

**Application No:** [W 23 / 0824](#)

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| <b>Town/Parish Council:</b> | Warwick                                   | <b>Registration Date:</b> | 07/07/23 |
| <b>Case Officer:</b>        | Adam Walker                               | <b>Expiry Date:</b>       | 06/10/23 |
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**Land at, Goggbridge Lane, Hampton Road, Warwick**

Development of 67 dwellings with access, parking and associated infrastructure.  
FOR Taylor Wimpey UK Limited

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This application is being presented to Committee due to the number of objections and an objection from the Town Council having been received.

The application was withdrawn from the March 2024 committee agenda to allow for some additional time to resolve flood risk and drainage matters.

**RECOMMENDATION**

Planning Committee is recommended to GRANT planning permission, subject to the satisfactory resolution of flood risk/drainage matters as discussed within this report, the imposition of conditions as detailed at the end of this report, and subject to the completion of a Section 106 Agreement to secure the necessary financial contributions/obligations (including any variation to, or clarification of, the sums requested where the revised sums are agreed by the relevant consultee and meet the relevant statutory test).

Should a satisfactory Section 106 Agreement not have been completed within 4 months of the date of Committee or in the opinion of Officers, insufficient progress has been made within this period to warrant the agreement of additional time to complete the Agreement, Planning Committee are recommended to delegate authority to the Head of Place, Arts and Economy to refuse planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

**DETAILS OF THE DEVELOPMENT**

This is a full planning application for the erection of 67 dwellings on land at Goggbridge Lane in Warwick.

The proposal is a resubmission of application W/22/0400 which was for the development of 69 dwellings on the site. That application was refused by the Warwick District Planning Committee in March 2023.

The proposed development would provide 40 open market dwellings and 27 affordable dwellings. The properties would range in size between 1 and 4 bedrooms. There would be a mixture of detached, semi-detached, terraced and

maisonette type properties. The dwellings would be predominately 2 storeys in height, with a small proportion of 2.5 storey properties (8no.).

The development would be served by a combination of five separate points of access off Goggbridge Lane. There would be two adoptable roads forming priority junctions onto Goggbridge Lane, one of which would utilise an existing access point (adopted turning head). The other three accesses would be shared private driveways each serving a maximum of 5 dwellings.

An attenuation pond is proposed to the southern end of the site for the on-site SuDS provision.

There have been amendments to the scheme during the course of the application. There was a substantial amendment to the proposed site layout which sought to improve noise issues by no longer having properties backing directly onto the western boundary where the A46 runs parallel to the site; this resulted in a wholesale revision of the site layout. There have also been other amendments to the scheme to address urban design issues and consultee comments, including from Housing Strategy. As a consequence of these changes the overall quantum of development has been reduced from 69 to 67 dwellings.

## **THE SITE AND ITS LOCATION**

The application site comprises of a parcel of vacant grassland to the west of Goggbridge Lane, Warwick. The site is just over 2 hectares in size and forms a linear piece of land that narrows from south to north. It has a gentle gradient that rises up gradually from the south towards the north. The site is currently fenced off from Goggbridge Lane by high timber fencing.

To the east of the site, on the opposite side of Goggbridge Lane, is existing residential development that was constructed around 2007. To the west is the A46 which runs parallel to the site and sits on a raised embankment. The northern boundary flanks open grassland that rises up away from the application site. To the south is an existing care home access that also forms the access to an electrical substation. Beyond the substation to the south lies the Tournament Fields employment development.

The site is allocated within the Local Plan as an existing Major Employment Commitment, forming a residual part of the Tournament Fields Allocation.

## **PLANNING HISTORY**

W/22/0400 - Development of 69 dwellings with access, parking and associated infrastructure - Refused

The above application was refused on the following grounds:

1. Policy BE3 of the Warwick District Local Plan 2011-2029 states that development which does not provide acceptable standards of amenity for future users and occupiers of the development will not be permitted.

In the opinion of the Local Planning Authority, the proposal would fail to provide acceptable standards of amenity for future occupiers by reason of noise and air pollution due to the proximity of the A46 and inadequate mitigation together with inadequate levels of light and outlook due to the height and proximity of the acoustic fence. The proposal also fails to provide on-site public open space.

The proposal is thereby considered to be contrary to the aforementioned policies.

2. Warwick District Local Plan 2011 - 2029 Policy FW1 (Reducing Flood Risk) requires development to be resilient to flooding and reduce flood risk. Hydraulic modelling required prior to determination of the application has not been submitted. The proposal is therefore considered contrary to Policy FW1.

3. Warwick District Local Plan 2011 - 2029 Policy EC3 (Protecting Employment Land & Buildings) states that the redevelopment or change of use of existing and committed employment land and buildings for other uses will not be permitted unless certain exceptions are satisfied. In the opinion of the Local Planning Authority, inadequate justification has been submitted to conclude that the exceptions in the policy have been satisfied and therefore the proposal is considered to be contrary to Policy EC3.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### Warwick District Local Plan 2011-2029

- DS1 - Supporting Prosperity
- DS2 - Providing the Homes the District Needs
- DS3 - Supporting Sustainable Communities
- DS5 - Presumption in Favour of Sustainable Development
- DS15 - Comprehensive Development of Strategic Sites
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix of Housing
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- BE5 - Broadband Infrastructure
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HE4 - Archaeology
- HS1 - Healthy, Safe and Inclusive Communities
- HS3 - Local Green Space
- HS4 - Improvements to Open Space, Sport and Recreation Facilities

- HS5 - Directing Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- FW4 - Water Supply
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- EC3 - Protecting Employment Land and Buildings

#### Guidance Documents

- Affordable Housing (Supplementary Planning Document - June 2020)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Open Space (Supplementary Planning Document - April 2019)
- Parking Standards (Supplementary Planning Document- June 2018)
- Residential Design Guide (Supplementary Planning Document- May 2018)

### **SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** The Town Council maintains its objection from the previous application (W/22/0400) on the ground of overdevelopment of the site. The Town Council also objects on the ground that the proposed development does not provide acceptable standards of amenity for future occupiers in terms of noise and poor air quality due to the proximity of the A46. Mitigation measures are not sufficient to overcome this.

