



Appeal Decision

Hearing Held on 6 October 2020

Site visit made on 9 October 2020

by D M Young JP BSc (Hons) MA MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 28 October 2020

Appeal Ref: APP/T3725/W/20/3251045

Former Tamlea Building, Nelson Lane, Warwick CV34 5JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Orbit Group Limited against the decision of Warwick District Council.
 - The application Ref W/19/1858, dated 1 November 2019, was refused by notice dated 4 March 2020.
 - The development proposed is the redevelopment of the former Tamlea Building for residential purposes, (including the demolition of all existing buildings) and creation of associated access, parking, landscaping and associated infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for the redevelopment of the former Tamlea Building for residential purposes, (including the demolition of all existing buildings) and creation of associated access, parking, landscaping and associated infrastructure at Former Tamlea Building, Nelson Lane, Warwick CV34 5JB in accordance with the terms of the application, Ref W/19/1858, dated 1 November 2019, subject to the conditions set out in the schedule to this decision.

Main Issues

2. The main issues are the effect of the development on the living conditions of future occupiers with particular regard to noise, outdoor amenity space and privacy.

Reasons

3. The appeal site is an elongated parcel of brownfield land sandwiched between Nelson Lane to the south and the Grand Union Canal to the north. It currently accommodates several industrial buildings and a sizable area of hardstanding¹. The wider area is characterised by commercial buildings and uses along the canal corridor and post-war housing to the south.
4. In my view, the existing buildings, which can perhaps best be described as utilitarian, make a negative contribution to the adjacent Canal Conservation Area (CCA) particularly when viewed from the towpath which runs along the northern flank of the canal.

¹ The area of hardstanding was the site of a former industrial building which burnt down in 2010.

5. The appeal scheme proposes the demolition of all existing buildings and the erection of 29 affordable units. The accommodation would consist of six one-bedroom flats, 13 two-bedroom dwellings and 10 three-bedroom dwellings. These would be arranged in linear form fronting Nelson Lane albeit set-back behind a new footway and private estate road. The gardens would back onto the canal.

Noise

6. To the immediate north of the site (between the appeal site and the canal), are moorings and a car park associated with Kate's Boats who hire out canal boats to customers for leisure use. Part of the business involves the maintenance and repair of the boats within the polytunnel-type structure located on the canal. Kate's Boats is not subject to any planning controls in terms of the nature or scale of industrial operations that can lawfully take place.
7. Paragraph 180 of the "*National Planning Policy Framework*" (the Framework) states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on, inter alia, living conditions. It seeks to ensure that the impacts of noise should be mitigated and reduced to a minimum so as to avoid '*significant adverse impacts*' on health and quality of life.
8. As clarified at the Hearing, the Council's concerns in relation to noise are limited to the effect of works within the polytunnel on the living conditions of occupiers of the nearest plots². There is no dispute about the internal noise levels within the units themselves and therefore, the Council's objections relate solely to the potential for noise disturbance in the rear gardens of the aforementioned plots.
9. The scheme's designers have sought to mitigate the potential for noise disturbance by omitting two units, the proposed layout thus includes a generous gap between plots 14 and 15 (adjacent to the boat building). In addition, the rear boundary of the site between plots 11-17 would comprise a 2.5m high, brick wall.
10. The Statement of Common Ground (SOCG) confirms that the maintenance and repair activities associated with Kate's Boats would give rise to '*adverse impacts*' and not '*significant adverse impacts*' on future occupiers. On that basis alone, it seems doubtful whether the amount of noise disturbance would be at a level to bring the proposal into conflict with the Framework.
11. There was much discussion at the Hearing regarding the nature of the activities carried out in the polytunnel. The source of much of this information comes from the current owner of Kate's Boats, who, as I understand it, does not object to the proposals and has signalled her intention to wind down the maintenance side of the business at the Nelson Lane site. This information has been supplemented by the Appellant's Noise Report, the conclusions of which are supported by a five-day, on-site noise survey.
12. Based on the above, the following salient facts emerge; 1) noise from the polytunnel is limited in its extent (approximately one hour a day) and generally during the working day, 2) subject to mitigation, the level of noise would be approximately 7dB above background levels, 3) the nature of the work

² Plots 13, 14, 15 and 16

undertaken in the polytunnel is largely cosmetic and limited to one boat at a time with structural work taking place off-site, 4) the surrounding acoustic environment is typical of a built-up urban area with associated levels of background noise and 5) the Council is not aware of any noise complaints from existing properties in the area albeit that these are located further away than those proposed.

