there a wide range of trees, including five considered very large, a small wooded area and a native hedgerow containing mature trees along Leyes Lane. The Illustrative Masterplan indicates these more notable habitats are likely to be largely retained.

The County Ecologist is satisfied that the site does not support any statutory or non-statutory wildlife sites, and is content to conclude the proposed development is unlikely to impact, either directly or indirectly, any such sites in the wider Kenilworth area.

In terms of protected species, the survey work by Three Shires Ltd has confirmed the presence of small numbers of common pipistrelles roosting in three buildings, whilst the level of bat activity across the site during the survey work was low. The County Ecologist concurs with the content of the report.

A mitigation licence from Natural England will be required consenting to the loss of the roosts, and the final mitigation/compensation strategy can be provided with the reserved matters application.

The County Ecologist does not consider the development likely to have a significant impact on the foraging and commuting behaviour of local bat populations.

The urban location and the absence of certain key habitats rules out the presence of a range of other protected/notable species, but standard precautionary mitigation measures will be required for badger, birds, hedgehog and invasive plant species.

Subject to imposition of the recommended conditions from the Ecologist, Officers consider that the proposal is acceptable having regard to Policy NE3 of the Local Plan and the Policies of the Kenilworth Neighbourhood Development Plan.

Impact on Biodiversity

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.

Paragraph 186 of the NPPF States that when determining planning applications, if significant harm to biodiversity resulting from a development cannot be avoided

(through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy KP18 of the Kenilworth Neighbourhood Development Plan requires new development within the vicinity of green infrastructure to respect the existing character, setting and purpose and to prevent any avoidable loss.

With only consent for demolition of the existing buildings and access being applied for in full, the final metric calculations will need to be left to the reserved matters application when the final layout is confirmed.

Notwithstanding the above, a draft Biodiversity Net Gain (BNG) assessment has been undertaken, and which demonstrates off-site habitat creation, specifically new tree planting, is likely to be required to satisfy the statutory requirement to deliver a 10% uplift to biodiversity.

As the proposal is subject to the mandatory requirement to deliver a minimum 10% net gain advisory wording is proposed to be included on the decision notice informing the applicant of the statutory requirements relating to BNG.

This will include the need to discharge the “deemed consent” general Biodiversity Gain condition prior to any works commencing through the submission of a Biodiversity Gain Plan.

Drainage

Policy FW2 of the Warwick District Local Plan states that all new major developments must incorporate SuDS that provide biodiversity, water quality and amenity benefits and be in accordance with the Warwickshire Surface Water Management Plan. There will be a presumption against underground storage of water, and it should support the delivery of green infrastructure. In addition, SuDS schemes must be located outside the floodplain; ideally this should be within the development site or close to the site as part of a master planned drainage scheme. Priority should be given to SuDS that incorporate green infrastructure, including green roofs, walls and rain gardens.

Policy KP21 of the Kenilworth Neighbourhood Development Plan requires all development to have regard to potential flood risk and ensure that proposals are in line with the Local Plan requirements on flood risk and drainage.

Although the site is in Flood Zone 1, a Flood Risk Assessment has been submitted with the application as the site exceeds 1 hectare in site area. Following negotiations regarding the form of drainage, the Lead Local Flood Authority has confirmed there is no objection to the development, subject to conditions requiring the development to be in accordance with the submitted drainage strategy to deal with surface water as well.

Subject to these conditions there is no objection from a drainage and flood risk point of view and the development is therefore considered to be acceptable having regard to Policy FW2 of the Local Plan and the Policies of the Kenilworth Neighbourhood Development Plan.

Adapting to Climate Change

The NPPF makes various references to mitigating the impact of climate change in particular Para 8 of the NPPF states that mitigating and adapting to climate change, including moving to a low carbon economy forms part of the requirement of the environmental objective of achieving sustainable development.

In addition, Section 14 of the NPPF focuses on meeting the challenge of climate change and states that the planning system should support the transition to a low carbon future in a changing climate..." and "support renewable and low carbon energy and associated infrastructure"

WDC declared a climate emergency in 2019 and all applications are expected to demonstrate how they have been designed to minimise the impact on climate change through the use of sustainable measures.

Policy CC1 of the Local Plan states that all development is required to be designed to be resilient to, and to 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.

Policy KP15 of the Kenilworth Neighbourhood Development Plan requires all new development to adopt higher environmental standards of building design and energy performance, such as Passivhaus or similar approach.