**WDC Arboricultural Officer:** No objection. A condition is recommended requiring the development be carried out in accordance with the submitted Arboricultural Impact Assessment.

**WDC Contract Services:** No objection. Condition recommended to ensure all bin collection points are of a sufficient size.

**WDC Green Space Team:** Object on the basis of a lack of public open space provision on the site and reliance on off-site provision. Comments made in relation to the detailed design of landscaping and the SuDS feature, with clarification on such matters sought from the developer.

**WDC Housing Strategy:** A policy compliant level of affordable housing is proposed and the tenure and bedroom mix of the affordable units are acceptable. The proposed affordable units are generally well distributed through the development, although the northern cluster of 10 units slightly exceeds the 5-8

unit clusters recommended in the Affordable Housing SPD. Amendments to improve the scheme have been made since the application was submitted to increase the size of some of the affordable units. The one bedroom ground floor maisonette (Allstead/Bamstead house type) does however remain particularly small and is not supported. The market mix has been improved slightly but it remains that there are not any one bed units and an over provision of four bed units. The applicant has confirmed that all units meet M4(2) accessibility standard which is welcome. Overall, most of the original concerns raised by Housing Strategy have been addressed and on balance it is not considered that the remaining issues regarding the clustering, size of the ground floor maisonette units and the market mix are sufficiently serious to sustain an objection.

**WDC Environmental Protection Officer:** The impacts of road traffic noise are situated towards the higher end of the adverse effect gradient. This represents a less desirable living environment and skirts the threshold of unacceptable noise impacts. While the noise can be mitigated by closed windows and alternative ventilation, this can have unwanted impacts on amenity and general living conditions. This should form part of the planning balance of the scheme. With regards to air quality, the applicant's exposure assessment report confirms that future residents will not be exposed to unacceptable air pollutants and therefore no further mitigation measures are considered.

**WDC Sport and Leisure Officer:** Section 106 contribution request.

**Lead Local Flood Authority:** Further information was requested to allow a suitable assessment of flood risk and surface water drainage matters. Such information has been provided by the Applicant and is currently being reviewed by the LLFA. A response from the LLFA is expected prior to the committee meeting.

**WCC Archaeology:** The proposed development site was subject to a programme of archaeological evaluation by trial trenching in 2006. No significant archaeological remains were identified and as such it is considered that the proposed development is unlikely to have a significant archaeological impact.

**WCC Ecology:** No objection. A biodiversity offsetting scheme would need to be secured by planning obligation to compensate for the habitat loss and deliver the required biodiversity net gain. Conditions are recommended requiring the development be carried out in accordance with the submitted Preliminary Ecological Appraisal, measures to protect bats and birds and to secure a Construction Environment Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP).

**WCC Highways:** No objection.

**WCC Landscape:** Object on the grounds that the number of dwellings should be reduced in order to accommodate more street trees and more meaningful public open space around the attenuation pond. The revised scheme is an improvement on the previous design in that the proposed acoustic fence would no longer be an overbearing structure within rear gardens. The native hedge,

climbers and trees will help to soften the acoustic fence, although the species mix could be improved (this planting will need to be retained and protected). There is a lack of street trees across the development as a whole, although recent amendments to the scheme to increase tree planting alongside the acoustic fence and around the SuDS pond are welcomed. There is still a concern with an over-reliance of new tree provision being within private gardens and, notwithstanding the covenant suggested by the developer, there are concerns that such trees could be removed in the future. The attenuation pond is very large, too uniform in shape and profile; it should be redesigned to make it less uniform, with a varied bank profile. The proposed amenity grass to the areas of open space within the site (i.e. the area adjacent to the western boundary and around the drainage attenuation basin) should be replaced with more naturalistic seeding / planting. The proposed native hedgerow to the western boundary should be maintained at a height of 2-3m.

**WCC Infrastructure:** Section 106 contributions requested towards education, libraries and road safety initiatives.

**Warwickshire Police Designing Out Crime Officer:** No objection. A series of security recommendations have been provided.

**Warwickshire Fire and Rescue:** No objection subject to hydrant condition.

**Severn Trent Water:** No comments received.

**South Warwickshire University NHS Foundation Trust:** Request a financial contribution towards healthcare provision.

**NHS Integrated Care Board:** Do not request a financial contribution from this development.

**Ward Councillors:** Objection from Cllr Daniel Brown and objection from Cllr John Holland.

Councillor Brown:

1. Overdevelopment - It's too many houses for the size of the site.
2. Additional traffic in an area that already has too much traffic at times.
3. Lack of parking already in that area and not enough parking provision in the application.
4. More traffic on Stratford Road.
5. Pollution from more vehicles.
6. Noise from the A46.
7. The proposed homes (or the people living in them) being impacted by pollution from the A46. If I remember correctly, some windows on some of the houses will be sealed and not able to be opened due to the pollution risk.
8. Flood risk - the site sometimes floods and the water flows down to the nearby care home.
9. The latest application does not adequately address these concerns.

Development is not always a bad thing. Sometimes it is necessary. However, it must be sensible and address all concerns to a satisfactory level.

#### Councillor Holland:

- National Highways M40/A46/A429 junction improvements agreed in 2007 that further noise reduction would be provided on this site. Houses cannot provide this noise reduction for the local area.
- Noise modelling for the elevated section of the A46 led to noise reduction measures to reduce noise in Chase Meadow by between 3dB and 10dB. The final part of the scheme has not yet been implemented and involves this site. The road scheme only went ahead on the basis that this would be built.
- Housing on this site will not deliver the promised noise reduction.
- In addition, noise levels would be excessive for the residents of the new houses if they were to be built.

**Public Response:** The application has been the subject of two separate rounds of formal publicity. The first round of publicity was undertaken when the application was first submitted and a second round of publicity was undertaken following a substantial amendment to the site layout. A total of 18 objections have been received in response to the publicity of the application. A summary of the comments received is provided below.