13. In light of the above, I am satisfied that future occupiers of units 13-16 are unlikely to be subjected to significant levels of noise at those times of the week and year when they are likely to be using their gardens. Whilst I cannot totally discount the possibility of some adverse noise, the evidence suggests it would be short-lived and infrequent. There is also some currency in the fact that prospective purchasers of the units would be able to exercise consumer choice in these matters. I find it difficult to accept that those seeking a tranquil, disturbance-free, existence would choose an urban canalside location.
14. Whilst the Council is quite right to point out that Kate's Boats could intensify its existing operations at Nelson Lane or alternatively be sold to another operator, both scenarios seem unlikely at this point. The constrained and somewhat bespoke nature of the Kate's Boat site including its physical layout is unlikely to lend itself to an intensive repair and maintenance operation or indeed anything other than a boat rental business model. In my view, a more repair/maintenance focussed operation is likely to gravitate towards the larger, purpose-built marinas in the wider area.
15. In light of the above, I conclude that future occupiers of the development would not be subject to unreasonable levels of noise disturbance. As a result, there would be no conflict with Policy BE3 of the "*Warwick District Local Plan 2011-2029*" (the LP) which seeks an acceptable level of amenity for future occupiers of new development.
16. Given my findings above and with the agreement of the main parties, it is not necessary to consider the effect of the development on adjacent businesses as set out in the Council's second reason for refusal.

Outdoor amenity space

17. A number of the dwellings³ would have gardens below the size specified in the Council's "*Residential Design Guide 2018*" (the SPD). As confirmed on page 7, the SPD is a '*vehicle for outlining the Council's general approach to design*'. The Council accepted that those standards governing garden sizes are not hard and fast rules and their application will vary depending on the circumstances of a particular case.
18. In this instance, plots 2, 3, 4 and 16 which are three-bedroom dwellings, would normally require a private amenity area of 50m². The submitted plans show that these units would have gardens between 33.3-38.6m². Plots 18 and 19 are two-bedroom units requiring a private amenity area of 40m² and are shown as having gardens of 32.1m² and 29.4m² respectively. In all cases I consider the shortfalls are material. However, given the flexibility built into the SPD, the matter clearly does not end there.

³ Plots 2, 3, 4, 16, 18 and 19

19. On page 25, the SPD states: *"Provision of amenity space and gardens must be set within the context of ensuring that inefficient use of land is avoided. Therefore in situations where the standards cannot be achieved e.g. high density housing developments the Council will seek to work jointly in agreement with developers to provide an upgrade to nearby off site amenity space which will be available to the general public"*.
20. The parties hold differing interpretations of the above guidance which were explored at the Hearing. In my view, the reference to 'gardens' in the first sentence strongly suggests that the Council envisaged situations where high-density housing schemes, similar to this one, could make an off-site contribution in lieu of fully compliant garden sizes. Whilst I accept that the guidance will, more often than not, apply to flatted developments, there is nothing in the wording that would preclude more traditional forms of housing. That view is buttressed by the inclusion of the abbreviation 'e.g.' which means that the scenarios to which the guidance might apply is not a closed list.
21. Turning to the effect on the living conditions of future occupiers, one has to recognise that for some, particularly busy, younger people, smaller gardens could be seen as a distinct advantage. The Council was not able to produce any evidence to demonstrate that properties with smaller gardens in the district had remained vacant or had proved difficult to sell. On the contrary, the Appellant's oral evidence suggested that if anything, the reverse was true. The development as a whole would contain a range of garden sizes which are broadly consistent with those found in the housing estate to the south.
22. There are a number of other site-specific considerations. First, whilst some of the plots would undoubtedly have small gardens, this has to be weighed against the open outlook that future occupiers would enjoy over the canal, something which is likely to be highly desirable in the context of a built-up urban area. The Appellant's evidence in relation to the cost of other canalside properties in the local area adds credence to that view.
23. Second, as I saw when I visited the area, there is a large park less than a ten-minute walk from the site offering expansive areas of open space for the playing of sports and other forms of recreation. Third, although I accept that the issue of garden size is an important planning consideration particularly for family housing, the Council conceded there are very few activities that can be carried out in a 50m² and not a 38m² garden.
24. I accept that further reducing the number of units on the site would help to address the Council's concerns. However, that would deprive families of much needed affordable housing in a district with very low, and declining, levels of affordability. It must surely be preferable, in the context of a national housing crisis, that future occupiers have the opportunity to purchase a home, even if it is sub-optimal in a limited and specific way, as opposed to denying them that opportunity altogether. This is particularly so when the Council's SPD expressly acknowledges that an off-site contribution may sometimes be appropriate to avoid the inefficient use of land.
25. Considering the site-specific circumstances outlined above in the round, I do not consider that the living conditions of future occupiers would be unduly compromised by the proposed garden sizes to the six plots identified. Moreover, subject to the payment of an off-site, open space contribution, I am satisfied the proposal would not conflict with the approach set out in the SPD.

