

Redwood Care Ltd

Planning Statement

**Land to the north of Kenilworth Manor, Thickthorn
Orchards, Kenilworth**

October 2021



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1.0 Introduction

1.1 Application Overview

- 1.1.1 CarneySweeney has been instructed by Redwood Care Ltd (the Applicant) to provide planning consultancy services associated with the following development for which full planning permission is sought from Warwick District Council, as the Local Planning Authority:

"Proposed construction of a residential unit (Use Class C3), with limited site clearance and creation of enhanced dementia garden to adjoining and bio diversity enhancement, including associated landscaping, access, drainage, ground and engineering works."

- 1.1.2 This Planning Statement has been prepared to support the above planning application, providing a summary of the site description; proposed development; and assessing the proposals against the relevant planning policy as part of a planning balance, which demonstrates the acceptability of the principle of development.
- 1.1.3 The location and extent of the Application Site (the Site) is shown edged red on the submitted Location Plan (drawing reference: 3199-01A Location Plan). The Site is neither shown to be allocated for any specific land use on the adopted Warwick District Local Plan Policies Map (adopted September 2017) nor is it within the Kenilworth Neighbourhood Plan ('made' September 2018).
- 1.1.4 The Site comprises an area of existing tree planting protected by a Tree Preservation Order (TPO), with the TPO extending beyond the extent of the Application Site. The Site includes part of the gardens of Kenilworth Manor (also known as Thickthorn Manor), which is a Grade II Listed Building. In terms of the surrounding area, Thickthorn Stables which is also Grade II Listed is situated on the opposite side of Thickthorn Orchard near the Site.
- 1.1.5 Kenilworth Manor and the Application Site are both in the ownership of the Applicant, with the Manor currently in use as a care home.

1.2 Pre-Application Discussions

- 1.2.1 The Applicant has engaged in pre-application discussions with Warwick District Council as the Local Planning Authority (LPA). A formal request for pre-application advice was submitted to the LPA and validated on 12th February 2020 (ref: PRE 20 / 0011), which sought the LPA's

opinion for 4x residential units. The pre-application discussions included the Applicant (and consultant team) with the Planning Officer, and written feedback being provided by the Council's Tree Officer and Conservation Officer. A formal written response from the LPA was received on 4th May 2020, discussing the following matters:

- Principle of development
- Designated heritage asset and their settings
- Design and character
- Whether the proposal provides adequate living conditions for future occupiers
- Consideration of the proposed scheme in respect of the following matters:
 - Living conditions of neighbouring occupiers,
 - Trees, ecology, highway safety, air quality, contamination, archaeology, and public/private open space.

1.2.2 Overall, the LPA's pre-app response for a scheme of 4x residential units was not supported as the scheme proposed the loss of mature trees, infringement on remaining Root Protection Areas (RPAs) and concerns regarding the quantum of development proposed in respect of heritage considerations.

1.2.3 In light of the LPA's response, the Applicant sought planning permission for a two unit scheme but the proposals for biodiversity enhancement and the dementia garden were kept separate from the redline planning application for that residential application. The planning application included appropriate survey work and studies in respect of the trees; ecology; ground conditions; and heritage.

1.2.4 The planning officer and the heritage officer felt that the public benefits of the proposed dementia garden and associated bio-diversity enhancements needed to be included as part of the residential scheme. It was further felt by the officers that two residential units whilst at the lowest end of less of substantial harm in terms of harm to heritage would still result in harm. Whereas, a single dwelling only results in a slight harm, without consideration of other positive heritage elements of the proposal, e.g. the long term beneficial use of the care home property, beneficial public benefits of high quality dementia garden as part of an established care

home and the overall positive bio-diversity enhancement add a positive balance to the proposal.

- 1.2.5 The reduction from two units to one, alongside the inclusion of the dementia garden and the proposed bio-diversity enhancements are a sufficient amendment of the scheme to allow the conservation officer to support the proposal.
- 1.2.6 Accordingly, it was agreed that that the two unit planning application would be withdrawn. All reports have been reassessed and a new heritage assessment undertaken as part of preparing this new planning application for the proposed construction of a residential unit (Use Class C3), with limited site clearance and creation of enhanced dementia garden to adjoining and bio diversity enhancement, including associated landscaping, access, drainage, ground and engineering works.

1.3 Scope of submission documents

1.3.1 The documents listed below are considered to be appropriate to support the scale of development proposed and align with the scope of documents provided by the LPA in their pre-application response. This Planning Statement should be read in conjunction with the following documents:

- Completed planning application forms
- Notices, ownership certificates and planning application fee
- CIL Additional Information Form
- Full set of Architectural Drawings
- Air Quality Scoping Report
- Heritage Assessment (including archaeology)
- Arboricultural Survey Report & Method Statement
- Preliminary Bat Roost Assessment and Bird Survey
- Phase 1 Desk Study Assessment

1.4 Structure of Planning Statement

1.4.1 This report is structured to provide a description of the Site and surroundings (Section 2); a summary of the development proposals (Section 3); a review of the applicable planning policy (Section 4); an analysis of the planning issues (Section 5); and the planning balance (Section 6). In the final section (Section 7), we have set out our summary and conclusions of the proposed development.

2.0 Site Description

2.1 Overview of the Site and Surrounding Context

2.1.1 The location and extent of the Application Site (the Site) is shown edged red on the submitted Location Plan (Drawing Reference: 3199-01C) and comprises circa 0.26ha in size, as shown in the extract below:



(Source: Extract from Drawing Reference 3199-01C Location Plan)

2.1.2 The Site is neither shown to be allocated for any specific land use on the Policies Map for the adopted Warwick District Local Plan (adopted September 2017) nor is it within the Kenilworth Neighbourhood Plan (made September 2018). The Site lies on the edge, but within the existing built up 'urban area' of Kenilworth, circa 3/4 of a mile to the south east of the town centre. With the exception of some small scale shed-like structures, the Site is mostly occupied by vegetation with a variety of tree species and areas of overgrown shrubbery.

2.1.3 The Site comprises an area of existing trees protected by a Tree Preservation Order (TPO) ref: W10-K2. The Site sits to the north of Kenilworth Manor (also known as Thickthorn Manor), which is a Grade II Listed Building. In terms of the surrounding area, Thickthorn Stables, which is also Grade II Listed is situated on the opposite side of Thickthorn Orchard, in close proximity

to the Site. The Site is neither located within a Conservation Area nor is it within any ecological designation.