#### *Response to first publicity period (11 representations)*

##### Amenity concerns

- Layout is too close to existing houses
- Invasion of privacy / overlooking of existing houses
- Loss of light / overshadowing
- Noise and air quality issues due to proximity of the A46 - impact on health and wellbeing of future occupiers of the development
- Removal of a bund that buffers some of the noise from the A46 slip road.
- Noise, dust and disturbance from construction operations
- Land is designated for business units, which makes more sense as they would barrier the noise and A46

##### Highway concerns

- Increased traffic generation and associated highway safety concerns
- Development will increase local traffic congestion
- Inadequate parking provision
- Parking on Goggbridge Lane will cause issues for the existing houses opposite the site and obstruct the turning into Penney Lane which is already tight
- Proposal will exacerbate existing problems associated with on-street parking in this area
- There are already issues for buses and ambulances getting access

##### Flood risk and drainage

- Increased risk of flooding
- Removal of a green space will affect potential for flooding

### Ecology

- Loss of green space and habitat
- Impact on wildlife

### Other matters

- No change since the previous application to address the previous reasons for refusal
- Overdevelopment (too many houses proposed)
- No open spaces or recreation areas
- Land should be left as green space for recreation or as a nature area for wildlife, or be used as an overflow car park
- There are enough houses in the area already; the proposed houses are not needed
- Increased pressure on local infrastructure such as schools and medical services, which are already oversubscribed
- Increased pressure on public transport services
- Land is unsuitable for housing. Further consideration should be given to using this land for light industrial rather than changing it to residential.

### *Response to second publicity period (8 representations)*

#### Amenity concerns

- Disruption to existing houses - both from construction traffic and following occupation of the new houses
- Occupiers of the new dwellings will be unable to open their doors and windows owing to the pollution and noise from the A46
- Site is unsuitable for residential use because of the noise and air quality issues due to proximity of the A46 - impact on health and wellbeing of future occupiers of the development

#### Highway concerns

- Proposal will exacerbate existing problems associated with on-street parking in this area (both during and post construction)
- There are already issues for buses and ambulances getting access
- Land should be turned into a car park to address existing parking issues
- Impact on road congestion and queuing times
- Concerns with the location of new access roads and impact on existing houses
- Question the need for the second access road into the development

#### Flood risk and drainage

- Site is unsuitable for houses because it floods in wet weather
- Concerns over potential flooding risk



## Ecology

- Impact on wildlife, which will be pushed into gardens and homes of existing dwellings
- Development will stress local wildlife

## Other matters

- Increased pressure on local schools, medical services and amenities
- If planning permission is approved then there should be Section 106 contributions to improve local community facilities and amenities
- The Chase Meadow estate is already bigger than it was originally intended to be
- Development will not benefit the area
- Development will have an impact on the carbon footprint for the WDC area
- Further consideration to be given to use of the land for light industrial use rather than changing it to residential
- All new roads should be adopted in a timely manner
- Cramming 67 dwellings onto the site, which is next to a very busy dual carriageway

## **ASSESSMENT**

### **Background**

The proposal is a resubmission of application W/22/0400 which was for the development of 69 dwellings on the site. The previous application was recommended for approval by Officers but was refused by the Warwick District Planning Committee on the grounds that the development would fail to provide acceptable living conditions for future occupiers, insufficient information to properly assess flood risk and the loss of allocated employment land.

When the current application was first submitted, the proposal was essentially identical to the previously refused scheme but with the inclusion of additional supporting information to justify the proposal. The Applicant then amended their scheme in an attempt to further mitigate the impact of the A46 on the new dwellings and respond directly to the committee's previous concerns with the standard of living conditions for future occupiers.

The amendment involved the inclusion of a buffer adjacent to the western boundary so that the nearest houses are set in from the boundary with the A46. This buffer is formed by internal access roads and shared driveways along with areas of soft landscaping. As part of this amendment, dwellings have been re-orientated so that they are either front-on or side-on to the western boundary (as opposed to backing onto it). As a result of all this, it has allowed the proposed noise barrier to the western boundary to be reduced in height from 6m to 5m in comparison to the previous scheme. The amendment to the western side of the

site has necessitated changes to the general layout within other parts of the site, including in terms of the access arrangements.

## **Principle of Development**

There are two elements to the principle of development. Firstly, the loss of land allocated for employment use and, secondly, the provision of new housing in this location.

### Loss of Employment Land

The site forms part of an existing Major Employment Commitment on the Local Plan Policies Map. The land is an offshoot of land from the Tournament Fields employment site that lies to the south and south east of the application site.

As the site is identified in the Local Plan as part of an employment commitment, it must be assessed against Policy EC3 of the Local Plan. This policy seeks to protect employment land and buildings and lists certain exceptions that can apply when considering their loss. Policy EC3 states:

*Outside town centres, the redevelopment or change of use of existing and committed employment land and buildings (Use Classes B1, B2 and B8) for other uses will not be permitted unless:*

- a) it can be demonstrated that there is an adequate supply of allocated employment sites in the district having regard to quantity and quality;*
- b) it can be demonstrated that the use of the land or buildings for the existing or alternative employment uses would not be viable;*
- c) it can be demonstrated that the site is not suitable for employment uses due to unacceptable and unavoidable impacts upon nearby residential uses;*
- d) it is land identified as being suitable for other uses as part of the identified Canalside and Employment Regeneration areas (Policy DS8) or*
- e) the proposal is solely for affordable housing as defined in national guidance.*

The third reason for refusal of planning application W/22/0400 concerns the loss of this employment land. It was considered that inadequate justification had been submitted to conclude that the exceptions in Policy EC3 had been satisfied. It is to be noted here that to meet the policy test only one of the criteria of Policy EC3 needs to be satisfied.

Under the previous application the Applicant advanced the case that the development met with exception b) and c) of the policy. Marketing information was submitted which demonstrated that the land had been marketed by a renowned local agent since June 2019 through a range of sources including several property websites as well as direct contact from the agent with the use of sales particulars. Despite this marketing, the site achieved little interest from

prospective developers. The supporting information provided by the agent stated that the awkward shape of the land (which tapers towards the northern end) coupled with the close proximity of residential uses dissuaded any potential development of the land.

