

LOCAL ACCESS FORUM

AGENDA

**For the Forum meeting on
Thursday 30th July, 2026, 7.00pm to 9.00pm, Committee Room 2, Shire Hall,
Warwick**

1. Welcome, introductions, apologies for absence, and declarations of interest.
2. Minutes of the meeting held January 2026 and any matters arising.
3. Reports from the Warwickshire, Solihull, and Coventry Rights of Way Teams.
4. Public Participation at the discretion of the Chair - 5 minutes maximum time allowed.
5. Offchurch Greenway
6. Membership and Election of Chair and Vice Chair.
7. Date and time of next meeting, To be Confirmed.
8. Close

LOCAL ACCESS FORUM

Notes from meeting held on Thursday 30th July, 2026 in Shire Hall, Warwick

Present: Richard Fenwick, Warwickshire County Council
Caroline Gutteridge, Warwickshire County Council
Jacki Morris, Warwickshire County Council
Sarah Jane Cash, LAF Member
Kenneth Thomas, LAF Member
Sheila Cooper, LAF Member
Peter Norris, Non LAF Member
Vaughan Owen, LAF Member
Liz White, LAF Member
Mike Murray, LAF Member
Simon Storey, LAF Member
Gina Rowe, LAF Member (Gina only able to attend for first 45 mins)

1. **Welcome, introductions, apologies for absence, and declarations of interest.**

Introductions were made, those joining virtually confirmed the technology was working
Apologies for absence were received from:
Neil Benison, Coventry City Council
Dean Ward, Solihull Metropolitan Borough Council
Cllr Chris Kettle, Warwickshire County Council
Shail Chohan, Warwickshire County Council
Gez Romano, Warwickshire County Council

Richard informed the group that this meeting was being recorded, this recording is available in the Teams Chat for all members to view. **ACTION:** If anybody can't access this please let Richard and Jacki know and they will forward the recording on.

2. **Minutes of the meeting held January, 2026 and any matters arising.**

Minutes not signed as accurate, some Members felt there was a meeting held after January **ACTION:** Richard to check dates.

Sheila queried how the minutes from January were recorded as she felt they were inaccurate, Richard explained that Shail had tried to take notes but was also trying to resolve IT issues impacting those joining virtually. Richard explained that the IT issues were only identified during the LAF meeting, and had resulted in the room being out of commission due to a leaking roof. Apologies were given to the group but these were circumstances outside of WCC Officers control.

3. **Reports from the Warwickshire, Solihull, and Coventry Rights of Way Teams.**

Update from Solihull Metropolitan Borough Council:
SMBC have been successful in securing funding for boardwalk improvements via CIL and are in the process of drafting consultation material which will be shared with all interested parties, for the development of their new ROWIP.

No update was received from Coventry City Council.

Richard talked through the Warwickshire update. The full document is attached as
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appendix a to these notes.

A discussion took place around S106 funding and Sheila asked if this is ever ringfenced, Caroline confirmed that it was. Sheila asked if it would be possible for the LAF to advise or make recommendations for S106 funding, and was told that the PROW make comments, but LAF comments could strengthen this. The forum was told that all documents relating to this are on the planning portal and can be accessed by anyone. ACTION: Richard to arrange for members of the PROW and HDM team to attend a future meeting to discuss this process in more detail.

4. Public Participation at the discretion of the Chair - 5 minutes maximum time allowed.

Elizabeth had shared an email with the group prior to the meeting, this is attached as appendix B to these notes.

A discussion took place around this actions from the discussion are:

- What is the pool of water talked about this needs investigation in this dry period.
- Richard to pick up with the Road Safety Team the request Kenneth made to Cllr Roberts about give way painting at St. Fremund way
- Richard talking to Bellway about works on the Bridleway.

ACTION: Liz to share the map she showed at the meeting to be published on the Internet with the other documents.

5. Offchurch Greenway.

Kenneth asked what plans Warwickshire Reps have for the surfacing of the Route 41 Offchurch greenway between the Welsh Road crossroads and the new bridge over the Fosse Way. The LAF have not been consulted on this major project.

Ahead of the meeting Richard contacted the HS2 team and had provided a response to Kenneth (appendix C).

Kenneth said he was confused by the response provided as he wasn't querying the bridge he was referring to Welsh Road crossroads to the start of the HS2 overbridge, the section that is supposed to be Greenway is a narrow footpath that goes into a bowl and bottoms out and then climbs up. Kenneth can't see any obvious drainage and when it rains said this will become a muddy mess.

ACTION: Richard will ask this question and will ask a member of the WCC HS2 team to come to a future meeting.

6. Membership and Election of Chair and Vice Chair.

Membership remains problematic, there has been one person show interest in becoming a member, and there were no nominations for the position of Chair or Vice Chair.

Currently this group don't have enough members to make any decisions, so it was agreed to find other ways to encourage new members to join. Options included:

- Writing / attending Parish Councils
- Richard to continue promoting this in communications about PROW
- Suggestions for possible members to be shared with Richard so that he can contact them directly
- Put banners in places with a high footfall

Sheila asked if Craig had left the forum, no formal notification has been received so the group have agreed that Sheila can write to Craig to confirm this.

Caroline asked if this group working on local plan consultations would be beneficial, Sheila said no as they are expecting to get approval and don't want to get challenged.

7. Potential Impacts of Local Government Reorganisation.

Richard told the group that it has been decided by Central Government that Warwickshire will split into two authorities one for the North, which will include Nth Warwickshire, Nuneaton and Bedworth and Rugby, and one for the South which will include Stratford and Warwick District.

With these changes the new authorities will both become appointing authorities, and while considerations will be given to joint working this may mean there are two LAF forums, covering Warwickshire. Conversations / Decisions need to be had with Solihull and Coventry about future joint working.

Richard and Caroline have met with Cllr Finch, Leader of Warwickshire County Council to explain the work of the LAF and invite him to the meeting tonight. Cllr Finch was unavailable.

Simon asked what Cllr Finch's opinion of the LAF was but Caroline and Richard weren't able to speak on his behalf and don't know his stance, but he was briefed on what the LAF does and the impact of LGR on the group.

8. Date and time of next meeting.

The room has been provisionally booked for 29th October, just need to check there are no events i.e. the Mop happening in Warwick that night.

Kenneth thanked Richard for the work has done since the last meeting to improve things. Sheila agreed with this, and Richard acknowledged that although his name is on everything Caroline and Jacki do a lot of the background work, and passed his thanks on to them.

The meeting concluded at 20:50

Warwickshire County Council - Rights of Way Update

At a Glance

- **Network:** 2,920 numbered footpaths covering 1,443 miles, 396 numbered bridleways covering 303 miles and 3 miles of byway open to all traffic (8 short routes).
- **Resource:**
 - 8 members of staff, 3 mapping/surveying, 2 admin/management and 3 delivery/enforcement (we currently have a vacancy due to retirement).
 - £65,000 in materials budget, £30,000 budget for 'internally traded services' (such as Forestry, Flooding, Bridges and Fleet Maintenance teams for Inspections and works).
- **Busiest period:** Spring and summer, when vegetation reports rise sharply.
- **Key seasonal pressure:** Ploughing and cropping issues are most common from May to October.
- **Recurring concerns:** Signs, gates, obstructions, surfaces, stiles and bridges feature regularly alongside vegetation.

What the Data Tells Us

Our records show a strongly seasonal service. Vegetation drives demand in the warmer months, while autumn brings continued pressure from ploughing and cropping. During winter, the emphasis shifts towards surface condition, drainage, mud and waterlogging.

- **Vegetation remains the leading theme:** Upgrowth, sidegrowth, overhanging growth and fallen trees recur throughout the dataset.
- **Agricultural activity affects access:** Cross-field and headland paths are particularly affected between May and October.
- **Demand changes with the seasons:** Surface and drainage concerns become more prominent during wetter winter conditions.

Around Warwickshire

We receive around 1,500 issue reports per year, so far this year we have received 472 new reports and look likely to hit the 1,500 average by the end of March. Locations appearing repeatedly in the records include Nuneaton, Bedworth, Rugby, Fillongley, Kingsbury, Lapworth, Tanworth-in-Arden, Dunchurch, Wellesbourne and Long Compton. For delivery purposes the County is split in to north and south. Around 60% of all reported issues are in the south.

S106 Funding Update

Developer contributions continue to provide important funding for improvements to Warwickshire's public rights of way. The 2026/27 income schedule includes significant allocations across the county, with most contributions reserved for improvements close to the development that generated the funding.

- **Funding by District/Borough:**

- 47% - Stratford District
- 22 % - Warwick District
- 18% - Nuneaton and Bedworth Borough
- 8% - Rugby Borough
- 4% North Warwickshire Borough
- It is clear that most development activity is in the South of the county, with 69% of the available funds being located there. As there are restrictions linked to the funds we work hard to ensure that this external funding is used as a first choice wherever it is available, however, it is not always possible to find S106 funding where we need it.
- **Supporting practical improvements:** Contributions are commonly be used for path surfacing, gates, stiles, bridges and signage within the area specified by the relevant agreement.
- **Countywide benefit:** Funding is distributed across urban and rural communities, including Alcester, Bidford-on-Avon, Rugby, Southam, Stratford, Warwick and Nuneaton. Using S106 funding in areas that have it, as a first choice, allows us to spend our maintenance budgets in areas without development money.

S106 Spending Update

During 2026/27, S106 contributions have supported practical improvements to bridges, surfacing, gates, signage and vegetation management across Warwickshire. So far this year **£86,175.06** has been spent, with bridge schemes accounting for the largest share.

- **Major bridge investment:** More than £66,000 was directed to bridge projects, including £22,958.64 for Chesterton Bridge, £12,588.28 and a further £5,667.42 for Lighthorne Footbridge, and £23,765.00 from two contributions towards Stockton Bridle Bridge.
- **Local bridge improvements:** £6,400 funded a replacement bridge at Long Itchington, £3,600 supported a replacement bridge at Southam, and £3,600 contributed to the Tidmington Bridge replacement at Shipston.
- **Safer access:** £1,831.50 purchased non-slip Grip Deck surfacing at Shipston, while £687.78 funded a self-closing meshed gate at Tysoe and £491.44 purchased mud-control slabs at Great Alne.
- **Signs and maintenance:** £200 supported a roadside signpost replacement near Stratford, and £135 reimbursed Salford Priors Parish Council for strimming.

Making contributions count: Several allocations were fully used during the period, while substantial balances remain for future work, including £40,549.94 at Bidford-on-Avon, £29,879.50 for further work at Lighthorne Heath and £12,673.51 linked to the Southam bridge contribution.

Looking Ahead

- **Recruit a Rights of Way Officer:** Recruitment is underway to replace our retired Rights of Way Officer, we hope the team will be back up to full strength by the end of September.
- **Complete the Rights of Way Improvement Plan (ROWIP):** Consultations have now been completed with almost all user groups and interested parties. A draft Plan is being prepared for discussion and public consultation. It will be shared with the Local Access Forum in due course.
- **Prepare for seasonal demand:** Begin a data driven/targeted project to engage with landowners about ploughing and cropping issues. Use the summer to undertake planned vegetation clearance and structure maintenance activity.
- **Improve public registers:** Migrate PPO and DMMO application information on to our new Legal Register software to allow for a clear public register of legal cases on the web site.



BRIDLEWAY W119 = 'REGIA VIA INTER RADEFORD ET WYTENAS 1285' ≠ 'Greenfield Road'

From Elizabeth White <lizedmtw@outlook.com>

Date Thu 30.7.26 06:34 PM

To Local Access Forum <laf@warwickshire.gov.uk>

Cc George Finch <georgefinch@warwickshire.gov.uk>; Christopher Kettle <christopherkettle@warwickshire.gov.uk>; Darren Cheshire <darrencheshire@warwickshire.gov.uk>; Robert Gisbourne <robertgisbourne@warwickshire.gov.uk>; Richard Fenwick <richardfenwick@warwickshire.gov.uk>; Shail Chohan <shailchohan@warwickshire.gov.uk>; Jacki Morris <jackimorris@warwickshire.gov.uk>

18 attachments (9 MB)

Desecration.pdf; 19. Street Naming and Numbering re. 'Greenfield Road'= Regia Via BRIDLEWAY.pdf; Transport Assessment 'Existing Conditions'.pdf; SWLP Reg 19 WHI.3.pdf; 42. Stagecoach Local Plan Observations and Representations.pdf; W_20_0617-Appeal_Decision.pdf; W_23_1746-Appeal_Decision.pdf; W_25_0778 'Variation of Condition'.pdf; 11. Local Plan Revised Development Strategy 2013 consultation document removed from evidence base (abridged).pdf; 31. Clearly Identifiable Geophysical Anomaly Exempted from a Trail Trench.pdf; 32. Whitnash Brook Valley Nature Reserve and Wildlife Buffer - WNP Map 8.PNG; Water visible from site entrance.jpg; 12. Warwick District Local Plan Evidence Base - site of document prior to its removal.PNG; 13. Local Plan Preferred Options Map May 2012 - annotated 'Access through realigned school' on face of map.jpg; 8. WCC Public Rights of Way Map.PNG; 23. History of Millpool Meadows.PNG; The Ash Grove page6 (2).jpg; 40. Entrance to Single-Access Cul-de-Sac to already almost 600 homes - showing the desperate need for second access and alternative access for construction vehicl.jpg;

Dear WSC Local Access Forum Members,

Since the Forum meeting on Thursday 29th January 2026:

1. Environmental Permit Application **EPR/BP3720MH/A001**

for the discharge of **2,462 CUBIC METRES PER DAY** into **WHITNASH BROOK** discovered by a local resident

– see attached 'DESECRATION' leaflet pinpointing 'Sewage Treatment Plant' to MWA 7390 Whitnash Holy Well

– distributed to Warwick District Councillors ahead of 18 February 2026 Council Meeting.

Whitnash Town Council Annual Parish Meeting, held on 16 April 2026, heard **EPR/BP3720MH/A001** had attracted the attention of environmental campaigner Feargal Sharkey.

Informed by the Environment Agency on 27 July 2026 that **EPR/BP3720MH/A001** is still with the 'duly making officer'...

2. Despite **OVER 500 SERIOUS SUBSTANTIAL OBJECTIONS** to the Environmental Permit,

W/25/1678 'Variation of Condition' [Planning Committee - 10 March 2026](#) **INCREASED THE PRESSURE ON WHITNASH/RADFORD BROOK BY 8%**

- and forms a 'hard edge' first impression from the countryside and for rail travellers coming from London to visit Royal Leamington Spa!

3. **'Minor Amendment'** Application for Variation of Condition 31 dated 04/03/26 posted to W/20/0617 09 Mar 2026...

Note Transport Assessment 'Existing Conditions'!

4. **W/26/0437** Application for Variation of Condition 30 dated 17/3/26, uploaded 30 March, **REFUSED** 29 June 2026

5. **W/25/1214** Variation of Conditions 30 (Site Access Provision) and 31 (Traffic Management Scheme) [Planning Committee - 4 November 2025](#) – **REFUSED**

Documents uploaded for Appeal started 25 March 2026 -

APPEAL DISMISSED 24 JUNE 2026

Much dangerous activity – but, as yet, no sign whatsoever of Site Access or Traffic Management Scheme - due to be delivered **'PRIOR TO FIRST OCCUPATION'**...

6. 20 May 2026: **Drilling and pipe laid under BRIDLEWAY W119** = 'REGIA VIA INTER RADEFORD ET WYTENAS 1285' ≠ 'Greenfield Road',
within 16-18m from Whitnash/Radford Brook in Zone2/3 FLOODPLAIN

Much of the replacement hedge has been destroyed by drought.

7. South Warwickshire Local Plan Publication (Regulation 19) Consultation (see attached):

SWLP Ref: **WHI.3** = WLP Ref: **H03 WHITNASH EAST**

Specific Site Requirements = **PROVISION OF A SECOND ACCESS!!!**

Stagecoach did **not** consider the current Plan to be **legally compliant** and considered the Plan **unsound** in respect of H03 Land East of Whitnash (see attached)...

Key consultation documents have been removed from the current Warwick District Local Plan Evidence Base (see attached)...

Campion School is currently undergoing building works – but no sign whatsoever of a road!

Appeal Decision APP/T3725/A/13/2190334 [W/12/0027]: 'it appears that the land to the south would be able to be developed and would not be dependent on access via the appeal site, which I note in any event **WOULD NOT BE SUITABLE FOR ACCESSING ADDITIONAL DEVELOPMENT TO THE SOUTH** beyond the appeal proposals due to limited capacity in the Sydenham road network'.

NO SECOND ACCESS = UNSOUND SOUTH WARWICKSHIRE LOCAL PLAN

8. **Re: EPR/BP3720MH/A001: 'WHITNASH HOLY WELL' FOUL PUMPING STATION / POLLUTION OF WHITNASH aka RADFORD BROOK > RIVER LEAM > WARWICKSHIRE AVON > SPA/SAC/RAMSAR.**

Local Access Forum copied into correspondence below 17 March 2026.

Subsequent interaction followed a brief discussion asking Cllr Kettle if he had received this email during a break in County Council proceedings the same day.

Are the relevant WCC officers also aware?

Environment, Heritage and Culture – there has not been a proper investigation or recording of archaeology in **CASTLE HILL** Field,

the Site of **WHITNASH HOLY WELL**, a clearly historic site with pre-existing Portable Antiquity Scheme finds and reports of current finds...

Fire & Rescue, Community Safety and Flooding - significant body of water visible from site entrance (see attached), despite drought conditions...

The **DESIGNATED WHITNASH BROOK VALLEY NATURE RESERVE AND WILDLIFE BUFFER** would also serve to protect communities downstream...

I look forward to seeing you at the meeting this evening.

Kind regards,

Elizabeth White

From: Elizabeth White <lizedmtw@outlook.com>

Sent: Tuesday, March 17, 2026 17:24

To: Will Roberts <willroberts@warwickshire.gov.uk>; Christopher Kettle <christopherkettle@warwickshire.gov.uk>

Subject: Re: EPR/BP3720MH/A001: 'WHITNASH HOLY WELL' FOUL PUMPING STATION / POLLUTION OF WHITNASH aka RADFORD BROOK > RIVER LEAM > WARWICKSHIRE AVON > SPA/SAC/RAMSAR.

Hi Will,

Are the relevant WCC officers also aware?

Thanks,

Liz

From: Will Roberts <willroberts@warwickshire.gov.uk>

Sent: Tuesday, March 17, 2026 17:15

To: lizedmtw@outlook.com <lizedmtw@outlook.com>; Christopher Kettle

<christopherkettle@warwickshire.gov.uk>

Subject: RE: EPR/BP3720MH/A001: 'WHITNASH HOLY WELL' FOUL PUMPING STATION / POLLUTION OF WHITNASH aka RADFORD BROOK > RIVER LEAM > WARWICKSHIRE AVON > SPA/SAC/RAMSAR.

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Hi Liz,

I had a meeting with WDC officers from several different departments last week about this. They are working on an objection to go to the EA by the 19th.

Best, Will

Cllr Will Roberts
Leamington Willes Ward

From: Elizabeth White <lizedmtw@outlook.com>

Sent: 17 March 2026 17:01

To: Christopher Kettle <christopherkettle@warwickshire.gov.uk>

Cc: Will Roberts <willroberts@warwickshire.gov.uk>

Subject: Re: EPR/BP3720MH/A001: 'WHITNASH HOLY WELL' FOUL PUMPING STATION / POLLUTION OF WHITNASH aka RADFORD BROOK > RIVER LEAM > WARWICKSHIRE AVON > SPA/SAC/RAMSAR.

Dear Cllr Kettle,

I also bumped into Cllr Roberts on the way out.

It is very unfortunate that the poor Planning Inspectors are constantly being misrepresented.

Please find attached: APPEAL DECISION APP/T3725/W/21/3270663 - Decision date: 12 August 2021 - W/20/0617 Outline - All Matters Reserved - apart from ACCESS.

Paragraph 17: Policy W7 designates WHITNASH BROOK VALLEY as a LOCAL GREEN SPACE and states that new development which impacts adversely on the openness of this DESIGNATED GREEN SPACE or ADVERSELY AFFECTS THE ATTRIBUTES FOR WHICH IT WAS DESIGNATED [NATURE RESERVE AND WILDLIFE BUFFER - protected from INAPPROPRIATE DEVELOPMENT] will not be acceptable other than in 'VERY SPECIAL CIRCUMSTANCES'.

-

'VERY SPECIAL CIRCUMSTANCES' HAVE NOT BEEN DEMONSTRATED.

Also attached: APPEAL DECISION APP/T3725/W/24/3347138 - Decision date: 10 March 2025 - W/23/1746 Outline.

The 'FOUL PUMPING STATION' only appeared as a 'VARIATION OF CONDITION' at Planning Committee last July (Application 30/05/2025 -attached), when the land was no longer described as 'FLAT' in the Planning Committee Report - and after the TIME FOR RESERVED MATTERS HAD EXPIRED.

Are you and/or Cllr Roberts – who is also WDC Portfolio holder for Green Spaces - able to alert the relevant officers, who may wish to object to Environmental Permit Application **EPR/BP3720MH/A001** which is 'MANIFESTLY UNREASONABLE'/UNLAWFUL and will lead to VERY SUBSTANTIAL UNACCEPTABLE HARM to both HUMAN HEALTH and the ENVIRONMENT – INCLUDING TWO DESIGNATED HERITAGE ASSETS AND TWO PROTECTED DESIGNATED HABITATS SITES – and SEVERN TRENT WATER SUPPLY AND WASTE WATER ASSETS (deadline 19 March 2026)?

Thank you.

Kind regards,

Elizabeth White

From: Christopher Kettle <christopherkettle@warwickshire.gov.uk>
Sent: Tuesday, March 17, 2026 15:29
To: lizedmtw@outlook.com <lizedmtw@outlook.com>
Cc: Will Roberts <willroberts@warwickshire.gov.uk>
Subject: RE: EPR/BP3720MH/A001: 'WHITNASH HOLY WELL' FOUL PUMPING STATION / POLLUTION OF WHITNASH aka RADFORD BROOK > RIVER LEAM > WARWICKSHIRE AVON > SPA/SAC/RAMSAR.

OFFICIAL

Dear Elizabeth

Thank you for your email.

I am pleased to inform you that I have managed to speak with Cllr Roberts.

I understand that whilst the local planning authority did refuse this overall application, but, on appeal, the Planning Inspector granted the appeal against the decision by Warwick District Council, permitting the development.

Therefore the creation of the pumping station cannot be revoked by the District Council, or even the County Council. Clearly, the decision for the environmental permit lies with the Environment Agency.

Cllr Roberts has assured me, as the County Councillor for this site, he is fully aware of the problem with the discharge, but he does not have the authority to prevent the application and that he is engaging in the process.

Regards

Christopher Kettle FCA

Member for the Feldon Division

Chair of The Warwickshire Pension Fund Investment sub-committee

Past Chair of Warwickshire County Council

From: Elizabeth White <lizedmtw@outlook.com>

Sent: 17 March 2026 14:46

To: Christopher Kettle <christopherkettle@warwickshire.gov.uk>

Cc: Will Roberts <willroberts@warwickshire.gov.uk>

Subject: Fw: EPR/BP3720MH/A001: 'WHITNASH HOLY WELL' FOUL PUMPING STATION / POLLUTION OF WHITNASH aka RADFORD BROOK > RIVER LEAM > WARWICKSHIRE AVON > SPA/SAC/RAMSAR.

Dear Cllr Kettle,

As discussed.

Many thanks,

Liz White

From: Elizabeth White <lizedmtw@outlook.com>

Sent: Tuesday, March 17, 2026 09:14

To: asset.protection@severntrent.co.uk <asset.protection@severntrent.co.uk>

Cc: WESTERN, Matt <matt.western.mp@parliament.uk>; Local Access Forum <laf@warwickshire.gov.uk>; luke.mccusker@severntrent.co.uk <luke.mccusker@severntrent.co.uk>

Subject: Fw: EPR/BP3720MH/A001: 'WHITNASH HOLY WELL' FOUL PUMPING STATION / POLLUTION OF WHITNASH aka RADFORD BROOK > RIVER LEAM > WARWICKSHIRE AVON > SPA/SAC/RAMSAR.

Dear Severn Trent Asset Protection Team,

Further my conversation with your colleague Luke McCusker at the 'LIVING WITH WATER AND RIVERS: NOW AND INTO THE FUTURE' event in Stratford-upon-Avon last Friday, please see attached Objection to **EPR/BP3720MH/A001** Environmental Permit Application sent to the Environment Agency on 2 March 2026.