The applicants have provided an Energy and Sustainability Statement within their submission regarding energy saving matters that are proposed to be brought forward with any subsequent reserved matters applications and are committed to the delivery of a development that meets the Net Zero Carbon DPD requirements.

As this scheme is at the outline stage only, it is considered appropriate to require the submission of the detailed energy strategy together with a further detail of how the energy and sustainability matters secured through the conditions have been implemented through the use of an additional compliance condition. Further

consideration of additional energy saving measures can also be carried out once the detailed layout has been determined to ensure that the final development helps to achieve the District Councils climate change objectives.

Subject to the required conditions, the proposal is considered acceptable.

The proposal is therefore considered to accord with Policy CC1 and Officers are also satisfied that the scheme coming forwards will achieve full compliance with the Net Zero Carbon DPD.

Impact on Local Services

The proposed development of 224 dwellings and the 75 bed care facility would create additional demand for local services and to mitigate this, contributions towards local infrastructure 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.

• Open Space Improvements	£tbc
• Outdoor Sporting Contribution	£28,933
• Indoor Sporting Contribution	£214,536
• Grass Pitch Contribution	£251,967
• Doctors Surgeries	£417,000
• Hospitals	£449,427
• Footpath Improvements	£1,815.07
• Libraries	£4,901.12
• Education	£4,083,037.76
• Road Safety	£11,200
• Local Highways Improvements	£2,292,294.82
• Additional Policing Requirements	£80,108.32
• Type 3 Air Quality Mitigation	£53,370

- Habitat Management and Monitoring £27,541
- Monitoring (County) £tbc
- Monitoring (WDC) £tbc

The following requirements are also proposed for the Section 106 agreement.

- Affordable Housing (and Mix)
- SUDS Maintenance/Adoption
- Open Space Adoption
- Local Labour Agreement

Water Efficiency

Policy FW3 requires all new development to meet a water efficiency standard of 110 litres per person, per day to create a sustainable form of development that minimises water usage and waste.

Officers consider that this can be secured through an appropriately worded condition.

Air Quality

Policy NE5 of the Warwick District Local Plan requires development proposals to ensure that they do not give rise to increased air pollution where the level of discharge, emissions or contamination could cause harm to sensitive receptors.

In response to issues relating to the impact on Air Quality, the Council produced the Air Quality and Planning Supplementary Planning Document that was adopted in January 2019. The SPD sets out a range of measures that should be incorporated within development proposals to mitigate the impact on Air Quality as a result of the development

The application has been submitted with an Air Quality Assessment which has been assessed by Environmental Protection Officer who notes that the report outlines a set of construction mitigation measures required to minimise and mitigate dust at the site within Appendix A5. They have asked that these measures be included within the Construction Management Plan for the site, which Environmental Health have previously requested be submitted and conditioned.

Furthermore, in accordance with the Warwick District Council's air quality and planning SPD, the report has identified the development as a major scheme and therefore Type 1, 2, and 3 mitigation measures would be required. Type 3 mitigation measures include the calculation of damage costs, which have been calculated as £53,370.

The use of the damage costs should not be used for measures that may otherwise be required under other planning policies such as net zero unless the damages costs are used as a 'betterment' / 'top up' of these measures. On this basis, we would recommend that the calculated damage costs are secured by a Section 106 agreement to ensure the provision of Type 3 mitigation measures.

In addition to the above. a planning condition should also be included to secure

the provision of Type 1 and Type 2 mitigation measures which should be in accordance with the Air Quality and Planning Supplementary Planning Document (January 2019) and thereafter, 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’.

Subject to the requested conditions and Section 106 Agreement, the development is considered acceptable having regard to Policy NE5 of the Local Plan.

Trees/ Hedgerows

Policy NE4 of the Warwick District Local Plan sets out that new development will be permitted that positively contributes to landscape character including addressing the importance of woodland and hedges and their contribution to landscape character. It requires development proposals to address the importance of habitat biodiversity features, including aged and veteran trees, woodland and hedges and their contribution to landscape character, where possible enhancing these features through means such as buffering and reconnecting fragmented areas.

Officers note that the existing planting is retained where possible and the highest category trees are retained to hedgerows have been retained within the site layout and incorporated into the scheme.

The retained features will provide a good level of mature planting within the site to soften the development from the initial stages whilst the significant amount of new planting proposed matures.