The same marketing information has been provided with the current application and is supplemented with an updated letter from the land agent. The Applicant highlights the fact that the marketing of the site did not include a fixed or guide price, but rather, 'invited offers' so that the market could establish an appropriate price for the site based on individual assessments. The implication of this being that there was not an artificially high asking price when the site was marketed that might have deterred potential buyers. The Applicant also emphasises the length of time that the site has been marketed for (2.5 years), which surpasses the requirement set out within the supporting text to Policy EC3 (2 years).

The updated letter from the land agent states that, despite the extensive marketing through property websites together with their own social media contacts, they have been unable to find a purchaser for the allocated land use. The principal concern from employment land developers was the proximity of existing houses and the potential impact of industrial/warehouse businesses occupying buildings creating noise and significant additional vehicle movements etc. In particular, occupiers of such units expect 24/7 access with no restrictions on noise. One of the biggest issues quoted was night time movements; this was from transport on what is, essentially, a residential road but also on site restrictions created by reversing sounders and such like. The developers were all of the view that whilst they could build units, there were doubts about take-up rates because of the aforementioned factors.

A further matter to take into account within this context is that the site has been allocated for employment use for a considerable period of time. The site is a residual parcel of land that was part of the whole site development of the Tournament Fields employment land and the wider residential development known as Chase Meadow. This allocation stretches back to the previous Local Plan regime from 1996-2011. Since that time, the application site has not been the subject of any applications or interest for employment development. Given the longstanding allocation of the land and considering that no land owner or operator has been able to realise an employment development on the site since the mid 1990s, this lends further weight to the conclusion that the market does not view this as a viable employment site.

The site lies in very close proximity to existing houses on Goggbridge Lane, which are located on the opposite side of the road and generally front onto the site at a distance of around 14m. There is also a property on Jacombe Close that is a few metres from the site's northern boundary and a care home lies towards the southern boundary of the site. Officers note that the care home was included as part of the employment allocation but it does further limit any potential employment development on the land. The care home also helps to provide a transition between the Tournament Fields employment site and the residential area of Chase Meadow beyond.

Potential employment uses on the site would include those falling within the B Use Classes, namely general industry (B2) and warehouse and distribution (B8). Other potential employment uses would also include light industrial type operations that fell within the former B1 Use Class but now fall within Use Class E. Such uses would have the potential to have a significant impact on these neighbouring properties, for example through noise, odour, external lighting and the general comings and goings of staff (including shift workers) as well as from deliveries. To mitigate all these types of impacts, any employment development on the site would be heavily constrained.

It is clear that there are a range of factors that make this site unsuitable for employment use, not least the proximity of existing residential development that would restrict end users. This is borne out in the marketing evidence that has been submitted and is further corroborated by the absence of any planning applications coming forward for development on the site despite its allocation within previous and current Local Plans. Taking all of this into account, Officers are of the opinion that the development would meet both exception b) and exception c) within Policy EC3, which in this case are considered to be interlinked. The site is not suitable for employment purposes and as a consequence it has become unviable for its allocated use. The use of land for an alternative form of development is therefore considered acceptable.

This conclusion aligns with paragraph 126 of the NPPF, which states that planning decisions need to reflect changes in the demand for land. This means that where there is no reasonable prospect of an application coming forward for the use allocated in a plan, applications for alternative uses should be supported (Chapter 11, Making effective use of land).

#### Provision of new housing

The site lies within the urban boundary of Warwick. Policy H1 of the Local Plan allows for the provision of new dwellings where the site lies within the Urban Boundary as these areas are recognised as highly sustainable areas to direct new housing development.

Policy DS6 of the Local Plan sets a target of a minimum of 16,776 new homes between 2011 and 2029 and Policy DS7 sets out how this requirement will be met, which includes an allowance of 1010 dwellings on windfall sites. The proposal represents a housing windfall and would contribute to meeting the housing target within the Local Plan. Furthermore, the proposed development would add to the supply and choice of housing within the district and this would align with the Government's objective of significantly boosting the supply of homes (NPPF, Chapter 5, Delivering a sufficient supply of homes). The delivery of new housing is therefore considered to weigh in favour of the application, having already accepted that the principle of a non-employment use is acceptable on this site.

#### Conclusion

Having regard to the above, the development of the site for residential use is considered acceptable in principle and would be reflective of adjacent land uses.

**Housing Mix**

Policy H4 of the Local Plan requires residential development to include a mix of market housing that contributes towards a balance of house types and sizes across the district in accordance with the latest Strategic Housing Market Assessment (SHMA). The policy acknowledges that it may not always be appropriate to provide a full range of house types and sizes in accordance with the SHMA and sets out certain circumstances where this may apply. These circumstances include physical constraints, locational issues and local Housing Need Surveys.

Market Housing

It is proposed to provide 40 open market dwellings with the following mix:

| <b>Bedrooms</b> | <b>Total</b> | <b>% Proposed</b> | <b>WDC Requirement</b> | <b>Differen</b> |
|-----------------|--------------|-------------------|------------------------|-----------------|
| 1 Bedroom       | 0            | 0%                | 5-10%                  | -5%             |
| 2 Bedroom       | 10           | 25%               | 25-30%                 | Within Ra       |
| 3 Bedroom       | 18           | 45%               | 40-45%                 | Within Ra       |
| 4+ Bedroom      | 12           | 30%               | 20-25%                 | +5%             |

The scheme does not provide any one bed units and over provides on 4 bedroom properties. The Applicant has sought to justify this imbalance on the basis that they do not consider that there is a market for 1-bed open market units in this location. They have stated that the SHMA mix does not take account of site location and is applied widely against apartment, town centre, rural and urban edge locations. They consider that site's location lends itself to family dwellings and this also reflects the existing character and appearance of the area. Furthermore, since the latest SHMA there has been a significant uptake in working from home and an associated requirement for larger units.