I also spoke to some of your colleagues last Monday at WILLES MEADOW RESERVOIR, who were unaware of this Environmental Permit Application for 2,462 CUBIC METRES PER DAY TO BE DISCHARGED INTO WHITNASH BROOK (less than 2 miles upstream), from a 'Sewage Treatment Plant' on the FLOODPLAIN 'SITE OF HOLY WELL AT WHITNASH' [MWA7390] within designated 'WHITNASH BROOK VALLEY NATURE RESERVE AND WILDLIFE BUFFER' and adjacent to the existing 'WHITNASH BROOK LOCAL NATURE RESERVE & LOCAL WILDLIFE SITE'.

MP Matt Western's letter to DEFRA Minister for Water and Flooding dated 2 March 2026, was published on Facebook on 4 March 2026.

Further comments will be sent to the Environment Agency before the **DEADLINE - 19 MARCH 2026** - with regard to:

[Planning Committee - 10 March 2026](#)

<https://www.youtube.com/watch?v=2vCBLiQKkWc>

17:55 > Public speakers

Objectors: MATT WESTERN MP – represented by George Davies;

WARWICKSHIRE, SOLIHULL AND COVENTRY LOCAL ACCESS FORUM – represented by Sheila Cooper; and local resident.

1:32:56: 'CHESTERTON GARDENS'

1:34:04: 'EACH TIME GOES IN OUR FAVOUR IF WE APPROVE IT'

1:34:25: 'As the number of decisions increases that you've allowed then that would WORK IN OUR FAVOUR'

1:35:02 > Chair of Planning Committee:

1:35:18: 'PEOPLE NEED TO STAY OUT THE WAY'!!

Environmental Permit Application **EPR/BP3720MH/A001** is 'MANIFESTLY UNREASONABLE'/UNLAWFUL and will lead to ****VERY SUBSTANTIAL UNACCEPTABLE HARM**** to both HUMAN HEALTH and the ENVIRONMENT – INCLUDING TWO DESIGNATED HERITAGE ASSETS AND TWO PROTECTED DESIGNATED HABITATS SITES – and ****SEVERN TRENT WATER SUPPLY AND WASTE WATER ASSETS**** - it must be REFUSED.

If you have not already done so, PLEASE OBJECT.

Thank you.

Yours faithfully,

Elizabeth White

From: Elizabeth White <lizedmtw@outlook.com>

Sent: Monday, March 02, 2026 16:53

To: psc-waterquality@environment-agency.gov.uk <psc-waterquality@environment-agency.gov.uk>

Cc: Lieutenancy Mailbox <lieutenancy@warwickshire.gov.uk>;

warwickshire@highsheriffs.com <warwickshire@highsheriffs.com> <warwickshire@highsheriffs.com>; WESTERN,

Matt <matt.western.mp@parliament.uk>; Andy Mitchell <andy.mitchell@nationalworld.com>

Subject: EPR/BP3720MH/A001: 'WHITNASH HOLY WELL' FOUL PUMPING STATION / POLLUTION OF WHITNASH aka RADFORD BROOK > RIVER LEAM > WARWICKSHIRE AVON > SPA/SAC/RAMSAR.

Dear Environment Agency,

Please see comments below and related attachments pertaining to Environmental Permit Application EPR/BP3720MH/A001 for a 'SEWAGE TREATMENT PLANT' with 'National Grid Reference Discharge Point' SP 33365 63644 which is:

1. the 'SITE OF HOLY WELL AT WHITNASH' (MWA7390 - Grid Reference SP 33 63) – with National Level of Protection;
2. within 'CASTLE HILL' FIELD (MWA8287 - also Grid Reference SP 33 63) – also with National Level of Protection;
3. within the designated 'WHITNASH BROOK VALLEY NATURE RESERVE AND WILDLIFE BUFFER' 'protected from inappropriate development' by the Whitnash Neighbourhood Development Plan, UPHeld by APPEAL DECISION APP/T3725/W/21/3270663 (see below);
4. within the BIG CHALK LANDSCAPE - 'ALIGNED WITH THE COTSWOLDS NATIONAL LANDSCAPE';
5. adjacent to DEFRA 'AREAS OF PARTICULAR IMPORTANCE FOR BIODIVERSITY';
6. adjacent to the existing statutory designated 'Whitnash Brook Local Nature Reserve & Local Wildlife Site' also 'protected from inappropriate development' by the Whitnash Neighbourhood Development Plan, UPHeld by APPEAL DECISION APP/T3725/W/21/3270663 (see below);
7. adjacent to the site of RADFORD SEMELE 'ROMAN VILLA' (MWA 1905) – with National Level of Protection; and, not least,

8. adjacent to WHITNASH aka RADFORD BROOK – protected by the Royal Leamington Spa Neighbourhood Plan - upstream from RIVER LEAM > WARWICKSHIRE AVON > INTERNATIONALLY DESIGNATED SITE SEVERN ESTUARY SPECIAL PROTECTION AREA(SPA)/SPECIAL AREA OF CONSERVATION(SAC)/RAMSAR.

NOTABLE PERSISTENT PERNICIOUS FAILURES:

1. Failure to assess HERITAGE POLICIES W3; HE1; HE3;
2. Failure to assess WATERWAYS POLICY NE7;
3. Failure to carry out a WATER FRAMEWORK DIRECTIVE (WFD) ASSESSMENT;
4. Failure to carry out a lawful 'APPROPRIATE ASSESSMENT'.

W/23/1766 Reserved Matters Planning Committee Report (attached):

'The site is predominantly FLAT with no significant levels changes'.

Cf. W/25/0778: 'The site is has (sic) a SLOPE from northwest to southeast which is fairly regular across the site'.

DRAINAGE AND FLOOD RISK

'The site layout in terms of the SUDS ponds generally reflects the earlier submission under the outline planning permission'. Really??

'Officers consider that the development therefore accords with'???

'Land on the South Side of Chesterton Gardens', and 'Chesterton Gardens' are both in Whitnash. Planning Committee Reports for 'Land on the South Side of Chesterton Gardens, Leamington Spa' have served to enable sales marketing using the address provided for the Environment Permit Application – with a photo of the Town Hall Royal Leamington Spa; and Rightmove marketing using the CV31 1AY postcode provided for the Environmental Permit Application (since changed) – from which there is NO ACCESS!

Please REFUSE this Environmental Permit Application which is 'MANIFESTLY UNREASONABLE'/UNLAWFUL and will lead to VERY SUBSTANTIAL UNACCEPTABLE HARM to both HUMAN HEALTH and the ENVIRONMENT – INCLUDING TWO DESIGNATED HERITAGE ASSETS AND TWO PROTECTED DESIGNATED HABITATS SITES.

Yours faithfully,

Elizabeth White

W/12/0027 (Unanimously Refused); APP/T3725/A/13/2190334 ('Informal' Hearing)

W/20/0617 (Refused); W/21/0590 (Refused); APP/T3725/W/21/3270663 (Un defended Inquiry)

W22/0232 (Withdrawn/ CALLED-IN BY THE SECRETARY OF STATE)

W/23/1746 New Outline; APP/T3725/W/24/3347138 - 46 submitted documents uploaded for Appeal

W/23/1766 Reserved Matters – decided in the absence of 40 submitted documents with unanswered archaeological and legal questions...

W/25/0778 'Variation of Condition' = OUT OF TIME RESERVED MATTERS - despite title, changes proposed to both LAYOUT and OPEN SPACE

– decided in the absence of 48 submitted documents + BLATANT MISREPRESENTATION

W/25/1214 'Variation' of Appeal Decision Conditions for Site Access and Traffic Management Scheme + OTHER CONDITIONS NOT MENTIONED (REFUSED)

W/25/1678 'Variation of Condition' = OUT OF TIME RESERVED MATTERS - change to QUANTUM OF DEVELOPMENT...

Comments posted to Warwick District Council Planning Portal also attached:

W/25/0778:- 29 JULY 2025: Email to Royal Leamington Spa Town Council;

W/25/1214:- 24 OCT 2025: SITE VISIT 2021 + associated map;

W/25/1678:-

- 04 FEB 2026: *NEW PLANNING APPLICATION* NECESSARY IN THE INTERESTS OF SAFE, SOUND, SUSTAINABLE and LEGALLY-COMPLIANT DEVELOPMENT;
- 04 FEB 2026: BREACHED CONDITIONS;
- 05 FEB 2026: BLATANT MISREPRESENTATION/ Conditions/ Paragraph 17/ Reduction in number of dwellings;
- 05 FEB 2026: CHARACTER OF THE SITE & SURROUNDING AREA: Natural and Historic Environment;
- 10 FEB 2026: CV31 1AY/ Previously posted on W/25/0778 - 29 JUL 2025: Email to Monitoring Officer...Foul Play!
- 15 FEB 2026: GOVERNMENT INTERVENTION - WARWICK DISTRICT COUNCIL: W/23/1766: 40 OMITTED ATTACHMENTS/ UNANSWERED ARCHAEOLOGICAL AND LEGAL

QUESTIONS...

From: planningenquiries@warwickdc.gov.uk <planningenquiries@warwickdc.gov.uk>
Sent: Friday, February 27, 2026 10:35
To: lizedmtw@outlook.com <lizedmtw@outlook.com>
Subject: Comments for Planning Application W/25/1678

Comments for Planning Application W/25/1678

Dear Sir/Madam,

ELIZABETH WHITE,

You have been sent this email because you or somebody else has submitted a comment on a Planning Application to your local authority using your email address. A summary of your comments is provided below.

Comments were submitted at 27/02/2026 10:35 AM from ELIZABETH WHITE.

Application Summary

Address: Land On The South Of, Chesterton Gardens, Leamington Spa

Proposal: Variation of Condition 1 of Reserved Matters approval ref: W/25/0778 for the revision of the layout to provide 199 dwellings in lieu of the approved 185 dwellings in pursuance of Outline planning permission ref: 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))

Case Officer: Dan Charles

[Click for further information](#)

Customer Details

Name: ELIZABETH WHITE

Email: lizedmtw@outlook.com

Address: St Fremund Way Leamington Spa CV31 1AB

Comments Details

Commenter Type: Commentor

Stance: Customer objects to the Planning Application

Reasons for comment:

Comments:

Re. ENVIRONMENTAL PERMIT APPLICATION for

SEWAGE TREATMENT PLANT

'INCLUSION OF FOUL PUMPING STATION'

introduced in W/25/0778 'Variation of Condition' = OUT OF TIME RESERVED
MATTERS

(**NO CHANGES** proposed to **LAYOUT**, **OPEN SPACE**

or quantum of development > Minor Amendments + W/25/1678)

in a PROTECTED GREEN SPACE:

***WHITNASH BROOK VALLEY NATURE RESERVE AND WILDLIFE BUFFER**

PROTECTED FROM INAPPROPRIATE DEVELOPMENT

per WHITNASH NEIGHBOURHOOD DEVELOPMENT PLAN - POLICY MAP 8
[Attachment 32]

DEFRA 'AREA OF PARTICULAR IMPORTANCE FOR BIODIVERSITY' (APIB) ;

within BIG CHALK LANDSCAPE - 'ALIGNED WITH THE COTSWOLDS
NATIONAL LANDSCAPE';

adjacent to WHITNASH 'CHURCH GREEN' CONSERVATION AREA:

the 'ANCIENT HOLY WELL' within the site and

bordering 'IMPORTANT MEDIEVAL ROAD, KNOWN AS "REGIA VIA"'

both being referred to in the CONSERVATION AREA BACKGROUND HISTORY;

with UNASSESSED ARCHAEOLOGY; and

home to BIRDS ON THE CONSERVATION CONCERN RED LIST...

UPHELD by APPEAL DECISION APP/T3725/W/21/3270663 - Decision date: 12 August 2021

W/20/0617 OUTLINE - ALL MATTERS RESERVED - APART FROM ACCESS [W/20/0617 Planning Portal 12 Aug 2021]

Paragraph 17:

'SPECIFICALLY,

POLICY W6 of the WNP requires that
ANY DEVELOPMENT of the H03 allocation

*PROTECTS THE [existing] WHITNASH BROOK NATURE RESERVE,

INCLUDES A 700-YARD STRIP WILDLIFE BUFFER*,

and supports enhancements to the area including improved pedestrian and cycle connections.'

[Planning Committee Speeches W/23/1746 + 1766:

ADOPTED WHITNASH NEIGHBOURHOOD PLAN ENVISAGES

A 'HERITAGE TRAIL'

'RICH IN PRE-HISTORY AS WELL AS NATURAL HISTORY'

THROUGH AN ENLARGED WILDLIFE AND NATURE RESERVE

TO THE WHITNASH HOLY WELL,

THEN CROSSING THE BROOK TO THE RADFORD ROMAN VILLA

AND ON TO THE NEARBY FOSSE WAY ROMAN ROAD

- WITH SUGGESTION OF 'BUILDING A HISTORICAL CENTRE AND MUSEUM CLOSE BY']

'FURTHERMORE,

POLICY W7 designates WHITNASH BROOK VALLEY as a LOCAL GREEN SPACE

and states that new development which impacts adversely on the openness of this DESIGNATED GREEN SPACE or

ADVERSELY AFFECTS THE ATTRIBUTES FOR WHICH IT WAS DESIGNATED

[NATURE RESERVE AND WILDLIFE BUFFER]

will NOT be ACCEPTABLE other than in

VERY SPECIAL CIRCUMSTANCES

'VERY SPECIAL CIRCUMSTANCES' have NOT been demonstrated.

Warwick District Local Plan 5.76: Local Green Space...affords similar protection to that of GREEN BELT

APPEAL DECISION APP/T3725/W/24/3347138 [W/23/1746 New Outline]
- Decision date: 10 March 2025

Paragraph 64:

'A NUMBER OF ADVERSE EFFECTS, INCLUDING *MAJOR ADVERSE EFFECTS AT YEAR 15*'

W/25/0078 Planning Committee - 29 July 2025

1:29:07 SUMMARY OF MAIN POINTS: 'NO OTHER CHANGES PROPOSED'

1:57:20 Cllr Dixon: "Is there a reason why we've got NO REPORTS from either the LEAD LOCAL FLOOD AUTHORITY and also from ENVIRONMENTAL HEALTH"?

"Does that mean they were consulted or they weren't consulted?...

THEY WEREN'T CONSULTED ON THIS SCHEME"

Principal Planning Officer: "They weren't consulted on this scheme. Obviously with the pumping station location, it is something that is essentially covered by the Condition on the Outline and OBVIOUSLY WE'RE JUST LOOKING AT THE LOCATION which having looked at previous sites from the self-contained nature of the pumping stations is considered to be acceptable"

1:50:48 Planning Committee shown location of BELLWAY HAZELWOOD CUBBINGTON - WOODLAND WAY foul water pumping station on FLAT land - NOT ADJACENT TO A WATERWAY OR NATURE RESERVE!

Note: W/17/2371 Consultation INCLUDES 'Pumping Station Compound'

2:04:51 Development Manager: "This is about the APPEARANCE essentially of the revised dwelling types and linked to that the incorporation of the pumping station. It's for members to come to a view as to whether they feel that that is acceptable in overall terms - IN VISUAL TERMS"!

PERSISTENT, PERNICIOUS AND SEEMINGLY WILFUL *'FAILURE TO PROPERLY ASSESS'* Planning Applications relating to this site...

"BUT THEY'RE OUR FRIENDS" - W/21/0590 Planning Committee Meeting - 19 May 2021

NPPF 195:

The PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT DOES NOT APPLY WHERE THE PLAN OR PROJECT IS LIKELY TO HAVE A SIGNIFICANT EFFECT ON A HABITATS SITE (either alone or in combination with other plans or projects), UNLESS AN APPROPRIATE ASSESSMENT HAS CONCLUDED THAT THE PLAN OR PROJECT WILL NOT ADVERSELY AFFECT THE INTEGRITY OF THE HABITATS SITE.

'FAILURE TO CARRY OUT A LAWFUL APPROPRIATE ASSESSMENT'

What about the ADVERSE EFFECTS of a 'FOUL PUMPING STATION' on:

1. DESIGNATED 'WHITNASH BROOK VALLEY NATURE RESERVE AND WILDLIFE BUFFER' within the site [Attachment 32];
2. STATUTORY DESIGNATED 'WHITNASH BROOK LOCAL NATURE RESERVE & LOCAL WILDLIFE SITE' adjacent to the site [Attachment 37];
3. WHITNASH aka RADFORD BROOK???

DOC/25/0051 SECTION 104:-

THE RESULT OF GRANTING W/25/0778:
WHITNASH HOLY WELL 'FOUL PUMPING STATION'
IN THE 'PARISH OF RADFORD SEMELE'
IN THE ABSENCE OF 48 SUBMITTED DOCUMENTS
LOOKS CATASTROPHIC FOR THE MANDATED
'NATURE RESERVE AND WILDLIFE BUFFER'
WITH 'INAPPROPRIATE DEVELOPMENT NOT SUPPORTED'
- AND ADJACENT BROOK
AND EXISTING STATUTORY DESIGNATED WHITNASH BROOK LOCAL
NATURE RESERVE & LOCAL WILDLIFE SITE!

*FAILURE TO CARRY OUT A WATER FRAMEWORK DIRECTIVE (WFD)
ASSESSMENT*
per Warwick District Local Plan: FW1 REDUCING FLOOD RISK

WHITNASH/RADFORD BROOK is now flooded and showing signs of pollution

- upstream from LEAMINGTON SPA, WARWICK, Stratford-upon-Avon,
Tewkesbury...

INTERNATIONALLY DESIGNATED SITE SEVERN ESTUARY SPECIAL
PROTECTION AREA(SPA)/SPECIAL AREA OF CONSERVATION(SAC)/RAMSAR.

Warwick District Local Plan: FW4 WATER SUPPLY
5.145 '*RIVER LEAM* AND THE PRINCIPAL *AQUIFERS* IN THE CATCHMENT

ARE

IMPORTANT FOR PUBLIC WATER SUPPLY

APPEAL DECISION APP/T3725/W/21/3270663 [W/20/0617 Outline]
Condition 16) HYDROLOGICAL MODEL OF WHITNASH BROOK

NO DEVELOPMENT SHALL TAKE PLACE until a hydrological/hydraulic model of the Whitnash Brook adjacent to the development, and an INDEPENDENT REVIEW OF THIS MODEL, has been undertaken. The findings of the model and review should be submitted to the Local Planning Authority AND LLFA for approval to provide the appropriate level of confidence that the proposed attenuation basins will be located outside of the 1 in 1,000 year return period fluvial flood extent.

W/25/1214|*PRIMA FACIE* Variation of Conditions 30 (Site Access Provision) and 31 (Traffic Management Scheme) of outline planning permission W/20/0617 (outline application for up to 200 dwellings with all matters reserved apart from access) to amend the triggers relating to the delivery of the completed site access and traffic management scheme

W/25/1214 Planning Committee Report:

Underlying attempt to 'TO ALLOW REVISIONS TO THE FINAL LIST OF [APPEAL] CONDITIONS':

The development HEREBY PERMITTED [already commenced] shall take place strictly in accordance with the details set out within the approved hydrological/hydraulic model of the Whitnash Brook submitted to the Local Planning Authority on 22 JUNE 2022 and approved in writing on 7 JULY 2022..'

W/25/0778 Application received 02 June 2025.

Appeal Condition 16 - discharged by LLFA 23/05/22 -

CANNOT HAVE TAKEN ACCOUNT OF W/25/0778 WHITNASH HOLY WELL FOUL WATER PUMPING STATION

- *ADJACENT TO WHITNASH BROOK*

and WHITNASH BROOK LOCAL NATURE RESERVE & LOCAL WILDLIFE SITE:

REGULATION 9 (3) OF THE HABITATS REGULATIONS requires the Council to take steps TO AVOID THE DETERIORATION OF PROTECTED HABITATS...

JBA CONSULTING: HYDRAULIC MODELLING STUDY, WHITNASH BROOK
November 2021 [W/20/0617 Planning Portal - 18 Nov 2021] AND
November 2023 [W/23/1746 Planning Portal - 04 Dec 2023]

*THE CAPACITY OF WHITNASH BROOK IS EXCEEDED IN *ALL* OF THE MODELLED FLOOD EVENTS*

'It is recommended that the baseline model results are VALIDATED WITH THE ENVIRONMENT AGENCY BEFORE SUBMITTING A PLANNING APPLICATION.

Once approved, it is recommended that the results from this modelling study are taken into consideration in the Flood Risk Assessment when confirming ****SAFE ACCESS AND EGRESS ROUTES**** and recommending mitigation measures (e.g., minimum Finished Floor Levels) for the proposal.'

W/23/1746 FLOOD RISK ASSESSMENT PART 1
[W/23/1746 Planning Portal - 04 Dec 2023]

Page 4 + 17 +20: DRY SAFE ACCESS and EGRESS ROUTES are possible via 'GREENFIELD ROAD' [= BRIDLEWAY W119 = 'REGIA VIA INTER RADEFORD ET WYTENAS 1285']

Page 4 + 20: It is recommended that the baseline model results are VALIDATED WITH THE ENVIRONMENT AGENCY BEFORE SUBMITTING A PLANNING APPLICATION. Once approved, it is recommended that the results from this modelling study are taken into consideration in the FLOOD RISK ASSESSMENT when confirming ***SAFE ACCESS AND EGRESS ROUTES***

W/23/1746 'DESK-BASED' FLOOD RISK ASSESSMENT PART 2
[W/23/1746 Planning Portal - 04 Dec 2023]

Page 8+33 +38: According to the 2013 Warwick District Council SFRA, there have been

****10 LOCATIONS AFFECTED BY SEWER FLOODING****
across postcode areas CV31 1 to CV31 2,
which cover the SITE AND THE IMMEDIATE VICINITY SURROUNDING THE SITE.

Page 33: ***SEWER RUNOFF WOULD FLOW TOWARDS THE WHITNASH BROOK***

Page 8 +38: In an EMERGENCY, pedestrian and vehicular access and egress has been identified to the west of the site along 'GREENFIELD ROAD' which crosses the railway cutting.

Page 36: 5.4.3 FLOOD WARNING AND EVACUATION Where a development or its main route of access is located within a FLOOD RISK AREA, the NPPF recommends that FLOOD RESPONSE PLANS are put in place for managing the flood risk to the development and, if necessary, support the ***EVACUATION OF THE SITE***. Based on the extent of fluvial flooding within the site, it is ***RECOMMENDED THAT SITE OCCUPIERS SIGN UP TO THE ENVIRONMENT AGENCY'S WARNING SERVICES. AS SURFACE WATER FLOODING ALSO HAS THE POTENTIAL TO INTERFERE WITH ROUTES OF SAFE ACCESS AND EGRESS, IT IS ALSO RECOMMENDED THAT SITE OCCUPIERS SIGN UP TO MET OFFICE WEATHER WARNINGS*!!!**

Page 30: 'GREENFIELD ROAD'

Page 36: SAFE ACCESS AND EGRESS can be provided west of the site via 'GREENFIELD ROAD' and Church Lane.

Page 38 In an EMERGENCY, pedestrian and VEHICULAR ACCESS AND EGRESS HAS BEEN IDENTIFIED TO THE WEST OF THE SITE ALONG 'GREENFIELD ROAD'!!!

EMERGENCY ACCESS for 400 dwellings ie. over a thousand residents ('Priors Meadow' + Chesterton Gardens with fixed post 'access') 'people of all abilities' 'including older and disabled people' and 'those with young children' - in case of FLOODING - or FIRE or any other real EMERGENCY???

SOUTH WARWICKSHIRE LOCAL PLAN FLOOD ZONES: Leamington South Landforms Analysis [Attachment 34] ALREADY looks catastrophic for Chesterton Gardens, Millpool Meadows, and the wider SYDENHAM, LEAMINGTON area.

STRATEGIC FLOOD RISK ASSESSMENT and WHITNASH NEIGHBOURHOOD PLAN:

A 'number of properties are located within Flood Zone 2 by DANESBURY CRESCENT, MARLBOROUGH DRIVE and BEAULIEU PARK' - at increased risk of flooding - and now sewage - in LEAMINGTON.

Note: Whitnash North, South and West Wards are all on the other side of the railway tracks to Chesterton Gardens, East Whitnash and Whitnash/Radford Brook

- Whitnash Civic Centre being almost 4 km away by road;

Radford Semele Sports and Social Club is almost 5 km away by road.

MARLBOROUGH DRIVE, ON THE OTHER HAND, IS LESS THAN 1 KM AWAY - AND ADJACENT TO WHITNASH BROOK.

As stated at the Royal Leamington Spa Town Council Meeting on Thursday 15 January 2026, this is very much a LEAMINGTON issue - it is the ROADS, RIVERS AND RESIDENTS OF LEAMINGTON that are largely and cumulatively affected.

