

**Planning Committee:** 29 July 2025

**Item Number:** 6

**Application No:** [W 25 / 0778](#)

**Town/Parish Council:** Radford Semele  
**Case Officer:** Dan Charles

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**Registration Date:** 16/06/25

**Expiry Date:** 15/09/25

**Land South Of, Chesterton Gardens, Leamington Spa**

Application for Variation of Condition 1 (Approved Plans) of planning permission W/23/1766 (reserved matters application for 185 dwellings) to allow amendments to house types and minor plot alterations to facilitate changes. (No changes proposed to layout, open space or quantum of development). FOR  
Bellway Homes Limited

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This application is being presented to Planning Committee due to the number of objections received and it is recommended for approval.

**RECOMMENDATION**

Planning Committee is recommended to grant planning permission for the variation of the approved plans.

**DETAILS OF THE DEVELOPMENT**

This application is made under section 73 of the Town and Country Planning Act 1990 that relates to the determination of applications to develop land without compliance with conditions subject to which a previous planning permission was granted, subject to the revised/new conditions meeting the requirements of 'Use of Planning Conditions' (ID: 21a Updated 06.03.2014) of the PPG.

In deciding an application under Section 73, the Local Planning Authority must only consider the disputed condition that is the subject of the application – it is not a complete re-consideration of the application (PPG Paragraph 031 Reference ID: 21a-031-20140306). In this case the applicant is seeking a variation to the wording of a condition through the use of a Section 73 application (PPG Paragraph 13 Reference ID: 17a-013-20140306).

On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

This application seeks the variation of condition 1 that relates to the approved plans to allow for the house types to be amended to reflect the Bellway range of products, together with some minor alterations to facilitate the changes.

There is no change to the quantum of development, nor are there are materials changes to the wider layout.

### **THE SITE AND ITS LOCATION**

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

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

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

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

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

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

The site slopes from northwest to southeast which is fairly regular across the site.

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

### **PLANNING HISTORY**

W/20/0617: Outline planning application for a residential development of up to 200 dwellings with associated access, landscaping and public open space. (all matters reserved apart from access): REFUSED 12.02.2021. APPEAL ALLOWED 20.08.2021

W/21/0590: Outline planning application for a residential development of up to 200 dwellings with associated access, landscaping and public open space: REFUSED 28.05.2021.

W/22/0232: Application for approval of Reserved Matters for residential development of 200 dwellings relating to appearance, landscaping, layout and scale in pursuance of outline planning permission W/20/0617 – WITHDRAWN 08.06.2023.

W/23/1746: Outline planning application for a residential development of up to 190 dwellings with associated access, landscaping and public open space – NON-DETERMINATION APPEAL ALLOWED 10.03.2025.

W/23/1766: Reserved Matters application for a residential development of 185 dwellings with associated access, landscaping and public open space pursuant to outline planning permission W/20/0617 – GRANTED 31.10.2024

### **RELEVANT POLICIES**

- Warwick District Local Plan 2011-2029
- Whitnash Neighbourhood Plan (2011-2029)
- W4 - Building Design Principles
- W6 - Protection and Enhancement of Whitnash Brook and Brook Valley
- W9 - Landscape Design Principles
- W10 - Improving Accessibility for All
- W11 - Housing Mix
- W14 - Sustainable Design
- W15 - Flood Resistance and Resilience
- W16 - Design to Reduce Surface Water Run Off
- W17 - Reducing Flood Risk through Landscaping
- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS1 - Supporting Prosperity
- DS2 - Providing the Homes the District Needs
- DS3 - Supporting Sustainable Communities
- DS4 - Spatial Strategy
- DS10 - Broad Location of Allocated Sites for Housing
- DS15 - Comprehensive Development of Strategic Sites
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix of Housing
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE2 - Developing Strategic Housing Sites
- BE3 - Amenity
- DS11 - Allocated Housing Sites
- BE5 - Broadband Infrastructure
- BE6 - Electronic Communications (Telecommunications and Broadband)
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities
- HS3 - Local Green Space
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- HS5 - Directing Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC2 - Planning for Renewable Energy and Low Carbon Generation

- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- FW4 - Water Supply
- HE4 - Archaeology
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Open Space (Supplementary Planning Document - April 2019)
- Distance Separation (Supplementary Planning Guidance)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Affordable Housing (Supplementary Planning Document - July 2020)

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** No objection.