The market housing mix does not fully align with the SHMA, however, it is considered that the location of the site does lend itself slightly more towards larger properties with it being outside of a town centre and the proposal would also be comparable to the adjacent residential development in this regard. This issue is to be weighed in the overall planning balance. In undertaking that balancing exercise, it is to be noted that the previous application did not include any 1 bedroom open market units and that was not cited as a reason for refusal. Furthermore, Housing Strategy have commented on the mixture of the open market housing and have not objected to the application. Overall, Officers consider the open market mix to be acceptable.

Affordable Housing

The proposal would provide a policy compliant 40% affordable housing (27 units). A mixture of 1, 2, 3 and 4 bed properties are proposed. Housing Strategy have assessed the application and are satisfied that the proposed bedroom mix and tenure of the affordable units are acceptable.

There have been amendments to the scheme to address comments made by Housing Strategy. This includes the substitution of certain house types and internal layout changes to provide units that deliver greater flexibility for lettings purposes in the context of the Housing Benefit regulations. Housing Strategy have commented that the ground floor property within the maisonettes remains particularly small, however, these units are compliant with the Government's Nationally Described Space Standard for a single occupancy one bedroom dwelling and as such Officers consider that the amount of living space provided is acceptable. While the size of these particular units provides less flexibility from a lettings perspective because it is likely that they would only be deemed suitable for a single occupier, there is demand for single occupancy units on the Housing Register and so these units would help to meet that need.

The proposed affordable units are generally well distributed throughout the development, although there is a cluster of 10 units in the northern part of the site and this exceeds the 5-8 unit clusters as recommended in the Affordable Housing SPD. However, the dwellings within this cluster front onto different roads which helps to mitigate this issue and it is also to be acknowledged that the number of affordable units in this location is heavily influenced by the fact that 6 of them are maisonettes and so this automatically affects the density. Having considered this matter, officers are satisfied that there is a reasonable spread of affordable dwellings across the site as a whole.

Some of the affordable house types would differ from the open market house types but the general design and materials of the affordable units would be the same as for the open market housing and so in that regard it would help the development to be 'tenure blind'.

### Accessibility

Policy HS1 of the Warwick Local Plan explains that support will be offered to proposals that are designed to meet the needs of older people and those with disabilities. Whilst there is no requirement in the Local Plan to deliver new homes to meet Building Regulation M4(2) (accessible and adaptable dwellings) or M4(3) (wheelchair user dwellings) standards, the applicant has confirmed that all units meet the M4(2) standard, and this is welcomed by Housing Strategy.

### **Urban Design and Impact on the Character of the Surrounding Area**

Section 12 of the National Planning Policy Framework (NPPF) places significant weight on ensuring good design, which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

Policy BE1 of the Local Plan reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be

constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The Residential Design Guide sets out steps to be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

The existing land is set to rough grassland contained within security fencing. The appearance of the land is at odds with the surrounding development and the closed off nature of the land affords little visual amenity to the local area. As the land is private, it is of little benefit to existing residents for purposes of open space.

The proposed development seeks to provide a total of 67 residential properties together with all ancillary works. The scheme has been designed to have dwellings fronting onto Goggbridge Lane and this reflects the existing residential development adjacent to the site. This front-to-front relationship would reinforce the established character of the streetscene and is in keeping with the wider residential development in the area. Dual aspect house types have been used at key junctions where dwellings have an interface with both Goggbridge Lane and new access roads/driveways. There has also been an amendment to provide greater visual interest to some of the more prominent side elevations around Road 2, which would be visible within the Goggbridge Lane streetscene. Two upper floor tax windows have been incorporated to plots 34, 52 and 61 to break up the expanse of masonry and add interest; these tax windows would match the detailing and proportions of the rest of the windows on these plots.

The scheme has also been amended to enhance the sense of activity at street level along Goggbridge Lane. This has been achieved by a substitution of house types along the site frontage to ensure that almost all dwellings have a main habitable room at ground floor level, including the pair of semi-detached dwellings situated opposite the Swan Meadow junction.

Some of the properties fronting onto Goggbridge Lane would have parking to their frontages, although some properties have no frontage parking and others have parking down the sides. As such, it is not considered that there would be a predominance of parking along Goggbridge Lane. Furthermore, many of the existing dwellings that front onto Goggbridge Lane already have front parking spaces and so in this regard the proposal would not be out of keeping in any way.

A mixture of different house types are proposed and aim to reflect the traditional 'Warwickshire' architectural style and take inspiration from other buildings in and around the local area. The dwellings are mainly two storeys in height, with a small proportion of 2.5 storey properties. Many of the house types are the same as the previous scheme and some new house types are also now proposed. Overall, there is a slightly greater variety than the previous scheme. The proposed facing materials are also comparable to the previous scheme. Two different types of red brick are proposed and a small proportion of the dwellings would either be either be fully faced in white render or would incorporate some render to their frontages.

Red and grey tiles are proposed for the roofs. The proposed material palette would provide a mixture of finishes and would harmonise with adjacent development.

The development is generally considered to provide visually appropriate boundary treatments across the site. Where rear gardens abut the new estate roads and shared private driveways the boundary treatment is provided as a 1.8m high brick wall and the scheme has also been amended to provide this same boundary treatment to certain other prominent locations. This includes to the side of plot 62 where it forms the interface with an adjacent footway at the northern end of the site and at the rear of plots 41-43 where it forms the boundary at the end of the shared access for plots 22-27. The existing post and rail fence to the southern site boundary, which is in a somewhat dilapidated state, would be replaced like-for-like and some new tree planting would also be provided in this area around the proposed drainage pond.

The proposed acoustic fencing is of a substantial height but it would have a trellis system to allow for climbing plants and a hedgerow and trees planted alongside the barrier within a landscaped strip, which would significantly soften its appearance. The acoustic barrier would also wrap around the north western corner of the site, although there is currently some uncertainty about the proposed extent of the acoustic barrier along the northern site boundary. Earlier iterations of the proposed boundary treatment plan indicated that the acoustic barrier would only extend along part of the northern boundary. However, a revised boundary treatment plan has recently been submitted and this shows the barrier extending along the full length of this boundary at the full 5m height. Officers did not have any concerns with the acoustic barrier extending partway along the northern boundary but if it were to be provided along the full length then it would have implications from a visual amenity perspective. Officers have therefore sought clarification on this issue and an update will be provided to members on this matter.

