

Conditions 04/11/2025 - APPEAL REF: APP/R3705/W/25/3371526 - Land South of Warton Recreation Ground, Orton Road, Warton

Outline planning application for the construction of up to 110 dwellings, with access, landscaping, sustainable drainage features, and associated infrastructure. All matters are reserved except for primary vehicular access from Church Road.

1. This permission is granted under the provisions of Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015 on an outline approval, and the further approval of the Local Planning Authority shall be required with respect to the under-mentioned matters hereby reserved before any development is commenced:-

- (a) appearance
- (b) landscaping
- (c) layout
- (d) scale

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

2. In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of all reserved matters.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

Defining conditions

4. The development hereby approved shall not be carried out otherwise than in accordance with the following:

Site Location Plan (STN-GEN-SW-DR-MP-01 Rev K)

received by the Local Planning Authority 1 April 2025

Parameter Plan (STN-GEN-SW-DR-MP-02 Rev J)

received by the Local Planning Authority 1st April 2025

Proposed Site Access Arrangements T24529-002 rev G
received by the Local Planning Authority 3 September 2025

Proposed Site Access Arrangements – Site context T24529-001 rev H
received by the Local Planning Authority 11 August 2025

REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

5. The maximum number of dwellings hereby permitted shall not be greater than one hundred and ten (110).

REASON

In the interests of the amenities of the area.

6. The heights of the dwellings hereby by approved shall be in accordance with the Building Heights and Density Plan contained at pages 48 and 49 of the Design Access Statement received on 01 April 2025 and details contained therein. No dwelling shall exceed the maximum building height shown for its plot on the Building Heights Plan.

REASON

In the interests of the amenities of the area.

Pre commencement conditions:

7. No construction works shall take place until a Phase 2 (Intrusive) risk assessment for contaminated land has been undertaken and submitted to the LPA for approval. If the assessment identifies potential contamination details of the proposed remediation measures shall be submitted to the LPA. All works shall be carried out by a competent person and agreed in writing by the Local Planning Authority prior to commencement of construction.

REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

9. Where remediation works have been carried out in pursuance with the preceding conditions 1 and 2, a post remediation verification report shall be submitted in writing to and approved by the Local Planning Authority before the development is first occupied.

REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

10. No development shall commence including any site clearance, until a such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. This should be in accordance with any recommendations contained within the Breeding Bird Scoping Letter (dated 21 March 2025) and Badger Technical Note (dated 14 July 2025) provided by Blade Ltd. The approved plan shall be adhered to through the construction period. The approved plan shall provide for:

- The routing and parking of vehicles of HGVs, site operatives and visitors;
- Hours of work - Monday - Friday: 08:00 - 18:00; Saturday: 08:00 - 13:00; No working Sunday or Bank Holidays without prior approval;
- Loading and unloading of plant/materials.
- details of any temporary measures required to manage traffic during construction; details for the turning, loading and unloading of plant and materials
- The control of noise and vibration
- the parking of vehicles of site operatives and visitors;
- Storage of plant and materials used in constructing the development.
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- Wheel washing facilities to prevent mud and debris being passed onto the highway.
- Details of all temporary contractor's buildings, plant and storage of materials associated with the development process
- A scheme for recycling/disposing of waste resulting from construction works.
- Emergency contact details that can be used by the Local Planning Authority, Warwickshire County Council and public during the construction period
- measures to control the emission of dust and dirt during construction
- details of how the site will be laid out during construction
- The use of diesel or petrol powered generators should be avoided. Mains electricity or battery powered equipment should be used where practicable. Noise control during construction in accordance with BS 5228- 1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites

The approved Construction Management Plan shall be adhered to throughout the construction period of the development.

REASON

To safeguard the character and appearance of the area, living conditions and road safety.

11. That a scheme for the landscaping of the site, including the retention of any existing trees, hedgerows and shrubs and planting of additional trees, hedgerows and shrubs, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.

REASON:

To safeguard the character and landscape of the area.

12. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the buildings are occupied.

REASON

To safeguard the character and appearance of the area and protect residential amenity.