**Whitnash Town Council:** No objection.

**WDC Housing Strategy:** No comments to make.

**WCC Ecology:** No representation to make on this application.

**Public Response -** A total of 60 comments received (at the time of writing):

### 1 Support Comment:

- Whilst I disagreed with development being approved without the additional road, the movement of the substation and pump are positive in that they are not near the bridleway in a quieter area by the allotments.
- Would hope that someone can confirm there will not be potential contamination risk to allotments.

### 1 Neutral Comment:

- Not opposed to the principle of development, but there should be a second access road as there is an accident waiting to happen.

### 58 Objections:

- No amount of adjustments will address the impact of this development.
- No additional roads proposed to support another 185 homes.
- No realistic prospect of Champion Road access being delivered.
- Existing roads insufficient to cope with additional traffic.
- Mechanism to prevent access from bridleway insufficient.

- No amenities for future residents.
- Poor access for emergency vehicles.
- No bus route into site.
- No regard for nearby residents.
- Harm to residents from air pollution, noise pollution and traffic.
- Increased light pollution to sensitive receptors.
- Unclear how bridleway will be protected during works.
- Consider drainage has been inadequately considered.
- Increased surface water flooding.
- Only has a minority percentage of affordable options.
- Development will have significant impact on local wildlife.
- Construction traffic will cause significant damage.
- Should be no construction traffic using Church Lane.
- Loss of agricultural land.
- Impact on rural landscape.
- Increased pollution as a result of the development.
- Pumping station adjacent to nature reserve is not acceptable.
- Loss of privacy to existing properties.
- Overbearing impact on existing properties.
- Second access onto Chalkhill Place should be considered.
- Insufficient archaeological investigations carried out.

## **ASSESSMENT**

### **History/Background**

Outline planning permission was allowed on appeal for up to 200 dwellings on this site. Following the appeal being allowed, a submission for reserved matters pursuant to outline the planning permission was submitted under application reference W/22/0232.

Application W/22/0232 was referred to Planning Committee on 13 December 2022 where Member resolved to grant approval in accordance with Officer's recommendation.

On the day of the Planning Committee meeting, the Planning Casework Unit at the Department for Levelling Up Housing & Communities (now the Ministry of Housing, Communities & Local Government) issued a holding direction to the Local Planning Authority to not issue a decision until they had determined whether they wished to call in the application.

Following a significant period of consideration, the Local Planning Authority received notification on 11 May 2023 that the DLUHC wished to call the application in for consideration. Following consideration of this, the applicants chose to withdraw the application, and this was received on 30 May 2023.

Subsequent to the above, the applicants submitted a new outline planning application (reference W/23/1746) for up to 190 dwellings on the site with all matters reserved except for access as well as a new reserved matters submission (reference W/23/1766) pursuant to the original outline planning permission.

Application W/23/1746 was presented to Planning Committee on 16 April 2024 where Members resolved to grant outline planning permission, subject to the signing of a Section 106 Agreement.

During the processing of the Section 106 Agreement, the Ministry of Housing, Communities & Local Government issued a holding direction on 30 May 2024 to the Local Planning Authority to not issue a decision until they had determined whether they wished to call in the application. Due to the pre-election protocol, the holding direction advised that no consideration could take place until after the general election on 4 July 2024.

Despite having a resolution to grant, the applicants exercised their right of appeal against non-determination which resulted in an appeal hearing. The MHCLG confirmed that the appeal hearing would satisfy their consideration of the case and would thereafter not be required to be called in. The appeal was heard on 27 November 2024, and the appeal was allowed on 10 March 2025.

During the above, the revised reserved matters submission was also subject to a holding direction issued on 5 July 2024. Thereafter, a non-intervention letter was received from MHLCG on 26 July advising that the application could be determined by the LPA.

Application W/23/1766 thereafter was presented to Planning Committee on 7 October 2024 and Members resolved to approve the reserved matters submission. On the 9 October 2024, a new holding direction was received from the MHLCG preventing the LPA from determining the application. Following an additional period of consideration, the MHCLG issued a non-intervention letter on 31 October 2024 advising that the application could be determined by the LPA. The decision was then issued on the same day.

This current application is a variation of condition application to vary the approved plans of W/23/1766 to make revisions to the house types to reflect the new developer's range of properties, together with some minor alterations within the site to facilitate these changes.