Tree planting elsewhere within the site is restricted to the area containing the drainage pond and to on-plot provision, which is principally due to space constraints. Overall, the extent and type of new tree planting is considered acceptable.

Overall, it is considered that the proposed development would sit comfortably within its context. Accordingly, it has been concluded that the proposals would have an acceptable impact on the character and appearance of the area and as such the application accords with Policy BE1 of the Local Plan and guidance in the NPPF.

### **Impact on Residential Amenity**

Policy BE3 of the Local Plan seeks to ensure that the residential amenities of the occupiers of neighbouring residential properties are not harmed by proposed development and the Residential Design Guide SPD provides guidance on separation distances between dwellings as well as garden sizes and design. The NPPF requires that planning decisions create places with a high standard of amenity for existing and future users.



### Impact on existing properties

The key area of the site is the eastern boundary where it is directly opposite existing residential development. The proposed development matches the existing properties on Goggbridge Lane by having houses fronting onto the highway resulting in a front to front relationship. The separation distance between these properties is considered acceptable. At the northernmost end of the site, plot 62 is side-on to the eastern boundary and would have an indirect relationship with existing neighbouring houses, with views between properties being at a very oblique angle. This adequately mitigates any undue impacts on amenity. To the northern boundary of the site is an area of undeveloped land that rises up away from the site.

To the south of the site is a care home and the new dwellings would be well separated from the care home building, with access roads and open space lying in between.

Officers are satisfied that the new development respects existing properties and would not result in any unacceptable impacts on the amenities of neighbouring occupiers.

### Amenity of future occupiers

A fundamental issue is the living conditions of future occupiers of the development. The first reason for refusal of the previous application was that the development failed to provide acceptable standards of amenity for future occupiers by reason of noise and air pollution due to the proximity of the A46 and inadequate mitigation together with inadequate levels of light and outlook due to the height and proximity of the acoustic fence. It was also considered that the proposal failed to provide on-site public open space.

The previous scheme involved a long run of properties backing onto the western boundary of the site and it was identified that these dwellings would experience elevated levels of noise. A mitigation strategy was proposed that incorporated enhanced levels of glazing standards to the façade facing the A46 coupled with a 6m high acoustic barrier. The strategy was reliant on windows being closed to adequately mitigate noise from the A46 and therefore a mechanical ventilation system was proposed to provide fresh air to the future occupants. The acoustic barrier was considered to impinge on natural light and the outlook from the rear elevations of the properties backing onto the boundary with the A46.

The current scheme does not have any properties bordering onto the western boundary. The layout provides a buffer between the A46 and the new dwellings which would be formed by a strip of soft landscaping and some of the access roads and shared driveways. This buffer would vary in width along its length; there would be a separation distance of approximately 15.5m at its widest in the southern part of the site narrowing to a distance of just under 8m at the northern end of the site. The nearest dwellings have been re-orientated so that they are either front-on or side-on to the western boundary and the proposed acoustic barrier has been

reduced in height from 6m to 5m. An enhanced glazing specification is proposed to the dwellings in this part of the site.

An updated Noise Assessment has been submitted with the application that reflects the proposed site layout. The noise report provides a greater level of detail than under the previous application and gives a more granular examination of the expected noise levels at each façade of the proposed dwellings and allows a more refined assessment of the noise against published guidelines.

In accordance with the Noise Policy Statement for England (NPSE) (2010) and the Noise Planning Practice Guidance (2019), the impacts of noise can be assessed on a gradient. Where environmental noise achieves published guidelines without any specific mitigation measures, this would be considered to provide good acoustic conditions and would represent a 'no observed adverse effect level' (NOAEL). As noise levels increase, adverse impacts can also increase to the 'lowest observed adverse effect level' (LOAEL). While the NPSE does not assign specific noise levels to these terms, Environmental Protection consider a +5dB relaxation to the guidelines in accordance with BS8233 to be indicative of LOAEL. As noise levels increase further, the impacts can reach 'significant observed adverse effect level' (SOAEL). At this point, the negative impacts of noise should be avoided. Whilst there are no assigned noise levels for this term, Environmental Protection would consider an increase of +10dB above published guidelines to be indicative of SOAEL.

The updated noise report identifies that road traffic noise at the proposed residential facades are mostly between the lowest observed adverse effect level and significant observed adverse effect level. The facades closest to the western boundary (nearest to the A46) experience the highest noise levels and the large majority of properties across the development would be reliant on closed windows during both the day and night time periods to achieve acceptable internal noise conditions. This therefore means that there would be a reliance on mechanical ventilation to enable occupiers to ventilate and cool their homes without being exposed to levels of noise above the relevant guidelines. It is to be noted that it is not proposed for the development to have a sealed window approach and all rooms will be provided with openable windows to allow the occupants a choice.

The noise report also identifies that the vast majority of private gardens would achieve the upper guideline limit (55dB LAeq, 16 hour) and so would provide reasonably quiet external amenity space. The noise planning practice guidance says that access to relatively quiet external amenity spaces can help in partially offsetting noise impacts on residential developments and so this provides a degree of mitigation. Where this guideline limit is exceeded, it is only by a minimal amount (max 3dB) and is equivalent to the smallest change in sound perceptible by the vast majority of the population.

In summary, the impacts of road traffic noise are situated towards the higher end of the adverse effect gradient. Environmental Protection consider that this represents a less desirable living environment and skirts the threshold of unacceptable noise impacts. While the noise can be mitigated by closed windows

and alternative ventilation, Environmental Protection consider that this can have unwanted impacts on amenity and general living conditions.