Privacy

26. The SPD states *"All dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides a reasonable level of privacy"*.
27. The Council's privacy concerns are limited to those units where railings are proposed to the canal frontage⁴. It was established at the Hearing that the levels of activity associated with the strip of private land immediately north of the appeal site is low-key and not at a level to cause any significant loss of amenity. The issue is therefore whether the comings and goings of people along the towpath and on the canal itself, combined with the use of railings, would create unacceptable levels of overlooking for future residents.
28. In terms of the towpath, this is located on the far side of the canal, approximately 20m from the proposed gardens at their nearest point. Those areas of the gardens that are typically used for sitting out i.e. to the immediate rear of the dwellings, would be further away still. On any assessment that is some distance away.
29. Moreover, in my experience, people using a towpath do so for enjoyment or perhaps as part of a commuting journey. To suggest that people would dwell on a narrow towpath and peer into those private gardens on the far side of the canal, seems completely implausible to me. Much the same applies to boaters, who one would like to think would have their eyes on the canal rather than the goings-on in private gardens. Whilst I acknowledge that towpath users and boaters might on occasion happen to glance over in the direction of the houses, or even exchange pleasantries, that behaviour would be entirely expected in a canal-side development and would be anything but unacceptable.
30. Even if I am wrong about that, the layout plan indicates that there would be a landscaped strip running along the rear boundary of plots 1-4. Over time this would provide an adequate level of screening if future occupiers desired. Similarly, there are a number of established off-site trees adjacent to plots 18-20 which would afford a degree of screening particularly during the summer months when the towpath and canal would be at their busiest.
31. When I visited the area, I took the opportunity to cycle along the towpath from Myton Road, past the appeal site to Cape Road. Over the course of that journey, I was able to see into the gardens of dozens of houses yet there is no suggestion from the Council that this causes a particular problem in practice to those residents.
32. Based on the foregoing I find the Council's concerns regarding privacy to be overplayed. I am therefore satisfied that future occupiers would enjoy a reasonable level of privacy commensurate to the development's canalside setting. As a result, there would be no conflict with Policy BE3 or the SPD.

Other Matters

33. Various appeal decisions have been drawn to my attention. However, there was no suggestion that the facts of any one case were so aligned with the facts here that the previous decision indicated that this appeal should be either

⁴ plots 1-4 and 18-20

dismissed or allowed. I have therefore had regard to the various decisions insofar as they are relevant to my consideration of this appeal.