- 2.1.4 The land surrounding the Site to the west and to the south, beyond the extent of Kenilworth Manor, forms the East of Kenilworth allocation ref: HO6 under Policy DS11 of the adopted Local Plan and Policy KP4 of the Kenilworth Neighbourhood Plan. From a review of the extent of the proposed allocation and the Land East of Kenilworth Development Brief (adopted March 2019), the Site is not considered to undermine the delivery of the East of Kenilworth allocation.
- 2.1.5 The Site fronts onto Thickthorn Close with existing residential properties on the opposite side of the road. The character of the existing housing stock in the vicinity of the Site is characterised by a mixture of bungalows and two-storey dwellings. The materials used for the existing local housing stock typically comprises brick, render, plain clay tile roofs, gables, bay windows and occasionally pronounced chimneys.
- 2.1.6 The Site is not shown to be in an area at risk of flooding (Flood Zone 1) on the gov.uk online flood mapping facility. Thickthorn Close is shown to be at risk of flooding from surface water flooding, but the residential property is not.



3.0 Proposed Development

3.1 Introduction

- 3.1.1 The proposals forming part of this planning application seek planning permission for the *"Proposed construction of a residential unit (Use Class C3), with limited site clearance and creation of enhanced dementia garden to adjoining and bio diversity enhancement, including associated landscaping, access, drainage, ground and engineering works."*
- 3.1.2 A summary of the proposed development is set out below with full details shown on the submitted planning drawings.

3.2 Summary of the development proposals

- 3.2.1 The development proposals are shown on Drawing Reference: 3199-101C Single Dwelling. The proposed house comprises a gross internal floor area of 2,017 sq. ft (184m²), accessed off Thickthorn Close to the north.
- 3.2.2 The property consists of an open plan kitchen/living space overlooking the rear garden, with the main dining room to the front of the property. The property also includes an integrated garage with utility room at ground floor. The first floor level includes 4 bedrooms and a family bathroom, with 3 bedrooms benefiting from having an en-suite.
- 3.2.3 With regards to the existing landscape, the scale of development has been reduced from the pre-application discussion stage to preserve as much of the existing landscape as possible.
- 3.2.4 The proposed hard landscaping details will be designed to adhere to the Root Protection Areas (RPAs) of the existing retained trees. Further details on this is discussed in the accompanying Design and Access Statement.
- 3.2.5 As mentioned above, vehicle access for the proposed house will be off ThickthornClose via a driveway. This will require the construction of a new access, with appropriate drop kerbs. In terms of parking provision, the property will be allocated parking spaces (inclusive of one parking space being within the garage).

4.0 Planning Policy Review

4.1 Introduction

The Development Plan

- 4.1.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises those local planning documents that have been the subject of examination in public or testing through public inquiry and are adopted having been through this due process.
- 4.1.2 The Site as shown edged red on Drawing Ref: 3199-01C falls within the administrative boundary of Warwick District Council (the Local Planning Authority (LPA)) and the statutory Development Plan comprises of the following documents:
- Warwick District Local Plan 2011 – 2029, adopted September 2017; and,
 - Kenilworth Neighbourhood Plan, made November 2018.
- 4.1.3 The weight to be attached to the policies in the Development Plan should be determined according to their degree of consistency with the National Planning Policy Framework (NPPF or Framework), in compliance with Paragraph 213 of the NPPF.

Material and Other Considerations

- 4.1.4 In addition to the statutory Development Plan, planning applications are also assessed against relevant material considerations. In the case of this application, the National Planning Policy Framework (NPPF), is a material consideration and the policy guidance set out in the Planning Practice Guidance (PPG) (Published 2014 (as amended)).
- 4.1.5 Other material considerations considered to be relevant to the proposed development include the following supplementary guidance/documents prepared by Warwick District Council:
- Residential Design Guide (Supplementary Planning Document – May 2018);
 - Air Quality & Planning (Supplementary Planning Document – January 2019); and,
 - Land East of Kenilworth Development Brief, March 2019.

- Public Sector Equality Act 2010
- Dementia Care provision within Warwickshire

4.1.6 Appendix 1 includes a summary of the Development Plan policies and the above other considerations as indicated in this chapter.

4.2 Statutory Development Plan

Warwick District Local Plan 2011 – 2029, adopted September 2017

4.2.1 The adopted Warwick District Local Plan (referred to as 'the Local Plan' hereafter') sets out a series of strategic policies to guide development in the District, as well as allocating sites for development. The Local Plan also includes policies that guide the design/form of new development and seek to address matters in respect amenity, transport, ecology, heritage etc.

4.2.2 The overarching housing policy (HO) identifies the following factors to ensure that the right amount, quality and mix of housing is provided to meet the needs of the Plan:

- a) *"provide in full for the district's housing requirement;*
- b) *ensure new housing development is in locations which enable sustainable lifestyles, protect the aspects of the district that are most highly valued and which, where appropriate, support and regenerate existing communities; and*
- c) *ensure new housing delivers the quality and mix of homes needed in the district including affordable homes, a mix of homes to meet identified needs (including homes that are suitable for older and vulnerable people)"*

4.2.3 Policy H1 – Directing New housing, supports housing development within the Urban Areas, as identified below and on the Policies Map (Policy H1a)). Kenilworth is defined as an urban area in Table 2, Page 65 of the Local Plan, with the Site shown to fall on the edge but within the built up area for Kenilworth. It is noted that this policy does go on to state:

"...Housing development on garden land, in urban and rural areas, will not be permitted unless the development reinforces, or harmonises with, the established character of the street and/ or locality and respects surrounding buildings in terms of scale, height, form and massing."

4.2.4 Policy HE1 deals with designated heritage assets and their setting, stating that *"development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or it is demonstrated that all of the following apply:*

- a) The nature of the heritage asset prevents all reasonable uses of the site; and*
- b) No viable use of the heritage asset itself can be found that will enable its conservation; and*
- c) Conservation by grant funding or charitable or public ownership is not possible; and*
- d) The harm or loss is outweighed by the benefit of bringing the site back into use.*

Where development would lead to less than substantial harm to the significant of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use."

