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RW/24.050/CL  
23 February 2024

Mr D Charles  
Principal Planning Officer  
Development Management,  
Warwick District Council,  
Riverside House,  
Milverton Hill,  
Royal Leamington Spa,  
CV32 5HZ

Dear Mr Charles

**Resubmission of application reference W/23/0415 for Demolition of existing buildings and erection of 55 dwellings at Former Kenilworth Conference Centre, Glasshouse Lane, Kenilworth**

Please find enclosed a resubmission for Demolition of existing buildings and erection of 55 dwellings at Former Kenilworth Conference Centre, Glasshouse Lane, Kenilworth following refusal of the previous planning application ref: W/23/0415 by resolution of the planning committee, contrary to officer's recommendation.

The application was reported to planning committee on 14<sup>th</sup> December 2023 with an officer's recommendation of approval, subject to conditions and the completion of a S106 agreement. Notwithstanding the officer's recommendation, the committee proceeded to resolve to refuse the application by virtue of non-compliance with the emerging Net Zero Carbon DPD, with detailed wording of the reason for refusal delegated to officers.

The decision notice was issued on 15<sup>th</sup> December 2023 with a single reason for refusal, as follows:

*'1 The emerging Warwick District Council Net Zero Carbon Development Plan Document which has reached an advanced stage, requires all new developments of one dwelling or more to demonstrate through the submission of a detailed energy statement how the development has been designed to minimise carbon emissions from new buildings within the District to support the achievement of national and local carbon reduction targets.*

*In the opinion of the Local Planning Authority, the submitted application fails to demonstrate compliance with the requirements of the emerging DPD in reducing carbon emissions through sustainable energy measures and increasing the performance of buildings to minimise the energy demand.*

*The proposal is therefore considered to be contrary to the emerging Net Zero Carbon Development Plan Document to which significant weight can be attached.'*

It is highlighted that Section 35(6) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 states that:

‘(b)where planning permission is refused, the notice must state clearly and precisely their full reasons for the refusal, specifying all policies and proposals in the development plan which are relevant to the decision;’

In light of the above, it is the understanding of the Applicant that, if compliance could be achieved against the emerging Net Zero Carbon DPD for a duplicate application, the reason for refusal would no longer be applicable and the application would be approved. It is on this basis that this resubmission is made.

The Net Zero Carbon DPD is currently going through examination with hearing sessions having closed in March 2023. Subsequent to the Hearing Sessions, the Inspector issued a Post Hearing Letter to the Council requiring further actions/amendments to be undertaken to make the plan sound and to then proceed with a Main Modifications consultation on the proposed amendments. The additional works have been undertaken and the Council has proceeded to undertake a Main Modifications consultation which closed in July 2023. The Main Modifications have been submitted to the Inspector and their Final Report is awaited, ahead of being able to adopt the DPD and for it to form part of the Development Plan.

Notwithstanding the progress to-date on the examination, on 13<sup>th</sup> December 2023, a Written Ministerial Statement was made issued on Local Energy Efficiency Standards by the Parliamentary Under Secretary of State for Levelling Up, Housing and Communities, Baroness Penn. The WMS sets out the Government’s current approach to improving energy efficiency on a national scale including the 2021 enhancements to Part L of the Building Regulations, and the Future Homes standard anticipated in 2025 updates to Part L. The WMS is very clear that, ‘In this context, the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations’. The risk of such actions is iterated as ‘The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale.’

Considering the above, the WMS stated that:

‘Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed (my emphasis) rationale that ensures:

- That development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework.
- The additional requirement is expressed as a percentage uplift of a dwelling’s Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP).’

In light of the WMS, the Inspector for the examination of the Net Zero Carbon DPD undertook a further consultation on the WMS, to be considered as part of his Final Letter and recommendation. The Inspector’s Final Letter and recommendation on the soundness of the plan are yet to be received.

In accordance with Paragraph 48 of the NPPF,

*‘48. Local planning authorities may give weight to relevant policies in emerging plans according to:*  
*a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*  
*b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*  
*c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).’*

The emerging policies are at a relatively late stage in their preparation, however, there are unresolved objections (by virtue of responses made to the Inspector following the WMS and discussed during the Examination). There is not considered to be conflict with the NPPF, albeit it is also the Applicant's view that the proposals do not accord with the Written Ministerial Statement. Therefore, at this time, the policies of the emerging plan cannot be given full weight and are only a material consideration.

Whilst the Applicant is of the view, as per the officer's previous recommendation, that the proposals were previously acceptable, this application is made in accordance with the emerging policies of the Net Zero Carbon DPD. To demonstrate this, the application is accompanied by a new Energy and Sustainability Statement, including Embodied Carbon Assessment.

As demonstrated in the report, the strategy focuses on a 'Fabric First' approach which prioritises improvements to the fabric of the dwellings to avoid unnecessary energy demand and consequent CO<sub>2</sub> production. The statement demonstrates a minimum 10% improvement in fabric energy efficiency achieved in accordance with emerging policy NZC2(A). Calculations to proposed dwellings show that dwellings will achieve fabric efficiency improvements of between circa 17-21% over a Part L 2021 baseline.

It is proposed that the disused conference centre and hotel will be removed and replaced with a new apartment block. The estimated emissions of a new build apartment, built to the proposed specification, are -0.11 Tonnes CO<sub>2</sub>/yr, as opposed to 1.99 Tonne CO<sub>2</sub>/yr for an existing building conversion. The estimated CO<sub>2</sub> emissions of a new build apartment block are -1.32 Tonnes CO<sub>2</sub>/yr, as opposed to 23.88 Tonnes CO<sub>2</sub>/yr for an existing building conversion, or a 105.53% reduction.

To further enable the transition to zero carbon development, heat pumps have been proposed to all units, presenting CO<sub>2</sub> emission reductions of between 64-72% over a Part L 2021 baseline. The addition of Solar PV systems of between 2.84kWp – 7.29kWp will ensure that dwellings will achieve the minimum 63% CO<sub>2</sub> reductions contained within emerging Policy NZC1.

Calculations undertaken to the proposed dwellings under the approved Standard Assessment Procedure demonstrate that, through following the energy efficiency approach described, with the addition of low-carbon renewable technology, the calculated as-designed emissions are reduced by 102.32% over Part L 2021 requirements.

It has also been determined that the calculated water consumption equates to a maximum water consumption of 109 litres/occupier/day, and therefore offers a significant improvement on the maximum of 125 litres/occupier/day allowable by Building Regs 2021.

An Embodied Carbon Assessment has been undertaken for four house types (2, 3, 4 and 5 bed national house types) and one apartment block. Carbon hotspots have been found in the substructure and external wall construction for all dwellings, with reinforced concrete, brick and blockwork contributing to over 50% of the total embodied carbon emissions. To reduce the embodied carbon emissions, the choice of high recycled content concrete used for the construction of both the foundation and external wall construction is advised. Furthermore, sourcing materials more local to the project would reduce emissions associated with transport, and the use of timber frame construction would result in lower embodied carbon emissions over a dwellings entire life cycle.

Considering the above, the proposals now accord with the emerging policy requirements and should be supported.

The application is submitted with a new revision to the Site Layout, and other associated drawings showing the site layout linework. However, it is highlighted that the nature of the changes are not material to the scheme as a whole and relate to very modest tweaks to plots.

I would be grateful for a meeting to discuss the progression of the proposals to planning committee and subsequent approval.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Richard West', with a long horizontal flourish extending to the right.

**RICHARD WEST BA (Hons) MRTPI**  
**Director**  
**Richard.West@cerda-planning.co.uk**