Where trees are to be lost, these have been assessed by the Council Arboricultural Officer who is satisfied that the losses are justified and is content with the significant amounts of new planting proposed to mitigate for any losses. The proposal will significantly increase 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.

Conditions are proposed so that all retained trees are protected and the methodology for works in close proximity to retained trees are in accordance with the Arboricultural Report submitted with the application to ensure that the trees are protected during the course of the construction of the new development. Standard conditions for replacement planting should any new planting fail are also proposed to ensure the comprehensive planting scheme is maintained at all times.

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 preliminary response from the County Archaeologist requested that additional archaeological investigation works were carried out. Following this

request, the applicants carried out a programme of evaluative archaeological fieldwork comprising a geophysical survey and trial trenching across the site in accordance with an agreed Written Scheme of Investigation.

Following the site works, a report detailing the results of the fieldwork undertaken by WYAS Archaeological Services was submitted to the Planning Authority. This has been assessed by the County Archaeologist who has confirmed that the submitted report provides a satisfactory account of that fieldwork.

The objectives of the evaluation were to gather sufficient information to establish presence/absence, character, extent, state of preservation and date of any archaeological deposits within the area of proposed development.

The trial trenching included the excavation of fourteen trenches located to target anomalies identified by the earlier geophysical survey and areas of hard standing. The trenching confirmed the presence of post-medieval drainage ditches, land drains and an area of hard standing buried below the topsoil.

In considering the results from the evaluation the County Archaeologist is satisfied that the proposed development is unlikely to represent a significant archaeological impact. Consequently, the Archaeologist has advised that no further archaeological fieldwork will be required with respect to this scheme.

In light of the comments from the County Archaeologist, Officers are satisfied that the proposal is in accordance with Policy HE4 of the Local Plan.

Waste Storage

Policy BE3 of the Warwick District Local Plan requires development proposals to make sufficient provision for sustainable waste management (including facilities for kerbside collection, waste separation and minimisation where appropriate) without adverse impact on the street scene, the local landscape or the amenities of neighbours.

As this is an outline application, final details of layout etc are not yet known. Therefore, a detailed assessment if the waste collection facilities cannot be undertaken. It will be for the reserved matters relating to layout to demonstrate that all properties meet the required standards for storage and collection of waste.

It is appropriate to attach a condition to require the relevant standards to be met.

Contaminated Land

Policy NE5 of the Warwick District Local Plan requires development proposals to ensure that, where evidence of contamination exists, the land is made fit for its intended purpose and does not pose an unacceptable risk to sensitive receptors;

Paragraph 180 of the NPPF seeks to ensure that planning decisions contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where

appropriate.

The application has been submitted with a Contaminated Land Assessment that has been assessed by the Environmental Protection Officer (EPO) who is satisfied with the survey work and agreed with the recommendations outlined in the report that states that some further investigation of the site and ground gas monitoring is required to ensure that any potential contamination present at the site will not impact upon site workers or future residents. A condition has been recommended to secure this additional monitoring work

The approach to the remediation strategy outlined within the Site Appraisal document is reasonable, and the EPO notes that there are additional works required, including a further 4 gas monitoring visits and has confirmed that they are happy to accept a technical addendum with the results of these visits and the updated findings, including any suggested mitigation measures. This can be secured as part of the conditions.

In addition to the on site works, the applicants have provided a commitment to sampling of any imported soils and the EPO is happy with the sampling rate. Should small samples be imported, to verify the soil as 'clean', a minimum of 3 samples should be taken if the sampling regime does not meet this requirement. Additional sampling under the footprint of the existing buildings is also considered acceptable and the EPO has requested that at least one additional sample is taken from underneath the existing games court, as contamination has been identified under the existing hardstanding and there appears to be a gap within the current spread of sampling locations around the games court. Again, this can be controlled by condition.

Subject to the imposition of appropriate conditions, Officers are satisfied that the scheme is acceptable having regard to Policy NE5 of the Local Plan.

Conclusion

The application site is allocated within the Local Plan for residential development as part of allocation H09 which identifies approximately 250 dwellings for the site.

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

Technical Matters relating to highway safety and the mitigation of increased demand on the highway network have been satisfactorily addressed and these works are to be secured through contributions within the Section 106 agreement. The site-specific matters can be controlled by planning condition.

All other technical matters have been considered acceptable and can be secured through the use of appropriate conditions.