Largely LEAMINGTON - but also WARWICK and further downstream - set to suffer *EXTENSIVE ENVIRONMENTAL HARM*.

Despite being digitally moved, the actual main entrance to the existing 'WHITNASH BROOK LOCAL NATURE RESERVE & LOCAL WILDLIFE SITE' [Attachment 37] is in LEAMINGTON.

SITE VISIT???

A 'RE-PLAN OF LAYOUT' OF THIS SITE

VARIOUSLY LOCATED IN WHITNASH, RADFORD SEMELE AND LEAMINGTON SPA

IS NEEDED TO *REDUCE*

- NOT INCREASE -

THE NUMBER OF DWELLINGS WITHIN THE SITE

TO *REMOVE AND RELOCATE*:

FOUL PUMPING STATION;
SUB-STATION;
ALLOTMENT GARDENS;
ALLOTMENT PARKING;
AND SUDS;

**AWAY FROM THE ZONE 2/3 FLOODPLAIN
ADJACENT TO WHITNASH aka RADFORD BROOK

DESIGNATED AS A NATURE RESERVE AND WILDLIFE BUFFER
- AND PROTECTED FROM 'INAPPROPRIATE DEVELOPMENT'**

W/25/1678 PROPOSED 'PLAY AREA' IS CURRENTLY A LAKE - BOATING LAKE/
SWIMMING POOL?

In December 2025/January 2026, residents suffered a loud engine noise day and
night coming from a vast pump - DISCHARGING INTO WHITNASH/RADFORD
BROOK...

ENVIRONMENTAL PERMIT APPLICATION:

FURTHER DESECRATION OF WHITNASH HOLY WELL/

FURTHER FLOODING AND POLLUTION OF WHITNASH aka RADFORD
BROOK/

OBLITERATION OF HISTORIC WHITNASH - IN THE NAME OF 'LEAMINGTON
SPA':

CV31 1AY, Bellway Homes Limited; environmental permit application
advertisement - EPR/BP3720MH/A001 - GOV.UK

Application number: EPR/BP3720MH/A001

Regulated facility type: ***SEWAGE TREATMENT PLANT***

Regulated facility address:

Priors Meadow
'COMMON ROAD'?
LEAMINGTON SPA?
CV31 1AY

National grid reference discharge point: **SP 33365 63644**

Receiving environment: ***WHITNASH BROOK***

Effluent type: Trade site drainage

Volume: 2,462 Cubic metres per day

Priors Meadow, WHITNASH is being marketed as:

- 'Common Road', Sydenham, LEAMINGTON SPA CV31 1AY in Sales Brochures featuring the Town Hall, Parade, Royal Leamington Spa!

- Marbled Close, Sydenham, LEAMINGTON SPA on Rightmove - NO ACCESS to the site from MARBLED CLOSE CV31 1AY!

[Note: Rightmove has now been changed to 'Brimstone End, Whitnash, Leamington Spa CV31 1AZ' - SINGLE-FILE ACCESS over Ancient Bridleway W119]

WHITNASH BROOK NATURE RESERVE [Attachment 37] has also recently been digitally moved to the fictitious 'Greenfield Road' - now also LEAMINGTON CV31 1AY (CV31 1UT, RADFORD SEMELE per South Warwickshire Local Plan).

GRID REFERENCE **SP 33 63** =
MWA7390: ***SITE OF HOLY WELL AT WHITNASH***

[Attachment 47 - see below]

MUDDY STILETTOS - 14 October 2025:

BEST KEPT SECRET:

Centuries ago, a CHURCH BELL is said to have fallen into WHITNASH'S HOLY WELL - and gained the power of prophecy. Locals claimed if you dropped a stone in at night, you'd hear it ring by morning: once for yes, twice for no. The mystical bell still lives on in the TOWN'S COAT OF ARMS - a small nod to a BIG LOCAL LEGEND.

THE HOLY WELL IS INTRINSIC TO WHITNASH TOWN - THE BELL

PURPORTED TO HAVE FALLEN DOWN THE WELL IS ENSHRINED AT THE HEART OF THE WHITNASH MUNICIPAL CREST AND MAYORAL CHAIN.
[Attachments 21A, 24, 25,26]

W/22/0232 OBJECTION Radford Semele Resident [Planning Portal - 01 Apr 2022]

'It is obvious that the proposed development is NOT ACCESSED SAFELY and that aside from the INCREASED POLLUTION (local, while building progresses and from people living their daily lives thereafter), the whole scheme seems crowded and designed to produce as much profit as possible for the building company. The *ACCESS TO BE PROVIDED WOULD BE REGARDED AS LAUGHABLE WERE IT NOT SO DAMAGING IF THE PROJECT WERE TO GO AHEAD*. The access traverses the bridle way between Whitnash and Radford Semele, known historically as REGIA VIA, *NOT* GREENFIELD ROAD, has great significance, as the land along the Radbrook (not Whitnash Brook on older maps) Valley was a *SETTLEMENT OF ANCIENT BRITONS THROUGH THE ROMAN OCCUPATION* and became an *IMPORTANT MEDIEVAL ROAD*.

***I WAS ASKED BY A HISTORIAN TO TEST TWO OUTLETS OF WATER INTO THE BROOK AT A SPOT BELIEVED TO BE WHERE A DIVERTED SPRING WHICH SUPPLIED THE **HOLY WELL** IN THE FIELD WHERE THE DEVELOPMENT IS CURRENTLY PLANNED TO SEE IF THERE WAS, INDEED A CHANCE THAT ONE OF THE SOURCES WAS NOT JUST A FIELD DRAIN. I FOUND THAT THE TWO SOURCES GAVE DIFFERENT RESULTS TO THE SIMPLE ASSAY I CARRIED OUT, SUGGESTING THAT ONE, (THE MOST NORTHERLY ONE) GAVE LITTLE RESIDUE WHILE THE OTHER HAD MUCH MORE, TYPICAL OF SOFT V. HARD WATER. THE SITE WAS SAID TO HAVE BEEN OWNED BY THE KNIGHTS TEMPLAR. IN ADDITION, THERE IS A LOCAL LEGEND CONCERNING ST FREMUND, WHO, ALTHOUGH KILLED AT A BATTLE BETWEEN ANGLO-SAXONS AND DANES, WAS RESURRECTED AT THIS **HOLY WELL**. There is a chapel dedicated to the saint at nearby Cropredy.

This Greenfield site has so much CULTURAL AND HISTORICAL INTEREST that it would be a TRAVESTY if it were lost to development. Emphasis should be placed, as emphasised by the Prime Minister last year.

As I read the objections placed on the record by SO MANY disparate people, I do not Believe that this project has a viable future and SHOULD BE REJECTED'.

On 21 November 2025, the Site Manager was informed of the conflict of heavy construction traffic and children walking to school at 8:30am - and, inter alia, the presence of the Whitnash Holy Well within the site.

Warwick District Local Plan Policy FW4: WATER SUPPLY
PRESUMPTION AGAINST DEVELOPMENT within a groundwater SPZ1 that would *PHYSICALLY DISTURB AN AQUIFER*

W/25/0778 Planning Portal - 29 July 2025:-
Email to MONITORING OFFICER 8 JULY 2025:

'Please could you ensure that the 48 Attachments - listed below [W/25/0778 Planning Portal 3 July 2025] - are uploaded to Planning Portal W/25/0778 individually, for ease of reference'

****48 SUBMITTED DOCUMENTS NOT UPLOADED****

W/23/1766 RESERVED MATTERS: 40 submitted documents - uploaded 4 months after the Planning Committee Meeting!

W/23/1746 NEW OUTLINE: 46 Attachments uploaded for Appeal

Attachments 1-46 can be found on W/23/1746 Planning Portal - 23 Oct 2024

Attachments relating to WHITNASH HOLY WELL:

9;10;21A;22;23;24;25;26;47;48 + The Ash Grove page 6; Beneath the Great Elms page 2 (local historian Jean Field's books - present at the 2024 Appeal)

Attachment 19: Street Naming and Numbering re. 'Greenfield Road' = Bridleway W119/ 'REGIA VIA INTER RADEFORD ET WYTENAS 1285' - ON A DIRECT TRAJECTORY TOWARDS THE SOUTHAM HOLY WELL

'Greenfield Road' first seems to have appeared in the W/20/0617 Transport Assessment + on Google - but was then replicated in 'Warwick and Royal Leamington Spa Walking & Cycling Map' + 'Warwick and Leamington Active Travel Map' - despite being informed about the issue at the consultation stage!

Attachment 41: Professional Opinion: MADE Design Review

Attachment 42: Professional Opinion: Stagecoach 2016 assessment of H03 in the Local Plan

Attachment 43: Professional Opinion: RICHARD MORRISH ASSOCIATES LTD 2012

LOCAL PLAN EVIDENCE BASE: Landscape and Green Belt

LA01 - Considerations for Sustainable Landscape Planning Finalised Report - November 2012 (abridged)

Attachment44: Professional Opinion: RICHARD MORRISH ASSOCIATES LTD 2016

LA09PM - Landscape Assessment Report - Options for Future Urban Expansion in Warwick District 2016 - Considerations for Sustainable Landscape Planning 2015/16 Final February 2016

LA09PM - Landscape Assessment Appendix A Part 2 Feb 2016 - Site Analysis (abridged)

Attachment 45: Professional Opinion: Bunn, D 2018, Archaeological Geophysical Survey Land to the South of Campion School Whitnash, Warwickshire, Pre-Construct Geophysics:

4 points of 'POTENTIAL ARCHAEOLOGICAL REMAINS' on a direct trajectory towards ... the Radford Roman Villa (MWA1905).

Along this same trajectory falls the CLEARLY IDENTIFIABLE GEOPHYSICAL ANOMALY EXEMPTED FROM A TRIAL TRENCH.

5.2 (page 3) 'ON A CAUTIONARY NOTE, FIRED CLAY ASSOCIATED WITH EARLY ACTIVITY HAS THE SAME MAGNETIC CHARACTERISTICS AS MODERN BRICK/TILE RUBBLE. AS SUCH, THE INTERPRETATION OF SUCH VARIATION MUST CONSIDER THE CONTEXT IN WHICH IT OCCURS.'

Neither the author of this report nor the person who commissioned the report appeared to be aware of the Roman or Holy Well/Church Context...

UNASSESSED ARCHAEOLOGY - RELEVANT ARCHAEOLOGICAL INVESTIGATION NOT UNDERTAKEN

In addition to the 46 attachments uploaded to W/23/1746 [23 Oct 2024]

- further Attachments + Comments W/25/0778 Planning Portal 3 JULY 2025:

Attachment '47: *WHITNASH HOLY WELL (MWA7390)*
Detailed Search on Take the TimeTrail with Warwickshire Museum
<https://timetrail.warwickshire.gov.uk/detail.aspx?monuid=WA7390>

ABSOLUTELY KEY/CRUCIAL/FUNDAMENTAL to the LAYOUT of this site
'CASTLE HILL FIELD' (MWA8287) [Attachment 23]

forming part of the HERITAGE TRAIL from the existing WHITNASH BROOK LOCAL NATURE RESERVE & LOCAL WILDLIFE SITE [Attachment 37], through a MUCH ENLARGED WHITNASH BROOK VALLEY NATURE RESERVE AND WILDLIFE BUFFER (quadruple the width from the Brook) [Attachment 32] to the Radford Roman Villa and on to the Fosse Way Roman Road...

PRECISE WHEREABOUTS APPARENTLY AS YET UNKNOWN

AWAITING 'LEGALLY ADEQUATE ASSESSMENT'

Attachment 48: The works of local historian and author JEAN FIELD:

MORE 'SUBSTANTIVE EVIDENCE' to be found in Warwickshire County Council Libraries

BENEATH THE GREAT ELMS: an illustrated history of Whitnash in Warwickshire 1993 [Brewin Books]

Page 2: 'REGIA VIA INTER RADEFORD ET WYTENAS 1285' refers to the Ancient Bridleway W119, proposed to be breached by this development, for which purpose it has been unofficially re-named 'Greenfield Road' on Google Maps (Attachment 19).

THE ASH GROVE: the history of Whitnash in words and pictures 1996
[Sunken Bell Productions - reference to the Bell within the Holy Well within this site, also figuring in the WHITNASH TOWN CREST and MAYORAL CHAIN]

Page 6: Aerial Photograph (original held by the Warwickshire County Record Office) shows both the 'HOLY WELL'[MWA7390] and 'CASTLE HILL FIELD'[MWA8287] fall within this site.

This is corroborated by 'THE HISTORY OF MILLPOOL MEADOWS' (Attachment 23), referred to as mere 'publicity' at the Appeal Hearing - surely not suggesting that the residents of Millpool Meadows were mis-sold using made-up history?

"The Holy Well site was, in times past, owned by the Knight Templars who protected important religious sites in Jerusalem and elsewhere and gave SAFE ACCESS to pilgrims visiting these sites"!

Page 8: "this would suggest that it was the site of a Hill Fort in Celtic times. Such forts were usually constructed on mounds and near the brook in the section named 'Castle Hill Furlong' prior to the enclosures, such a mound still exists despite repeated ploughing."

Note PORTABLE ANTIQUITIES SCHEME FINDS: East Whitnash/Radford Semele:

IRON AGE COIN: Cunobelin [Shakespeare's Cymbeline] - AD 9-AD 40 Oxford University Celtic Coin Index

ROMAN COINS:

- Constantine I - AD 307-AD 318- Nummus (AE1 - AE4) - Londinium
- House of Constantine - AD 330-AD 340 - Nummus (AE1 - AE4) - Trier

MEDIEVAL COIN: Henry III - AD 1247-AD 1279 - Penny - Canterbury

POST MEDIEVAL COIN: Elizabeth I - AD 1558-AD 1603 - Threepence - Tower of London

NEOLITHIC ARROWHEAD: 2900 BC - 2100 BC

IRON AGE MOUNT: 300 BC-AD 100

ROMAN BROOCH: AD 43-AD 200

STRAP FITTING: Medieval AD 1066-AD 1400/ Late Iron Age to Roman (50 BC-200AD)

MEDIEVAL SCABBARD: AD 1400-AD 1600

POST MEDIEVAL TOY: AD 1550-AD 1700

#WhitnashBrookNatureReserveWildlife&HeritageSite

W/25/0778 Planning Portal - 31 July 2025:-

Email to Principal Committee Services Officer, Governance Services 29/07/2025:

'SPEAKING AT 29 JULY PLANNING COMMITTEE - APOLOGIES

Please could you draw the Planning Committee's attention to my posts on the planning portal today, and in particular:

- Email sent to Warwick District Council MONITORING OFFICER 8 July 2025;
- 48 DOCUMENTS RELEVANT TO DELIBERATION OF W/25/0778 ARE STILL TO BE UPLOADED to the Planning Portal;
- W/25/0778 is NOT A VALID APPLICATION - the time for Reserved Matters ran out in August 2024;
- Planning Committee Report for W/25/0778 AGAIN locates the site in the 'Parish of RADFORD SEMELE' which is undoubtedly 'UNSOUND' and NOT 'LEGALLY COMPLIANT' (cf. W/22/0232 - CALLED IN, then WITHDRAWN);
- POLICIES NOT LISTED:
- WHITNASH NEIGHBOURHOOD DEVELOPMENT PLAN POLICY W3: 'PROTECTING LOCAL HERITAGE';
- HE1 - DESIGNATED HERITAGE ASSETS AND THEIR SETTING;
- HE3 - LOCALLY LISTED HISTORIC ASSETS;
- NE7 - USE OF WATERWAYS'...

Planning Committee Reports W/20/0617; W/21/0590; W/22/0232; W/23/1746; W/23/1766; W/25/0778; W/25/1214:

****NO REFERENCE TO POLICIES W3; HE1; HE3; NE7****

or mention of ****WHITNASH HOLY WELL****, other than:

W/21/0590 WHITNASH TOWN COUNCIL:

4) We have NO OBJECTIONS TO THE PROPOSED EXTENSION TO THE BROOK NATURE RESERVE, HAVING REGARD TO THAT *AREA BEING SIGNIFICANT TO WHITNASH'S HISTORY* AND THE ****HOLY WELL****.

OBJECTION COMMENTS referring to

****WA7390: SITE OF HOLY WELL AT WHITNASH****

within this site (MWA8287: 'CASTLE HILL' FIELD - also Grid Reference: *SP 33 63*):

W/22/0232: 13/04/2022; 03/05/2022; 16/02/2023

W/23/1746: 10/01/2024; 02/02/2024; 12/04/2024; 20/09/2024; 19/10/2024;
25/11/2024; 28/02/2025; 03/03/2025

W/23/1766: 30/01/2024; 28/09/2024 x2; 01/10/2024; 04/10/2024

W/25/0778: 01/07/2025; 03/07/2025; 29/07/2025; 31/07/2025 x4 *POLICIES NOT LISTED*

W/25/1214: 09/10/2025; 24/10/2025; 01/11/2025; 03/11/2025

W/25/1678: 04/02/2026 x2; 05/02/2026 x2; 10/02/2026; 15/02/2026

PLANNING COMMITTEE SPEECHES referring to

****WA7390: SITE OF HOLY WELL AT WHITNASH****

within this site (MWA8287: 'CASTLE HILL' FIELD - also SP 33 63):

W/22/0232: 1 mention

W/23/1746: 4 mentions

W/23/1766: 3 mentions

W/25/0778: Apologies

Email to Principal Committee Services Officer, Governance Services 29/07/2025 details, inter alia, POLICIES NOT LISTED IN THE PLANNING COMMITTEE REPORT in the 'PARISH OF RADFORD SEMELE' (see above) for the attention of the Planning Committee.

Reply: 'We will advise Members that you are no longer speaking and INFORM THEM THAT YOUR VIEWS HAVE BEEN SUMMARISED IN THE REPORT'!!!

Planning Committee - 29 July 2025

<https://www.youtube.com/watch?v=2vS3ZG6ggGs>

1:39:44 > 1:39:59

LEGAL ADVISOR: "The last speaker...is unable to attend, but

"HER COMMENTS ARE SUMMARIZED IN THE REPORT"!!!

****BLATANT MISREPRESENTATION****

Minutes of the meeting held on Tuesday 29 July 2025, at the Town Hall, Royal Leamington Spa, at 6.00pm - NOT MINUTED

W/25/0078 - Land South of Chesterton Gardens, Royal Leamington Spa(?)

'NO CHANGES WERE PROPOSED TO THE LAYOUT, OPEN SPACE, or quantum of development'!!

Minutes proposed by Ward Councillor, seconded by Proposer of W/22/0232; W/23/1746; W/23/1766; W/25/0778 and sole supporter of W/25/1214

Planning - 9 September 2025 - YouTube 13:23
<https://www.youtube.com/watch?v=0p9ImT0of-A>

W/25/1214: 'PUBLIC OFFICE ACCOUNTABILITY'
Planning Committee - 4 November 2025 42:39>
<https://www.youtube.com/watch?v=nnBdE4x6id4>

'IN PURSUANCE OF ARTICLE 31 OF THE 2015 ORDER, THE SECRETARY OF STATE HEREBY DIRECTS THE COUNCIL NOT TO GRANT PLANNING PERMISSION, WITHOUT SPECIFIC AUTHORISATION, FOR ANY DEVELOPMENT WHICH IS THE SAME KIND AS THAT WHICH IS THE SUBJECT OF THE APPLICATION REFERRED TO ABOVE ON ANY LAND WHICH FORMS PART OF, OR INCLUDES, THE SITE TO WHICH THE APPLICATION RELATES UNTIL THE SECRETARY OF STATE HAS ISSUED HIS DECISION ON THIS APPLICATION'.

Decision made by the MINISTER OF STATE FOR HOUSING ON BEHALF OF THE SECRETARY OF STATE and signed on his behalf by Head of Casework (***PROPRIETY AND PRACTICE***)
11 May 2023...

W/25/0778 > W/25/1678 (BOTH OUT-OF-TIME RESERVED MATTERS APPLICATIONS) =

*DESECRATION OF WHITNASH HOLY WELL * +

*POLLUTION OF WHITNASH aka RADFORD BROOK *

NATIONAL PLANNING POLICY FRAMEWORK

15. *CONSERVING AND ENHANCING THE NATURAL ENVIRONMENT*
HABITATS AND BIODIVERSITY

195 The PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT DOES NOT APPLY WHERE THE PLAN OR PROJECT IS LIKELY TO HAVE A *SIGNIFICANT EFFECT ON A HABITATS SITE* (either alone or in combination with other plans or projects), UNLESS AN *APPROPRIATE ASSESSMENT* HAS CONCLUDED THAT THE PLAN OR PROJECT WILL NOT ADVERSELY AFFECT THE INTEGRITY OF THE HABITATS SITE...

16. *CONSERVING AND ENHANCING THE HISTORIC ENVIRONMENT*
PROPOSALS AFFECTING HERITAGE ASSETS/ CONSIDERING POTENTIAL IMPACTS

214 WHERE A PROPOSED DEVELOPMENT *WILL LEAD TO SUBSTANTIAL HARM* TO (OR *TOTAL LOSS OF SIGNIFICANCE OF*) A DESIGNATED HERITAGE ASSET, LOCAL PLANNING AUTHORITIES SHOULD ***REFUSE*** CONSENT

WHITNASH HOLY WELL FOUL PUMPING STATION

FOUL PLAY!!!

Kind regards

What's on - www.warwickdc.gov.uk/events

Latest news - www.warwickdc.gov.uk/news

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Map 8 - Whitnash Brook Valley



Local Plan evidence base - Warwick District Council

Home > Planning > Planning policy > Local Plan > Local Plan evidence base

Local Plan evidence base

Home

Planning

Planning policy

Local Plan

Local Plan evidence base

Examination

Previous Local Plan (1996 - 2011)

Local Plan evidence base and consultation documents

This page links to the evidence base documents used to shape the Local Plan, and the consultation documents from various stages of the local plan process.

Consultation documents

- [Main modifications](#) - May 2017
- [Proposed modifications](#) - February 2016
- Submission documents: [Publication draft](#) and [Focussed Changes](#) (2014)
- [Village Housing Options and Settlement Boundaries](#) (2014)
- [Preferred Options](#) (2012)
- Helping Shape the District: Issues and scenarios (2011)

The evidence base

Development Sites - (Urban Fringe)



© Crown copyright and database rights [2012] Ordnance Survey 100018302.

Search map

Select the type of search you require and enter the search term below.

Village

Postcode

Reference

Code

Reference e.g. SP277655

Postcode e.g. 335/WB7/1

Search

Current location

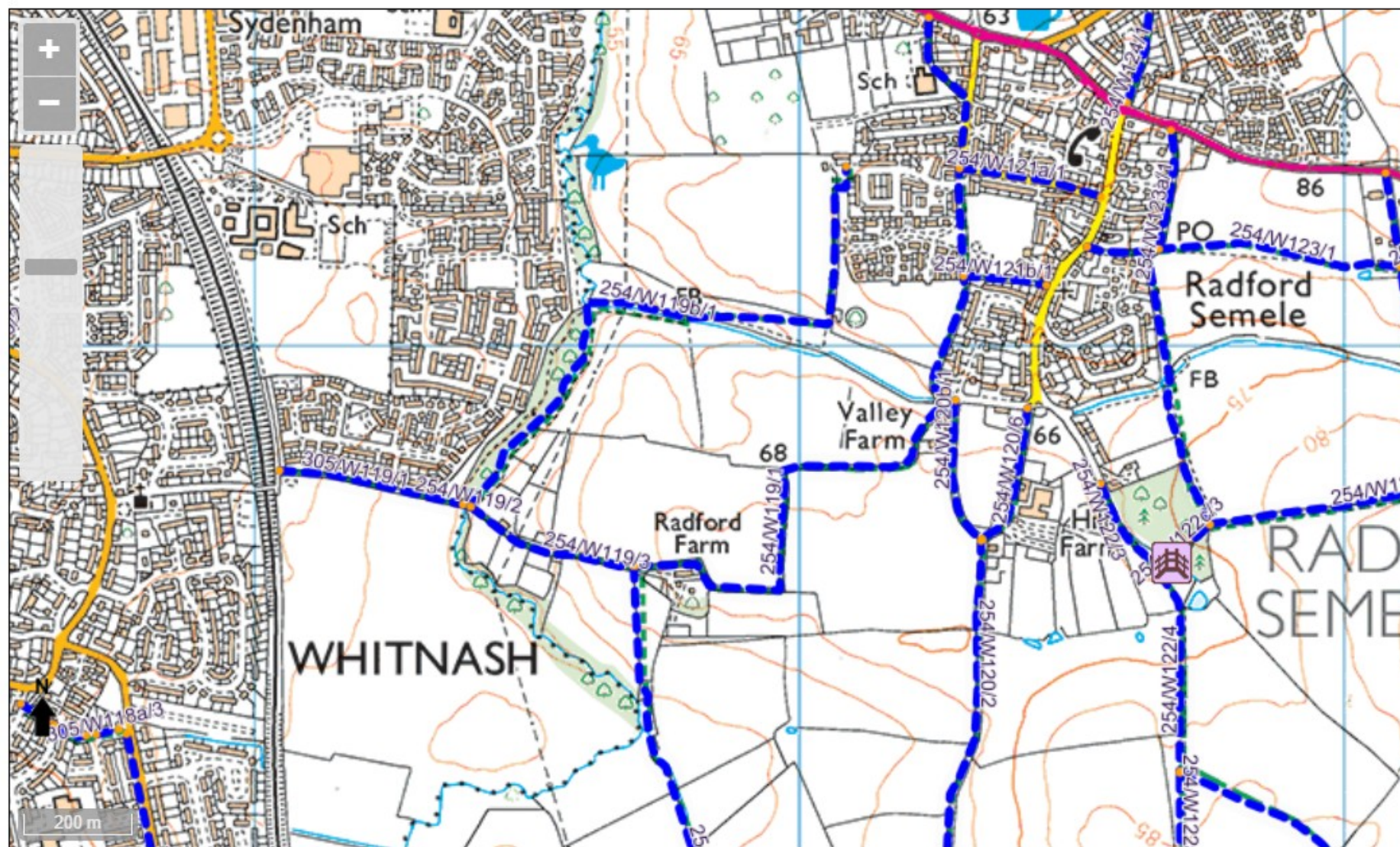
Go to Current Location

Current location

Public Rights of Way Map

The map shows all of the public rights of way in the county. To report a problem, firstly log in, then select the 'Report a Problem' menu

To find a location use the Search options to locate paths, settlements or parishes. If your device has a GPS you can centre the map on your current position by pressing the 'Current location' button.