4.2.5 Other policies that are considered to be relevant to propose development are listed below and set out in Appendix 1 of this Planning Statement:

- Policy BE1 – Layout and Design
- Policy BE3 – Amenity
- Policy HE4 – Archaeology
- Policy NE3 – Biodiversity
- Policy NE4 – Landscape
- Policy NE5 – Protection of Natural Resources

Kenilworth Neighbourhood Plan, made November 2018

4.2.6 The Kenilworth Neighbourhood Plan was 'made' (adopted by Warwick District Council) on 16th November 2018. The Kenilworth Neighbourhood Plan forms part of the statutory development plan, with the following policy considered to be relevant to the proposed development as

detailed in Appendix 1 of this Planning Statement:

- Policy KP13 – General Design Principles

4.3 Material Considerations

National Planning Policy Framework (NPPF), Published July 2021

4.3.1 National Planning Policy is contained within the National Planning Policy Framework (referred to as 'the NPPF' or 'the Framework' hereafter). The NPPF establishes that the purpose of planning is to contribute to the achievement of sustainable development (Paragraph 7). Paragraph 8 identifies three overarching objectives which need to be pursued in mutually supportive ways to achieve sustainable development: economic, social and environmental:

- an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
- an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

4.3.2 At the heart of the NPPF is a presumption in favour of sustainable development (Paragraph 10), which should be applied both through the plan-making and decision-making (Paragraph 11) process. Paragraph 11 states that:

"...For decision-taking, this means:

- approving development proposals that accord with an up-to-date development plan without delay; or*

- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (footnote 8) granting permission unless:*
- i. *the application of policies in this Framework that protect areas or assets of importance provides a clear reason for refusing the development proposed (footnote 7); or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

4.3.3 Paragraph 12 states that: *"The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."*

4.3.4 Section 4 deals with the decision-making process, with Paragraph 38 stating that *"Local planning authorities should approach decisions on proposed development in a positive and creative way...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible."*

4.3.5 Paragraphs 55-58 set out the Government's position on planning conditions and obligations, identifying that planning conditions should be kept to a minimum and only imposed where they meet the relevant tests for the imposition of conditions (Paragraph 56). Paragraph 58 places the onus on applicants to demonstrate whether circumstances justify the need for a viability assessment during the application stage.

4.3.6 Section 5 deals with delivering a sufficient supply of homes. Paragraph 60 outlines that, *"To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay."*

- 4.3.7 Section 16 deals with conserving and enhancing the historic environment. Paragraph 199 states that *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."*
- 4.3.8 Paragraph 200 goes on to state that: *"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification..."*
- 4.3.9 Paragraphs 201 and 202 provide guidance in terms of harm to the significance of designated heritage assets, with Paragraph 201 dealing with 'substantial harm to (or total loss of significance of)' a designated heritage assets and Paragraph 202 dealing with 'less than substantial harm'.
- 4.3.10 Based on the findings of the submitted Heritage Statement, Paragraph 202 is considered to be relevant to the proposed development, which deals with 'less than substantial harm', stating as follows: "It is therefore concluded that there can be no objections to this proposal given the "slight" harm and the obvious benefits of providing a safe enclosed space in which residents can walk in a dignified and safe manner."
- 4.3.11 The 'setting of a heritage asset' is defined within Annex 2 of the NPPF as follows: *"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"*
- 4.3.12 Other policy paragraphs with regards to design, transport, ecology, pollution control and drainage are summarised at Appendix 1 of this Planning Statement.

Planning Practice Guidance (Published 2014, (as amended))

- 4.3.13 Further to the publication of the NPPF, the over-arching policies are supplemented by guidance in the Planning Practice Guidance (PPG), a web-based resource which provides enhanced clarity on the interpretation of policies in the NPPF. The PPG has been subject to updates since its first publication. For ease of reference, the relevant paragraphs are set out below.

4.3.14 **Historic environment** - In this Chapter PPG refers back to the definition of 'significance' set out in the NPPF as "*...the value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset's physical presence, but also from its setting...*" (Paragraph: 006 Ref ID: 18a-006-20190723).

4.4 Community Infrastructure Levy

4.4.1 Warwick District Council formally adopted their Community Infrastructure Levy (CIL) Charging Schedule on 15th November 2017, which came into effect from 18th December 2017. The CIL Charging Schedule is index-linked and so the Council produces a new schedule at the start of each year. Residential development is CIL liable and the Site falls within Zone C (Kenilworth), where the 2020 indexed CIL Levy is £153.86 per sq.m.

5.0 Planning Assessment

5.1 Introduction

5.1.1 Section 38(6) of the 2004 Planning and Compulsory Purchase Act requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. An assessment of the proposed development has been made against the relevant planning policy framework for the Site. Account has been taken of all relevant material considerations, with an assessment of the following matters:

- Principle of Development
- Heritage Considerations
- Design Considerations
- Technical Considerations:
 - Trees and Landscaping
 - Ecology
 - Air Quality
 - Remediation
- Dementia Setting within Warwickshire

5.2 Principle of Development

5.2.1 The Site is currently unallocated and lies within the existing built up 'urban area' of Kenilworth, where new housing development is directed to the urban area under the provisions of Policy H1 of the adopted Warwick District Local Plan (September 2017). The Policy does support, in principle, windfall sites, and in the case of this Site, it is noted that at the pre-application stage the LPA considered the scheme on the basis of 'garden land' under the provisions of Policy H1.

5.2.2 Policy H1 does support housing development on 'garden land' provided it reinforces or harmonises with the established character of the street and/ or locality and respects surrounding buildings in terms of scale, height, form and massing.

- 5.2.3 Taking into account these matters, the proposed scheme has been substantially reduced. The single property is subservient in the setting and its design and appearance has been acceptable throughout all pre-application and post application discussions, reflecting the local vernacular. The reduction to a single unit also means that the proposal minimises the potential loss of existing trees on the Site.
- 5.2.4 The proposed development accords with the provisions of Policy H1 of the adopted Warwick District Local Plan (September 2017) and supports the general thrust of national policy to boost the supply of housing of the NPPF.
- 5.2.5 It is also noted that the land surrounding the Site to the west and south forms the East of Kenilworth allocation HO6 under Policy DS11 of the adopted Local Plan and Policy KP4 of the made Kenilworth Neighbourhood Plan. From a review of the extent of the proposed allocation and the Land East of Kenilworth Development Brief (adopted March 2019), the proposed development is not considered to undermine the delivery of the East of Kenilworth allocation.