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 approved shall be carried out in accordance with the details shown on the following plans:

- Location Plan C6207-001_01 Rev-
- Land Use Parameters Plan C6207-003_01 Rev-
- Access Plan 110601-PEF-ZZ-XX-DR-TP-00001_S2-P01

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 Local 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 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 **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.

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.

8 **Demolition/Construction Method Statement**

No development or works of demolition shall commence on site until a Demolition Method Statement/Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the following:

1. the parking of vehicles of site operatives and visitors within the site;
2. turning and unloading and loading of vehicles, plant and materials within the site during construction,
3. storage of plant and materials used in constructing the development;
4. details of all temporary contractors buildings, plant and storage of materials associated with the development process.
5. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
6. wheel washing facilities;
7. measures to control the emission of dust and dirt during construction;
8. a scheme for recycling/disposing of waste resulting from demolition and construction works;
9. details of measures for the control of noise during construction works;
10. details of construction Phasing, HGV Routing Plan and time restrictions on HGV access.
11. details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction,
12. Emergency contact details that can be used by the Local Planning Authority, Warwickshire County Council and public during the construction period.

There shall be no burning of waste anywhere within the development site.

The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction methods.

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.

9 **Details of Boundary Treatments**

The development hereby permitted shall only be undertaken in strict accordance with details of boundary treatment design and materials, which have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted.

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 Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029.

10 **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.

11 **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.

12 **Biodiversity Net Gain**

No development shall commence unless and until a scheme ("the scheme") to ensure that there is a net biodiversity gain as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity offsetting metric as applied in the area in which the site is situated at the relevant time and the scheme shall include:

(a) Proposals for on-site mitigation (full details of which will be provided in relation to each phase of development in accordance with Condition 6 of these conditions)

(b) A management and monitoring plan.

The scheme shall be implemented in full accordance with the requirements of the scheme.

Thereafter, the development hereby permitted shall not commence, including any site clearance, until proof that the necessary offsite biodiversity units have been purchased and allocated to the development by a Biodiversity Gain Site on the Biodiversity Gain Sites Register, has been submitted to and approved in writing by the local planning authority.

Reason: To ensure the development complies with statutory requirements relating to Biodiversity Net Gain as required under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

13 **Low Emission Strategy**

Prior to submission of any reserved matters application an appropriate scheme of Type 1 and 2 mitigation in accordance with Warwick District Council's Air Quality Supplementary Planning Document (January 2019) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in full in 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.

14 **Bat Mitigation Measures - Demolition**

The physical demolition of the buildings hereby permitted shall not commence until a detailed schedule of bat mitigation measures (to include reasonable avoidance measures, timing of works, appointment of an Ecological Clerk of Works, procedure if protected species are found, ecologist supervision of destructive works including provision of

at least 1 box prior to destructive works, toolbox talk, replacement roosting details for both void and crevice dwelling bats, to include type, location and timetable for installation, licence details, monitoring and further survey if deemed necessary) has been submitted to and approved in writing by the County Planning Authority.

Thereafter, the approved mitigation measures shall be implemented in full and maintained in perpetuity.

Reason: To ensure that protected species are not harmed by the development in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.

15 **Site Wide Drainage Strategy**

The development shall be built in accordance with the approved Flood Risk Assessment and Drainage Strategy (as detailed below) and in particular the following mitigation measures detailed:

1. Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus climate change) critical rain storm to 96l/s.
2. Implementation of the proposed surface water drainage strategy including at minimum, attenuation basins and swales.

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.

16 **Surface Water Drainage Scheme**

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

1. Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the betterment runoff rate of 96l/s for the site in line with the Flood Risk Assessment (Rev P02 Dated 02.12.25).
2. Where the drainage scheme proposes to connect into a 3rd party asset, for example a public sewer, further information should be provided regarding the ownership, purpose, location and condition of this asset along with confirmation of the right to connect into it. This could take the form of land ownership plans showing riparian ownership, land drainage consent, flood risk activity permit or agreement under Section 106 of the Water

Industry Act (1991). Any correspondence should confirm acceptance of the proposed point of connection and discharge rate.

3. Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design. Additional features identified as suitable for the site such as permeable paving, tree pits and rain gardens may be considered.
4. Provide detail drawings including cross sections, of proposed features such as attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
5. Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:
 - a) Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant.
 - b) Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events
 - c) Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.
 - d) Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.
6. Provide plans such as external levels plans, supporting the exceedance and overland flow routing provided to date. Such overland flow routing should:
 - a) Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
 - b) Consider property finished floor levels and thresholds in relation to exceedance flows. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels.
 - c) Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity in accordance with Policies FW1, FW2 and NE4 of the Warwick District

17 Drainage Maintenance Plan

No occupation and subsequent use of the development shall take place until a detailed, site-specific maintenance plan is provided to the LPA in consultation with the LLFA. Such maintenance plan should:

1. Provide the name of the party responsible, including contact name, address, email address and phone number.
2. Include plans showing the locations of features requiring maintenance and how these should be accessed.
3. Provide details on how each surface water relevant feature shall be maintained and managed for the lifetime of the development.
4. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance.

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.

18 Surface Water Drainage Verification Report

No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (Rev P02 Dated 02.12.25) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:

1. Demonstration that any departure from the agreed design is in keeping with the approved principles.
2. Any As-Built Drawings and accompanying photos.
3. Results of any performance testing undertaken as a part of the application process (if required / necessary).
4. Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
5. Confirmation that the system is free from defects, damage and foreign objects.

Reason: To secure the satisfactory drainage of the site in accordance with the agreed strategy, the NPPF and Local Planning Policy.

19 Hydraulic Modelling

Alongside submission of the reserved matters and prior to any demolition on site, hydraulic modelling of the site should be submitted to the LPA, in consultation with the LLFA. The hydraulic modelling should be revised where revisions to the site layout are made during detailed design to ensure the correct representation of the proposals. Such modelling should:

1. Represent overland flow paths such as the existing surface water

- flow path that runs across the site.
2. Demonstrate any impact the demolition of existing buildings may have on overland flow paths across the site, to ensure flood risk is not exacerbated.
 3. Appropriately represent the post development scenario including proposed site levels, features and any other mitigation (such as raised finished floor levels) and intercepting measures, to support that raising levels on site will not adversely impact flood risk and on-site drainage is not overwhelmed by runoff from the site, or third party land.
 4. Post-development modelling should also include the culverted watercourse, to demonstrate how the proposed diversion will not adversely impact flood risk on site, or on third party land. Blockage scenarios should also be assessed.
 5. The modelling must be reviewed by an independent third party and submitted to the LPA in consultation with the LLFA. Such review should demonstrate the submitted modelling and flooding outlines are valid and provide the appropriate level of confidence. Further hydraulic model expectations held by the LLFA can be found in *Section 3.4 Hydraulic Modelling* of the LLFA's *Flood Risk Guidance for Development* document.

Reason: To secure the satisfactory drainage of the site in accordance with the agreed strategy, the NPPF and Local Planning Policy, and better understand flood risk to the development in accordance with Policies FW1, FW2 and NE4 of the Warwick District Local Plan 2011-2029.

20 **Construction of Access**

The development shall not be occupied until the vehicular accesses to the site have been constructed in general accordance with approved plan 110601-PEF-ZZ-XX-DR-TP-00001 and have been constructed in accordance with the Highway Authority's specifications.

Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

21 **Closure of existing access points**

The development shall not be occupied until all parts of the existing access(es) within the public highway not included in the permitted means of access have been closed and the (footway/verge) has been reinstated in accordance with the standard specification of the Highway Authority.

Reason: In the interests of the safety of road users and pedestrians in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

22 **Bus Stop Improvements**

The development shall not be occupied until the bus stop

improvements, as indicatively shown on plan 110601-PEF-ZZ-XX-DR-TP-00001, have been fully constructed in accordance with the Highway Authority's specifications.

Reason: To improve sustainable transport options in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

23 **Pedestrian/Cycle Lane Improvements**

No more than 50 dwellings shall be occupied until the Leyes Lane pedestrian/cycle improvements as shown on plan 110601-PEF-ZZ-XX-DR-TP-00001 have been fully implemented in general accordance with that plan and constructed in accordance with the Highway Authority's specifications.

Reason: In the interests of the safety of road users and pedestrians in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029

24 **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.

25 **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.

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.

26 **Water Efficiency**

No phase of development shall be carried out above slab level unless and until 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.

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.

27 **Net Zero**

No development, other than site clearance or preparatory works shall commence until a detailed Energy Statement that demonstrates compliance with the Net Zero Carbon DPD has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be built in accordance with the approved details.