The History of Millpool Meadows

A WARM WELCOME IS EXTENDED TO YOU HERE AT MILL POOL MEADOWS. THIS ACCOUNT DESCRIBES THE LOCATION IN ITS HISTORICAL CONTEXT AND EXPLORES SOME OF THE ITEMS OF INTEREST IN ITS VICINITY.

The development is situated in the extreme north-eastern corner of the ancient civil parish of Whitnash. The hedge through which the development is approached is the boundary between Leamington and Whitnash and from this point Whitnash extends southwards for a distance of about three miles to the Fosse Way - a Roman road. The Whitnash brook to the east of the development forms the boundary between Whitnash and Radford Semele, a village one mile to the east, for the whole length to the Fosse Way.

Prior to and during the Roman occupation the land along the brook valley was, according to historians, a settlement of the Ancient Britons and several features of early historical significance are to be found in the valley. The Milldam Meadow, to the side of the development and shortly to become a local nature reserve, contains the site of the water mill which was recorded in the Domesday Book of 1086 and the mounds of the dam which contained a large pool can still be clearly seen. Beyond this meadow going south, the cart track between Whitnash and Radford Barn Farm is reached. This track was an important road in Medieval Times and was called Regia Via (The Royal Way). A short distance over the other side of this track is the site of the Whitnash Holy Well concerning which this curious legend is told:-

"That the ancient inhabitants, when removing their bell from the old church to its present site, brought it to this holy well to be freshly consecrated. In doing so it fell into the water and gradually disappeared. The country people who wish to know coming events cast stones into the well at night and in the morning their questions are answered by the sounding of the bell. The site is now drained, but the little stream of water which flows into the Whitnash Brook is still believed to be possessed of healing power and the people come from great distances to procure the water."

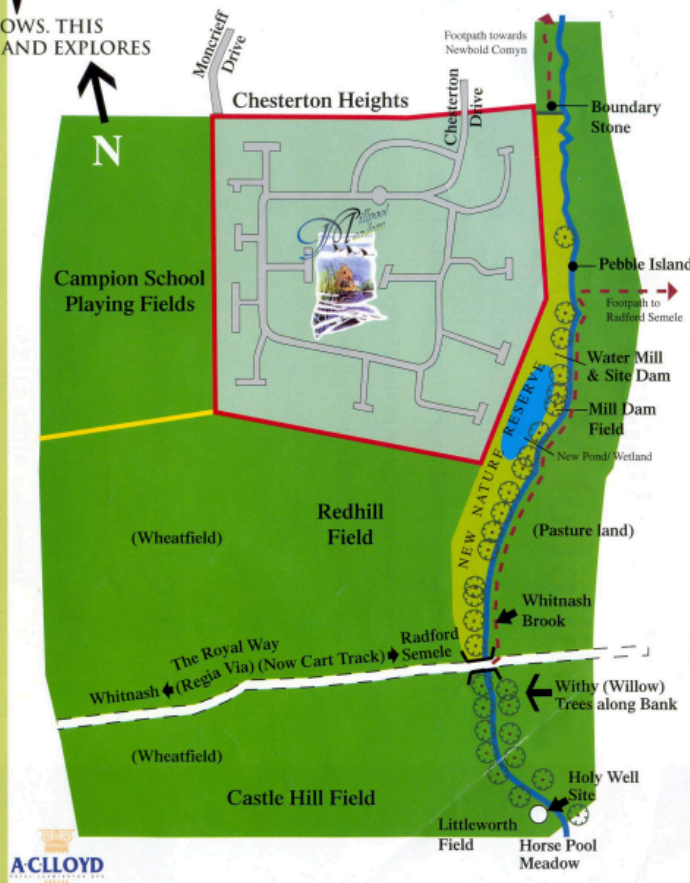
(extract from Wells & Springs of Warwickshire H.M.S.O. 1928)

The Holy Well site was, in times past, owned by the Knight Templars who protected important religious sites in Jerusalem and elsewhere and gave safe access to pilgrims visiting these sites.

Further south lies Castle Hill and a rise in the land near the brook is understood to be the site of an early fortification or stockade. Across the other side of the brook, in Radford Semele parish, lies the site of an extensive Roman Villa which was only discovered when the field was being ploughed deeper than usual and a tessellated pavement came to the surface. The site was partly excavated in 1974 by Birmingham University, but so extensive was the discovery that financial constraints curtailed full investigation and this has been left for a later date.

Regarding the road names at MillPool Meadows, many of them have a special historical significance. Horsepool Hollow is named after Horse Pool Meadow which was a small field adjoining the brook south of the holy well. In this field the farm horses would probably be washed down after a days work. Mill Pond Meadows is named after the remains of the water mill pool, the site of which adjoins the housing to the east. Hastang Fields alludes to the owner of the whole area of land in Saxon times who was responsible for the protection of the inhabitants of Whitnash. Pebble Island Way relates to the acute bend in the brook near the end of Kingfisher Reach. This spot on the brook has been a popular summer venue for innumerable generations of Whitnash, Radford Semele and South Leamington children. St Fremund Way takes its name from the early saint who, according to legend, made his way along the bank of the brook to Whitnash Holy Well after being injured in a battle at Radford Semele. Withy Bank relates to the considerable number of willow trees which still flourish along the bank of the brook. In past times the willow stems were harvested each year for basket making and other uses and formed a valuable contribution to family incomes especially in the winter time when outdoor work was limited. Redhill Furrows and Littleworth Croft are both named after old fields in the vicinity. Redhill Field adjoins the site to the south and Littleworth Meadow was formerly a small field adjoining the Holy Well site. Finally Parish End is so named because the development is situated in the extreme north eastern corner of the ancient parish of Whitnash and the boundary stone can still be seen near the brook in the corner beyond the end of Otters Rest.

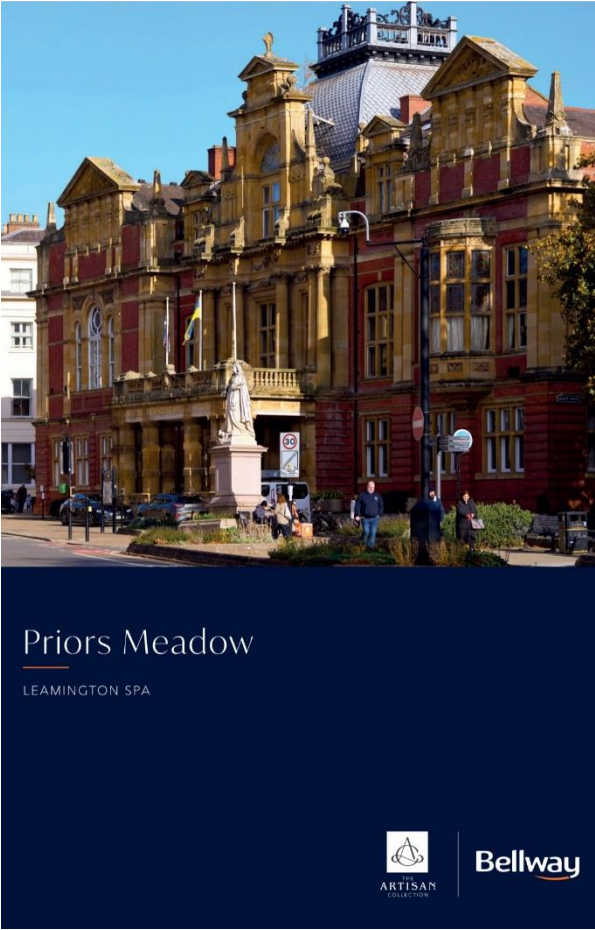
With acknowledgement to the Whitnash Society.







W/25/1678: DESECRATION OF WHITNASH HOLY WELL/ POLLUTION OF WHITNASH aka RADFORD BROOK/ HISTORIC WHITNASH > 'LEAMINGTON SPA'
CV31 1AY = NO ACCESS



Information for record number MWA7390:
Site of Holy Well at Whitnash

Summary	The site of a holy well of unknown date. It was located 400m east of Whitnash.
What Is It?	
Type:	Holy Well
Period:	Unknown
Where Is It?	
Parish:	Whitnash
District:	Warwick, Warwickshire
Grid Reference:	SP 33 63

Level of Protection

National - Old SMR PrefRef (Grade:)
Sites & Monuments Record



Notice

CV31 1AY, Bellway Homes Limited;
environmental permit application
advertisement - EPR/BP3720MH/A001

Published 2 February 2026

Applies to England

- Contents
- [Details of the application](#)
- [How to view the application](#)
- [How to comment on the application](#)
- [Print this page](#)

Details of the application

The Environment Agency has received a new bespoke application for an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016 from Bellway Homes Limited.

Application number

EPR/BP3720MH/A001

Regulated facility type

Sewage Treatment plant

Regulated facility address

Priors Meadow
Common Road
Leamington Spa
CV31 1AY

National grid reference discharge point

SP 33365 63644

Receiving environment

Whitnash Brook

Effluent type

Trade site drainage

Volume

2.462 Cubic metres per day

Appeal Decision: Policy W7 designates WHITNASH BROOK VALLEY as a LOCAL GREEN SPACE and states that new development which impacts adversely on the openness of this DESIGNATED GREEN SPACE or ADVERSELY AFFECTS THE ATTRIBUTES FOR WHICH IT WAS DESIGNATED [NATURE RESERVE AND WILDLIFE BUFFER - protected from INAPPROPRIATE DEVELOPMENT] will not be acceptable other than in ‘VERY SPECIAL CIRCUMSTANCES’

‘Greenfield Road’ = Regia Via Bridleway

From: [Street Naming and Numbering](#)

Subject: RE: Greenfield Road?

Unfortunately, I am unable to answer your questions as we do not have any records of Greenfield Road for this road as it has not been named by Warwick District Council. Although Warwick District Council are the official Street Naming authority, it would appear that Google have not sourced their mapping information from either ourselves, or Ordnance Survey.

I feel that this query will need to be directed to Google as it appears that they may be obtaining what amounts to colloquial naming information from their informal sources.

Street Naming and Numbering Team, Warwick District Council

Please could you advise:

- when
- on whose request, and
- with whose approval

Bridleway W119 (also known as Regia Via/The Royal Way), Whitnash/Radford Semele was named Greenfield Road.



NB: CV31 1UT is the Valley Road, Radford Semele postcode for the two farms on the Bridleway

3.0 EXISTING CONDITIONS

3.1 Site Location

- 3.1.1 The proposed development is located south of the Bridleway known as Greenfield Road. The site is currently a field used for agricultural purposes. It is bound to the east by open fields and to the west by the railway line which runs into Leamington Spa from Banbury. At the northern boundary of the site previous phases of residential development have been completed and fully occupied. The location of the proposed development is shown on **Figure 1**.

3.2 Highway Network

- 3.2.1 The local road network in relation to the proposed development is also shown on **Figure 1**.
- 3.2.2 Greenfield Road Bridleway directly borders the northern boundary of the site, it is a narrow lane of approximately 2.5m wide with no lighting and a loose gravel surface. Running immediately north and parallel with this is the new internal road network of Chalkhill Place within Chesterton Gardens. The network comprises carriageways including Chalkhill Place, Brimstone End, Emperor Boulevard and St Fremund Way. These carriageways are well lit, are between approximately 6.5 and 7.0m wide and are subject to a 20mph speed limit. These interconnected carriageways are linked together via priority T-junction facilities.
- 3.2.3 The local highway network described above can be accessed via Chesterton Drive. Chesterton Drive runs from approximately 1km north west of the site's northern boundary, where Prospect Road, Sydenham Drive and Chesterton Drive meet at a 4-arm roundabout. From the 4-arm roundabout Chesterton Drive stems east and then south for approximately 500m where it runs into St Fremund Way. Chesterton Drive is subject to a 30mph speed limit.
- 3.2.4 Approximately 1km north west of the site a 4-arm roundabout provides access to central Leamington and Warwick. To the west Prospect Road runs into Tachbrook Road which provides links to the Queensway and A452. The A452 can be followed south where it links with the M40 running between Oxford (south) and Birmingham (north). To the north of

Policy DS.7 Local Growth Locations ~ Housing C. Adopted Local Plan Allocations					
SWLP Ref	Settlement	WLP Ref	Site	Indicative Minimum Capacity	Specific Site Requirements
WAR.12	Warwick	H02	South of Harbury Lane	300	• Two new primary schools • Country park • A community meeting place • Local centre
WHI.2	Whitnash	H45	Land at Hazelmere/Little Acre	80	
WHI.3	Whitnash	H03	Whitnash East	300	Provision of a second access

Policy DS.7 Local Growth Locations ~ Housing D. Made Neighbourhood Plan Allocations & Reserve Sites					
SWLP Ref	Settlement	NDP Ref	Site	Indicative Capacity	Specific Site Requirements
BRA.1	Brailes	H2 – A1	West of Salt Way Lane	12	

PART B

4) Mod 10 Policy DS 11 Allocated Housing Sites

H03 Land East of Whitnash

- 5) i Stagecoach does not consider the Plan to be **legally compliant** in respect of this Modification
- ii Stagecoach considers the Plan **unsound** in respect of this Modification
- 6) Stagecoach considers that the Modification is unsound in respect of Land east of Whitnash, as it does not consider the Plan has been positively prepared, and that the Plan has demonstrably fully considered all the reasonable alternatives, to accommodate the housing requirement in the most sustainable way. Stagecoach believes that the Plan fundamentally pre-judges Green Belt releases to be less sustainable potential locations for development, without having due and full regard to all the relevant material matters that should weight in the planning balance. Stagecoach believes that the proposed allocation East of Whitnash is fundamentally less sustainable than other sites considered for development to meet needs within the Plan period.

Stagecoach **objects** to the identification of an additional 199 dwellings on this site as part of the Proposed Modifications.

Stagecoach has already made representations that this site does not proffer a location that can credibly be served by high quality public transport. We do not therefore see that bus services could be sustained on a commercial basis to this site sufficient to offer a credible mode choice to avoid the promotion being amongst the most car dependent in the urban area.

The Company notes that the area has been proposed for allocation consistently, albeit with wildly varying numbers of dwellings proposed. The site cannot overcome its inherent limitations, even with an additional 199 units allocated, as far as provision of credible mode choices are concerned. 499 units is entirely insufficient to support the provision of even a single additional vehicle resource to serve this site on a commercial basis in the long term. There is no obvious means of combining such future demand as would arise from this site with additional demands elsewhere on a logical route. As it is, the access road from Sydenham Drive through the School site will involve about 1km of route running in each direction with no hinterland from which to draw patronage, while the footprint of built development is such that further significant mileage will need traversing within the allocation to provide all residents with convenient access. Up to 4km of route will be involved on each round trip, to serve just 500 homes. Any residents in the Golf Drive area west of the railway would be unlikely to cross the line given they already have a service within similar reach to the west operating every 10 minutes.

The site, in every sense, is a dead end, with residents having to cross the urban area to reach jobs and most services, in all probability by car.

Indeed, Stagecoach also notes that WCC and WDC are not even convinced that the site, with an enlarged allocated quantum, can support a new primary school. If not, then it is highly likely that even higher levels of car traffic at morning peak will leave the site to reach primary schools spread

widely across the urban area south of Leamington and Warwick, aggravating pressure on the network.

Were a high quality spine road to have been provided through two successive recent developments constructed by the promoter to the north at St Fremunds Way, and to the south, then the merits of this site in terms of bus service provision would be rather greater, though still not especially good. At least a single route serving a neighbourhood of about 1000 dwellings could have been offered, and this would no doubt have been viable at a meaningful frequency of, say, about every 20 minutes, or even a little better. It suited the promoter's planning strategy at each successive stage not to protect the potential to create such a spine to serve this promotion in such a manner.

It is of particular concern that secondary education provision is to be part of the solution arrived at for the Southern SUE, despite the fact that this proposal simply does not relate well to the wider urban form. We are unclear if Campion School is to be extended as part of the necessary reconstruction to facilitate access to this site. This would be necessary if additional education-related trips are not to be needlessly added to the local highways network.

Stagecoach believes that allocation of other sites, in particular those supporting and taking advantage of the Park and Ride and improvements North of Leamington, can provide for a better range of housing sites, better related to jobs and services, that can be more obviously and straightforwardly delivered.

PART B

4) Mod 22 Policy DS NEW 2 Safeguarded Land

5) i Stagecoach does not consider the Plan to be **legally compliant** in respect of this Modification

ii Stagecoach considers the Plan **unsound** in respect of this Modification

6) Stagecoach considers that the Modification is unsound in respect of Safeguarded Land at Milverton, as it does not consider the Plan has been positively prepared, and that the Plan has demonstrably fully considered all the reasonable alternatives, to accommodate the housing requirement in the most sustainable way. Stagecoach believes that the Plan fundamentally pre-judges Green Belt releases to be less sustainable potential locations for development, without having due and full regard to all the relevant material matters that should weight in the planning balance. Stagecoach believes that the is likely to be a case to release a greater a part, or all, of the Land at Milverton (SD2/H44) to meet needs within the Plan period.

Stagecoach supports the release of the land identified in the Plan from Green Belt, to ensure that development needs are addressed in the Plan Period, and to ensure in line with National policy, that enduring boundaries for the Green Belt are established that will permit development needs to be met beyond the Plan period.

Stagecoach considers that the modified Plan Strategy is essential to ensure that housing need is provided for close to where it arises, having regard to wider constraints.

Stagecoach in particular supports the identification of land North of Milverton (H44) as a sustainable location to meet the needs of the area, and argues that this land is a better and more sustainable alternative, especially in transport terms, than continued development in progressively less-sustainable locations outside the Green Belt.

Therefore Stagecoach urges that land at ref S.2/H44 North of Milverton should be considered to meet a larger quantum of that need arising within the Plan period.

8)

Stagecoach considers that the Plan should be changed to allocate at the least that quantum currently proposed for Land East of Warwick Road, Kenilworth (100 units), Land at Hazel Mere (75 units), and Land East of Whitnash (499 units) (TOTAL approx 675 units in addition to the 250 already allocated), to be accommodated North of Milverton within the Plan Period.



Appeal Decision

Inquiry Held on 13-16 July 2021

Site visit made on 19 July 2021

by Harold Stephens BA MPhil Dip TP MRTPI FRSA

an Inspector appointed by the Secretary of State

Decision date: 12 August 2021

Appeal Ref: APP/T3725/W/21/3270663

Land south of Chesterton Gardens, Leamington Spa

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by A. C. Lloyd (Homes) Ltd against the decision of Warwick District Council.
 - The application Ref W/20/0617, dated 22 April 2020, was refused by notice dated 12 February 2021.
 - The development proposed is an 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).
-

Decision

1. The appeal is allowed and planning permission is granted for an 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) on land south of Chesterton Gardens, Leamington Spa in accordance with the terms of the application, Ref APP/T3725/W/21/3270663, dated 22 April 2020, and the plans submitted with it, subject to the conditions set out in the Schedule attached to this decision.

Application for costs

2. At the Inquiry an application for an award of costs was made by the Appellant A. C. Lloyd (Homes) Ltd against the Warwick District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The appeal follows the refusal of the Council to grant planning permission for development on land south of Chesterton Gardens, Leamington Spa on 12 February 2021 against the Planning Officer's advice. There were two reasons for refusal set out in the decision notice.¹ The application was supported by a number of plans, reports, and technical information. A full list of the supporting documents is set out in the Core Documents List (CD List) and is not repeated here.
4. It was agreed by the parties at the outset of the Inquiry that the appeal should be determined on the following plans:

¹ CD34

- Location Plan AAH5485-18 Rev. A
 - Existing Site Plan AAH5485-07 Rev. C
 - Land Use Parameters Plan Phase 1 AAH5485-14 Rev. B
 - Illustrative Masterplan AAH5485-13 Rev. B
 - Illustrative Street Scenes AAH5485-15 Rev. A
 - Illustrative Perspectives AAH5485-16 Rev. A
 - Phase 1 and 2 Illustrative Parameters Plan AAH5485-17 Rev. B
 - Proposed Narrowing and Bridleway Crossing 20376-01 Rev. E
5. I held a Case Management Conference (CMC) on 27 May 2021. At the CMC the main issues were identified, how the evidence would be dealt with at the Inquiry and timings. In the weeks following the CMC the main parties continued discussions on the appeal to ensure that matters of dispute were clear and that all matters of agreement were documented in either Statements of Common Ground or in draft Planning Conditions such that time on these matters was minimised at the Inquiry. A Statement of Common Ground (SoCG) between A.C. Lloyd and Warwick District Council was agreed on 14 June 2021. The SoCG sets out the agreed areas of common ground between the Council and the Appellant in respect of this appeal. The SoCG cross references to the CD List.
6. At the Inquiry a Planning Obligation was submitted.² The Planning Obligation is made by way of a Deed of Agreement under s106 of the Town and Country Planning Act 1990 between (1) A. C. Lloyd Homes Limited (2) Ann Richardson, Janet Stallard and Robert McGregor (3) Warwick District Council and (4) Warwickshire County Council. The s106 Agreement secures a number of planning obligations in the event that planning permission is granted including such matters as affordable housing provision (40%), an education contribution and a highway infrastructure contribution. The s106 Agreement is signed and dated 22 July 2021 and is a material consideration in this case. A Community Infrastructure Levy (CIL) Compliance Statement³ was also submitted in support of the Planning Obligation. I return to the Planning Obligation later in this decision.
7. The application was screened for Environmental Impact Assessment (EIA) prior to submission of the application and the Council determined that no formal EIA was required on 21 November 2018.⁴ I agree with the negative screening that was undertaken by the Council.
8. A re-submission of the application was submitted to the Council on 29 March 2021 under Ref. W/21/0590. Additional information was included with this application to address the reasons for refusal on the appeal application and included: an Updated Transport Assessment providing additional information on road safety,⁵ a draft traffic calming scheme for St. Fremund Way,⁶ a Road Safety Audit of the proposed access and bridleway crossing off Brimstone End⁷ and consequential minor adjustments to the access design. A Road Safety Audit of the draft traffic calming scheme for St Fremund Way,⁸ an updated

² ID APP6

³ ID LPA1

⁴ CD73

⁵ CD74

⁶ CD75

⁷ CD76

⁸ CD77

Noise Assessment,⁹ a Construction Traffic Management Plan¹⁰ and an updated Sustainability Statement¹¹ were also submitted. This second application was refused planning permission on 28 May 2021 against the Planning Officer's advice with two reasons for refusal set out in the decision notice.¹²

9. On 25 May 2021, the Council wrote to the Planning Inspectorate to advise that the Council would not be defending its decision to refuse planning permission or present evidence in relation to the current appeal.¹³ Thus, the Council now considers the appeal proposals to be acceptable and that planning permission should be granted.