13. As part of the reserved matters pursuant to condition 1, a Biodiversity Net Gain Plan (the Plan) taking into account the Biodiversity Net Gain Report dated 14 July 2025 and Statutory Biodiversity Metric calculation dated 14 July 2025 shall be submitted to and approved in writing by the LPA. The Plan shall be based on the Biodiversity Net Gain metric spreadsheet completed by Blade Ltd. The Plan shall include the following details:

- A) Location plan of the areas to be used for Biodiversity Net Gain;
- B) Description of existing habitats on site;
- C) Description of planned habitat creation/enhancement, including species to be planted/sown;
- D) Timetable for implementation of habitat creation/enhancement;
- E) Habitat management and monitoring plan including timetable for management routines and reviews, and strategy for any remedial measures, if and when required;
- F) Mechanism for securing the implementation of the biodiversity off-setting and its maintenance/management for a period of 30 years in accordance with details approved in the Plan.

The Plan shall thereafter be implemented in accordance with the approved

details.

Reason: To ensure the development delivers the mandatory biodiversity net gain required under the Environment Act 2021, aligns with North Warwickshire Local Plan policies LP14, LP16 and LP17, and protects, enhances, and monitors biodiversity over the long term.

14. No development shall commence until the existing and proposed datum levels of the built form have been provided and approved by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

REASON

In the interests of the amenities of the area.

15. No development shall take place until a detailed scheme of noise mitigation measures for the development has been submitted to and been approved in writing by the Local Planning Authority. The scheme of noise insulation measures shall be prepared by a suitably qualified consultant/engineer and shall consider the recommendations of the Noise Assessment by Rappor Consultants Ltd (Date: March 2025. Job. No. 250180). The scheme shall include details of the glazing systems to be installed and, where necessary, the means of providing alternative ventilation, including to achieve compliance with Part O – Overheating, of the Building Regulations. The approved scheme shall be implemented prior to occupation of the houses and be permanently retained thereafter.

REASON

In the interests of the amenities of the area and future occupiers.

16. Development shall not commence, excluding demolition, until a low emissions strategy for mitigating the air quality impacts of the development is submitted to and approved in writing by the local planning authority. The scheme shall take account of the Council's Air Quality and Planning SPD (2019). All works which form part of the approved scheme shall be completed before occupation of the development unless otherwise agreed in writing by the local planning authority. The measures in the agreed scheme shall be maintained throughout the life of the development.

REASON

In the interests of the amenities of the area, future occupiers, and in accordance with the Air Quality and Planning SPD (2019).

17. No development, site clearance or site preparation works shall commence until an arboricultural method statement (AMS) has been submitted to the LPA and approved in writing. This with the tree protection plan should detail all tree protection measures and limitations on demolition and construction activity. This shall include details of measures for the protection of the existing trees and hedgerows on and adjoining the site during the development. These measures shall be implemented in accordance with the approved details. Where the approved details require the installation of protective fencing or ground protection, these shall be put in

place before any development takes place, and before any equipment, machinery or materials are brought on to the site; and shall be retained until these have been removed from the site, following the completion of the relevant part of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.

REASON

To ensure the work is carried out to accepted arboricultural practices to the long term well being of the trees and hedgerows.

18. No development shall take place until:

- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work shall be submitted to and approved in writing by the LPA.
- b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken. A report detailing the results of this fieldwork shall be submitted to the planning authority.
- c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the LPA. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

REASON

To ensure the recording of any items of archaeological interest.

19. A Habitat Management and Monitoring Plan (HMMP) for a minimum 30-year timeframe shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the HMMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including annual work plan capable of rolling forward over a five-year period).
- g) Details of the body or organisation responsible for implantation of the plan.
- h) Ongoing monitoring and remedial measures
- i) The completed statutory metric applied to the application site to demonstrate that a biodiversity net gain will be achieved.
- j) Locations and numbers of any ecological enhancement features such as bat and bird boxes, reptile and amphibian refugia, invertebrate boxes
- k) Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where results from monitoring show that conservation aims and objectives of the HMMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning

biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure a mandatory Biodiversity Net Gain in accordance with the Environment Act, the NPPF and to safeguard biodiversity in accordance with Local Plan Policy LP16 Natural Environment.

19. Construction Environmental Management Plan (CEMP: Biodiversity) No development shall take place (including ground works and vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities of an ecological clerk of works (ECoW)/similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that protected and priority species and sites are not harmed by the development and to safeguard biodiversity in accordance with the Local Plan Policy LP16 Natural Environment.

20. No part of the development hereby permitted shall be commenced until a badger walkover survey, including timetabled mitigation measures where appropriate, has been carried out by a suitably qualified ecologist and has been submitted to and approved in writing by the Local Planning Authority. Any approved mitigation measures shall be implemented in accordance with the approved timetable.