Overall Conclusions

34. I am required to determine this proposal in accordance with the development plan, unless material considerations indicate otherwise. I have carefully considered the issues of noise, outdoor amenity space and privacy and have concluded that there would be no unacceptable harm in these areas either individually or collectively.
35. The Council accepts that the development would comply with all other policies of the development plan and I see no reason to take a contrary view. Most significantly the development would be consistent with the Council's housing policies H0, H1 H2 and H4. Other benefits include a welcome contribution towards the Council's affordable housing stock and would help to address the shortfall that accrued since the beginning of the plan period. I accept the Council has a 5-year supply of housing. However, this is not a ceiling on the number of houses that can be provided. Accordingly, the delivery of housing must still be seen as a significant benefit. There would also be the usual economic benefits one would associate with a housing scheme of this size.
36. The proposals have been carefully developed in liaison with the Council's Conservation Officer and would make efficient use of an underused brownfield site located in an accessible and sustainable location within Warwick, with good access to local services, facilities and public transport.
37. The removal of the unsightly buildings and timber boarded fence and the construction of a modern residential development with sensitive boundary treatments and facing materials would in my view add a new and distinct element to the canalscape south of Coventry Road. The overall result would represent an enhancement to the character and appearance of the CAA. The scheme would also significantly improve the character and appearance of the Nelson Road street-scene.
38. As I have not identified any unacceptable harm in relation to the appeal scheme, it follows that it would be sustainable development and thus benefit from the 'presumption in favour' contained in LP Policy DS5. Accordingly, I conclude that the proposal should be allowed, subject to the imposition of a number of conditions, as discussed at the Hearing and set out in the Schedule below.

Planning Obligations

39. The Framework sets out policy tests for planning obligations; obligations must be 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. The same tests are enshrined in the statutory tests set out in the Regulation 122 of the CIL regulations.
40. The indoor and outdoor sports facility contributions⁵ are supported by LP policy HS4 and a consultation response from the Cultural Services department and have been calculated via a standard formula. The money would be spent on

⁵ £2,083 towards the improvement of outdoor artificial sports facilities, £9,028 towards the improvement of grass Pitches and-£23,256 towards indoor sports facilities.

the improvement of existing facilities in the local area. I am satisfied this contribution meets the relevant tests.

41. I am less satisfied with the £15,000 highway contribution which according to the Highway Authority would be put towards a cycle scheme on Coventry Road. It is not supported by a development plan policy and little or no details of the scheme have been provided. Additionally, the Highway Authority's statement fails to explain exactly how the contribution has been calculated. Whilst the general process has been outlined, it is stated that the contribution is "*based upon development sites that are identified within the Local Plan*". However, as far as I am aware, this site is not an allocated site in the LP.
42. According to Figure 4a of the Appellant's Transport Statement only 3.1% of trips from the site would be undertaken by bicycle. Although the TS does not give a daily trip rate for the dwellings the generally accepted figure is between 5-7. Therefore, taking the worst-case figure of 7 trips a day per dwelling, the development would generate in the region of 6 bicycle trips a day. On that basis, I have significant concerns about whether the contribution would be reasonably related in scale to the proposed development.
43. Adding further to these concerns, is the failure of the Highway Authority (and the Appellant's Traffic Consultant) to factor in trips to/from the existing B2 use. It is established practice in highway assessments to look at both the existing and proposed trip rates to determine the net-impact on the road network. That basic process has not been followed and as a result the highway impact in the TS is likely to be over-reported. This is important because as the Highway Authority's own compliance statement explains "*The use of contributions to mitigate any harm must be reviewed to show it is a proportionate impact and that the development is not disproportionately remedying issues associated with pre development traffic*".
44. Finally, I note from the Highway Authority's own admission that the contribution has not been commensurately reduced from the previous application despite a reduction in the number of proposed units. This fuels my suspicion that £15,000 is not directly related to the development but is rather an arbitrary figure, unsupported by objective evidence. Given the combination of these concerns, I do not consider the highway contribution meets the relevant statutory tests.
45. A contribution of £97,015 is sought towards additional secondary school provision through expansion of a school in the planning area to provide places for the five school places calculated to be required as a result of this development. The contribution is supported by LP Policy DS12 and has been calculated via a standard formula. The Education Authority's response explains that schools in the area are forecast to be over capacity in future years. I am therefore satisfied the contribution meets the relevant tests.
46. An off-site public open space contribution of £145,080 towards the improvement of local open space is necessary to mitigate the lack of private amenity space across the development. The contribution is supported by LP Policy HS4 and a detailed response from the Council's Green Spaces Team. Specific details of the calculation have been provided. I am therefore satisfied that the contribution meets the relevant tests.