Main Issues

10. In the light of the above I consider the main issues are:

- (i) *Whether the provision of a single vehicular access to the site would be detrimental to the safety of pedestrians, cyclists and drivers;*
- (ii) *Whether the provision of single vehicular access to the development would provide acceptable living conditions for existing and future occupants, with particular reference to noise and disturbance.*

Reasons

Planning Policy context

11. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the appeal must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of this appeal comprises the Warwick District Local Plan (WDLP) adopted in 2017 and the Whitnash Neighbourhood Plan (WNP) which was Made in August 2015.
12. The WDLP 2017 covers the period 2011-2029. The policies in the WDLP are fully up-to-date and in line with the NPPF. It follows that I give them full weight in my consideration of this appeal. A full resume of the relevant policies is set out in the Planning Officer's Report to Committee¹⁴ and in the Planning Statement¹⁵ submitted with the appeal proposals. There is no need for me to repeat all of these policies here.
13. Policy H1 the WDLP sets out a strategy for the distribution of new housing development. The strategy seeks to focus the majority of new housing towards the main urban areas which include Leamington Spa and Whitnash where the site is located. The appeal site is shown as falling within the wider area of Leamington Spa as defined on Proposals Map 2¹⁶ and is specifically allocated within a wider site referenced as Site H03: East of Whitnash/south

⁹ CD78

¹⁰ CD80

¹¹ CD81

¹² CD86

¹³ CD103

¹⁴ CD31

¹⁵ CD11

¹⁶ CD52

of Sydenham for 500 houses as shown on the Proposals Map and as listed under Policy DS11.¹⁷ Policy DS11 provides a column where specific infrastructure requirements for each allocation are itemised. In the case of Site H03 there is nothing listed.

14. The supporting text to Policy DS11 states at paragraph 2.47 that the site at Whitnash East provides an extension to the site located off St. Fremund Way. It says the site will deliver an estimated 500 homes along with an ecology and landscape corridor adjacent to Whitnash Brook and a partial rebuild and extension of Campion School that will enable access to be provided.
15. Aside from the above, the other key WDLP policies of relevance to this appeal given the reasons for refusal are Policy TR1 relating to access and Policy BE3 relating to residential amenity. Policy TR1 requires development to provide safe, suitable and attractive access routes for all users and modes of transport. Policy BE3 prohibits development which would result in an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users and occupiers of the development.
16. The WNP was Made in August 2015. At the time it was prepared and Made the WDLP was still in draft form. Notwithstanding this, the emerging H03 allocation for the land East of Whitnash/South of Sydenham was acknowledged and effectively incorporated into the WNP and policies were included to safeguard and enhance the Whitnash Brook Valley along the eastern part of this allocation and to improve connectivity within the area.
17. Specifically, Policy W6 of the WNP requires that any development of the H03 allocation protects the Whitnash Brook Nature Reserve, includes a 700-yard strip Wildlife Buffer, and supports enhancements to the area including improved pedestrian and cycle connections. Furthermore, Policy W7 designates Whitnash Brook Valley as a Local Green Space and states that new development which impacts adversely on the openness of this designated green space or adversely affects the attributes for which it was designated will not be acceptable other than in very special circumstances.
18. The NPPF was revised on 20 July 2021 and it replaces the previous version published in February 2019. The NPPF represents the Government's up-to-date planning policies for England. The NPPF is an important material consideration in planning decision making. I have taken into account the policies contained within the NPPF 2021 in coming to my decision in this case.

Principle of residential development

19. Some objectors, notably Matt Western MP and the CPRE, sought to cast doubt on the housing requirement in the WDLP. It is argued that housing delivery is going to exceed WDLP requirements and also that housing numbers should be altered down because of a debate relating to the Office for National Statistics (ONS) housing calculation methodology in Coventry, which is in the same housing market area as Warwick. I note that the Office for Statistics Regulation (OSR) has undertaken a review in response to concerns about the

¹⁷ See page 22 of the WDLP

population projections and mid-year population estimates for Coventry. The OSR has reviewed the methods and approaches used by the ONS. I am aware of the current debate about Coventry's housing requirements. This Coventry debate will no doubt continue but it is not a matter for this appeal process to resolve. It is not for me to re-run the housing need debate as suggested by Matt Western MP nor the site selection process as suggested by CPRE.

20. The WDLP provides the main statutory policy context against which the appeal proposal has to be determined. The WDLP was adopted in 2017 and covers the period 2011-2029. Plainly the site is allocated for housing in the WDLP. The WDLP is up-to-date and in line with the NPPF. The appeal proposal is in outline for up to 200 dwellings on a site allocated for residential development within the WDLP which falls within the allocation set out within HO3 for 500 dwellings. The Council's Annual Monitoring Report (AMR) demonstrates that there is a 5.63 year Housing Land Supply.¹⁸ It is agreed that the published 2020 trajectory figures include a contribution of 130 dwellings from the appeal site in the Five Year Housing Land Supply calculation, with 50 dwellings per year added thereafter until 2032.¹⁹
21. In my view the appeal proposal demonstrates that up to 200 dwellings could be comfortably accommodated on the appeal site and could achieve a very high level of quality together with a level of public and other open space that exceeds all the thresholds for a scheme of this scale. The site has also been master planned to demonstrate that this first phase of development is acceptable in its own right but could be appropriately assimilated with the wider allocation at the point a further application comes forward with the provision of a secondary access being provided adjacent to Campion School to allow the facilitation of further development on the wider allocation. Taking all these matters into account I consider that the appeal proposal is acceptable in principle having regard to Policies H1 and DS11 of the WDLP.

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

22. Policy TR1 of the WDLP states that development will only be permitted that provides safe, suitable and attractive access routes for pedestrians, cyclists, public transport users, emergency vehicles, refuse vehicles and other users of motor vehicles. The Council, in its reason for refusal, is of the view that the provision of a single vehicular access to the site via an existing residential area would result in a substandard form of development which would be detrimental to highway safety and therefore contrary to Policy TR1. A number of objectors, including Matt Western MP and the CPRE, questioned whether the proposed access would comply with the WDLP.
23. The only technical evidence on highways submitted as part of the appeal was that produced by Mr Neale on behalf of the Appellant, which was agreed by Warwickshire County Council as the Local Highway Authority (LHA). Having undertaken a full assessment of the development proposals, the LHA raised no objections to the proposals subject to conditions and s106 obligations.²⁰ Mr Neale's technical evidence deals with highway safety and capacity and

¹⁸ CD56 WDC Annual Monitoring Report 2019-2020

¹⁹ CD55 and SoCG paragraph 6.7

²⁰ CD36

accessibility. The LHA is content that the proposals are acceptable in highway terms, and that is important, because the LHA is the statutory consultee, and the body charged with maintaining the safety of the highways. Independent road safety audits have also been undertaken in respect of the access arrangements,²¹ and the proposed traffic calming scheme,²² and have made some minor recommendations that can be incorporated in the final detailed designs. In summary, every expert highway and transport professional who has looked at the proposals agree they are safe.

24. The CPRE (Mr Sullivan) suggests that less weight should be given to the LHA's response because it did not refer to the WDLP and it was not taken to Councillors or a Committee or Panel for approval. However, it is normal for specialist officers to provide a response on behalf of the LHA. The LHA is a technical consultee who are the independent body that manage/maintain and look after the safe operation of the local road network including footways and cycleways. The role of the LHA is to provide expert opinion to assist in the determining of planning applications. Moreover, I am not clear what difference it would make if the technical consultation had referred to the WDLP. There is no suggestion that there is any conflict between the WDLP and the NPPF.
25. The submitted Transport Assessment,²³ demonstrates that the local road network has significant residual capacity to accommodate vehicle movements arising from the appeal proposals. Suitable visibility can be achieved at the site access, and emergency access is to be provided via Church Lane, as shown on the appeal plans. The precise location where the emergency access goes into the site would be an issue for reserved matters, but there can be no question marks over the ability of the Appellant to deliver that access. The proposals would generate approximately 100 additional vehicle movements in the AM peak and 114 in the PM peak period. At worst, that is just less than 2 vehicles per minute which would not materially affect the operation of the local or wider highway network given the spare capacity on those roads.
26. I now turn to the two main points raised by the objectors in relation to highways and access matters: the first point is that the Inspector in an appeal decision in 2013 concerning land south of St. Fremund Way and north of the appeal site²⁴ commented at paragraph 20 that further land to the south would not be dependent on access via that site which would not be suitable for accessing additional development to the south "*due to the limited capacity in the Sydenham road network.*" The second point that the objectors rely on is the explanatory text contained within the WDLP at paragraph 2.47 which says that the allocation will deliver 500 dwellings and a rebuild and extension to Campion School to enable access.
27. With regard to the 2013 appeal that is cited by the objectors there are several points that are noteworthy:
 - (a) I accept that consistency in the planning process is important and like cases should be decided in a like manner. A previous appeal decision is capable of being a material consideration where the previous decision is sufficiently closely related to the issues that regard should be had to it.

²¹ CD76

²² CD75 and CD77

²³ CD28 and updated at CD74

²⁴ CD67

However, an Inspector is entitled to disagree with an earlier decision (whether on the same site or elsewhere) if there are sound reasons for so doing. Where there is disagreement then the Inspector must weigh the previous decision and give his reasons for departure from it.²⁵

- (b) Importantly, the Inspector in the 2013 appeal was assessing a different scheme, and he did not have the benefit of the detailed technical evidence that supports it which is before this Inquiry. It is hard to know what evidence was before him since none of the experts or participants in this Inquiry were there. Indeed, there is no evidence that I have seen that was provided to that Inspector to support the conclusion arrived at. The evidence of Mr Neale confirms this. Even if such evidence had been provided, the comment was given in the context of the evidence, and presumably his view, on highway capacity that the Inspector had available at that time (2013). It is difficult to see how any weight can be attributed to his comment about the road network having limited capacity for any future access to the south in that context because, it is demonstrably wrong given that there is capacity on the network to accommodate traffic arising from the appeal proposals.
 - (c) In my view the 2013 decision cannot bind my decision in this case as I am making the decision on the basis of different evidence, and in a vastly changed planning context. Most fundamentally, the development plan context has changed with the adoption of the WDLP in 2017 and the site is now allocated for residential purposes. It was not allocated in 2013 when the previous appeal was determined. Furthermore, the up-to-date highway assessment by Mr Neale demonstrates that St Fremund Way, Chesterton Drive and connecting roads have a significant residual capacity to safely accommodate the appeal proposals. This position is agreed by the LHA who have raised no objections to this appeal subject to mitigation through conditions and s106 obligations.²⁶
28. With regard to the second point raised by the objectors there are also several points to note:
- (i) Having read the supporting text to Policy DS11 at paragraph 2.47 of the WDLP, it seems to me that there is no requirement within that paragraph or anywhere in the WDLP to deliver the Campion School access. The paragraph presents an idea or an aspiration of how access might be achieved but it does not make it a prerequisite of planning consent. It could have said that explicitly.
 - (ii) Further, the paragraph refers to the development of the whole allocation and it is only the first phase of the wider allocation that is proposed through this appeal. The suitability of the access for this scheme has been determined through the Transport Assessment and it is agreed as being acceptable by the LHA. As Mr Green explained, if and when a second access does come forward, it would still be desirable to have two accesses including the Brimstone End access to offer full permeability through the wider development.

²⁵ See *N Wiltshire DC v SSE* (1993) 65 P. & C.R. 137

²⁶ CD36

- (iii) As a matter of law, the explanatory text is not policy, does not have the force of policy, and cannot trump the policy. As the Court of Appeal held in the Cherkley case,²⁷ a development that accords with the policies in a local plan cannot be said to not conform with the plan if it fails to satisfy an additional criterion referred to only in the supporting text. The CPRE (Mr Sullivan) was in error to suggest accordance with the development plan was contingent on a second access being delivered, there is nothing in the Court of Appeal's judgement to support that approach.
 - (iv) Neither Manual for Streets (MfS) and Manual for Streets 2 (MfS2) indicates limits on the numbers of dwellings from a single point of access. Rather, as MfS states²⁸ the Fire Service considers each application based on a risk assessment for the site, and response time requirements. I note that the Warwickshire Fire and Rescue Service has formally raised no objection to the appeal proposal on consultation at the application stage.
29. The CPRE also made reference to the evolution of the WDLP and made reference to extraneous material including the Local Plan Inspector's Report. However, the appeal decision is to be made in accordance with the development plan itself, having regard to the words of the policies informed by the explanatory text. It is rarely appropriate to go behind the plan, which doesn't in any event move matters on here. As Mr Green explained in evidence, the position at the time of the WDLP Examination was as set out in ID CPRE2. Negotiations with the Champion School have been protracted, and there has been a significant amount of correspondence between the relevant parties. It is still the Appellant's desire to secure that access, but that is not an issue that can, or needs to be resolved as part of this appeal.
30. It is proposed to provide vehicular access to the development off the existing highway network via the Chesterton Gardens development to the north. The access point is proposed to be from Brimstone End. Brimstone End is some 6.7m wide with footways either side. The access design includes a crossing point with an existing east-west bridleway and is designed as a one-way priority for vehicles entering the site. In respect of the proposals to cross the bridleway, there is nothing unusual or difficult about that process. Public rights of way (PROW) are often incorporated into new development and this would still be the case if access were coming from Champion School and/or Brimstone End as anticipated. The Local Plan Inspector would have been aware of the bridleway when allocating the site and nothing has changed in that respect.
31. An independent Stage 1 Road Safety Audit (RSA) was undertaken of the proposal.²⁹ The audit highlighted minor issues regarding the priority arrangement and interaction between users of the bridleway and the site access and accordingly the access detail has been revised to respond to those recommendations. The final scheme, shown on plan reference 20376-01Rev E, is contained within the updated Transport Assessment.³⁰ The proposed access has been agreed as being acceptable and safe by the LHA.

²⁷ CD68 Cherkley Campaign Ltd v Mole Valley Dc [2014] EWCA Civ 567

²⁸ CD65 page 75 paragraph 6.7.3 third bullet

²⁹ CD76

³⁰ CD74

32. Throughout the course of the Inquiry the CPRE (Mrs Cooper) developed a case that the access to the site was unacceptable because of harm to equestrian activities. However, I cannot agree with her view for several reasons. First, the response from the PROW Officer raised no objections to the scheme.³¹ Secondly, the RSA made recommendations, having particular regard to equestrians,³² and found that the access would be safe. Thirdly, the bridleway leads to the wider road network in any event which Mrs Cooper expressed was a positive thing, so unless horse riders are simply going to go up and down the bridleway (which seems unlikely), they will encounter surfaced roads, and other road users at some point. Fourthly, equestrians use roads up and down the country daily. In my view, the access has been designed to accommodate a range of different users and there would be no adverse safety impacts.
33. It is noteworthy that as part of the appeal proposals, a traffic calming scheme together with a number of other highways related measures are proposed to mitigate the impacts of the proposed scheme. The detail of that calming scheme has been progressed through the second application/appeal process and would be secured by conditions. The scheme is to be secured by condition because that is the preferred mechanism as set out in national policy and guidance. CPRE has made a point about the unsuitability of the roads to accommodate development traffic as well as the existing traffic, and buses. However, the straightforward point is that there is nothing at all that is unacceptable or unusual about the local road network, and all the evidence (including personal injury collisions data) demonstrates that it is operating safely. Neither the roads, nor the footpath is narrow as alleged by CPRE.
34. Drawing all of these threads together, I consider that there are no policy or technical grounds as to why the access as submitted would be substandard, unattractive or unsafe and there is therefore no conflict with Policy TR1 of the WDLP. The NPPF advises 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.*"³³ In this case neither of these situations apply as has been confirmed by the LHA. In my view, the proposal would accord with all local and national transport planning policies. I conclude on the first issue that there is no reason to withhold permission on the grounds that the provision of a single vehicular access to the site would be detrimental to the safety of pedestrians, cyclists and drivers.

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

35. Policy BE3 of the WDLP states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users and occupiers of the development. The Council's second reason for refusal alleges that the provision of a single vehicular access to the new development from an existing substantial cul-de-sac would direct significant movements onto the existing development access which would lead to an unacceptable impact on

³¹ CD44

³² CD76

³³ NPPF paragraph 111

the amenity of local residents through increased noise and disturbance. The Council considers that the appeal proposal is contrary to Policy BE3. The CPRE, Local Councillors and interested persons submitted objections to the proposal as they consider it would cause noise pollution along the access route during the construction and occupation periods.

36. The NPPF requires that planning decisions should prevent unacceptable levels of noise pollution,³⁴ and that decisions should ensure that new development should mitigate and reduce to a minimum, potential adverse impacts resulting from noise, and avoid noise giving rise to significant adverse impacts on health and quality of life.³⁵
37. The Planning Practice Guidance (PPG) and the Noise Policy Statement for England (NPSE) refer to observed noise effect levels, including the Significant Observed Adverse Effect Level (SOAEL) above which significant adverse effects on health and quality of life occur, and the Lowest Observed Adverse Effect Level (LOAEL) above which adverse effects on health and quality of life can be detected. There are no defined numerical thresholds for LOAEL and SOAEL, and various guidance documents introduce different figures for different times of day, different locations and different noise sources, as well as scales of risk and impact depending on the change in noise over different periods.
38. It is important to note that the only expert evidence on noise submitted to the Inquiry was that provided by the Appellant's acoustic consultant Mr Metcalfe. With regard to the impact of noise on existing residents Mr Metcalfe has agreed with the Council's Environmental Health Officer (EHO), that the effects of the appeal proposals would sit between the LOAEL and the SOAEL. The most up-to-date acoustic evidence is set out in Mr Metcalfe's Noise and Vibration Assessment dated March 2021.³⁶ In my view, this is a robust and comprehensive assessment that thoroughly explores the proposed noise impacts around the site, and the wider road network having regard to the plethora of guidance summarised at Section 3 of the Assessment.
39. The CPRE does not agree with Mr Metcalfe's Assessment claiming that constant noise "spikes" from construction traffic and increases in local traffic noise as a result of the proposed development would be unacceptable. However, there is no law, policy or guidance that recommends noise is measured in the way the CPRE advocates. Moreover, as Mr Metcalfe explained the predicted change in road traffic noise using the L10, T noise level index³⁷ captures the noise which is exceeded for 10% of the time over the relevant period and can be considered to encompass 'spike' events from passing vehicles. In effect, the "spikes" have been taken into account.
40. Neither the policy nor the guidance defines a consistent numerical limit for noise or requires development to avoid all noise. The Noise Assessment provided by the Appellant's acoustic consultant sets out the thresholds adopted for the appeal site.³⁸ In my view these thresholds are entirely appropriate to assess the suitability of the site for this scheme, and they show that no unacceptable effects would be brought about by the scheme.

³⁴ NPPF paragraph 174

³⁵ NPPF paragraph 185

³⁶ CD78

³⁷ CD78 Table 5.6 and Table 5.8

³⁸ CD78 Page 17 Table 3.7

41. Sound and vibration surveys were undertaken to establish typical sound and vibration levels at the appeal site. Measurements were carried out at two positions: one on the western site boundary and the other on the north-eastern corner of the site. The noise survey results are summarised in Table 4.1 and 4.2 of the Assessment.³⁹ In order to assess site suitability, the measured noise levels were then compared against the criteria set out in Table 3.7 of the Assessment.⁴⁰
42. From the evidence submitted, in terms of the level of noise risk, I consider that overall, the appeal site is a medium risk. The eastern part of the site tends towards a low to medium risk with noise levels below the LOAEL during the day and in the lower range of values above LOAEL but below the SOAEL during the night. The western part of the site, close to the railway is considered to tend to be a medium to high risk, with noise levels in the upper range of values above LOAEL but below the SOAEL during the daytime, and above SOAEL but below the level at which an unacceptable effect occurs during the night-time. On this basis, I consider the site is suitable for residential use, subject to incorporation of appropriate mitigation.
43. With regard to off-site road traffic noise, I accept that the traffic associated with the development has the potential to lead to changes in road traffic noise levels on the local road network surrounding the site. Road traffic data for roads around the site was supplied by David Tucker Associates, the traffic consultant for the scheme. Three locations were considered: (i) Chesterton Drive and to the north and west; (ii) Withy Bank junction and (ii) Brimstone End. The predicted change in road traffic noise at these locations is set out at Tables 5.4, 5.6 and 5.8 of the Assessment.⁴¹
44. In the case of most locations assessed, it is noteworthy that the predicted noise increase would be below +3dB as a result of traffic associated with the proposed development. In my view, increases of up to +3dB would be classed as minor magnitudes of change in the short term and negligible change in the long term. That applies at Chesterton Drive north of St Fremund Way, Prospect Road, Sydenham Drive, Withy Bank and Emperor Boulevard. The exception to that is Brimstone End, where the absolute change could be as high as +9dB, which would be classed as a "moderate" magnitude of change in the long term by the Design Manual for Roads and Bridges, but which would still meet guideline values for internal noise levels most of the time. For periods where windows are open, the internal noise levels within 1 to 4 Brimstone End are likely to be just above the 40dB guidelines value for a 'reasonable' internal daytime noise climate within living rooms and bedrooms. In all cases, the noise levels are shown to be less than 45dB, which is the internal daytime guideline noise value for dining areas.⁴²
45. As Mr Metcalfe explained in evidence, the assessment is likely to be pessimistic, but in any event, the exceedances are relatively limited, and within the 3dB range (over the guideline value) which is regarded as the smallest change in noise that is perceptible in the long term.⁴³ Furthermore,

³⁹ CD78 Page 20

⁴⁰ CD78 Page 22

⁴¹ CD78 Pages 25-28

⁴² CD78 Table 5.9 It can be seen From Table 5.9 that when windows are closed, but vents are open, which is the normal method of complying with ADF and is likely to be the situation for large parts of the year, the internal noise levels are expected to meet all of the guideline values in BS8233:2014

⁴³ CD78 Table 3.4

as set out in BS8233, where development is considered necessary or desirable, which is relevant in this case as the proposed development forms part of a site allocated in the WDLP, the levels can be relaxed by up to 5dB.

46. The NPSE seeks to provide a clear description of desired outcomes from noise management of a particular situation. Where the predicted noise impacts lie somewhere between the LOAEL and SOAEL the aim is to mitigate adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise. Reasonable steps should be taken to mitigate and minimise the effects of that noise, but it does not mean that such adverse effects can never be acceptable, particularly where development is desirable. The guidelines should be applied with flexibility.
47. The mitigation that is proposed in this case involves traffic calming measures to reduce vehicles speeds, encouraging people to travel via sustainable modes of transport, and to provide high speed internet to support working from home. Each house with a dedicated parking space would be equipped with an external wall plug for charging electrical vehicles. The Appellant also offers additional measures to the affected occupiers of Brimstone End should they choose to accept them, which would assist in controlling noise ingress further.
48. It is not anticipated that there would be any issue in respect of night-time noise when general noise levels are lower and traffic movements considerably lower. I note that in the SoCG that it is agreed that an appropriate mitigation scheme can be secured for noise attenuation from the adjacent railway line by means of a suitably worded planning condition. Furthermore, with regard to the impact on existing residents, the Council has agreed that the site has been assessed in detail in the submitted Noise Assessment and that any adverse impact on residential amenity can be mitigated through a suite of mitigation measures. The Council's EHO has raised no technical objection to the scheme on the grounds of adverse impacts to residential amenity in terms of noise. No points have been taken about vibration which is also assessed in CD78. Overall, I consider that the proposed development is acceptable having regard to Policy BE3 of the WDLP and the NPPF.
49. Mrs White appeared at the Inquiry and provided evidence of a mobile phone application (ID White 1) showing noise from an inside room with a closed window of up to 89dB. The evidence is simply not credible, and no weight can be placed on it for a number of reasons, which Mr Metcalfe explained in evidence to the Inquiry.
50. For all of the above reasons I conclude that there is no reasonable basis to resist permission on the second main issue.