No dwelling hereby permitted shall be occupied unless and until a Verification Report to demonstrate that the as-built performance of the constructed dwelling complies with the approved Energy Statement has been submitted to and approved in writing by the Local Planning Authority.

The Verification Report shall include:

- SAP calculations of the constructed dwelling(s).
- Results of the measured air permeability tested in accordance with the procedures set out in TM23 (and reported as part of compliance with Section 7, Part L of Buildings Regulations).
- Accredited construction detail performance as confirmed by infra-red thermographic survey and selective borescope surveys or other method as agreed in writing by the LPA.
- Logbook provided to demonstrate that ventilation and heating systems are installed and operating correctly, and a user guide on how these are to be used in operation of the building.

Reason: To ensure that the constructed building(s) meet the standards set by Policy NZC1 of the Warwick District Net Zero Carbon Development Plan Document (DPD).

28 **Construction Hours**

The hours of operation for construction works and deliveries shall be restricted to 07:30-17:00 Monday to Friday and 08:00-13:00 on a Saturday. No work is permitted to take place on Sundays or Public Holidays without the prior written permission of the Local Planning Authority. Furthermore, during term time delivery vehicles shall not be allowed to arrive on site between 08:30- 09:30 or between 15:00 and 16.30 Monday to Friday.

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.

29 **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.

30 **Landscape Strategy**

Within the Reserved Matters submission a Landscape Strategy that accords with the Habitat Management and Monitoring Plan should be provided, including the following:

- An updated plan based on the final masterplan, setting out the location and
- quantities of different typologies of POS, and how this responds to the
- requirements of the Warwick District Council Public Open Space SPD.
- Detailed soft landscape proposals, produced in accordance with Warwick District Council's Public Open Space SPD. It must include details of the soft landscape features proposed as part of the streetscape design, SuDS features and play spaces. Planting plans and schedules should include the name, number (or location and number of trees), size and density of proposed plants. It should also be stated whether plants are proposed as bare-root or container grown. Details of seed mixes and method of sowing should be provided.
- Detailed hard landscape proposals produced in accordance with Warwick District Council's Public Open Space SPD. 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;
- hard surfacing; play equipment and street furniture.
- An updated tree retention and removal plan, that reflects any updates made to required tree removal that result from evolution of the detailed housing layout.
- A maintenance schedule for all hard and soft landscape features.

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.

31 **Retention of Existing Trees/Hedges**

The existing tree(s), hedges and shrub(s) indicated to be retained on the plans approved under Condition 1 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.

32 **Housing Mix**

The type and size of dwellings submitted as part of any reserved matters application shall broadly accord with the following mix:

	One Bed	Two Bed	Three Bed	Four Bed +
Market mix	5-10%	25-30%	40-45%	20-25%
Affordable mix	30-35%	25-30%	30-35%	2-5%

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.

33 **Cycle Parking**

Prior to the commencement of each phase of development, details of cycle storage, for that phase shall be submitted to and approved in writing by the Local Planning Authority. The agreed cycle parking shall be provided before first occupation of that part of the site and be retained as such thereafter.

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.

34 **Car Parking Plans**

As part of any reserved matters applications submitted under Condition 1, plans showing car parking within that phase shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the agreed car parking provision shall be provided before first occupation of that part of the site and be retained as such thereafter.

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.

35 **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 from C3 dwelling house to C4 Houses in Multiple Occupation shall be enacted within the development hereby permitted.

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

36 **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

37 Contamination not Previously Discovered

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

38 Provision of Bus Stops

As part of any reserved matters submission relating to the layout of the development hereby permitted, a plan illustrating the location of potential future bus stops shall be submitted.

REASON: In the interests of appropriate public transport provision in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

39 Travel Packs

Prior to the first occupation of any dwellings hereby permitted, details of proposed sustainable travel welcome packs shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved packs shall be provided to all dwellings upon first occupation.

REASON: In the interests of sustainable travel promotion having regard to Policy TR1 of the Warwick District Local Plan 2011-2029.

40 Demolition

No demolition shall commence until details and specifications of the proposed mobile crusher have been submitted to and approved in writing by the Local Planning Authority. Details shall include the proposed location of the mobile crusher (which must be located as far away as possible from surrounding residents) together with details of the proposed water supply in line with the mobile crusher permit conditions.

Reason: To ensure that the level of noise emanating from the building

is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