There are no proposed changes to the scale/ quantum of development or any other matters such as layout, highways, open space, drainage etc as a result of this proposal.

### **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.

As this is an application for the approval of reserved matters, it is not possible to reconsider the principle of development. This was considered in the assessment of the outline planning application and was found to be acceptable.

The outline planning permission also approved the vehicular access to the site from Brimstone End so matters of site access are not for consideration under this Reserved Matters scheme.

Consideration of the current application can only include issues related to the detailed appearance, landscaping, layout (including internal roads only) and scale of the site for the 185 dwellings as proposed. However, as noted previously, this application seeks only to vary the existing house types of a previously approved reserved matters approval, and the general layout remains unchanged.

### Five Year Housing Land Supply

The Inspector in the Leek Wootton Police Headquarters appeal decision has determined that Warwick District Council cannot demonstrate a 5 Year Housing Land Supply. Following this appeal, the Inspector has determined that WDC can only demonstrate a 4.01 Year Housing Land Supply and at the time of the decision, has a shortfall of 665 dwellings.

When a LPA is unable to demonstrate a five-year supply of housing land, all of its policies for delivering housing are deemed to be out of date. The NPPF states that planning applications should instead be decided based on the presumption in favour of sustainable development contained within Paragraph 11(d) of the NPPF, known as the 'tilted balance'.

This states that for decision making:

Where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear 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 this Framework taken as a whole.*

In weighing up this scheme, it is noted that the principle of development has already been established for this site through the grant of outline planning permission and a subsequent reserved matters approval meaning that the site has an existing and extant permission for 185 dwellings.

In considering the current application, Officers are mindful of the need to deliver new housing in order to improve the supply position. In this case, Officers are satisfied that there are no matters which would significantly or demonstrably outweigh the benefits of delivering an alternative design of housing on this site to

support the 5-year housing land supply on sites that are already allocated within the Local Plan.

### Housing mix

Policy H4 of the Local Plan requires residential development to include a mix of market housing that contributes towards a balance of house types and sizes across the district in accordance with the latest SHMA and as summarised in the most recent guidance document 'Provision of a Mix of Housing' (June 2018), based on current and demographic trends, market trends and the needs of different groups in the community.

Policy W11 of the Whitnash Neighbourhood Plan seeks to ensure that a mix of housing is provided to meet local housing needs.

This development provides:

#### Market Housing

<b>Bedrooms</b>	<b>Total</b>	<b>% Proposed</b>	<b>WDC requirement</b>	<b>Difference</b>
1 bedroom	10	9.01%	5-10%	Within range
2 bedroom	28	25.23%	25-30%	Within range
3 bedroom	49	44.14%	40-45%	Within range
4+ bedroom	24	21.62%	20-25%	Within range

The market housing mix set out fully accords with the Housing Mix as set out within the Housing Mix SPD. Whilst there have been some marginal changes to the mix compared to the development approved under W/23/1766, the mix still remains full within the specified mix as set out within the SPD.

The proposal provides a policy compliant mix of dwellings across the site and Officers are therefore satisfied that the market housing mix is appropriate.

#### Affordable Housing

The proposed affordable housing mix for this phase of development is as follows:

<b>Bedrooms</b>	<b>Total</b>	<b>% Proposed</b>	<b>WDC Requirement</b>	<b>Difference</b>
1-bedroom	24	32.43%	30-35%	Within range
2-bedroom	22	29.73%	25-30%	Within range
3-bedroom	26	35.14%	30-35%	+0.14%
4-bedroom	2	2.7%	2-5%	Within range

This proposal would provide 40% affordable housing comprising the mix of dwelling sizes set out in the above table. The mix of dwellings is in accordance with the affordable housing mix approved under W/23/1766 which has only a very negligible over-supply of 3 bed units.

The figures set out in the table above are considered to be in accordance with the Housing Mix as set out within the SPD and also set out within Condition 25 of the outline planning permission. The 0.14% over-supply of 3 bedroom units is negligible and would not result in any material harm. The plans submitted reflect the proposed tenure mix and provision based upon the demands within the local area.

The layout plan illustrates how the affordable housing would be located within the site. Predominantly, the affordable housing is located in a linear row to the western boundary of the site. This layout is similar to that proposed and accepted on application reference W/22/0232.