5.3 Heritage Considerations

- 5.3.1 Paragraph 189 of the NPPF identifies that there are specific elements of the Planning (Listed Buildings and Conservation Areas) Act 1990, which are relevant to an understanding of the necessary tests for examining Heritage Assets in the context of the application proposals.
- 5.3.2 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out two statutory duties to be followed by decision makers in relation to heritage assets as follows:
- i) Under Section 66(1) with regard to Listed Buildings the local planning authority in considering whether to grant planning permission for development "*...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*"
 - ii) Section 72(1) states that with respect to any buildings or other land in a conservation area, "*...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*"
- 5.3.3 With regards to the statutory test under Section 66(1), the Site is to the north of a Grade II Listed Building, and therefore regard has been given to the statutory test under Section 66(1).

- 5.3.4 Under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the statutory duty addressing a Conservation Area requires special regard to be had to the desirability of preservation of any features which may contribute to its significance, which can include views into and out of the Conservation Area, as well as features and structures within it. The Site is not located within or in close proximity to a Conservation Area and therefore, the statutory test under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is not considered further.
- 5.3.5 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 5.3.6 The NPPF is a material consideration and as such this is considered in more detail below. Paragraph 199 of the NPPF requires “great weight” to be given to the conservation of a designated heritage asset. In attaching “great weight” Paragraph 202 provides an explanatory role into how that exercise should be undertaken where less than substantial harm to the significance of a designated heritage asset is identified.
- 5.3.7 Policy HE1 of the adopted Warwick District Local Plan (September 2017), sets out the policy test in a heritage context. The policy identifies that *“where development would lead to less than substantial harm to the significant of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.”*
- 5.3.8 With reference to the relevant planning tests, the submitted Heritage Statement concludes as follows: “It is therefore concluded that there can be no objections to this proposal given the “slight” harm and the obvious benefits of providing a safe enclosed space in which residents can walk in a dignified and safe manner.”
- 5.3.9 Based on the findings of the Heritage Statement, we are of the view that there are no heritage-based restrictive policies applicable to the application and the NPPF presumption in favour of sustainable development is engaged.
- 5.3.10 The proposed development is not contrary to the provisions of Policy HE1 of the Warwick District Local Plan (September 2017) and that the statutory tests set out at Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 have been complied with. Again, planning permission can be granted without delay.

5.4 Design Considerations

- 5.4.1 Bringing forward good design is central to the delivery of sustainable development within national and local planning policy. This is highlighted by the Government's most recent additions to the NPPF.
- 5.4.2 The overall appearance of the dementia garden and of the proposed residential property provide a high quality design that is reflective of the local vernacular, being of a similar scale and with a materials palette consistent with properties in the locality.
- 5.4.3 The size of the dwelling also reflects that of the existing housing stock in the area with suitable sized rear private garden. The overall plot size is consistent with existing housing along Thickthorn Close and Thickthorn Orchard.
- 5.4.4 Overall, the proposed design of the dwelling and the dementia garden contributes positively to the character of the area
- 5.4.5 Taking all the above matters into account, the overall design will not cause harm to the character of the area and accords with the provisions of Policy BE1 and Policy BE2 of the adopted Warwick District Local Plan (September 2017) Policy KP13 of the Kenilworth Neighbourhood Plan, made November 2018; and the NPPF.

5.5 Technical Considerations

Trees and Landscaping

- 5.5.1 The application is supported by an Arboricultural Survey Report & Method Statement which has assessed the existing trees on Site and recommends suitable measures for development which may be located within root protection areas.
- 5.5.2 Whilst the scheme will result in the loss of some existing trees on Site, this has been minimised with the residential property being positioned careful within its setting, plus additional planting is proposed as part of the overall approach.
- 5.5.3 The minimal nature of the proposed development is consistent with the provisions of Policies NE3 and NE4 of the adopted Warwick District Local Plan (September 2017).

Ecology

- 5.5.4 An extended Phase 1 Habitat Survey has been undertaken and submitted in support of this application. The Site is found to be of low value to biodiversity as a wooded area, and that whilst the proposed development will result in the loss of trees, this can be mitigated through the creation of new bat roosting and bird nesting opportunities together with the creation of ornamental gardens.
- 5.5.5 Wider landscaping and planting proposed as part of the residential and dementia garden scheme deliver an overall bio-diversity gain. We have attached relevant assessment of this enhancements as part of the planning application pack.
- 5.5.6 The proposed scheme includes for the creation of gardens with amenity grassland, trees and ornamental shrubs and therefore is not considered to result in the loss of biodiversity for the Site.
- 5.5.7 The survey work undertaken has found that there is a roosting opportunity in a Beech tree which has wet rot hollows, but there is no evidence of bats using the hollow. This tree is being retained as part of the development. The proposed trees to be felled are found to have no impact on bats as these trees offer no roosting opportunities for bats.
- 5.5.8 The report findings show there is no evidence of bats using an existing shed building on Site as a place of shelter, but there being evidence of pigeons perching and nesting in this structure. Overall, the Phase 1 survey concludes this existing shed building *"... offers extremely poor roosting opportunity and the forage opportunities around the Site are also found to be poor. As such, the report does not consider that emergence surveys are necessary."*
- 5.5.9 Opportunities to improve biodiversity on the Site are explored in the accompanying Phase 1 Ecology report, which identified suitable locations for brick built bat boxes and new nesting opportunities for birds through the installation of bird boxes in each new dwelling.
- 5.5.10 Based on the above findings, the proposed development is considered to be in accordance with the provisions of Policies NE3 and NE4 of the adopted Warwick District Local Plan (September 2017) and the NPPF, due to the Site being of low ecological interest.

Air Quality

- 5.5.11 The Air Quality Scoping Report (AQSR) accompanying this planning application has assessed the potential impact of the proposed development on air quality during both the construction and operational phases (including additional traffic generated during both phases), and the impact of poor air quality on the future occupiers of the property.
- 5.5.12 With regards to construction related activities, based on the size of the proposed development the likely construction activities are considered to have a 'low' potential for dust emission. However, to minimise disruption further during the construction phase, it is recommended that that a dust mitigation strategy is adopted.
- 5.5.13 With regards to construction and operational related traffic, again with the scale of the development being minor, the report previously identified that vehicle movements will be substantially less than the IAQM criteria for developments requiring a detailed assessment outside of an AQMA (i.e. less than 500 LDV and less than 100 HDV movements as the daily average). Similarly, the residential property would generate minimal additional traffic movements on the local roads.
- 5.5.14 The AQSR also concludes that the occupiers of the proposed development would not be exposed to poor air quality as the Site is not located in an Air Quality Management Area (AQMA) and the concentrations of key pollutants were found to be well below air quality objectives for the protection of human health.
- 5.5.15 Based on the findings of the AQSR, the proposed development accords with the provisions of Policy NE5 of the adopted Warwick District Local Plan (September 2017) and Paragraph 186 and the NPPF.