The noise report provides greater clarity on the extent of noise exposure and the current layout provides some betterment in terms of the impact on noise within gardens. It does nevertheless remain the case that occupiers would be reliant on mechanical ventilation to achieve a suitable internal noise environment. This would occur for any residential development on the site. Indeed, the noise report includes noise levels at the facade of the existing properties on the opposite side of Goggbridge Lane and these figures exceed the guideline values. However, unlike those properties the new dwellings would be fitted with alternative means of ventilation.

The issue of noise and the use of mechanical ventilation is to be weighed in the overall planning balance. The proposal would realise development on this residual parcel of land, which is unlikely to come forward for its allocated use, and therefore represents an efficient use of land in this regard. What is more, the proposal would provide new housing in a sustainable location and would boost the supply and choice of housing in the district as well as providing new affordable homes. There would also be a substantial contribution to off-site public open space provision. There is a technical solution to addressing road noise and occupiers would have a choice as to how they control noise conditions and ventilate and cool their homes. When balanced against the wider benefits of the development, officers consider that an acceptable standard of amenity would be provided in relation to noise.

The application is accompanied by an Air Quality Exposure Assessment (AQEA), which identifies that the main air pollution source is likely to be emissions from road traffic associated with the nearby road network and that the key air pollutants of concern are nitrogen dioxide and particulate matter. The AQEA provides an assessment with reference to existing air quality in the area and relevant air quality legislation, policy and guidance and includes dispersion modelling. The assessment confirms that the mean concentrations of these pollutants are predicted to meet the relevant air quality standards and a significant effect is not likely. It therefore concludes that future occupiers would not be exposed to poor air quality. The Environmental Protection team has not raised any concerns with the AQEA and air quality.

In terms of outlook and natural light, it is considered that the proposed scheme addresses the previous concerns in terms of the relationship between new houses and the acoustic barrier along the western boundary. Rear gardens would not be directly impacted and the separation distances between the facades of the new dwellings and the acoustic barrier are considered to be acceptable, with the impact further mitigated by the reduced height of the barrier and the fact that it would effectively form a living, green wall with hedgerow and trees alongside. The closest relationship between dwellings and the acoustic barrier is at the northernmost end of the site where the site tapers and results in a separation distance in the region of 8m between the front elevation of plots 64 and 65. The main aspect for these two dwellings is however to the rear, with the only habitable window to the front elevation being a first floor bedroom window. What is more, the separation

distances to the rear of these properties exceed those within the Residential Design Guide which is beneficial to their main outlook. These factors help to limit the overall impact on these particular dwellings.

As previously mentioned, there is currently some uncertainty regarding the proposed extent of the acoustic barrier along the northern site boundary. It was previously indicated that the acoustic barrier would only extend along part of the boundary where it is parallel to the gable end of plot 64. However, the recent submission now indicates the 5m high acoustic barrier extending along the full length of the boundary where it would form the boundary with the rear gardens of plots 62-64. Officers did not have any concerns with the acoustic barrier extending partway along the northern boundary but if it were to be provided along the full length then it would have implications from a residential amenity perspective. Officers have therefore sought clarification on this issue and an update will be provided to members on this matter.

With regards to open space, there has not been any material change since the previous application. The proposal provides slightly more on-site open space but it remains the case that there is not any useable public open space *per se*, save for the provision of a path through part of the landscaped buffer adjacent to the western boundary that leads to a bench overlooking the area containing the drainage attenuation basin. Due to the restricted shape of the site, the scope for on-site play areas is limited and could not be achieved without a relatively significant reduction in the quantum of development, especially considering the need for appropriate separation distances between play areas and houses. With the redesign of the site layout to provide a buffer to the A46, which has also resulted in a reduction from 69 to 67 dwellings, Officers do not consider that it would be reasonable to seek to increase the amount of on-site open space provision. While a viability case has not been presented with the application, it stands to reason that the overall viability of the scheme would be affected by a further reduction in units. Moreover, there are existing facilities within walking distance of the site and it is considered that an off-site contribution to enhance existing provision is appropriate in this instance.

Acceptable separation distances between the new dwellings are provided across the site and all of the proposed properties are considered to be afforded with an acceptable size of internal living space as well as private outdoor amenity space commensurate to the size of the property.

In conclusion, Officers are of the opinion that the proposed scheme provides an acceptable standard of living conditions for the future occupiers and would preserve the amenity of neighbouring residents. The application thereby accords with Policy BE3 of the Local Plan and guidance in the NPPF.

To mitigate the impact of construction activities on local residents, a condition is recommended requiring a Construction Management Plan.

## **Highway Safety**

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The site benefits from an existing access into the site off Goggbridge Lane which would be utilised as one of the main access points for the development. This already meets with design requirements in terms of width and provision of appropriate visibility in both directions. An additional main access would also be formed further along Goggbridge Lane; this would also be a simple priority junction. For those properties that would not be served via these two main points of access, they would be accessed by shared private driveways directly off Goggbridge Lane (three in total).

The Local Highway Authority (LHA) has assessed the anticipated vehicle movements associated with the development, the proposed access arrangements and the proposed level of parking. The LHA is satisfied that there would be no undue highway safety impacts as a result of the development. A series of conditions have been recommended regarding the highway construction. On this basis the application is considered to be in accordance with Policies TR1 and TR3 of the Local Plan as well as guidance in the NPPF.

### **Impact on Ecology/Protected Species**

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly. The NPPF states that planning decisions should contribute to and enhance the natural and local environment by, *inter alia*, minimising impacts on and providing net gains for biodiversity.

The application is accompanied by a Preliminary Ecological Appraisal and Preliminary Ecological Mitigation Plan. The application has been assessed by the County Ecology Team who have raised no objection to the proposal subject to the imposition of appropriate conditions and subject to the necessary biodiversity net gain (BNG) being secured. It is not feasible to offset the habitat loss and achieve a net gain on the site and as such it would be necessary to secure a financial contribution to deliver the BNG measures off-site. With regards to conditions, it is recommended that conditions be imposed to: protect bats and birds when trees and vegetation are being removed; ensure a sensitive external lighting scheme to mitigate the impact on bats; secure a Construction Environment Management Plan (CEMP) and; secure a Landscape and Ecological Management Plan (LEMP). Subject to these matters, Officers are satisfied that the ecological impacts of the development have been properly addressed and the application is in accordance with Policy NE3 of the Local Plan and guidance in the NPPF.