Reason: To ensure appropriate measures are taken in relation to protected species

21. Prior to occupation a detailed lighting scheme will be submitted and agreed between the applicant and the local planning authority whether fixed or free standing. In discharging this condition, the Local Planning Authority expects lighting to be restricted around the boundary

edges, along hedgerows and trees and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

- Lighting should be directed away from any bat boxes
- 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

The development shall thereafter be completed in accordance with the approved details and permanently retained as such unless the prior written approval of the Local Planning Authority has been obtained for any variation.

Reason: To ensure appropriate measures are taken in relation to protected species.

22. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

1. Undertake infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site.
2. Where infiltration is demonstrated to not be feasible, limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 24.1l/s for the site in line with the surface water drainage strategy (ref: LE25058–OR-LINK-GEN-XX-RP-CFRA01_Flood Risk Assessment).
3. Where the drainage scheme proposes to connect into a 3rd party asset, for example a public sewer, further information should be provided regarding the ownership, purpose, location and condition of this asset along with confirmation of the right to connect into it. This could take the form of land ownership plans showing riparian ownership, land drainage consent, flood risk activity permit or agreement under Section 106 of the Water Industry Act (1991).
4. Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.
5. Provide detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
6. Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:
 - a. Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant.
 - b. Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events
 - c. Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.
 - d. Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.

7. Provide plans such as external levels plans, supporting the exceedance and overland flow routing provided to date. Such overland flow routing should:
- a. Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
 - b. Consider property finished floor levels and thresholds in relation to exceedance flows. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels.
 - c. Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding. Reason To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity

23. The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has been submitted to and approved in writing by the local Planning Authority. The approved scheme shall be implemented in full prior to occupation of any development to the satisfaction of the Local Planning Authority

Reason

In the interests of Public Safety from fire and the protection of Emergency Fire Fighters.

24. No dwellings shall be occupied until such details of the number, type, colour, output of the solar panels, how the power will be used within the building and / or added to the national grid have been submitted and approved in writing by the local planning authority.

REASON

In order to assist with energy generation and sustainability and to accord to with policy LP35 of the adopted North Warwickshire Local Plan

25. No development shall commence until details of a bin collection point for the storage of waste on collection days have been submitted to and approved in writing by the Local Planning Authority. The area shall be laid out in accordance with the approved details and thereafter be set aside and retained for those purposes.

REASON

In the interests of the amenities of the area and safety on the public highway.

26. Prior to occupation of any of the dwellings hereby approved details of hedgehog friendly fencing within and around the site shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be installed and maintained as such at all times thereafter.

REASON

In the interests of nature conservation, thus achieving sustainable development objectives set out in the National Planning Policy Framework.

Other conditions:

27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order revoking and re-enacting that Order with or without modification) no extension (or alterations) otherwise approved by Classes A, AA, B, C, D and E of Part 1 of Schedule 2 to the Order, garage or outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order shall be erected or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

REASON

To avoid over-development to the detriment of the rural character of the area.

28. Access for vehicles to the site from the public highway shall not be made other than at the position identified on the approved drawing number T24529-002- Rev G whereby the visibility splay requirements stated on the drawing will be satisfied. The access to the site shall not be used unless a public highway footway crossing and the alterations to the public highway as shown on the approved drawing have been laid out and constructed in accordance with the specification of the Highway Authority.

REASON

In the interests of the amenities of the area and safety on the public highway.

29. The development above the damp proof course shall be commenced until the visibility splays shown on the approved drawing number T25529_003 Rev D have been provided to the vehicular access to the site, passing through the limits of the site fronting the public highway, to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON

In the interests of the amenities of the area and safety on the public highway.

30. No development above slab level shall commence until detail in respect of information and communications technologies has been submitted and approved in writing. No dwelling hereby approved shall be occupied until the approved details have been carried out in accordance with the approved details.

REASON: In the interests of achieving sustainable development and meeting development plan policy requirement LP36 of the adopted North Warwickshire Local Plan.

31. No dwelling shall be occupied until such details renewable energy sources, which may include ground source heat pumps and solar panels. Details shall include number, type, output, colour, and how the power will be used within the building and / or added to the national grid. Any gas boilers to be installed or replaced shall be a low NOx Boiler. The boiler must meet a dry NOx emission concentration rate of <40mg/kWh. Details and boiler details shall be submitted and

approved in writing by the local planning authority, and shall be implemented prior to the first occupation of the development.

REASON

In order to assist with energy generation and sustainability and to accord to with policy LP35 of the adopted North Warwickshire Local Plan