The accepted rationale for this approach is that the site is subject to a buffer strip between the developable area and the railway beyond. The buffer strip contains mitigation for the railway to protect occupiers whilst ensuring that an acceptable offset is provided. By providing the affordable housing to this area, it allows for the buffer land to be taken on and appropriately managed by the relevant Social Landlord who will be taking on the affordable housing.

The benefit of this approach is that it provides certainty for the maintenance of the land area, which does not form part of the Public Open Space provision, and prevents the housing being located in cul-de-sacs or other areas where affordable housing is the only form of housing. The layout provides a road with different tenures on both sides of the street and the tenure blind approach to construction of the dwellings means that there will be no discernible difference in the dwellings that would identify them as either private or affordable units.

It is also noted that the applicants propose tenure blind dwellings that are the same as the market range of dwellings so that they are not visually different. This is to be commended.

The maintenance of the railway land buffer strip will form part of the legal agreement for the adoption of the affordable housing. However, it is considered appropriate to also attach a condition to secure the submission of a Management Plan and Strategy to ensure that the area is properly maintained in perpetuity.

### **Design and impact on visual amenity and the character of surrounding area**

Section 12 of the NPPF places significant emphasis on the creation of high quality, 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.

Whitnash Neighbourhood Plan Policy W4 refers to building design principles and seeks to encourage developments to enhance and reinforce the distinctiveness of the Parish in terms of scale, mass and form. The policy also seeks that new developments follow a consistent design approach to the use of materials.

#### *The Garden Towns, Villages and Suburbs Approach*

The Council's 'Garden Towns, Villages and Suburbs' Prospectus seeks to bring together the key characteristics of the garden suburbs and villages approach, which include coherent and well-planned layouts, high quality design and consideration of long-term management arrangements. The site is considered to fall within the category of 'neighbourhood edge', lying at the edge of the developable area and adjoining countryside.

Officers consider that the proposed scheme would retain the high-quality residential environment as approved under application reference W/23/1766 which conformed to the garden suburb design principles.

The site retains the previously approved characteristics of a leafy, well designed residential neighbourhood within which open space and structural landscaping is an integral part, paying particular regard to the areas of Public Open Space to the centre and on the fringes of the development. The large area of Open Space to the East provides a soft edge to Whitnash Brook and the existing Nature Reserve.

The Public Open Space in this area is proposed to be natural in appearance to provide a significant buffer between the wider open countryside and the built form of the development. This large area of open space offers significant opportunities for dog walking and other recreational activities together with significant tree planting to increase the ecological value of this area of the site.

The proposal incorporates a primary route into the site featuring a primary road flanked by shared foot/cycleway on one side and footpath with verge planting to the other side. The foot/cycleway then enters into the open space areas located within the central core of the site to provide a link from north to south away from the main carriageway.

Thereafter, the scheme would provide a legible hierarchy of streets and spaces in accordance with this document with neighbourhood streets off the principal route and access drives meeting appropriate highway dimensions, adjacent to areas of

public open space. The proposed dwellings would face onto these areas of public open space to provide natural surveillance.

The Residential Design Guide SPD sets standards for the distance separation between the windows of habitable rooms in dwellings. The development proposes a layout where these minimum separation requirements are satisfied and, in some instances, they are exceeded quite substantially. Officers are satisfied that the scheme creates an overall character of spaciousness, which positively meets the aims and objectives of the garden suburb prospectus and ensures a good standard of amenity for future occupiers.

### General design and layout considerations

In line with the outline permission, the site is predominantly comprised of two storey units consisting of single dwellings together with some two and a half storey dwellings and apartment buildings.

Feature dwellings are located around the development where key focal points have been identified opposite junctions etc. In addition, dual aspect units are proposed to the corner plots to provide active frontages throughout the development to ensure that all properties engage with the public domain to avoid blank walls etc being present within the local street scene.

The whole development is predominantly made up of detached and semi-detached properties, together with some small apartment blocks. The proposal does not include any terraced properties within the provision of 185 units which is considered to result in an overall enhanced layout.

Officers consider the layout retains the design characteristics of the approved scheme and represents an efficient use of land and results in a well-spaced and legible layout that accords with the general design principles set out in the aforementioned design guidance as well as the approved site-wide Masterplan provided at outline stage.

In terms of appearance, the dwellings form a coherent scheme which has been designed to provide character areas throughout the site that define areas whilst still retaining a coherent development.