Remediation

- 5.5.16 The NPPF seeks to ensure that sites are suitable for their new use taking account of ground conditions and any risks arising from land instability and contamination. The application is supported by a Phase 1 Desk Study Assessment to establish the ground conditions and any potential sources of contamination at the Site.
- 5.5.17 The Phase 1 Desk Study Assessment identifies that potential contamination sources are considered to be localised, with there being potential for infilled land/made ground to be present resulting from the historical buildings in the north east of the Site and the former road and pathway to the east of the Site. The desk study assessment also identified the potential

for residual Asbestos fibres to be located within the soils within the former building footprints.

5.5.18 Notwithstanding this, the findings of the report do not identify any existing land contamination issues that are considered to prevent the use of the Site for residential development, with the following mitigation measures proposed:

- *"...A Phase 2 Environmental Investigation is to be carried out to determine any contamination risks associated with the site's former land use.*
- *In the event that suspected contamination is encountered during the redevelopment, a watching brief may be required. Any suspected contamination should be sampled and classified if disposal as encountered and required. It should be noted that the responsibility for securing a safe development rests with the developer.*
- *Construction workers should adopt appropriate procedures to manage health and safety risks associated with any contamination."*

5.5.19 It is considered that the proposed development accords with the NPPF, as appropriate mitigations measures have been outlined in the accompany Phase 1 Desk Study Assessment. In doing so, the proposed development will support the provisions of Policy NE5 of the adopted Warwick District Local Plan (September 2017).

5.6 Dementia Setting within Warwickshire

5.6.1 Warwickshire Council recognises that Dementia is one of our most significant public health priorities, as it has far-reaching effects on people who live with the condition, their carers, family, friends, communities, businesses, health, social care and voluntary services and the economy.

5.6.2 There are 850,000 people living with dementia in the UK currently; this number is projected to increase to over 1.1 million by 2021 and 2 million by 2051 (Dementia UK Second Edition, Alzheimer's Society, 2014). Early onset dementia is comparatively rare, accounting for 2.2% of all people with dementia in the UK. It is estimated that there are now at least 15,034 people with early onset dementia (i.e. people before the age of 65 years) in the UK. This number is predicted to increase to 17,279 by 2021 and 17,584 by 2051, an increase of just 17% over the next 45 years (Dementia UK report by Personal Social Services Research Unit (PSSRU), London School of Economics and the Institute of Psychiatry at King's College London, for the Alzheimer's

Society 2007).

- 5.6.3 It is worth noting that a recent study has highlighted that dementia levels in some western countries, including the UK, could be stabilising. Throughout the delivery of this strategy the projected numbers and actual prevalence of dementia in Warwickshire will be monitored. There was a full Joint Strategic Needs Assessment of dementia in Warwickshire during 2016.

Warwickshire

- 5.6.4 It is estimated that by 2025, over 11,000 people aged over 65 will be living with dementia in Warwickshire.
- 5.6.5 By 2020, around one fifth (18%) of those aged over 80 in Warwickshire were projected to have dementia. The County Council recognise that although much progress has already occurred, it is recognised that there is still a great deal to be done to increase timely diagnosis rates and improve access to coordinated but personalised advice, information, care and support. This strategy outlines Warwickshire County Council’s commitment to improving the lives of people living with dementia and how we can work in a more integrated way with the County Strategic Partners to ensure that people regard Warwickshire as a place where they can live well with dementia.
- 5.6.6 For example, the County Council wants its communities, organisations and businesses to be more understanding of dementia and so, through the work of the Coventry and Warwickshire Dementia Action Alliance, they continue to work towards supporting more Dementia-friendly Communities, which part of this proposal specifically addresses. The County Council continue to try to raise awareness and develop and commission services that support people with dementia to live well and enjoy a healthy lifestyle as this enhances their physical and emotional wellbeing as well as the wellbeing of their family, friends and carers. The impact of dementia can be far-reaching, but by increasing awareness and understanding of dementia we can make a real difference to improving the lives of people living with dementia and also support those who care for them.
- 5.6.7 It is estimated that there are currently 7,615 people in Warwickshire living with dementia. This number will increase by approximately 34% to just over 11,000. Of these, two thirds of people with dementia live in the community in their own home, but this still requires a minimum of 2,500 dementia spaces to adequately meet this specialist care need in a positive and proactive manner.

5.6.8 The percentage of adults (18+) with dementia (2012/13) was 0.63% (England average 0.57%). In Warwickshire this ranges from over 1,800 people in Stratford-on-Avon district to around 700 in North Warwickshire borough.

5.6.9 These demographic pressures will bring increased demand for support services and Warwickshire's Living Well with Dementia Strategy refresh 2016-2019 focuses on how we will tackle these pressures locally.

Equality Act 2010

5.6.10 The Public Sector Equality Duty (PSED), contained within section 149 of the Equality Act 2010, requires me to have due regard to the 3 aims of the Equality Duty. People suffering with dementia are protected under the Equality Act due to their disability adversely affecting their ability to carry out normal day to day activities. This is a duty to consider how the proposal could meet the needs of those requiring specialist care.

5.6.11 In carrying out its functions the local planning authority must, in accordance with section 149(1) of the Equality Act 2010, have "due regard" to the need to:

- a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

5.6.12 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

- encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

5.6.13 The determination of this planning application will likely impact on persons with dementia, particularly those associated with the care home. To refuse planning permission is therefore capable of constituting indirect discrimination, unless it can be shown that it is proportionate in pursuit of achieving an alternative aim. This is because indirect discrimination occurs regardless of the intentions of the person applying a provision, criterion or practice, if that provision, criterion or practice puts persons who share a protected characteristic at a particular disadvantage when compared to persons who do not share it.