47. Finally, contributions towards a travel packs, road safety initiatives and the Council's monitoring costs are supported, by amongst others, Policy LUT3 of the Warwickshire Local Transport Plan 3 and LP Policy RS12. I am satisfied these contributions meet the relevant tests.

Conditions

48. The Council has suggested a number of planning conditions which I have considered against advice in the PPG. In some instances and with agreement of the main parties, I have amended/amalgamated the suggested conditions in the interests of brevity, to avoid repetition and to ensure compliance with the PPG.
49. Time limit and plans conditions are necessary in the interests of proper planning and to provide certainty^[1&2]. A construction management plan is necessary to protect the amenity of nearby residents^[3]. A noise attenuation condition is necessary to safeguard the living conditions of future residents^[4]. A contaminated land condition is necessary to ensure the development is suitable for its intended use^[5]. Ecology conditions are necessary to mitigate the impact of the development on bats^[6&7]. To ensure the structural integrity of the adjacent canal, a condition requiring details of the foundations including any piling works is necessary^[8].
50. Conditions regarding the provision and maintenance of a satisfactory surface water drainage system and flood prevention measures are necessary to ensure satisfactory drainage of the site in the interests of flood prevention^[9-11]. Conditions covering materials, landscaping, levels and the removal of certain permitted development rights are necessary to ensure the satisfactory appearance of the development^[12-15]. Details of the affordable housing are necessary to ensure the development can best meet local housing needs^[16].
51. Conditions covering water efficiency and electric charging points are necessary to ensure compliance with relevant development plan policies in these areas^[17&18]. To protect the privacy of neighbouring and future occupiers a condition requiring obscure glazing to plots 1, 5, 7 and 9 is necessary^[19].
52. The specification of the site access is a matter that would be dealt with by the Highway Authority under its powers under the Highways Act. A condition covering these matters is not therefore necessary. I have however imposed conditions to ensure the access, cycle/car parking and bin storage areas are all provided prior to first occupation^[20-22].
53. Conditions 3, 5, 7, 8 and 9 are 'pre-commencement' form conditions and require certain actions before the commencement of development. In all cases the conditions address matters that are of an importance or effect and need to be resolved before construction begins.

D. M. Young

Inspector

APPEARANCES

FOR THE APPELLANT

Gary Stephens MRTPI

Mike Brownstone

Tim Malby FRICS

Barry Leedham MRICS

David Sercombe RICS

Applicant's Planning Consultant

Resound Acoustics

Kingmaker Developments Ltd

Orbit Homes Ltd

Robothams Architects

FOR THE LOCAL PLANNING AUTHORITY

Helena Obremski BA (Hons), MA, MRTPI

Matthew Shirley BSc (Hons), EHRB

Principal Planning Officer

Senior Environmental Health Officer

INTERESTED PARTIES

Mrs Parveen Rai

Director Rai Property Investments

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3532-06 Rev F, 3532-07 Rev B, 3532-10 Rev C, 3532-12 Rev B, 3532-17 Rev C, 3532-18 Rev C, 3532-19 Rev C, 3532-20 Rev C, 3532-21 Rev C, 3532-22 Rev B, 3532-23 Rev B, 3532-30 Rev C, 3532-31 Rev C, 3532-33 Rev B and 3532-34 and 3532-35 Rev C.
- 3) The development hereby permitted (including any works of demolition) shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; tree protection measures and a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 4) No dwelling shall be occupied until measures to protect residents of the development from excessive road traffic and commercial noise have been implemented in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The measure shall thereafter be retained.
- 5) No development shall take place until:
 - i) A site investigation has been designed for the site using the information obtained from the approved desk-top / preliminary study (Brookbanks Consulting Ltd, 28th October 2019, Rev 3, Ref. 10535 DS01 Rv3), its appendices, and any diagrammatical representations (conceptual model). The investigation must be comprehensive enough to enable:
 - (a) A risk assessment to be undertaken relating to human health
 - (b) A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
 - (c) An appropriate gas risk assessment to be undertaken
 - (d) Refinement of the conceptual model
 - (e) The development of a method statement detailing the remediation requirements

The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.