Brick is predominantly proposed with the use of render on some prominent plots through the development. A total of 6 different bricks and 3 different roof tiles are proposed together with differing combinations of detail materials such as windows and doors to enrich the palette of materials to create a high quality environment.

Architectural detailing including 2 different eaves details and feature brick coursing is proposed on the units and the styles and types of such features differs depending on the house type to add additional character and design features to the development.

Overall, Officers consider that the proposed design and layout would result in an appropriate form of development in visual terms and would not give rise to any harm to the general character of the area.

The proposal is considered to conform with National Guidance set out within the NPPF together with Policy BE1 of the Warwick District Local Plan and additional guidance set out within the Garden Suburbs design document, the Residential Design Guide SPD and the Whitnash Neighbourhood Plan.

### **Impact on residential amenity**

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents and provides an acceptable level of amenity for future occupiers of the development.

#### Impact on existing properties

The overall layout of the site remains as approved by planning permission W/23/1766 and the key changes is related to on-plot revisions only.

The key area of the site is the northern boundary where the site flanks the edge of the existing phase of the development.

Careful consideration has been given to this relationship with a buffer zone formed of public open space to the front and the properties orientated to front onto the bridleway. This then matches the properties on the existing phase of the development that also front onto the bridleway giving a front-to-front relationship. The separation distance is well in excess of the required standards.

As part of the consideration of the outline planning application, the properties on Brimstone End were identified as being subject to increased noise levels. To mitigate for this, the Section 106 Agreement attached to the outline planning permission secured a requirement for the applicants to upgrade the glazing to a higher standard to mitigate the noise impact.

The earlier applicants have already met this obligation and all properties on Brimstone End have replacement glazing installed.

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

The ample landscaping and public open space shown on the submitted plans will assist in ensuring the new development provides a high-quality residential environment that respects the existing properties.

#### Amenity of Future Occupiers

The proposed layout and design of this development is in accordance with the garden suburb approach and having regard to the general ethos of the Design Code, would provide a high level of residential amenity to the future occupiers of the development within an attractive setting.

The western perimeter of the site abuts the railway line that runs adjacent to the site. This was identified at outline stage and conditions proposed to demonstrate

that the impact of the railway line could be satisfactorily mitigated. The conditions imposed on the outline permission have been discharged following consideration by the Council's Environmental Protection Officer that the mitigation scheme is acceptable. Officers are therefore satisfied that the amenity of future residents will not be adversely affect by the proximity of the site to the railway.

The separation distances to surrounding properties are considered to be acceptable, and in many cases are in excess of the minimum separation distance guidance. The proposed development would provide appropriate relationships between neighbouring properties without significant impact upon the amenities of the occupiers.

All garden areas across the site meet or exceed the required garden standards commensurate with the size of property as set out in the Residential Design Guide SPD.

Whilst the District Council has not formally adopted the National Space Standards as part of the Local Plan and therefore cannot impose these standards, Officers have considered the development against these standards for the purposes of assessing the amenity of future occupants. Officers are satisfied that the dwellings meet or exceed these standards and would therefore provide acceptable living conditions for future occupiers.

The proposed layout and design of this development is in accordance with the garden suburb approach and having regard to the general ethos of the Design Code, would provide a high level of residential amenity to the future occupiers of the development within an attractive setting.

Officers are satisfied that the development is acceptable having regard to Policy BE3 of the Local Plan.

### **Open Space**

The overall layout of the site remains as approved by permission ref: W/23/1766 and the key changes are related to on-plot revisions only.

The development proposes a range of open space typologies within the site that have been generally agreed at the outline stage and were identified on the indicative masterplan. The final layout of the scheme is similar to that shown at outline and this is considered to be acceptable.

Policy W6 of the Whitnash Neighbourhood Plan seeks to ensure that the Whitnash Brook Nature Reserve is protected from inappropriate development.

The site benefits from a substantial area of open space to the east of the site where it flanks the Whitnash Brook. The open space area is designed to be natural in appearance to protect the character of the Brook and the Nature Reserve area. Footpaths are proposed within the site to allow improved pedestrian access to the area which is supported by the Neighbourhood Plan.

An equipped play area is proposed within the open space area to the eastern side of the development which was a new feature introduced as part of the

previously approved scheme. The final detail of the open space is secured through the Section 106 Agreement attached to the outline planning permission.

In addition to the large open space area to the East, additional open space areas creating small park areas that run through the core of the development are also proposed.