Planning Obligation

51. A Planning Obligation by Deed of Agreement under s106 of the Town and Country Planning Act was submitted at the Inquiry.⁴⁴ Paragraph 57 of the NPPF and Regulation 122 (2) of the Community Infrastructure Levy Regulations 2010 (CIL) (as amended) set out the tests that apply to planning obligations. Planning obligations must only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;

⁴⁴ ID APP6

- Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.
52. A CIL Compliance Statement⁴⁵ was submitted on behalf of Warwick District Council and it sets out the development plan policies which support the case that the proposed planning obligations meet the CIL tests. It also sets out the Supplementary Planning Documents (SPDs) which are relevant to the proposal planning obligations.⁴⁶ There is no need for me to repeat these policies here.
53. The s106 Agreement is between (1) AC Lloyd Homes Limited (2) Ann Richardson, Janet Stallard & Robert McGregor (3) Warwick District Council and (4) Warwickshire County Council. The proposed planning obligations within the s106 Agreement are as follows:
- Affordable Housing: The development will be required to provide affordable housing at 40% of the total on-site dwellings.
 - Air Quality Contribution: £67,405 will be required towards the provision of air quality equipment and/or provision of other assistance or support in respect of projects relating to air quality monitoring and management within Warwick District.
 - Artificial Pitch Contribution: £14,093 towards the provision of artificial sports pitches at Newbold Comyn, Leamington Spa.
 - Bus Stop Maintenance and Real Time Information Display Contribution: £11,500 for each of the two bus stops nearest to the development towards the upgrading and maintenance of the stops and the provision of real time information displays in order to encourage the use of public transport.
 - Cycleway Contribution: £200,000 towards off-site cycling network improvements between the development, the existing cycling network and Leamington Town Centre.
 - Education Contribution: Financial contribution calculated in accordance with the Education Authority's formula to provide school places, SEN support and facilities for pupils from the development.
 - GP Services Contribution: £43,947 towards the improvement and/or extension of the Croft Medical Centre in order to provide GP care for residents of the development.
 - Grass Pitch Contribution: £61,068 towards the improvement of grass pitches at Harbury Lane, St Nicholas Park, St Mary's Lands and Newbold Comyn as identified in the Council's Playing Pitch Strategy.
 - Highway Infrastructure Contribution: £645,000 towards mitigating the impact of the development on the existing highway network by implementing schemes identified in the Infrastructure Delivery Plan and traffic calming.

⁴⁵ ID LPA1

⁴⁶ Ibid

- Indoor Sports Contribution: £157,316 towards swimming and sports hall provision within Warwick District.
 - Open Space: Provision of open space for use by the residents of the development.
 - Libraries Contribution: £4,378 towards the improvement of library facilities.
 - Local Labour Agreement: An agreement between the Council and the Owner relating to the employment of local people and opportunities for local businesses.
 - Noise Mitigation: An obligation to offer and provide appropriate mitigation to the occupiers of 1-6 Brimstone End.
 - Police Contribution: £33,645 towards the recruitment and equipping of police staff, the provision of police vehicles and the provision of police office accommodation.
 - Road Safety Contribution: £50 per dwelling towards road safety initiatives within the development and the local community.
 - South Warwickshire NHS Foundation Trust Contribution: £194,396.07 towards the NHS Trust services.
 - Sustainable Travel Pack Contribution: £10 per dwelling towards information packs for the owners and occupiers of the dwellings to promote sustainable transport and road safety in the local area.
 - Sustainable Urban Drainage (SUDS): Provision of a sustainable urban drainage system to serve the development.
54. The tables in section 6 of the CIL Compliance Statement explain how the above planning obligations comply with the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended) and paragraph 57 of the NPPF.
55. The s106 Agreement also contains obligations to pay sums to both Warwick District Council and Warwickshire County Council in respect of the costs of monitoring. These sums will be calculated in accordance with the formulas as set out in the Agreement. The obligations are compliant with Regulation 122 of the CIL Regulations in that they are fair and reasonably related to the development in scale and kind and the sums to be paid do not exceed the costs of monitoring over the lifetime of the planning obligations that relate to the development.
56. In my view, all of the obligations in the s106 Agreement are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Therefore, they all meet the tests within Regulation 122 (2) of the CIL Regulations and should be taken into account in the decision. The development makes adequate provision for any additional infrastructure and services that are necessary, including affordable housing, arising from the development.

Other Matters

57. I have taken into account all other matters raised including the concerns raised by Matt Western MP, Local Councillors, representations made by interested persons including those who gave evidence at the Inquiry, the petition submitted on behalf of local residents and those who provided written submissions. I have also considered the representations submitted by the British Horse Society. I have already dealt with many of the points raised in the main issues.
58. Concerns about air quality impacts have been raised by the CPRE and local residents. In this regard an Air Quality Assessment was undertaken and submitted in support of the proposal.⁴⁷ The Assessment shows that the absolute concentrations of NO₂, PM₁₀ and PM_{2.5} are predicted to be below the relevant long-term and short-term Air Quality Standards at all existing local receptors. The proposed development would not have a significant impact on local air quality. Nevertheless, pollutant concentrations are predicted to increase at all identified receptors as a result of the proposed development. Type 1, 2 and 3 mitigation in accordance with the WDLP and the Council's SPD are secured by conditions and the s106 Agreement⁴⁸ and there are no objections from the EHO.⁴⁹ The appeal proposal satisfies the requirements of the Air Quality SPD and the Council's Air Quality Action Plan and Low Emissions Strategy Guidance as well as relevant WDLP policies.
59. The CPRE raised concerns about the ecological surveys and information provided with the appeal proposals. However, I note that the submitted ecology reports were considered by the County Ecologist who was satisfied with the submitted information and did not raise any objections to the proposals subject to various conditions.⁵⁰ In addition to the ecology reports, a Biodiversity Impact Assessment has been undertaken and submitted in support of the planning application. This shows that the development would result in a net increase in biodiversity. Given that the site would not affect any designated ecology sites, the habitats of greatest ecological value would be largely retained and enhanced through the provision of new landscaping and the development would result in net biodiversity gain, I consider that the proposals accord with Policy DS3, SC0 and NE3 of the WDLP and the NPPF.
60. Notwithstanding that there was no objection from the Environment Agency or the Lead Local Flood Authority (LLFA) to the appeal proposals,⁵¹ the CPRE raised concerns about the effect of the development on flooding. I note that a Flood Risk Assessment and Drainage Strategy⁵² was submitted in support of the proposals. The report has been informed by discussions with the LLFA. It shows that the proposed new homes are located entirely outside any areas considered at risk of flooding and that surface water drainage can be managed on site to ensure that the development would not increase the risk of flooding elsewhere. I consider that the proposals meet the requirements of Policies CC1, FW1 and FW2 of the WDLP and Policies W15, W16 and W17 of the WNP.

⁴⁷ See CD24

⁴⁸ See CD25 Emissions Mitigation Statement

⁴⁹ See CD35

⁵⁰ See CD38

⁵¹ See CD37

⁵² See CD17

61. The NPPF places a greater emphasis on creating high quality, beautiful and sustainable buildings and introduces further measures to improve design quality, including a new requirement for Councils to produce design codes or guides. Since this is an outline proposal the design quality would therefore form part of any subsequent reserved matters application. However, the proposal was accompanied by a comprehensive Landscape and Design Statement⁵³ which establishes the key development principles on design and layout. The appeal proposals satisfy the NPPF's emphasis on using trees in new developments and the requirement for new developments to integrate biodiversity as part of the design. Allotments, car parking, cycle storage, contamination, energy saving, external lighting, housing mix and landscaping are all matters which can be dealt with by means of planning conditions. There are no infrastructure or other impacts that cannot be mitigated by planning conditions or by the s106 Agreement.
62. The CPRE argues that the Human Rights of existing residents will be breached if the appeal is allowed. It is claimed that both Article 1 of the First Protocol and Article 8 of the European Convention on Human Rights incorporated within the Human Rights Act 1998 are engaged and offended by the proposals. Article 1 of the First Protocol prevents people from being deprived of their possessions except in the public interest. This qualified right is often referred to alongside Article 8 where a refusal of permission might lead to the loss of a home. The development proposals would not deprive any person of his or her possessions. Article 8 states that everyone has the right to respect for private and family life, home, and correspondence. Article 8 is potentially engaged where development gives rise to adverse impacts on amenity, but the right is not absolute, and is qualified in the following way:
- "There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."*
63. There is a balance to be struck between competing rights of the community, and an individual's amenity. That balance in this context is the planning balance, and if properly carried out, having regard to national and local policies, will ensure that the decision taker is acting compatibly with Convention rights.⁵⁴

Planning Balance

64. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan unless material planning considerations indicate otherwise. There are no outstanding technical issues between the Appellant and the Council. The proposed development represents a plan led development entirely in accordance with the development plan that would deliver the first phase of one of the WDLP's strategic housing allocations contributing to the delivery of the Council's five year housing land supply. There is no conflict with any of the relevant policies of the development plan which is up-to-date. Paragraph 11c of the NPPF provides that proposals which

⁵³ CD10

⁵⁴ See R (oao RLT Built Environment Limited) -v- The Cornwall Council [2016] EWHC 2817 (Admin)

accord with an up-to-date development plan should be approved without delay. I conclude that the appeal proposal is in overall accordance with the development plan and that there are no material considerations weighing against the proposal.

65. Furthermore, I have examined the benefits of the scheme and I have found that these would be significant. They cover all three dimensions of sustainable development. In terms of economic benefits, they include direct and indirect job creation through the building of the site and household expenditure of new residents that would support the local economy, and the local businesses in the surrounding area.⁵⁵ The social dimension of sustainability would be fulfilled not just by the provision of market housing, but also affordable housing, for which there is a clear need. There is a significant need for affordable housing which the CPRE accepted was "important" and a benefit of the scheme. The WDLP sets out that 374 affordable dwellings are required per annum⁵⁶ and the Council has not been delivering the levels of affordable housing need that are required. The AMR states that whilst delivery of affordable housing has steadily improved, low levels of delivery in the early years of the WDLP mean that cumulative delivery remains some way below the cumulative requirement.⁵⁷ The provision of up to 200 dwellings, including both market and 40% affordable housing is a clear benefit. The proposal would provide a mix of housing in terms of type and size of property catering for a variety of needs. Significant weight should be given to this benefit.
66. The appeal scheme would provide environmental benefits through proposed green infrastructure and planting. The habitats of greatest ecological value on site would be retained and enhanced, and there is potential for biodiversity improvements that are to be secured by planning conditions. The ecological information includes a Preliminary Ecological Appraisal, a Mammal Survey, Bat Report, Local Wildlife Site Impact Assessment, and a Biodiversity Impact Assessment.⁵⁸ The ecology information submitted indicates that the habitats of greatest ecological value would be largely retained and enhanced through the provision of new landscaping. The development would result in a net biodiversity gain and this can be achieved alongside an extension to the Local Nature Reserve, together with a lower risk of pollutants entering the Whitnash Brook.⁵⁹ The environmental benefits of the scheme attract moderate weight.
67. In conclusion, it is abundantly clear to me that there are only limited impacts to be weighed against a number of significant benefits – chief among them, but certainly not exclusively, is the provision of market and affordable housing. There are benefits in all three dimensions of sustainability, and the site is entirely suitable to accommodate residential development, in principle and of this scale. There is no reason to withhold planning permission in this case and I conclude that the appeal should be allowed.

⁵⁵ NPPF paragraph 81

⁵⁶ CD56 paragraph 4.16

⁵⁷ CD56 paragraph 4.19

⁵⁸ CD12-CD16

⁵⁹ CD12 paragraph 3.1

Planning Conditions

68. The Council submitted a list of conditions.⁶⁰ The Appellant has agreed to all of the suggested conditions. I have considered these in the light of the advice in paragraphs 55 and 56 of the NPPF and the Government's PPG on the Use of Planning Conditions. Conditions 1, 2 and 3 refer to the submission of reserved matters and to required time limits. Conditions 4 and 5 are necessary to determine the scope of the application and for the avoidance of doubt. **Condition 6 is required to ensure that the development is developed in a comprehensive manner.** Conditions 7 and 9 are necessary to ensure that protected species and important habits are not harmed by the development. Conditions 8 and 10 are necessary to protect, enhance and/or restore habitat biodiversity. Condition 11 is required to safeguard health, safety and the environment in the event that contamination is found.
69. Condition 12 is necessary to ensure that the development is not unneighbourly. Condition 13 is required in the interests of highway safety and to protect the occupants of nearby residential properties from noise disturbance. Condition 14 is necessary to ensure high standards of sustainable design and construction. Condition 15 is required to ensure that a satisfactory means of drainage is provided, and Condition 16 is required to prevent the increased risk of flooding. Condition 17 is necessary to ensure the future maintenance of the sustainable drainage structures. Condition 18 is necessary to protect trees and other features during construction. Condition 19 is necessary to protect the appearance of the area, the environment and wildlife from light pollution. Conditions 20, 21 and 29 are required in the interests of visual amenity.
70. Condition 22 is necessary in the interests of fire safety and protection of public safety. Conditions 23 and 24 are necessary to ensure a satisfactory appearance of the development. Condition 25 is necessary to ensure that the housing meets the needs of the District. Condition 26 is necessary to ensure the creation of well-designed and sustainable dwellings. Condition 27 is necessary to ensure the balance of sustainable communities. Condition 28 is necessary to ensure adequate infrastructure is provided and in the interests of sustainable development. Conditions 30 and 31 are necessary in the interests of highway safety. Condition 32 is necessary in the interests of supporting sustainable modes of travel. Condition 33 is necessary in the interests of securing safe and secure car parking. Condition 34 is necessary to ensure appropriate mitigation against air quality impacts and protect the health and wellbeing of people in the area. Condition 35 is necessary to protect residents of the development from the adverse effects of noise.

Overall conclusion

71. Having considered these and all other matters raised I find nothing of sufficient materiality to lead me to a different conclusion. The appeal is therefore allowed subject to the conditions set out in the attached Schedule.

Harold Stephens

INSPECTOR

⁶⁰ INQ LPA2

SCHEDULE OF PLANNING CONDITIONS (1-35)

Reserved Matters

- 1) 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.

Submission of Reserved Matters Timescale

- 2) 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.

Commencement of Development

- 3) 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.

Approved Plans

- 4) The development hereby approved shall be carried out in accordance with the details shown on the following plans:
 - Location Plan AAH5485/18 Rev. A
 - Land Use Parameters Plan Phase 1 AAH5485-14 Rev. B
 - Access Drawing 20376-01 Rev E.

Illustrative Plans

- 5) The development hereby approved shall be carried out in general accordance with the details shown on the additional plans and documents:
 - Illustrative Masterplan Phase 1 AAH5485/13 Rev. B
 - Illustrative Parameters Plan Phase 1 and 2 AAH5485/17 Rev. B
 - Layout and Design Statement Rev B – RPS April 2020

Infrastructure Phasing Plan

- 6) 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.

Construction Environmental Management Plan (CEMP)

- 7) 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.

Landscape and Ecological Management Plan (LEMP)

- 8) 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.

Protected Species Contingency and Local Wildlife Site Protection

- 9) Prior to the submission of reserved matters, a scheme for the protection of the Local Wildlife Site shall be submitted to and approved in writing by the Local Planning Authority. The Local Wildlife Protection scheme shall include:
- Adequate measures to protect existing trees, scrub and ground flora of the adjacent Local Wildlife Sites during development.
 - Details of an appropriate barrier(s), such as a wire fence, to be erected before works start.

This area should include a sufficient buffer zone between the development/associated works and the boundary of the Local Wildlife Site. Thereafter, the approved protection scheme shall be implemented in full prior to any construction works on site and shall remain for the duration of the development.

Biodiversity Net Gain

- 10) 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.

Contamination not Previously Discovered

- 11) 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.

Construction Management Plan

- 12) No development shall commence on site until a Construction Method Statement, which shall include the following:

(a) the parking of vehicles of site operatives and visitors;

(b) loading and unloading of plant and materials;

(c) storage of plant and materials used in constructing the development;

(d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

(e) wheel washing facilities;

(f) measures to control the emission of dust and dirt during construction;

(g) a scheme for recycling/disposing of waste resulting from demolition and construction works;

(h) details of measures for the control of noise during construction works;

has been submitted to, and approved in writing by, the Local Planning Authority. 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.

Construction hours

- 13) 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.

Energy Statement

- 14) Prior to the commencement of each phase of development, an Energy Statement demonstrating how the development within that phase will achieve at least a 40% reduction in carbon emissions compared with code L 2013 Building Regulations, and details of how this will be monitored, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Site Wide Drainage Strategy

- 15) No development shall take place until a detailed surface water drainage scheme for the site, based on the principles contained within Flood Risk Assessment and Drainage Strategy revision B dated July 2020 by A.C. Lloyd, and based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall include the following information:
- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753 through the submission of plans and cross sections of all SuDS features.
 - Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rainstorm to the Q Bar Greenfield runoff rate of 28.5 l/s.
 - Demonstrate the provisions of surface water run-off attenuation storage are provided in accordance with the requirements specified in 'Science Report SC030219 Rainfall Runoff Management for Developments'.
 - Demonstrate detailed design (plans, network details and calculations) of the surface water drainage scheme including details of all attenuation and outfall arrangements. Calculations should demonstrate the performance of the designed system for the critical storm duration for at least the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods. The calculations should be supported by a plan of the drainage network with all manholes and pipes labelled accordingly.
 - Provide plans and details showing the allowance for exceedance flow and overland flow routing. Water must not be directed toward properties nor flow onto third party land. Overland flow routing should look to reduce the impact of an exceedance event. Thereafter, each reserved matters phase submitted shall include a compliance statement together with appropriate detailed methodology to demonstrate that the drainage for that phase is in accordance with the overarching drainage strategy for the site.

Hydrological Model of Whitnash Brook

- 16) No development shall take place until a hydrological/hydraulic model of the Whitnash Brook adjacent to the development, and an independent review of this model, has been undertaken. The findings of the model and review should

be submitted to the Local Planning Authority and LLFA for approval to provide the appropriate level of confidence that the proposed attenuation basins will be located outside of the 1 in 1,000 year return period fluvial flood extent.

Drainage Maintenance Plan

- 17) No occupation and subsequent use of the development shall take place until a detailed maintenance plan, written in accordance with CIRIA C753, is implemented and provided to the Local Planning Authority giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details, shall be provided to the Local Planning Authority and LLFA within the maintenance plan.

Tree Protection Scheme

- 18) 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.

Details of External Lighting

- 19) Prior to its installation, a detailed lighting scheme (including street and pathway lighting) for each phase, including a programme for its delivery, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme. The scheme 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 the approved details.

Sample Materials

- 20) 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.

Site Levels/Finished Floor Levels

- 21) 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.

Provision of Hydrants

- 22) 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.

Landscape Replacement Planting

- 23) The landscaping approved under Condition 1, shall be completed in all respects for that phase of development within the first planting season following the first use of the dwellings within that phase. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the Local Planning Authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in strict accordance with British 9 Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations.

Retention of Existing Trees/Hedges

- 24) 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).

Housing Mix

- 25) 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%

Water Efficiency

- 26) 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.

Removal of Permitted Development Rights C3 to C4

- 27) 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.

Provision of Allotments

- 28) 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.

Boundary Treatment

- 29) 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.

Site Access

- 30) Prior to first occupation of the first dwelling in the development, the site access shall be delivered in general accordance with drawing 20376-01 Rev E.

Traffic Management Scheme

- 31) Prior to first occupation of the first dwelling in the development, the proposed Traffic Management Scheme shall be delivered in general accordance with drawing 20376-02A.

Cycle Parking

- 32) 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.

Car Parking Plans

- 33) 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.

Type 1 and 2 Air Quality Mitigation Measures

- 34) 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.

Railway Noise Mitigation Measures

- 35) As part of the submission of any reserved matters relating to the layout of the dwellings adjacent to the railway line hereby permitted, a detailed scheme for the proposed means of noise attenuation from the adjacent railway line shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail. The scheme should ensure that proposed measures whilst acoustically effective are designed to minimise visual impacts and impacts upon ecological features and trees. The scheme shall be implemented in accordance with the approved details prior to the first occupation of any dwelling and shall be retained thereafter in perpetuity and any approved mitigation measures shall be implemented in accordance with the approved programme.

APPEARANCES

FOR THE APPELLANT:

Ms Thea Osmund-Smith of Counsel	Instructed by A. C. Lloyd (Homes) Ltd
<i>She called</i>	
Mr Keith Metcalfe BSc (Hons) MIOA	Director and Acoustic Consultant Sharps Redmore
Mr Dave Neale FIHE	Associate of DTA Transportation Ltd,
Mr David Green BSc (Hons) MRICS MRTPI	Director of Delta Planning

FOR THE LOCAL PLANNING AUTHORITY:

*Mrs Caroline Gutteridge LLB	Senior Solicitor, Warwick Legal Services
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** Participating in the Planning Obligation and Planning Conditions sessions only*

FOR THE RULE 6 PARTY: CPRE Warwickshire

Mrs S Cooper	Volunteer and Committee Member
Mr M Sullivan MRTPI CMILT	Technical Secretary

Interested Persons

Mr Matt Western MP	MP for Warwick and Leamington
Councillor Will Roberts	County and District Councillor
Councillor Terry Morris	Town and District Councillor
Councillor Neale Murphy	Town and District Councillor
Ms Dawn Cowgill	Local Resident
Ms Elaine Duffy	Local Resident
Captain Kenneth Thomas	Local Resident
Mrs Elizabeth White	Local Resident

DOCUMENTS SUBMITTED AT THE INQUIRY:

Appellant Documents

ID APP1 Opening Statement
ID APP2 Email from Dave Pilcher to Dave Neale dated 17 July 2020
ID APP3 Closing Submissions
ID APP4 Appellant's Costs Application
ID APP5 Appellant's Reply to WDC Costs Response
ID APP6 Executed Section 106 Agreement dated 22 July 2021
ID APP7 Comments on the Revised NPPF dated 30 July 2021

Local Planning Authority Documents

ID LPA1 CIL Compliance Statement
ID LPA2 Costs Application Response
ID LPA3 Conditions

R6 Party Documents

ID CPRE1 Opening Statement
ID CPRE2 Examination Hearing Statement by Framptons Planning Ltd
ID CPRE3 Email from Heather Timms dated 17 June 2020
ID CPRE4 Planning Committee Report dated 16 July 2019 re application W 19/0691
ID CPRE5 Closing Submissions

Interested Persons Documents

IP1 Statement by Mr Matt Western MP
IP2 Statement by Councillor Will Roberts
IP3 Statement by Councillor Terry Morris
IP4 Statement by Councillor Neale Murphy
IP5 Statement by Ms Dawn Cowgill
IP6 Statement by Ms Elaine Duffy
IP7 Statement by Captain Kenneth Thomas
IP8 Statement by Mrs Elizabeth White and
ID White 1 Sound Meter Readings



Appeal Decision

Hearing held on 27 November 2024

Site visit made on 28 November 2024

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2025

Appeal Ref: APP/T3725/W/24/3347138

Land south of Chesterton Gardens, Sydenham, Leamington Spa

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by AC Lloyd against Warwick District Council.
 - The application Ref is W/23/1746.
 - The development proposed is outline planning application for a residential development of up to 190 dwellings with associated access, landscaping and public open space.
-

Decision

1. The appeal is allowed and planning permission is granted for outline planning application for a residential development of up to 190 dwellings with associated access, landscaping and public open space at land south of Chesterton Gardens, Sydenham, Leamington Spa in accordance with the terms of the application, Ref W/23/1746, subject to the conditions in the attached schedule.

Preliminary Matters

2. The planning application was submitted in outline with all matters reserved except for access. It was considered by Warwick District Council's planning committee on 16 April 2024 where it was resolved to approve the application subject to the satisfactory completion of a planning obligation and further work demonstrating compliance with the then emerging Net Zero Carbon Development Plan Document. On 30 May 2024, a direction under Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 was issued, directing the Council to not grant permission.
3. An appeal against non-determination was submitted to the Planning Inspectorate on 27 June 2024. There is no reason that an appeal against the failure to give notice within the prescribed period of a decision on an application cannot be submitted while an application is subject to a direction under Article 31. I am therefore satisfied that I can proceed to determine this appeal.
4. The Council screened the proposed development under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Notwithstanding, the appeal was screened of the Secretary of State's own volition which also concluded that the development was not EIA development.

5. A draft planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) was submitted prior to the Hearing. At the Hearing, the appellant advised it would be necessary to make some amendments to that obligation. I agreed that an amended and completed version could be submitted after the close of the Hearing. A completed planning obligation by deed of agreement, dated 6 December 2024, was subsequently submitted. It was signed by the appellant, the Council and Warwickshire County Council who also participated at the Hearing. I will return to this in due course.
6. I was made aware that the pre-Hearing note, which offered the opportunity for all parties to respond on limited issues, was not circulated to the interested parties until the day before the deadline for responses. However, in this note, it was clear that further comments would be accepted at the Hearing. All parties were provided with the opportunity to make comments at the Hearing and I am satisfied that there has not been prejudice to any party in respect of this matter. Any concerns interested parties may have with respect to the wider conduct of the Council are not within the remit of the appeal process and are not material to my assessment of the proposed development on its planning merits.
7. On 12 December 2024, a revised National Planning Policy Framework (the Framework) was published. I have sought further views from the parties on this and have taken those comments into account in reaching my decision. I will refer to the updated paragraph numbers.