A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the local planning authority prior to the remediation being carried out on the site.

- ii) All development of the site shall accord with the approved method statement.
 - iii) If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be deal with.
 - iv) Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.
- 6) No dwelling shall be occupied until an external lighting scheme has been implemented in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority. In discharging this condition the Local Planning Authority expects lighting to be directed away from the canal and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:
- Lighting should be directed away from vegetated areas
 - Lighting should be shielded to avoid spillage onto vegetated areas
 - The brightness of lights should be as low as legally possible;
 - Lighting should be timed to provide some dark periods;
 - Connections to areas important for foraging should contain unlit stretches.
- 7) The development hereby permitted (including demolition) shall not commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists-Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation plan shall thereafter be implemented in full.
- 8) No development associated with construction of Plots 1 – 20 inclusive shall take place until a Method Statement detailing the design and means

of the construction of the foundations of those dwellings, including details of any piling works together with any other proposed earth moving and excavation works required in connection with their construction, has first been submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall identify and incorporate any measures required to avoid the risk of adversely affecting the stability of the washall of the adjacent Grand Union Canal (for example, undertaking vibration monitoring during piling operations or establishing stand-off distances from the canal for heavy plant operation or machinery). The development shall thereafter only be carried out in accordance with the agreed Method Statement.

- 9) No development shall take place until a detailed surface water drainage scheme for the site, 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. 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.
 - 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 a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 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.
 - Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network.
- 10) The development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) 'Land North of Nelson Lane Warwick' (ref. 10535 FRA01 Rev. 2) by Brookbanks Consulting, dated 28/10/2019 and in particular the following mitigation measures detailed within the FRA:
- Limit the discharge rate generated by all rainfall events up to and including the 100 year return period plus 40% (allowance for climate change) critical rain storm to 3.98 l/s for the site.
 - Provide provision of surface water attenuation storage as stated within the FRA of 228 cubic metres.
 - Surface water is to be provided via a minimum of two trains of treatment using permeable paving and geocellular storage tanks within the drainage design.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme.

- 11) 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 within the maintenance Plan.
- 12) No development shall be carried out above slab level unless and until details of all external materials to be used in the construction of the development including boundary walls, railings and gates have 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.
- 13) No development shall be carried out above slab level until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings 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 or any subsequently approved amendments.
- 14) No dwelling shall be occupied until a soft landscaping scheme for the development has been submitted to and approved in writing by the Local Planning Authority. The landscaping shall be completed in full accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.
- 15) 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 gate, fence, wall or other means of enclosure shall be erected within the curtilage of any dwelling fronting a highway, canal or footpath.
- 16) No development above slab level shall commence until a scheme detailing the affordable housing provisions has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
 - the tenure split;
 - the arrangements for the management of the affordable housing;

- the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- 17) The dwellings hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.
- 18) Prior to first occupation each dwelling shall be provided with one 16amp (minimum) electric vehicle charging point. Once provided the charging points shall thereafter be retained.
- 19) Prior to the occupation of the development hereby permitted, the windows in the west elevation of Plot 1, windows in the first and second floor of the west elevation of Plots 5, 7 and 9 shall be permanently glazed with obscure glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times.
- 20) The site access and all areas to be used by vehicles including parking and turning areas shall be provided prior to first occupation of any dwelling. Once provided the area shall be retained for their intended purpose thereafter.
- 21) The development hereby permitted shall not be occupied unless and until the approved cycle parking facilities have been provided and made available for use in accordance with the details on the approved plans and thereafter those facilities shall remain available for use at all times.
- 22) The development hereby permitted shall not be occupied unless and until the external refuse storage areas for the development have been constructed or laid out, and made available for use by the occupants of the development and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development.