The site benefits from a range of natural open spaces with footpaths and informal play equipment etc for recreational purposes for future residents. The total open space provided within the site exceeds the required standards by approximately 1 hectare.

In addition to the open space, allotments are also proposed to support the development. As with the final detail and adoption of the open space across the site, the operation of the allotments is secured through the Section 106 Agreement that ensures all open space is designed to a high standard and will be adopted by the Local Planning Authority. The Section 106 Agreement will ensure that the allotments are adopted and operated by a suitable body, whether this is the Town Council, an Allotment Association or the District Council to ensure that the allotments are delivered, maintained and operated to an appropriate standard.

The only difference to the layout is the relocation of a proposed substation to an area adjacent to the allotments together with the provision of a below ground pumping station that has minimal impact on the overall character or appearance of the open space.

Officers are satisfied that the development is acceptable in open space terms.

### **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.

The primary access to the site is from Brimstone End and the detail of the access point was approved at the outline stage and this layout is reflected in this proposed layout which also remains unchanged from the reserved matters approved under W/23/1766. In terms of the access, this was originally approved under the outline planning permission and has been maintained in the same layout as approved without any alteration. The access point is therefore not a material consideration in the assessment of this case.

From the access point, the scheme has a primary road that runs from north to south. From this primary road, further minor roads run east to west across the development serving the properties. The key routes are designed to a 20mph design speed in line with WCC Highways advice.

During the course of the earlier reserved matters, the site was subject to extensive negotiations with Warwickshire County Council Highways to ensure that all internal roads meet the required specification for adoption by the County Council. The layout on the final plans has been subject to a Road Safety Audit to ensure that all aspects are safe and would not result in any harm to highway safety. There are no changes proposed

Within the site, provision has been made for bus stops to allow the extension of the local bus service into the site to serve the needs of the future occupants. However, it is noted that this would come into effect at the time the remainder of the allocation is delivered and the second access provided adjacent to Campion School.

In terms of the potential Campion School access, the layout has been designed to provide for an appropriate link at the time this access is brought forwards to ensure that the site is fully connected.

In terms of sustainable transport options, a range of routes through the site are proposed for pedestrians and cyclists. In addition to the main site access, separate connections area also provided for pedestrians and cyclists to connect into the existing bridleway that runs along the northern boundary of the site. This provides access for pedestrians and cyclists to the wider area to the west as well as the open countryside to the east. An additional emergency access is also proposed to the northwestern corner of the site to allow access onto Church Lane via the existing railway bridge.

Wider improvements to the provision of cycleways forms an integral part of the proposed highways works. The spine road is proposed to provide a full off-road cycle way through the core of the site and the site also incorporates a number of other recreational cycle routes giving a range of choice for cyclists.

In terms of parking, each property has an appropriate level of parking in accordance with the Council's Vehicle Parking Standards as well as areas set out for visitor parking. Bin collection points have been provided where necessary for properties off private drives to allow for easy servicing.

Overall, the development is not considered to be detrimental to highway or pedestrian safety and accordingly complies with Policies TR1 and TR3 of the Local Plan.

## **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.

As the scheme is a reserved matters submission, the mandatory 10% net gain is not applicable. However, the Ecological Surveys submitted with the outline did demonstrate that the scheme would already deliver in excess of a 10% net gain.

The ecological requirements were secured through conditions on the outline permission and as such, the ecological conditions do not need to be replicated as part of this reserved matters application and are subject to the separate discharge of conditions process.

The County Ecologist was satisfied at outline stage that any ecological impact could be successfully mitigated through planning conditions, and these were imposed upon the original outline application.

In respect of the reserved matters submission, there are no changes that Officers consider would alter the previous assessment by the County Ecologist who was satisfied that the development would result in a net biodiversity gain as a result of the significant planting works proposed as part of the development.

Officers are therefore satisfied that the proposal raises no significant ecological concerns. All ecological matters are satisfactorily controlled through the conditions attached to the outline consent and the development is therefore considered acceptable having regard to Policy NE3 of the Local Plan.

Officers therefore consider that the proposal is acceptable having regard to Policy NE3.

## **Impact on Trees and 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.

The site is currently an open agricultural field with no landscape features within the site itself. The majority of existing boundaries are set to hedgerows interspersed with trees. There is no existing boundary treatment to the south.

The proposal represents a significant opportunity for the inclusion of tree planting to greatly increase the tree stock in this area.