Main Issues

8. The Council and the appellant agreed a final Statement of Common Ground (SoCG) in November 2024. This confirmed that there were no areas of disagreement between them. Having had regard to the written evidence before me and the representations made to both the application and the appeal, I consider the main issues to be whether:
 - the proposed development would be in accordance with the policies of the Net Zero Carbon Development Plan Document;
 - the proposed development would provide a safe and suitable access and have an acceptable effect on the operation of the highway network;
 - the proposed development would have an acceptable effect on the living conditions of existing and future occupiers with respect to noise and disturbance; and
 - the contributions sought with respect to affordable housing, first homes, open space, drainage, employment, healthcare, outdoor sports, indoor sports, grass pitches, air quality, education, highways, libraries, public rights of way, and bus stops, are reasonable and necessary to make the development acceptable.

Reasons

9. Section 39(2) of the Planning and Compulsory Purchase Act 2004 (as amended) requires the development plan to be prepared with the objective of contributing to the achievement of sustainable development. Warwick District Local Plan 2011-2019 (September 2017) (LP) Policy DS2 commits to providing

housing to meet the objectively assessed housing need for the district and for unmet housing need outside the district where this has been agreed. There is no substantive evidence before me of any oversupply, and in any event national policy is to boost significantly the supply of housing. LP Policy DS11 allocates sites for housing development. The supporting text confirms that sites were allocated following a process of appraisal against a range of criteria.

10. The appeal site forms part of the wider H03 allocation which has an identified capacity for 500 dwellings. The policy does not identify any other infrastructure requirements or uses to be provided, which it does for other allocations. The supporting text does indicate that there should be an ecology and landscape corridor adjacent to Whitenash Brook and that access could be provided following a partial rebuild and extension of Campion School. However, this is not a requirement of the policy.
11. Whitenash Neighbourhood Plan (NP) was made in January 2016. NP Policy W 6 protects a Wildlife Buffer along Whitenash Brook from inappropriate development. It sets out a number of enhancements to be sought within this land.
12. There is a history of applications and appeals on the site, and I have taken these into account where material to my decision. Outline planning permission on the site was granted on appeal¹ for up to 200 dwellings. It was confirmed in the SoCG that an application for reserved matters² pursuant to that outline for 185 dwellings has been approved by the Council. The Council is satisfied that this represents a realistic fallback position. Having regard to the tests set out in Gambone³, I have no reason to reach a different conclusion.

Net Zero Carbon Development Plan Document (NZCDPD)

13. LP Policies CC1, CC2 and CC3, along with NP Policy W 14 require development to have regard to climate change and optimise energy and resource efficiency through siting, design and layout. The Council declared a climate emergency on 27 June 2019 and subsequently identified that planning decisions had an important influence in tackling climate change. The NZCDPD was not adopted at the time the planning committee considered the application however it was at a very advanced stage. The Council confirmed at the Hearing it was in receipt of the Inspector's report at that time and had updated Members accordingly. It would have been a matter for the decision makers how much weight to attach to the NZCDPD at that time.
14. In any event, the NZCDPD was adopted on 15 May 2024 and now forms part of the development plan for Warwick District. Its policies set out how to achieve net zero carbon development (NZC1), targets for making buildings energy efficient (Policy NZC2(A)), the use of zero or low carbon energy sources (Policy NZC2(B)) and carbon offsetting (Policy NZC2(C)). It also requires consideration to be given to the embodied carbon in materials (Policy NZC3)). As a large, major development, the policies of the NZCDPD clearly apply to this proposal.

¹ APP/T3725/W/21/3270663 allowed 12 August 2021

² W/23/1766 allowed 31 October 2024

³ Gambone v Secretary of State for Communities and Local Government & Wolverhampton City Council [2014] EWHC 952 (Admin)

15. An Energy and Sustainability Statement was submitted with the application which had regard to the then emerging NZCDPD. It assessed which types of low and zero carbon energy sources would be suitable within this type of development and that a level of carbon reduction could be achieved which would exceed that set out in NZCDPD Policy NZC1. It also demonstrated that an improvement in excess of the target set in NZCDPD Policy NZC2(A) could be achieved.
16. However, given the outline nature of the proposal and the detailed nature of the policies, compliance can only be fully assessed at the reserved matters stage. It would be necessary for such measures to be secured by condition as they go beyond what is identified as falling within the definition of appearance and layout in the Town and Country Planning (Development Management Procedure) (England) Order 2015. I will return to the detail of the conditions.
17. I am therefore satisfied that the proposal could be delivered in a manner which would be in accordance with the policies of NZCDPD and would therefore comply with Policies NZC1, NZC2(A) NZC2(B), NZC2(C) and Policy NZC3. It would also be in accordance with NP Policy W 14.

Highway Safety

18. The application was accompanied by a Transport Assessment (TA) which assessed the effects of a 200 dwelling development utilising a single access via Brimstone End. It was based on the TA submitted with the previous outline permission, with relevant updates. The comments of the local highway authority (LHA) also referred to the use of a more recent model. I have no reason to reach a different conclusion with respect to the estimated traffic levels that would be generated by the proposed development.
19. The proposed access would cross a bridleway. As noted in the previous appeal, this is not an uncommon access arrangement. Vehicles can use the bridleway which serves a small number of properties beyond the site. The access would be single width where it would cross the bridleway, with priority given to vehicles entering the site. Bollards would be installed to limit the potential for vehicles to turn onto the bridleway from the access. Concerns were raised about the maintenance of these bollards, but this matter could be addressed through the relevant highway legislation. The existing width of the bridleway would be maintained as the bollards would not be placed within it.
20. The Road Safety Audit included within the TA identified concerns with respect to the crossing of the bridleway. While one recommendation was not accepted due to the existing width of the bridleway, the others have either been addressed in the access plan before me or will be addressed during the detailed highways design stage. Passing places are to be provided along the bridleway either side of the access which would reduce the potential for conflict.
21. Other access points to the site include a pedestrian and cycle access onto the bridleway, and the provision of an emergency access. As in the previous appeal, full details of these can be secured through the reserved matters.
22. Access to the bridleway is provided via Church Lane and a bridge over the railway line. This serves a small number of existing properties beyond the appeal site. It is single width but it was stated at the Hearing that large

vehicles do use the route to access those properties it serves. There are other controls to restrict which vehicles can use this, and enforcement of those controls would be for those regimes. There are no restrictions preventing people from being dropped off on Church Lane and then using the bridleway to access other development. Vehicles cannot access the existing Chesterton Gardens housing development from the bridleway and it is not proposed for this to change. Concerns regarding street naming affecting use were also raised however this is a matter not within the control of the planning system.

23. The access works will involve the loss of some of the boundary hedge around the site, however this loss would be a foreseeable consequence of the site being allocated. There is no objection to the proposal from the rights of way officer subject to suitable surfacing of the bridleway for equestrians and the provision of suitable landscaping. These matters would be addressed at the relevant highways approval or the reserved matters stage of the development. Any works which would involve the closure of or works to the bridleway would require separate consents, irrespective of the grant of planning permission. The bridleway does lead to the wider highway network, and it is reasonable to expect riders to be sufficiently experienced and to ride horses which can respond to the typical conditions of their route which would include some car use. There is reference in the evidence before me to the bridleway being used by dog walkers, which is consistent with my observations at my site visit. While there would be the potential for more dog walking along this route were the site to be developed, or dogs getting loose, there is no substantive evidence before me this would create an unacceptable hazard to horse riders beyond those to be expected when riding in proximity to a built up area.
24. The TA concluded that the junctions at Chesterton Drive/ St Fremund Way and Chesterton Drive/ Sydenham Drive would continue to operate well within their designed capacity including in the AM and PM peak times. This is not disputed by the LHA. While concerns were cited by interested parties as to the assessment of the Chesterton Drive/ St Fremund Way as a T junction, there is no substantive evidence before me to indicate that a different approach should have been taken. Concerns about the operation of the junction were also raised, including difficulties buses have in turning and drivers failing to observe the give way. However, the junction is typical of that found in residential areas. It is not uncommon for large vehicles such as buses to have to turn using the opposite carriageway. The junction would not pose any undue difficulties to drivers exercising due care and attention.
25. A number of accidents have been brought to my attention particularly those affecting 61 St Fremund Way. At my site visit, I observed the bollards and railings erected along Chesterton Drive. However, while upsetting for those involved, there is no substantive evidence before me suggesting that traffic volume or that the additional traffic generated by the proposed development would be the cause of accidents. The effects of construction traffic would be limited to the lifetime of the development process and could be partially mitigated by restricting delivery times to the site. This could be secured by condition.
26. The TA also identified that traffic speeds of 20mph help to support the opportunity for on-carriageway cycling. At the Hearing, concerns from people who cycle on the surrounding road network about the behaviour of drivers and the effects of large vehicles such as construction traffic were set out. It was

also suggested that there are episodes of drivers speeding round the estate roads. While the TA acknowledges that the road network is designed to encourage driving at lower speeds, it also sets out a proposed traffic calming scheme for part of St Fremund Way. The walking route I took at my site visit utilised Moncrieff Drive, which would allow pedestrians and cyclists to use a route which would not be supporting through traffic.

27. There are existing services and facilities on Chesterton Drive and Calder Walk with the Asda Superstore, Sydenham Community Centre, the Shire Grill, Croft Medical Centre and Sydenham Primary School. The walking route took me past Calder Walk where the Croft Medical Centre and Sydenham Primary School are located. The school is identified as being just beyond the 1200m walking isochrone. Campion School is shown as being closer via the footway that leads from the bridleway, however at my site visit, it was unlit and quite overgrown. At this time, it would not appear to form a route that would be attractive. The TA sets out that Sydenham Primary would be within the distance where 80% of pupils are more likely to walk to school than be driven. While this was challenged, my attention has not been drawn to any specific recommendations with respect to walking distances. While it may be challenging for younger children at the school to walk that distance, from my observations at my site visit, walking to these facilities would be a reasonable option for many people from the appeal site.
28. There would also be options for people to access services in Whitenash via the bridleway and railway bridge. While this may be less attractive during inclement weather and in hours of darkness, at other times it would be a pleasant walking route.
29. The LHA identified increased delays on the wider highway network, with journey time and queue length increases. The Infrastructure Delivery Plan (IDP) identifies projects which would contribute to tackling those delays and the Council have set out that a proportionate contribution would be sought towards those projects.
30. The local bus operator has made clear they would not extend the existing service that serves St Fremund Way into this site. However, their reservations regarding the site were made clear during the preparation of the LP, and the site was allocated nonetheless. The existing bus stop on St Fremund Way is not an insurmountable walking distance from the site and a contribution towards its enhancement and maintenance is proposed via the planning obligation.
31. The planning obligation would also require at least three bus stops within the site, the position of which would be secured at the reserved matters stage. While this would not guarantee the provision of a bus service, it would ensure that the necessary infrastructure would be in place were one to be provided. Although the representation from Stagecoach refers to the need for an expansion of the bus service to be funded, at this stage there is not sufficient certainty of this so as to require such funding to be secured on this permission. Interested parties raised concerns as to what would happen if the bus service is not extended to serve the site. While this would be unfortunate, it would not justify failing to make provision for a service which may occur. I will return to the matters to be secured by the planning obligation.

32. There is no substantive evidence before me that on-street parking is causing particular issues with the operation of the highway network. Were that to be the case, it is a matter that could be addressed by the LHA. It may be that cars are generally larger than in the past, but the layout of the road network is such that there is no reason it will not continue to operate acceptably. Pavements are of sufficient width that pedestrians can walk with ease. It is not unusual for minor roads not to be gritted. Adoption of roads by the LHA would not affect my assessment of the proposed development.
33. It was set out that a previous appeal decision said there should be no further development using St Fremund Way as an access. However, it was confirmed at the Hearing that this decision related to a different site to that before me and there is no evidence of any binding mechanism to prevent further development. Furthermore, there is the 2021 permission with an extant reserved matters approval which is specific to this site.
34. I therefore conclude that the proposed development would provide a safe and suitable access and have an acceptable effect on the operation of the highway network. It would therefore be in accordance with LP Policy TR1 which requires proposals to provide safe, suitable and attractive access routes, not be detrimental to highway safety and consider the needs of public transport.

Living Conditions

35. The noise and vibration assessment submitted with the proposal identified the potential for there to be adverse effects on the living conditions of future residents were development to be located in proximity to the railway line. In particular, four potential properties were identified. Mitigation measures were set out which could address this and that overheating would be taken into account through this. It also confirmed that a scheme was approved to discharge the relevant condition in relation to the outline and extant reserved matters. There is no reason that suitable living conditions for future occupiers of the site could not be achieved.
36. Interested parties raised concerns regarding the effect of noise and disturbance from the increase in traffic having an adverse effect on the living conditions of existing residents. It was identified in the previous appeal that there would be adverse noise effects to a limited number of properties arising from the proposal. Mitigation works were required as part of the extant permission. The Council confirmed at the Hearing those works had been carried out. The noise assessment demonstrates that there would not be adverse effects from noise arising to other properties as a result of the proposed development. In the absence of substantive evidence to demonstrate otherwise, I have no reason to find differently in this regard.
37. Residents made reference to an 'amphitheatre' effect experienced by occupiers living around the open space on St Fremund Way. There is no substantiated evidence of this effect, or any explanation as to how the noise generated by the additional vehicle movements would exacerbate any effect. In any event, other legislation exists to address noise issues. A suitable condition can provide controls to mitigate the effect of the development process on the living conditions of surrounding occupiers.

38. Other, detailed considerations of the effect of the development on the living conditions of neighbouring occupiers would be considered at the reserved matters stage by the Council in the first instance.
39. The proposal would therefore have an acceptable effect on the living conditions of existing and future occupiers with respect to noise and disturbance. It would therefore be in accordance with LP Policy BE3 which requires development to provide an acceptable standard of amenity for future occupiers and not have an unacceptable adverse impact on the amenity of nearby residents.

Whether the contributions sought are reasonable and necessary

40. A completed planning obligation by deed of agreement was submitted after the close of the Hearing. Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (CIL Regulations) and paragraph 58 of the Framework set out three tests that planning obligations must meet.
41. LP Policy DM1 confirms that appropriate infrastructure contributions will be sought, and further guidance on this is set out in the Developer Contributions Supplementary Planning Document (DCSPD). The Council provided a comprehensive CIL Compliance Statement which sets out supporting policies of the development plan and, where appropriate, supplementary planning documents, that set out the context in which the provisions were sought.
42. Affordable Housing and First Homes: The obligation requires 40% affordable housing which is compliant with LP Policy H2 and the advice in the Affordable Housing Supplementary Planning Document and the DCSPD. As drafted, the obligation allows the tenure mix to be negotiated. In light of the advice at footnotes 31 and 90 of the Framework regarding First Homes, I am satisfied this is a reasonable approach and would not allow for re-negotiation of the overall contribution.
43. There is no merit to the argument that because the numerical need for affordable housing is high, the numerical contribution of this proposal would be so limited that it would not be a benefit of the proposal. The location of the affordable housing would be determined at the reserved matters stage and so is beyond the scope of this permission.
44. Highways: It is necessary to secure an off-site contribution to mitigate effects on the wider highway network as a result of the proposed development. This would be a proportional contribution towards a wider scheme.
45. Open Space: LP Policy HS4 confirms that contributions will be necessary to provide, improve and maintain appropriate open space and recreation facilities. NP Policy W 6 seeks to protect a buffer strip along Whitnash Brook from inappropriate development. The proposed parameters plan secures the provision of this strip as open space.
46. As the proposal is in outline other than access, the precise details of the open space would fall to be considered as part of the reserved matters. However, as the principle of development is established through the outline, it is reasonable for the future arrangements for the management of that land to be secured.
47. Healthcare: LP Policy HS6 seeks to create healthy communities and the DCSPD confirms that both primary and secondary health care contributions

will be sought. The representations from each body, along with the Council's CIL compliance statement set out the rationale for the contributions.

48. Concern was raised regarding where the contributions for medical facilities would be spent. The CIL Compliance Statement sets out how it is intended to spend the contributions, and this would be reported in due course through the Infrastructure Funding Statement.
49. Drainage: LP Policy FW2 requires development to incorporate sustainable urban drainage systems, with further detail on the implementation of this provided by the Public Open Space Supplementary Planning Document. The obligation would secure the design, long term management and maintenance of this.
50. Sports Facilities: LP Policy HS4 seeks improvements to sport and recreation facilities. The DCSPD expands on this, informed by a number of relevant evidence base studies. The Sports Development Officer has highlighted locations where these contributions could be spent, given the available evidence on travel distance to use such facilities and their distribution throughout the district which addresses concerns on this matter raised at the Hearing.
51. Air Quality: LP Policies TR1, TR2 and NE5 all require development proposals to have regard to their effect on air quality, with detailed advice provided in the Air Quality and Planning Supplementary Planning Document. Development of this scale would require appropriate Stage 3 mitigation.
52. Education: The education authority identified the level of demand that would be generated by the proposal and the equivalent financial contribution to meet this demand. The county council explained at the Hearing their approach to spending education contributions, elaborating on the response set out in the CIL compliance statement.
53. Library Contribution: A financial contribution is necessary for the improvement of the library service in response to the demand generated by the proposal.
54. Public Rights of Way: The proposal would increase the usage of public rights of way in the area. A contribution towards their maintenance is necessary which would be spent on routes that at least partially lie within 1.5 miles of the site.
55. Local Employment Strategy: A local employment strategy is required to ensure that local people benefit from the economic opportunities presented by development and minimising the need to travel.
56. Bus Stops: As set out above, the obligation makes provision for improvements to an existing bus stop, the delivery of bus stops within the site and contributions towards future maintenance within the site to ensure that there is appropriate provision in place.
57. Regulation 122 of the CIL Regulations allows for a contribution to be secured towards the costs of monitoring and reporting provided the sum to be paid fairly and reasonably relates in scale and kind to the development and does not exceed the authority's estimate of its cost of monitoring the development. I have no reason to conclude that the monitoring contribution secured through the planning obligation for both the Council and County Council would not comply with these tests.

58. The obligation provides for indexation, and for both the Council and County Council to repay the contributions if they are not spent within seven or ten years respectively for single payment contributions or seven years of the first payment of instalment payments. Given the trigger dates for payments and that financial contributions are required to meet the demands generated by the development, I consider this is a reasonable time in which to require the sums to be spent.
59. I conclude that all contributions secured through the planning obligation would be reasonable and necessary to make the development acceptable. They would be directly related to the development and would be fairly and reasonably related in scale and kind to the development. The planning obligation therefore complies with the statutory tests.

Other Matters

60. Any loss of playing fields at Campion School were access to be provided through it to the remainder of the allocation would be a consideration for that proposal. While the interests of good planning will require suitable access through this site to the remainder of the allocation, this can be adequately addressed at the reserved matters stage.
61. The site has been subject to a geophysical survey and trial trenching, the results of which were submitted with the appeal. These recovered limited finds, and did not include any evidence of a holy well. The Council's archaeological consultant is satisfied with these findings and does not require any further conditions in relation to archaeology. I am satisfied that appropriate investigations have been carried out and no further work is necessary.
62. I have been referred to documents which appear to be extracts from documents and representations made during the preparation of the LP. These would have been taken into account in the examination into the LP and it is not for this appeal to re-run those arguments. Furthermore, the supporting text to the LP identifies factors that were taken into account when determining which sites should be allocated.
63. The area shown to be protected by NP Policy W 6 falls within the area identified as open space in the parameters plan. As layout is a reserved matter, this, and the enhancements it seeks, would be considered in detail at a later stage. The need for the development to be brought forward in general accordance with the indicative layout plan can be secured by condition.
64. The proposal was accompanied by a Non-EIA Landscape & Visual Impact Appraisal which accepted that there would be a number of adverse effects, including major adverse effects at year 15. However, the allocation of the site included consideration of a landscape character assessment so the inevitable changes to the landscape character and the visual effects on surrounding users have been accepted in principle. I note the comments of the County Council's Landscape Officer, however these largely relate to detailed matters of landscaping and layout which are not before me at this outline stage.
65. Part of the site does lie within areas of risk of fluvial and surface water flooding, with low risk of other forms of flooding. As the allocations process was informed by a Strategic Flood Risk Assessment, this was taken into

consideration in the allocation of the site. These areas lie immediately adjacent to Whitnash Brook and are shown on the proposed parameters plan as providing open space. The surrounding land would comprise further open space, play space, attenuation ponds and allotments. Consequently, there would be no built development in the areas at greater than a low risk of flooding. A drainage strategy has been provided as previously discussed and would be secured via condition and planning obligation. There are requirements within the standards for these matters for future climate change to be taken into account. The safety of above ground drainage measures would be addressed through the details secured as part of the planning obligation.

66. It would be for the developer to ascertain how services and utilities could be delivered to the site, however I have no reason to think that this would not be feasible.
67. No substantive evidence of anti-social behaviour on Church Lane, how this is caused by the existing development or would be exacerbated by the proposed development has been placed before me.
68. The provision of accessible dwellings would fall to be considered at the reserved matters stage. The distance of the site to services and facilities may present challenges to people with mobility and other conditions. However, this also would have been taken into account during the site allocation process.

Conditions

69. The Council has suggested conditions should I be minded to allow the appeal. I have had regard to these in light of the tests set out in paragraph 57 of the Framework and the advice in the Planning Practice Guidance. Amended wordings for some conditions were received after the close of the Hearing and I have considered those amended wordings. I have made amendments to some of them for consistency and clarity purposes including with respect to triggers and removing tailpiece clauses. In the interests of certainty, I have imposed conditions 1, 2 and 3 for the submission of reserved matters and the commencement of works. Condition 4 confirms the approved plans and condition 5 is reasonable to establish the parameters for future reserved matters.
70. Condition 6, 7, 8 and 14 are reasonable and necessary for the protection and enhancement of biodiversity including trees during the construction process and its long term maintenance. Condition 7 should be submitted alongside any application containing details of reserved matters to ensure it would be effective. I have amended condition 14 to refer to the submitted plan that shows tree protection measures.
71. Condition 9 is reasonable and necessary to ensure comprehensive development of the wider allocation can be achieved. Condition 10 is reasonable and necessary to limit the effects of the development on the living conditions of surrounding occupiers and future occupiers and on the operation of the highway network is necessary. I have included details of working and delivery hours as part of this condition. Construction phasing is included as part of condition 9. I have removed a requirement for details of HGV routing as I have not been made aware of any restrictions on the immediate highway network that would make it enforceable.

72. Condition 11 is reasonable and necessary to mitigate the effects of the development on air quality but should be submitted as part of the reserved matters to ensure that it would be effective. As these measures can require a monitored travel plan and measures to promote public transport use, a further condition in this regard is not necessary. Conditions 12 and 13 are reasonable and necessary to ensure the site is appropriately drained and maintained. This would also address the concerns of the rights of way officer by ensuring surface water would not drain to the bridleway. I have amended the conditions to require a timetable for the delivery of the drainage scheme to form part of the approved details to ensure it would be effective and to ensure the maintenance scheme condition is enforceable.
73. Condition 15 is reasonable and necessary to mitigate the effects of the development on biodiversity. It would be sufficient for these details to be agreed prior to the installation of any lighting. Condition 16 would ensure the scheme would deliver a net gain for biodiversity and so is reasonable and necessary. Given the requirements of condition 6, I have removed extraneous detail from this condition.
74. Condition 17 is reasonable and necessary to ensure the continued safe operation of the adjacent railway during construction. Condition 18 is necessary in the interests of residential amenity. Condition 19 is reasonable and necessary to comply with the LP with respect to water efficiency. I have replaced the suggested condition with one that specifies the standard to be achieved as set out in the policy.
75. At the Hearing, it was suggested that an amended condition be imposed in light of a condition imposed on a recent appeal⁴ to secure compliance with the NZCDPD. Photovoltaics were identified in the energy statement as being a suitable method to achieve the aims of the NZCDPD and would affect the appearance of the dwellings. There are further measures to be required such as carbon offsetting which could require a subsequent legal agreement. It therefore would be necessary for an energy statement detailing the measures proposed to be submitted as part of the reserved matters to ensure that the scheme could deliver the policy requirements. The suggested condition also specified the content of the energy statement. I consider this would lack precision given the detailed requirements of the policies contained within the NZCDPD, and the potential ways in which its requirements could be met. Accordingly, I consider the condition would be more effective were it to require an energy statement that met the relevant policy requirements. I have amended condition 20 to reflect the above.
76. An additional condition was also submitted after the Hearing to address the requirement in NZCDPD Policy NZC1 that it be demonstrated that the constructed dwellings meet the standards. As written the policy requires this to be done for all buildings. Discussion at the Hearing confirmed that both the Council and the appellant considered this to be disproportionate for a large development such as this. The supporting text identifies that for large scale proposals, a sample of 20% would be appropriate. While this is greater than that suggested by the parties, I have no reason to vary from that figure and so have amended the suggested condition to reflect this. I have also amended condition 21 so it is clear that it applies to the properties as built and to allow

⁴ APP/T3725/W/23/3319752 allowed 24 May 2024

for the sample of properties to be in accordance with an approved scheme. There is no allowance in the policy for this to be aggregated across house typologies so I have removed this option as it would not be reasonable.