5.6.14 The addition of the dementia garden to Kenilworth Manor Care Home is about creating a safe and secure environment for where the movement between home and outside space, is a safe transition and the garden space links closely with the home. Providing an environment that is stimulating and interesting has shown to be of considerable long-term benefit to sufferers. Taking residents from a passive state to an active state via stimulation and providing a garden through a safe walkway will greatly help their enjoyment of the garden. The aim of the garden is about resetting the body clock. The natural process of knowing what time of day it is, is not lost due to dementia but compromised if residents stay indoors all the time. Resetting improves sleep at night and helps to reduce wandering in the early hours which requires additional staff to manage. The addition of the garden to the care facility will greatly help sufferers but also provide their families and support staff a secure and interesting environment all can enjoy.

5.6.15 The planting design has been created in collaboration with the historic consultant to ensure proposals were consistent and sympathetic with the baseline listed status of the site. The design creates a place to enjoy socialising, relaxing and build connections with others in a shared experience. The width of the footpath on the outer loop of the garden is 1.7m wide to comfortably allow 2 wheelchairs side by side or one pedestrian and one wheelchair. This helps support a shared experience for visitors to the garden and increased accessibility. A slightly narrower 1.2m wide footpath supports 2 way pedestrian comfortably winding through the heart of the garden. There are several break out spaces amongst the plants supporting flexibility in seating options to accommodate different group sizes. Care has been applied to the finish of the footpath in that the edge is defined in a darker contrasting colour to aid and guide visitors with visual impairment; raised beds allows access for all.

- 5.6.16 Within the heart of the garden, two markers have been proposed; a bird bath/table and a sundial which act as important way-finding points, whilst also attracting wildlife into the garden and supporting sculpture. In terms of the plant selection, there is a wealth of plants proposed to stimulate senses and memories ranging from lupins for colour, lavender for smell and miscanthus grasses for touch. Collectively the design seeks to provide a multisensory stimulation space to improve well-being and promote calmness. The native hedge planting, wildflower grass mix and orchard trees in the broader landscape, aim to diversify and enrich the flora and fauna of the space attracting wildlife into the garden year round.
- 5.6.17 The landscape scheme and associated biodiversity enhancements proposed for this development provide beneficial bio-diversity gains alongside providing a safer and more enriching environment for dementia users. This is a matter that significant weight should be attributed to in the determination of this planning application.

6.0 Planning Balance

6.1.1 This Section provides an overview of an assessment of the planning balance having regard to the matters considered in Section 5 of this Planning Statement. Any factors that could weigh against the grant of planning permission have been considered against those in favour of granting planning permission, as applicable in the Table below:

Issue	Weighting
Provision of a new home	Positive (+)
Policy Compliance – Development Plan	Positive (+)
Policy Compliance – NPPF	Positive (+)
Design and Appearance	Positive (+)
Public Sector Equality Act	Positive (+)
Ecology	Limited (+)
Landscaping	Positive (+)
Bio-diversity	Positive (+)
Dementia Garden	Very Positive (+)
Heritage	Very Limited
Contamination	Neutral
Air Quality	Neutral
Trees	Limited (-)

6.1.2 There are a number of economic, social and environmental benefits arising from the proposed development, which are rated as positive in the table above and discussed below.

6.1.3 Whilst the scheme will result in the loss of existing trees on Site, the impact of any loss in isolation is considered to be 'limited' negative. This is due to the scheme being reduced to a single dwelling, and its position and orientation has been chosen to enable the maximum retention of matures trees.

6.1.4 Furthermore, the provision of new homes in the existing 'urban area' of Kenilworth is supported under the provisions of Policy H1 of the adopted Warwick District Local Plan, which this Site falls within. The overall design approach also accords with the general thrust of the policy

guidance for development on 'garden land' set out at Policy H1 as the scheme reflects the local vernacular in terms of scale, height, form and massing, and thus will reinforce and harmonise with the established character of the street and/ or locality and respect surrounding buildings.

- 6.1.5 The loss of some of the existing trees counterbalanced against positive benefit in respect of landscaping, bio-diversity and ecology. The proposal provides an opportunity to improve the biodiversity of the Site through planting and other habitat introduction.
- 6.1.6 Overall, the above factors weigh in favour of the grant of planning permission and the limited negative impact associated with the loss of trees and slight harm to the Listed Building, is found to be outweighed by the positive benefits discussed above.

KEY:

Scale		
Positive	Very Positive	
	Positive	
	Moderate	
	Limited	
	Very Limited	
↓	Neutral	
	Very Limited	
	Limited	
	Moderate	
	Negative	
	Very Negative	

7.0 Summary and Conclusion

7.1 Overview of Conclusions

7.1.1 CarneySweeney has been instructed by Redwood Care Ltd (the Applicant) to provide planning consultancy services associated with the following development for which full planning permission is sought from Warwick District Council, as the Local Planning Authority:

"Proposed construction of a residential unit (Use Class C3), with limited site clearance and creation of enhanced dementia garden to adjoining and bio diversity enhancement, including associated landscaping, access, drainage, ground and engineering works."

7.1.2 The Site is neither shown to be allocated for any specific land use on the adopted Warwick District Local Plan Policies Map (adopted September 2017) nor is it within the Kenilworth Neighbourhood Plan (Made, September 2018). The Site does comprise an area of existing tree planting protected by a Tree Preservation Order (TPO), with the TPO extending beyond the extent of the application site. The Site sits to the north of Kenilworth Manor (also known as Thickthorn Manor), which is a Grade II Listed Building. In terms of the surrounding area, Thickthorn Stables which is also Grade II Listed is situated on the opposite side of Thickthorn Orchard near the Site.

7.1.3 The proposed development has been the subject of pre-application discussions with Warwick District Council as the Local Planning Authority (the LPA). As discussed in Section 1.2 of this Planning Statement, based on the feedback provided by the LPA, the scheme has been reduced from 4x residential unit to 2x residential units and now a single unit, which prioritises the retention of as many mature trees on the Site as possible, alongside landscaping and bio diversity enhancements as part of a wider creation of a dementia garden.

7.1.4 The Site is currently unallocated and lies within the existing built up 'urban area' of Kenilworth, where new housing development is directed to the urban area under the provisions of Policy H1 of the adopted Warwick District Local Plan (September 2017). The Policy does support, in principle, the development of windfall sites, which applies to the Site subject of this application.

7.1.5 Also, it has been demonstrated at Section 5 that when assessed against the policy provisions in respect of 'garden land' at Policy H1, the scheme will reinforce and harmonise with the established character of the street and/ or locality and respect surrounding buildings in terms of scale, height, form and massing as the design and appearance of the development reflects

that of the local vernacular.