The proposal is therefore considered to be acceptable having regard to Policy NE4 of the Local Plan.

## **Drainage**

Policy FW2 of the Warwick District Local Plan states that all new development sites will discharge at the QBAR (see glossary) greenfield run-off rate, including an allowance for climate change; for sites with a life expectancy of less than 60 years, a 20% allowance must be applied; for sites with a greater than 60-year life expectancy, the allowance must be 30%. In addition, the Policy 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.

The site layout in terms of the SUDS ponds generally reflects the earlier submission under the outline planning permission and reserved matters. A suite of drainage conditions was attached to the outline planning permission as the SUDS pond area was previously considered to be acceptable.

The submitted layout satisfactorily demonstrates that appropriate drainage can be provided on the site, and the detailed proposal will be controlled via conditions associated with the outline application.

Based on the submitted information no objection is raised to these proposals with regard to the drainage and surface water management.

## **Other Matters**

### 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

All properties will benefit from EV Charging points which are considered acceptable to mitigate Air Quality impacts.

The proposal is therefore considered to be acceptable having regard to Policy NE5 of the Local Plan.

### **Adapting to Climate Change**

As this is a revision to a previously approved application for reserved matters, following on from a grant of outline planning permission which predates the adoption of the Net Zero Carbon DPD Standards, the DPD requirements are not applicable to this proposal.

Nevertheless, the outline permission was subject to a sustainability condition to improve the required standards of housing on the site, so the development will benefit from improved energy efficiency.

In relation to this development, Policy CC1 of the Warwick District Local Plan seeks all new development to be resilient to and adapt to the future impacts of climate change through the inclusion of measures to mitigate against rising temperatures and increased flood risk through sustainable construction measures and the incorporation of sustainable drainage methods.

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 focusses 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.

Whilst not a matter for consideration under the Reserved Matters, Condition 14 of the outline permission required the submission of a detailed energy statement to demonstrate how energy saving measures will be incorporated into the development.

The Energy Statement submitted identified a combination of energy saving measures utilising a fabric first approach to reduce the demand for energy at source through high levels of insulation. This approach is then supplemented with solar PV Panels and Air Source Heat Pumps to provide renewable sources of energy serving each of the plots.

The combination of these measures offers energy savings of between 65-75% above the 2013 Building Regulation standards.

The energy saving measures proposed result in substantial energy saving measures for the dwellings which would significantly reduce the demand for energy from the development. The level of savings of this scheme is greatly in excess of the Policy requirement and as such is highly commended for the methods put forward to reduce energy consumption.

In addition to the above, all properties will benefit from an electric vehicle charging point to provide the future occupier with the equipment necessary should they operate or choose to operate an electric vehicle.

Officers are satisfied that this development provides excellent energy saving measures incorporated into the scheme which complies with Policies CC1, CC3 of the Local Plan and Policy W14 of the Whitnash Neighbourhood Plan.

### **Archaeology**

Policy HE4 of the Warwick District Local Plan requires that any remains of archaeological value are properly evaluated prior to the determination of the planning application. Where a development will have an adverse effect on archaeological remains, the Council will require that an agreed programme of archaeological investigation and recording precedes development.

At outline stage survey work was carried out in the form of a geophysical survey and trial trenching works were carried out in order to assess the archaeological potential of the site. The results of these works were assessed by the County Archaeologist for consideration who was satisfied that there are no further archaeological works necessary to be secured on the site.

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.

### **Inclusion of pumping station**

The proposed plans identify a pumping station located adjacent to the allotment area. Due to the falling levels across the site, it is not possible for the scheme to be solely reliant on a gravity-based drainage system. The use of the pumping station will allow foul sewage to be pumped to a connection into the mains sewers. The pumping station would not result in any outfall into the surface water drainage system, nor would it be allowing outfall into the existing water courses, it is merely a mechanical solution to the levels across the site.

Whilst Officers note that there was not an identified pumping station on the earlier approved scheme, due to the levels changes, a pumping station would have been necessary. It is important to note that this could be facilitated by Severn Trent

who are the statutory undertakers for drainage solutions in this area and are able to carry out such works under their permitted development rights.

In visual terms, the predominant features of the pumping station would be underground with only control cabinets above the surface, contained within a small compound to allow access for the drainage body.

Officers are satisfied that the purpose of the pumping station is a common feature of developments and would not have any material detrimental impact on the character and appearance of the site.