77. Condition 22 is reasonable and necessary to ensure appropriate living conditions for future occupiers. Given the references in the noise assessment of the effect of materials and design in the need for sound mitigation, I have amended the condition to refer to any reserved matters application that would require details of the appearance of the dwellings and to require a timescale given that some of the measures may relate to individual dwellings. Condition 23 is reasonable and necessary to integrate the development into the area by requiring the retention of existing landscaping and its subsequent replacement for a fixed time should this be necessary.
78. Dwelling mix would directly affect how the reserved matters would come forward so condition 24 is necessary to ensure the development would address the identified housing needs in the district. Given that percentages are not always precise, the use of general accordance is considered to be acceptable in this instance. Condition 25 is reasonable and necessary to ensure that allotments are delivered in a timely manner. Condition 26 is reasonable and necessary to ensure the site is suitable for the proposed end use.
79. It is necessary to ensure the access to the site and wider traffic calming measures are delivered prior to the first occupation of the site in the interests of highway safety as secured by conditions 27 and 28. At the Hearing, the potential for there to be amendments to the access to reflect the findings of a road safety audit was explained as the reason for the condition wording. I have amended condition 28 to make direct reference to this.
80. A trespass proof fence would be necessary adjacent to the railway line in the interests of public safety. As this is beyond what would normally be expected of boundary treatments, it is reasonable to secure this through condition 29.
81. Boundary treatments (other than those pertaining to the railway line), materials, delivery and replacement of landscaping, and the provision of car and cycle parking relate directly to the reserved matters and so do not require conditions. LP Overarching Policy SC0 seeks to enable strong communities to be formed and sustained. There is no substantive evidence before me to demonstrate that changes of use to houses in multiple occupation would be likely to undermine this on the appeal site. Removing this right would therefore not be reasonable.
82. Matters related to water supply and the provision of fire hydrants are controlled by other legislation and so are not necessary.

Conclusion

83. Although the Council cannot demonstrate a five year supply of deliverable housing land, the parties were in agreement that the policies of the development plan were consistent with the Framework insofar as they relate to this appeal. I have no reason to disagree, having had regard to the Framework published in December 2024.
84. I have found that the proposal would be in accordance with the development plan and there are no material considerations that indicate I should make my decision otherwise. Paragraph 11c of the Framework confirms that where

proposals that accord with an up-to-date development plan, they should be approved without delay.

85. I therefore conclude that the appeal should be allowed.

Jennifer Wallace

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Satnam Choongh (Counsel)

Karin Hartley (Planning)

Dave Neale (Transport)

David Green (Planning)

Rebecca Mushing (Solicitor)

Glen Langham (AC Lloyd)

FOR THE LOCAL PLANNING AUTHORITY:

Dan Charles (Warwick District Council)

Janet Neale (Warwickshire County Council)

INTERESTED PARTIES:

Sheila Cooper (Local Access Forum)

George Davies (on behalf of Matt Western MP)

Capt. K.P. Thomas

Elizabeth White

Edward Leonard

Brian Jarvis

Christine Kenny

DOCUMENTS SUBMITTED AT THE HEARING:

Plan 1 – Suggested Walking Route from Main Parties

Plan 2 – Suggested Walking Route from Interested Party

DOCUMENTS SUBMITTED AFTER THE HEARING:

Document 1 – Copy of Statement made at Hearing on behalf of Matt Western MP

Document 2 – Infrastructure Delivery Plan

Document 3 – Condition Wording

Document 4 – Completed Planning Obligation

Document 5 - Comments on revised National Planning Policy Framework

Document 6 - Correspondence from Local Access Forum and Responses

Document 7 – Comment from Elizabeth White and Responses

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) 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.
- 3) 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.
- 4) The development hereby approved shall be carried out in accordance with the details shown on the following plans: Site Location Plan 4648-01 Rev E; Proposed Parameters Plan 4648-03 Rev N and Proposed Narrowing and Bridleway Crossing 20376-01 Rev E.
- 5) The development hereby approved shall be carried out in general accordance with the details shown on Illustrative Masterplan 4648-04 Rev. C.
- 6) No development shall commence on any phase of development until a Construction and Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be compliant with the British Standard on Biodiversity BS 42020:2013 published in August 2013 and shall include details of 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.
- 7) Any application submitted pursuant to condition 1 that contains details of landscaping outwith residential curtilages shall be accompanied by a Landscape and Ecological Management Plan (LEMP). 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'. The development shall be carried out in accordance with the approved plan.
- 8) Prior to the submission of any application for the approval of reserved matters, a scheme for the protection of the Local Wildlife Site shall be submitted to and approved in writing by the Local Planning Authority. The Local Wildlife Protection scheme shall include:
 - Adequate measures to protect existing trees, scrub and ground flora of the adjacent Local Wildlife Sites during development.
 - Details of an appropriate barrier(s), such as a wire fence, to be erected before works start. This area should include a sufficient buffer zone

between the development/ associated works and the boundary of the Local Wildlife Site.

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

- 9) Should the development hereby permitted come forward in phases, the first application for the approval of reserved matters shall be accompanied by a phasing plan for the whole site. The phasing plan shall include a programme of works detailing location, size, timing and delivery as applicable for the site access as shown on Proposed Narrowing and Bridleway Crossing 20376-01 Rev. E; primary and secondary roads as shown on Parameters Plan 4648-03 Rev. N; each phase of housing within the site; the sustainable urban drainage system; and on-site public open space including allotments and the play area. The development shall be carried out in accordance with the approved phasing plan.
- 10) No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include provision for the following:
- the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - wheel washing facilities;
 - measures to control the emission of dust and dirt during construction;
 - a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - 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. During term time delivery vehicles shall not be allowed to arrive on site between 08:30 and 09:30 or between 15:00 and 16.30 Monday to Friday.

The approved Construction Method Statement shall be adhered to throughout the construction phase of the development.

- 11) Any application submitted pursuant to condition 1 shall include a scheme of Type 1 and 2 mitigation measures in accordance with Warwick District Council's Air Quality Supplementary Planning Document (January 2019). The development shall be carried out in accordance with the approved mitigation measures.
- 12) No development shall commence until a detailed surface water drainage scheme for the site, based on the sustainable drainage principles contained within Outline Drainage Strategy LIW-JBAU-XX-XX-RP-0001 Rev. A01-C01 (JBA, Feb. 2024), the approved Flood Risk Assessment LIW-JBAU-SI-XX-RP-HM-0001 Rev. A3-C03 (JBA, Nov. 2023) and an assessment of the hydrological and hydrogeological context of the development, has been

submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall include the following information:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753 through the submission of plans and cross sections of all SuDS features.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rainstorm to the Q Bar Greenfield runoff rate of 28.5 l/s.
- Demonstrate the provisions of surface water run-off attenuation storage are provided in accordance with the requirements specified in 'Science Report SC030219 Rainfall Runoff Management for Developments'.
- Demonstrate detailed design (plans, network details and calculations) of the surface water drainage scheme including details of all attenuation and outfall arrangements. Calculations should demonstrate the performance of the designed system for the critical storm duration for at least the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods. The calculations should be supported by a plan of the drainage network with all manholes and pipes labelled accordingly.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing. Water must not be directed toward properties nor flow onto third party land. Overland flow routing should look to reduce the impact of an exceedance event.
- A timetable for the delivery of the surface water drainage scheme.

In addition, the following mitigation measures shall be adhered to;

- All built development, including the attenuation pond and allotments are located outside of the design flood extent (i.e. on land above the 100 year river flood level, plus climate change); and
- There shall be no raising of ground levels on land at or below the design flood level (100 year river flood level, plus climate change).

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

The development shall be carried out in accordance with the approved scheme.

- 13) Prior to the first occupation of any part of the development, a detailed maintenance plan for the surface water drainage system, written in accordance with CIRIA C753, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details on how surface water systems shall be maintained and managed for the lifetime of the development, the name of the party responsible and contact name and details. The drainage system shall be maintained in accordance with the approved scheme.
- 14) No development or phase of the development shall commence and nor shall any equipment, machinery or materials be brought onto the site until the tree protection measures shown on drawing number 2228-21-101 S5 P3 have

been installed. The approved measures shall be retained until construction works immediately adjacent have been completed.

- 15) Prior to its installation, details of any permanent lighting on the site shall be submitted to and approved in writing by the Local Planning Authority. This should follow the Institute of Lighting Professionals' Guidance Note 01/20: Guidance notes for the reduction of obtrusive light. Any lighting shall be installed and thereafter maintained in accordance with the approved details.
- 16) No development shall commence until a scheme to ensure that there is a net biodiversity gain as a result of the development has been submitted to and approved in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the relevant DEFRA biodiversity offsetting metric. The development shall be carried out in accordance with the approved scheme.
- 17) No development shall commence until a construction management plan for works adjacent to the railway line has been submitted to and approved in writing by the Local Planning Authority. The construction management plan shall include the following details:
 - a method statement and risk assessment for all works adjacent to the boundary with the railway.
 - appropriate vehicle safety protection measures along the boundary with the railway.
 - ground levels, earthworks and excavations to be carried out near to the railway boundary.
 - disposal of both surface water and foul water drainage being directed away from the railway.
 - any vibro-impact works on site including a risk assessment and method statement
 - any scaffolding works within 10m of the railway boundary
 - a demolition methodology statement (including mitigation measures) for any demolition works.

The development shall be carried out in accordance with the approved plan.

- 18) Any application submitted pursuant to condition 1 that includes details of the layout and scale of dwellings shall include details of the finished floor levels of all dwellings, existing and proposed site and the relationship with the site levels of adjacent phases if development is coming forward in phases. The development shall be carried out in accordance with the approved levels.
- 19) Prior to any above ground works taking place, a scheme setting out measures to ensure a water efficiency standard of 110 litres (or less) per person per day shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme and the approved measures thereafter retained.
- 20) The details submitted pursuant to condition 1 where they include details of appearance, layout and scale of any dwelling shall include an Energy Statement which meets the requirements of Net Zero Carbon Development Plan Document Policy NZC1. The development shall be carried out in accordance with the measures contained within the Energy Statement.

- 21) Prior to any occupation within any phase of housing approved through reserved matters under condition 1, a scheme shall be submitted to and approved in writing by the local planning authority which sets out how it will be verified that the as-built dwellings comply with the standards set out in NZCDPD Policy NZC1. The submitted scheme shall provide for sampling of at least 20% of the dwellings in the scheme, include at least one example of each house type, provide indicative timings for when each dwelling would be completed for the purposes of testing. The development shall be carried out in accordance with the approved scheme.
- 22) The details submitted pursuant to condition 1 where they relate to the appearance and/or layout of dwellings adjacent to the railway line shall include a scheme for the proposed means of noise attenuation from the railway line. The scheme shall include a timescale for the delivery of measures, ensure that proposed measures are acoustically effective, have an acceptable visual impact and would not have an adverse effect on ecological features and trees. The development shall be carried out in accordance with the approved scheme and the mitigation measures retained thereafter in perpetuity.
- 23) The existing tree(s), hedges and shrub(s) indicated to be retained on drawing number 2228-21-101 S5 P3 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).
- 24) The details submitted pursuant to condition 1 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%

- 25) Prior to the occupation of 50% of the dwellings, the allotments and associated infrastructure shall be laid out and made available for use 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.

- 26) 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.
- 27) Prior to first occupation of the development hereby approved, the Traffic Management Scheme shall be delivered in general accordance with drawing 20376-02.
- 28) No part of the development hereby approved shall be occupied until the site access has been delivered in accordance with the approved plans. In the event that a road safety audit recommends alterations to this access, these shall be submitted to and approved in writing by the local planning authority prior to the access being brought into use.
- 29) Prior to the first occupation of any part of the development hereby approved, details of a trespass proof fence adjacent to the boundary with the railway shall be submitted to and approved in writing by the Local Planning Authority. The approved fence shall be installed prior to the first occupation of any part of the development hereby approved and thereafter retained.

END OF SCHEDULE



Town Hall, Parade,
Royal Leamington Spa
CV32 4AT

Tel: 01926 456536

Email: planningenquiries@warwickdc.gov.uk

Application for Removal or Variation of a Condition following Grant of Planning Permission or Listed Building Consent

Town and Country Planning Act 1990 (as amended); Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number	
Suffix	
Property Name	Land to the South of Chesterton Gardens
Address Line 1	
Address Line 2	
Address Line 3	
Town/city	Leamington Spa
Postcode	

Description of site location must be completed if postcode is not known:

Easting (x)	Northing (y)
433208	263670

Description

Land On The South Side Of, Chesterton Gardens, Leamington Spa

Applicant Details

Name/Company

Title

Mr

First name

Chris

Surname

O'Hanlon

Company Name

Bellway Homes Limited

Address

Address line 1

1 Centurion Court

Address line 2

Centurion Way

Address line 3

Wilnecote

Town/City

Tamworth

County

Staffordshire

Country

United Kingdom

Postcode

B77 5PN

Are you an agent acting on behalf of the applicant?

☐ Yes

☒ No

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

***** REDACTED *****

Description of the Proposal

Please provide a description of the approved development as shown on the decision letter

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

Reference number

W/23/1766

Date of decision (date must be pre-application submission)

31/10/2024

Please state the condition number(s) to which this application relates

Condition number(s)

1

Has the development already started?

- ☐ Yes
- ☒ No

Condition(s) - Variation/Removal

Please state why you wish the condition(s) to be removed or changed

Change of housetypes, re-location of sub-station and inclusion of foul pumping station

If you wish the existing condition to be changed, please state how you wish the condition to be varied

Updated list of approved plans

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☒ Yes
- ☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☐ The agent
- ☒ The applicant
- ☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☒ Yes
- ☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

***** REDACTED *****

First Name

***** REDACTED *****

Surname

***** REDACTED *****

Reference

PRE/25/0017

Date (must be pre-application submission)

24/03/2025

Details of the pre-application advice received

Confirmation of application type

Parking

Housing mix

Ownership Certificates and Agricultural Land Declaration

Certificates under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Please answer the following questions to determine which Certificate of Ownership you need to complete: A, B, C or D.

Is the applicant the sole owner of all the land to which this application relates; and has the applicant been the sole owner for more than 21 days?

- ☒ Yes
- ☐ No

Is any of the land to which the application relates part of an Agricultural Holding?

- ☐ Yes
☒ No

Certificate Of Ownership - Certificate A

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

** "agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(8) of the Act.

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

Person Role

- ☒ The Applicant
☐ The Agent

Title

Mr

First Name

Chris

Surname

O'Hanlon

Declaration Date

30/05/2025

☒ Declaration made

Declaration

I/We hereby apply for Removal/Variation of a condition as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Chris O'Hanlon

Date

30/05/2025



Local Plan

Revised Development Strategy

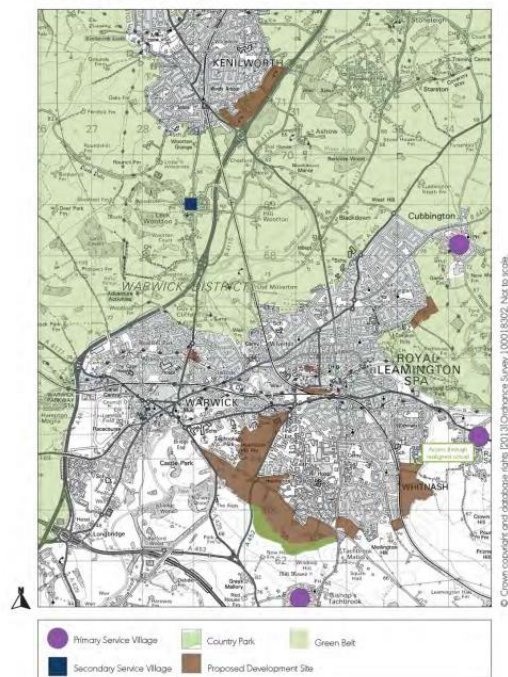
June / July 2013

National Planning Policy Framework

- Must be consistent with the National Planning Policy Framework
- Requirement to plan for sustainable development
- Requirement for the plan to be evidenced based



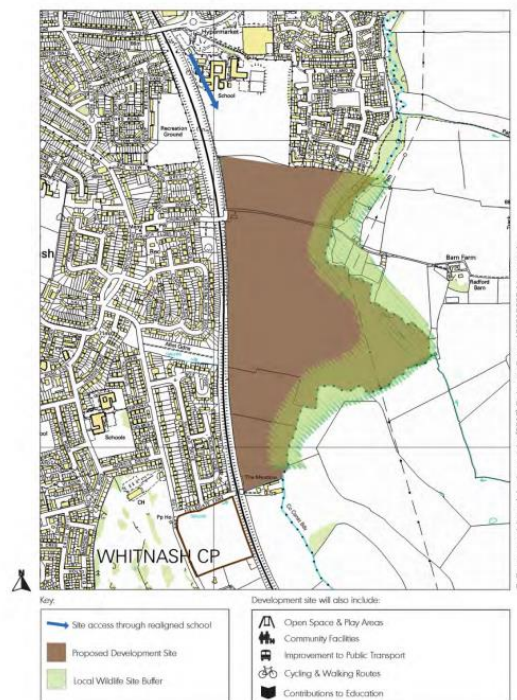
Map 1: Development sites on the edge
of the urban area



Site Proposals: Whitnash/Sydenham

- Approx 600 houses (including 100 at Fieldgate Lane) - subject to proposals which mitigate landscape impacts
- Open space and local centre
- New primary school
- Expansion of Campion School
- New access through Campion School (partial demolition and rebuild of school)
- Improvements to green infrastructure along Whitnash Brook

Map 4: Whitnash and south of Sydenham



Infrastructure

- Infrastructure will include:
 - All on site infrastructure requirements (utilities, primary schools, open space and play areas, on site roads, footways and cycleways etc)
 - Contribution to Strategic Transport and Public Transport
 - Education (new and/or expanded provision for schools)
 - Strategic Green Infrastructure (eg country parks, tree planting etc)
 - Health: medical centres improved facilities for the hospital and mental health requirements
 - Sport facilities and playing fields
 - Other Infrastructure (emergency services, social services, broadband etc)
 - Community Infrastructure Levy to be used

ARCHAEOLOGY

Clearly Identifiable Geophysical Anomaly Exempted from a Trail Trench





Outlook

Re: Local Access Forum - Next Meeting

From Richard Fenwick <richardfenwick@warwickshire.gov.uk>**Date** Wed 29/7/26 8:48 AM**To** Kenneth Thomas <kennethpthomas@gmail.com>

Thanks Kenneth,

This project is led by HS2 and the majority of the works are on Country Paths and a permissive footpath; my PROW team has, only in the last week, been contacted about a diversion as part of the development of W192.

I contacted WCC's HS2 team and received the following response:

"The new cycle bridge over the Fosse and the Green Overbridge over HS2 have both been designed and constructed by HS2. The surface has been determined as part of the consenting process for the structures between WCC and HS2 - there is no requirement for HS2 to consult with wider groups as part of this process although WCC has required HS2 to consider the user types for the assets and has pushed for a bound surface over the structures. The cycle bridge has been provided with a bound surface and we are still pushing for a bound surface on the Green Overbridge.

In terms of the wider Greenway surfacing, this is part of a joint conversation/ project between Walk, Wheel, Cycle Trust, Country Parks, Active Travel and HS2 - and plans are still in development. As this generally sits outside of the HS2's Team remit, I am not sure what wider consultation would take place as part of this and so perhaps one of our colleagues cc'd to this email might advise.

On a related point, I have been chasing HS2 for a meeting to get an update on works in the area and we also hope to get an update on the Welsh Road crossing plans in due course.

I'm happy to just cover that update off and ask the group for feedback I can pass back to the HS2 team; perhaps I could invite them or HS2 reps to a future meeting to do a presentation?

Richard

Richard Fenwick
Director of Highways
Warwickshire County Council
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www.warwickshire.gov.uk

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From: Kenneth Thomas <kennethpthomas@gmail.com>**Sent:** 28 July 2026 11:11 AM**To:** Richard Fenwick <richardfenwick@warwickshire.gov.uk>**Cc:** john hall <johnhall607@gmail.com>; lizedmtw@outlook.com <lizedmtw@outlook.com>; Peter

Norris <pete@suzibandit.ltd.uk>; Byron Melia <byronmelia@yahoo.com>; craigwilliams04@gmail.com <craigwilliams04@gmail.com>; Gina Rowe <Gina.Rowe@wkwt.org.uk>; kenneth.p.thomas@gmail.com <kenneth.p.thomas@gmail.com>; Mike Murray <mike.murray01@btinternet.com>; Vaughan Owen <notramlodge@hotmail.com>; Sarah Jane <sj@pickfordgrange.co.uk>; Steve Dyson <steve_dyson1952@yahoo.co.uk>; Christopher Kettle <christopherkettle@warwickshire.gov.uk>; Sheila Cooper <sheila.ann.cooper41@gmail.com>; Jacki Morris <jackimorris@warwickshire.gov.uk>; Shail Chohan <shailchohan@warwickshire.gov.uk>

Subject: Re: Local Access Forum - Next Meeting

Thanks Richard, I would like to ask the Warwickshire representative what plans they have for the surfacing of the Route 41 Offchurch Greenway between the Welsh Rd crossroads and the new bridge over the Fosse Way. Regrettably the LAF have not been consulted on any aspect of this major project.

Regards, Kenneth Thomas

Sent from my iPad

On 28 Jul 2026, at 09:58, Richard Fenwick <richardfenwick@warwickshire.gov.uk> wrote: thanks

Good morning,

Further to my previous email below, I had two responses confirming the wish to proceed without nominations for a Chair or Vice Chair.

In the absence of a Chair, I will lead this meeting myself, Jacki will be in attendance to take notes and I have invited the Leader of the Council and a representative from Legal Services.

So far 4 members have confirmed they will be attending, with a 5th tentative.

I have attached a proposed Agenda, please let me know any other items you would like to add.

Kind regards,

Richard

Richard Fenwick
Director of Highways
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From: Richard Fenwick <richardfenwick@warwickshire.gov.uk>
Sent: Tuesday, May 26, 2026 3:40 PM
To: john hall <johnhall607@gmail.com>; lizedmtw@outlook.com <lizedmtw@outlook.com>; Peter Norris <pete@suzibandit.ltd.uk>; Byron Melia <byronmelia@yahoo.com>; craigwilliams04@gmail.com <craigwilliams04@gmail.com>; Gina Rowe <Gina.Rowe@wkwt.org.uk>; kenneth.p.thomas@gmail.com <kenneth.p.thomas@gmail.com>; Mike Murray <mike.murray01@btinternet.com>; Vaughan Owen <notramlodge@hotmail.com>; Sarah Jane <sj@pickfordgrange.co.uk>; Steve Dyson <steve_dyson1952@yahoo.co.uk>; Christopher Kettle <christopherkettle@warwickshire.gov.uk>; Sheila Cooper <sheila.ann.cooper41@gmail.com>
Cc: Jacki Morris <jackimorris@warwickshire.gov.uk>; Shail Chohan <shailchohan@warwickshire.gov.uk>
Subject: Local Access Forum - Next Meeting

Good afternoon,

Following the responses to my email last week about the meeting date which had been sent out, I am proposing to arrange for a meeting on the next available Thursday at 18:30 arrival for a 19:00 start based on the majority view. Please let me know any issues with this, otherwise Jacki will update invites and we'll change the website accordingly.

I am conscious that in the absence of a Chair, this will effectively be an extraordinary meeting. We have advertised for new members and there has been some interest, but the matter of a Chair and Vice Chair seems pressing.

I was planning on moving to nominations for a Chair and Vice-Chair at the meeting, but wanted to consult on whether you would like us to formally seek nominations ahead of the meeting or just progress through the matter in person?

The Terms of Reference also state that the Forum will consist of no fewer than 17 members so I would appreciate any comments on whether we accept a lower number for a valid vote on these nominations, perhaps 10 which I believe is what is set out in guidance? I of course welcome any other ideas.

Kind regards,

Richard

Richard Fenwick
Director of Highways
Warwickshire County Council
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