- 7.1.6 Also discussed in Section 5, the legislative tests in the Planning (Listed Buildings and Conservation Areas) Act 1990 relevant to this planning application have been fulfilled and detailed in the accompanying Heritage Statement. As such, we are of the view that there are no heritage-based restrictive policies applicable to the application and the presumption in favour of sustainable development is engaged.
- 7.1.7 Taking into account all the above matters, the proposed development is deemed to be in accordance with the statutory Development Plan, and national planning policy. As such, planning permission should be granted.

Appendices

Appendix 1

STATUTORY DEVELOPMENT PLAN

Warwick District Local Plan 2011 – 2029, adopted September 2017

Policy BE1 Layout and design

"New development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Development proposals will be expected to demonstrate that they:

- a) harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use;*
- b) relate well to local topography and landscape features (see policy NE4);*
- c) reinforce or enhance the established urban character of streets, squares and other spaces;*
- d) reflect, respect and reinforce local architectural and historical distinctiveness;*
- e) enhance and incorporate important existing features into the development;*
- f) respect surrounding buildings in terms of scale, height, form and massing;*
- g) adopt appropriate materials and details;*
- h) integrate with existing paths, streets, circulation networks and patterns of activity;*
- i) incorporate design and layout to reduce crime and fear of crime (see policy HS7);*
- j) provide for convenient, safe and integrated cycling and walking routes within the site and linking to related routes and for public transport (see policy TR1);*
- k) provide adequate public and private open space for the development in terms of both quantity and quality (see policy HS4);*
- l) incorporate necessary services and drainage infrastructure without causing unacceptable harm to retained features including incorporating sustainable water management features; m) ensure all components, e.g. buildings, landscaping, access routes, parking and open spaces are well-related to each other and provide a safe and attractive environment;*
- m) make sufficient provision for sustainable waste management (including facilities for kerbside collection, waste separation and minimisation where appropriate) without adverse impact on the street scene, the local landscape or the amenities of neighbours;*
- n) meet the highest standards of accessibility and inclusion for potential users regardless of disability, age or gender;*
- o) ensures that layout and design addresses the need for development to be resilient to climate change (see policy CC1); and*

p) ensure that there is an appropriate easement between all waterbodies / watercourses to allow access and maintenance Development proposals that have a significant impact on the character and appearance of an area will be required to demonstrate how they comply with this policy by way of a Layout and Design Statement."

Policy BE3 Amenity

"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."

Policy HE4 Archaeology

"Development will not be permitted that results in substantial harm to Scheduled Monuments or other archaeological remains of national importance, and their settings unless in wholly exceptional circumstances.

There will be a presumption in favour of the preservation of locally and regionally important sites, except where the applicant can demonstrate that the benefits of development will outweigh the harm to archaeological remains.

The Council will require that any remains of archaeological value are properly evaluated prior to the determination of the planning application.

Where planning permission is granted for development which will have an adverse effect on archaeological remains, the Council will require that an agreed programme of archaeological investigation and recording precedes development."

Policy NE3 Biodiversity

"New development will be permitted provided that it protects, enhances and / or restores habitat biodiversity.

Development proposals will be expected to ensure that they:

a) lead to no net loss of biodiversity, and where possible a net gain, where appropriate, by means of an approved ecological assessment of existing site features and development impacts;

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- b) protect or enhance biodiversity assets and secure their long term management and maintenance, and;*
 - c) avoid negative impacts on existing biodiversity.*

Where this is not possible, mitigation measures must be identified. If mitigation measures are not possible on site, then compensatory measures involving biodiversity offsetting will be required."

Policy NE4 Landscape

"New development will be permitted that positively contributes to landscape character.

Development proposals will be required to demonstrate that they:

- a) integrate landscape planning into the design of development at an early stage;*
- b) consider its landscape context, including the local distinctiveness of the different natural and historic landscapes and character, including tranquillity;*
- c) relate well to local topography and built form and enhance key landscape features, ensuring their long term management and maintenance;*
- d) identify likely visual impacts on the local landscape and townscape and its immediate setting and undertakes appropriate landscaping to reduce these impacts;*
- e) aim to either conserve, enhance or restore important landscape features in accordance with the latest local and national guidance;*
- f) avoid detrimental effects on features which make a significant contribution to the character, history and setting of an asset, settlement, or area*
- g) address the importance of habitat biodiversity features, including aged and veteran trees, woodland and hedges and their contribution to landscape character, where possible enhancing these features through means such as buffering and reconnecting fragmented areas;*
- h) maintain the existence of viable agricultural units, and;*
- i) are sensitive to an area's capacity to change, acknowledge cumulative effects and guard against the potential for coalescence between existing settlements."*

Policy NE5 Protection of Natural Resources

"Development proposals will be permitted provided that they ensure that the district's natural resources remain safe, protected, and prudently used. Development proposals will be expected to demonstrate that they:

-
- a) do not give rise to soil contamination or air, noise, radiation, light or water pollution where the level of discharge, emissions or contamination could cause harm to sensitive receptors;*
 - b) ensure that, where evidence of contamination exists, the land is made fit for its intended purpose and does not pose an unacceptable risk to sensitive receptors;*
 - c) do not result in a reduction in the quality or quantity of groundwater resources; this includes the protection of principal aquifers and the source protection zones associated with public supply boreholes within the northern part of the district; there will be a presumption against development within a groundwater SPZ1 that would physically disturb an aquifer;*
 - d) avoid the best and most versatile agricultural land unless the benefits of the proposal outweigh the need to protect the land for agricultural purposes;*
 - e) do not sterilise mineral resources identified as of particular importance unless it can be demonstrated that it would not be practicable and environmentally feasible to extract the identified mineral resource prior to development taking place;*
 - f) where appropriate, identify how the proposals will contribute to the EU Water Framework Directive and the Severn River Basin Management Plan, which requires the restoration and enhancements of water bodies to prevent deterioration and promote recovery of waterbodies."*

Policy FW3 Water Efficiency

"The Council will require new residential development of one dwelling or more to meet a water efficiency standard of 110 litres / person / day. This includes five litres / person /day for external water usage."