## **Conclusion**

Officers consider the revised plans would maintain a proposed development that would provide a high-quality residential environment in accordance with the garden suburbs principles, including an appropriate mix of market and affordable housing and acceptable dwelling house and layout design solutions, including landscaping and substantial areas of public open space.

There would be no harm arising in terms of neighbour amenity, highway safety or ecology and as such it is considered the scheme therefore complies with the policies listed. Accordingly, Officers recommend that the variation of condition of the previously approved reserved matters is granted.

## **CONDITIONS**

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s)

**Layout Drawings** - FL25-2225-056, GL2493-SP-01, GL2493-LP-01, GL2493-LP-0, GL2493-LP-02, GL2493-LP-03, GL2493-LP-04, CG-BTP-320, CG-MP-300, CG-RTP-310,

**House Type Drawings** - BWM-LS-BA-01, BWM-LS-CT-01, BWM-LS-DT-01, BWM-LS-DT-02, BWM-LS-GO-01, BWM-LS-HP-01, BWM-LS-HP-02, BWM-LS-HP-03, BWM-LS-LY-01, BWM-LS-LY-02, BWM-LS-LY-03, BWM-LS-PH-01, BWM-LS-PH-02, BWM-LS-PO-01, BWM-LS-PO-02, BWM-LS-PO-03, BWM-LS-PW-01, BWM-LS-SC-01, BWM-LS-SC-02, BWM-LS-SP-01, BWM-LS-SP-02, BWM-LS-ST-BB-01, BWM-LS-ST-BB-02, BWM-LS-ST-BB-03, BWM-LS-ST-BB-04, BWM-LS-SY-01, BWM-LS-TI-01, BWM-LS-TI-02, BWM-LS-TI-03, BWM-LS-TU-01, BWM-LS-TU-02, BWM-LS-TU-03, BWM-LS-WA-01, BWM-LS-WA-02, BWM-LS-WA-03, BWM-LS-WB-01, BWM-LS-WE-01, BWM-LS-WE-01, BWM-LS-WE-02, BWM-LS-WO-01, A/436/15/DET/01 Rev B, A/436/25/CB/R1/00.1 Rev B, A/436/25/CB/R1/00.2 Rev B, A/436/25/CB/01 Rev B, A/436/25/CB/R1/00.1, Rev B, A/436/25/CB/R1/00.2 Rev B, SGWF/LRG, /25/CB/R2/00.1 Rev C, 2024-SUPGAR-220, 2024-SUPGAR-225, 2024-SUPGAR-226, 2024-SUPGAR-230, 2024-SUPGAR-231, 2024-SUPGAR-250, 2024-SUPGAR-280, 2024-SUPGAR-300.

and specification contained therein, submitted on 2 June 2025, and;

Approved Drawing CG-BTP-500 REV A and specification contained therein, submitted on 26 June 2025.

**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.

- 2 No development above slab level shall commence until a strategy for the delivery of pedestrian and cycle provision connections to the wider highway network has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the details contained within the approved strategy.

**Reason:** To ensure safe and convenient access to and egress from the site in the interests of the safety of cyclists and pedestrians in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

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

**Reason:** To ensure that a pavement and verge crossing is available for use when the development is completed thereby enabling safe and convenient access to and egress from the site in the interests of the safety of road users and pedestrians in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 4 The accesses to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.

**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.

- 5 Prior to first occupation of the development hereby approved, a detailed scheme for the provision and ongoing maintenance of the buffer land and associated acoustic measures and landscaping to the western boundary of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide:

- Details of a programme of maintenance to include inspection schedule.
- Details of routine maintenance works to the landscape features.
- Details of the methodology to be used when repairs or other non-standard maintenance works are required.
- Details of how the responsibility for the land would be transferred should the land be acquired by a different operator.

Thereafter, the approved measures shall be maintained and carried out in perpetuity.

**Reason:** To ensure that the land is maintained in good condition in the interests of visual and residential amenity of future occupiers in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 6 No development above slab level shall proceed until a scheme for the provision of appropriate life-saving equipment adjacent to the proposed SUDS ponds has been submitted to and approved in writing by the Local Planning Authority in accordance with the approved drainage strategy and implemented in full prior to the occupation of the first dwelling.

**Reason:** In the interests of safety having regard to Policy HS6 of the Warwick District Local Plan Review 2011-2029.

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