Kenilworth Neighbourhood Plan, made November 2018**Policy KP13: General Design Principles**

"Development proposals should achieve a standard of design that is appropriate to the local area and demonstrate regard for the following design principles:

- a. heritage assets and their settings in the locality must be respected in accordance with their significance;*
- b. there is a positive response to the site characteristics and surroundings in terms of the proposed layout, density, building scale, height, proportions, massing, orientation, architectural detailing, materials and landscape;*
- c. impact on the residential amenity of existing and future residents must be assessed and addressed;*

- d. potential impacts from noise, light or air contamination, land instability or ground water pollution or flooding must be assessed and addressed;*
- e. guidance provided through Secured by Design (SBD) and Lifetime Homes should be addressed;*
- f. the requirements for safety, privacy and amenity space must be addressed appropriately;*
- g. when replacing existing buildings, the footprint and design of the replacement must have particular regard for the character of the existing built form and density, residential and visual amenity and retention of the appropriate level of off-street parking.*

Development proposals within the Kenilworth Conservation Areas must assess and address the guidance provided within the Kenilworth Conservation Areas Design Guide published by Warwick District Council and the following Policies KP13A - KP13S which identify locally distinctive design by character areas as defined on Policies Map 5.4."

MATERIAL CONSIDERATIONS

National Planning Policy Framework (NPPF, July 2021)

Section 9 promotes sustainable transport, with Paragraph 105 stating, *"...Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health..."*.

When considering development proposals, Paragraph 111 states: *"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."*

Applications should also give priority first to pedestrian and cyclist movement and facilitate access to public transport and allow for the efficient delivery of goods, and access by service and emergency vehicles (Paragraph 112).

The policies set out in Section 12 seek to achieve well designed places, highlighting that the creation of high-quality, beautiful and sustainable buildings and places is fundamental for the planning and development process (Paragraph 126). Paragraph 126 goes on to state that *"...good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities..."*.

Paragraph 130 also outlines that planning decision "...should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

Section 14 confirms a proactive approach should be taken in order to adapt to climate change. Paragraph 169 outlines that "major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits."

Section 15 deals with conserving and enhancing the natural environment. Paragraph 174 identifies that planning decisions should contribute to and enhance the natural environment inter alia:

- a) Through protecting and enhancing sites of biodiversity value.
- e) Preventing new and existing development from contributing to, or put at unacceptable risk from, or being adversely affected by unacceptable levels of pollution (soil, air or noise) or land stability.
- f) Remediate and mitigate despoiled, degraded, derelict and contaminated unstable land, where appropriate.

With regards to habitats and biodiversity, Paragraph 180 states that in determining planning applications local authorities should apply a number of principles, with the first being (Paragraph 180 a), *"...if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, as a last resort, compensated for, then planning permission should be refused..."*. Part d) of Paragraph 180 provides further policy guidance in stating that *"development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate."*

Paragraph 183 deals with matters relating to ground conditions and pollution, stating that planning decisions should ensure that:

- a) *"a site suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risk arising from natural hazards or former activities such as mining, and any proposal for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation)..."*

Paragraph 186 deals with air quality matters outlining that planning decision *"...should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement..."*

OTHER MATERIAL CONSIDERATIONS

Residential Design Guide (Supplementary Planning Document (SPD), May 2 018)

The Residential Design Guide SPD sets out the design principles for all new residential development in the District. The SPD is split into the following design topics and themes:

- Design Steps – *"New housing development should be viewed in the isolation of the individual site, but consideration must be taken of the wider context including not just neighbouring buildings, but also townscape and landscape."*
- Design Considerations – *"The character of Warwick District is made of a complex variety of building styles which contribute to the attractive qualities of many residential areas. These range from the classical architecture of Leamington with set piece terraces to traditional timber framed vernacular of rural areas."*
- Design Characteristics – *"The Council wishes to promote innovative designs where they complement their surroundings. The applicant must demonstrate that the context of the proposal is understood and respected."*
- Design Practicalities – *"The NPPF (Paragraph 109) states that "the planning system should contribute to and enhance the natural and local environment by "preventing both new and existing development from contributing to or being put at unacceptable levels of soil, air, water or noise pollution or land stability""."*
- Detailed Design – *"A series of guidance sheets covering detailed design situations produced by the Council are appended to the document, but this chapter deals with a variety matters from guidance on side extension, roof designs, dormer windows etc. to overlooking, separation distances."*

Air Quality & Planning (Supplementary Planning Document (SPD), January 2019)

This SPD sets out guidance that seeks to simplify the matters that are taken into account with regards to air quality impacts associated with developments and focuses on the incorporation of mitigation measures at the design stage.

The objectives of guidance set out within this SPD document are as follows:

- *"Improve the consideration of air quality & health impacts in the planning process, in line with national / local policy and practice*
- *to help ensure consistency in the approach to dealing with air quality and planning in the district;*
- *to highlight the existing policy framework in the district, and emphasise the importance of air quality as a material planning consideration;*
- *to identify the circumstances where detailed assessments and/or low emission strategies will be required as part of planning applications;*
- *to provide guidance on measures that can be implemented to mitigate the potentially harmful impacts of new developments on air quality in the district;*
- *to provide guidance on the use of planning conditions and Section 106 obligations to improve air quality; and*
- *to encourage co-benefits of reducing Carbon and noise emissions."*

The SPD identifies 5 Air Quality Management Areas (AQMA) designated in the District, which are listed below:

- Warwick Town Centre AQMA
- Coventry Road AQMA
- Leamington Spa AQMA
- Warwick Road, Kenilworth AQMA
- New Street, Kenilworth AQMA

Whilst the Site does not fall within an AQMA, an Air Quality Scoping Report is submitted in support of this planning application.

Land East of Kenilworth Development Brief, March 2019

The Land East of Kenilworth Development Brief document was adopted in March 2019 and provides site specific planning guidance for the delivery of this strategic allocation. The East of Kenilworth allocation (ref: HO6) is set out under Policy DS11 of the Warwick District Local Plan (adopted September 2017) and Policy KP4 of the Kenilworth Neighbourhood Plan (made November 2018).

From a review of the extent of the proposed allocation and the Land East of Kenilworth Development Brief (adopted March 2019), the Application Site is not included within the allocation, as such the proposed development is not considered to undermine the delivery of the East of Kenilworth allocation, which sits to the west and south of the Site.

The Development Brief does identify Thickthorn Manor (referred to as Kenilworth Manor in this application) and Thickthorn Stables within the analysis of the surrounding context of the allocation. In this context of these designated heritage assets, and others identified in the document, the Development Brief states that *"...any development will have to ensure that it respects the setting of the listed buildings and minimise any harm to the significant of the assets."*