### **Flood Risk and Drainage**

Policy FW1 requires all new development to be resilient to surface water flood risk by providing an acceptable drainage strategy to demonstrate that surface water can be adequately mitigated on site.

Policy FW2 of the Warwick District Local Plan states that all new major developments must incorporate SuDS that provide biodiversity, water quality and amenity benefits and be in accordance with the Warwickshire Surface Water Management Plan. There will be a presumption against underground storage of water, and it should support the delivery of green infrastructure. In addition, SuDS schemes must be located outside the floodplain; ideally this should be within the development site or close to the site as part of a master planned drainage scheme. Priority should be given to SuDS that incorporate green infrastructure, including green roofs, walls and rain gardens.

The site is in Flood Zone 1 and is therefore at low risk of flooding from main river sources.

One of the reasons for refusal under the previous application (W/22/0400) related to flood risk. It was considered that hydraulic modelling was required prior to determination of the application and, as that had not been submitted, the proposal was deemed contrary to Policy FW1. Part of the reason for requiring the modelling was to assess additional run-off onto the site from external sources, particularly the A46 Trunk Road, to demonstrate that the development would not be subject to increased risk of flooding either on-site or elsewhere due to displacement of water as a result of the development. The hydraulic modelling was needed to demonstrate that the site will be able to mitigate the runoff without displacement into areas beyond the site boundary.

The Lead Local Flood Authority (LLFA) have been consulted on the current application. The LLFA has commented that since the initial submission of application W/22/0400 the LLFA's 'Flood Risk Guidance for Development' has been revised and it is therefore expected that the current proposal will follow the latest guidance, including in relation to updated guidance on hydraulic modelling.

Hydraulic modelling has been produced by the Applicant and a third party review of this has been undertaken, which has been organised by the LLFA. The results of this review are being assessed by the LLFA at the time of writing and the LLFA have advised that a formal response will be provided prior to the committee meeting. Following the third party review of the modelling, the Applicant has submitted updated drainage information, which is also being considered by the LLFA.

An update will therefore be provided to members on flood risk and drainage matters in advance of the meeting.

It is anticipated that conditions relating to the detailed design of the drainage system, including the SuDS pond and its headwall, will be necessary once drainage issues have been satisfactorily concluded with the LLFA.

## **Sustainability**

Policy CC1 seeks all new development to be resilient to, and adapt to the future impacts of climate change through the inclusion of measures to mitigate against rising temperatures and increased flood risk through sustainable construction measures and the incorporation of sustainable drainage methods.

The application has been submitted with a Sustainability Statement that sets out a range of elements that will improve the efficiency of the site and minimise the impact on climate change. The sustainability statement sets out these measures from the construction phase of the development through to the final completion and occupation of the dwellings.

Using a fabric first approach, the sustainability statement states that the dwellings will achieve between 8.17% and 11.98% betterment over the Part L Building Regulations requirements. Nevertheless, Officers consider that through the use of sustainable energy measures, this could be further improved and therefore the standard sustainability condition is proposed to be added.

This is consistent with the previous application and it is therefore considered that the proposal accords with Policy CC1.

### **Impact on Air Quality**

The application has been submitted with an Air Quality Mitigation Statement (AQMS) to demonstrate that the proposed development would not have a detrimental impact on Air Quality. The statement recommends various mitigation measures for the construction and operational phases of the development. The same AQMS was submitted with the previous application and was found to be acceptable. It is therefore considered that it remains acceptable for the current scheme. The AQMS recommends the provision of electric vehicle charging points and these would be secured by condition.

### **Other Matters**

#### Trees and landscaping

An Arboricultural Impact Assessment (AIA) has been provided that includes a range of proposed methodologies for works near trees. There would be some limited tree loss as a result of the proposals, all relating to category C (low quality) trees that are set within the confines of the site. New tree planting is proposed as part of the scheme.

The application has been assessed by the LPA's arboricultural officer and no objections have been raised, subject to a condition requiring the development be carried out in accordance with the proposed tree protection measures detailed within the AIA.

The County Landscape team have recommended that the proposed amenity grass to the areas of open space within the site (i.e. the areas alongside the western boundary and to the perimeter of the drainage pond) is replaced with a more

informal and naturalistic form of planting, especially given that these areas are not going to form useable areas of public open space. It is considered that this is a reasonable suggestion and can be addressed through a condition regrading the detailed soft landscaping scheme. Arrangements for the future maintenance of these areas of open space would be covered through the Section 106 agreement.

### Heritage

There are no built heritage assets that would be affected by the proposed development. WCC Archaeology have confirmed that the proposed development is unlikely to have a significant archaeological impact.

### Waste Storage

All dwellings will have adequate space for the storage of waste bins and Officers are satisfied that the bins can be satisfactorily presented to the roadside for collection. No objections have been raised by Contract Services and a condition has been recommended to ensure that all bin collection points are of a sufficient size.

### Crime prevention

The Warwickshire Police Designing Out Crime Officer raises no objection to the application but makes a range of security recommendations. These can be added to the decision notice if planning permission was forthcoming.

### Fire and Rescue

No concerns have been raised by Warwickshire Fire and Rescue Service. A condition has been recommended to secure fire hydrants.

### Contaminated land

A condition is recommended to address potential ground contamination at the site.

### Representations

Objections have been received from Warwick Town Council as well as from Councillor Browne and Councillor Holland. Overdevelopment of the site and impacts associated with that as well as the standard of living conditions for future occupiers have been cited as principal concerns. In addition, a total of 19 public objections have been received.

The quantum of development is slightly less than the previous scheme and overdevelopment was not explicitly cited within the reasons for refusal of application W/22/0400. The concerns with living conditions are acknowledged but Officers consider that such matters have, on balance, been adequately addressed.

Councillor Holland has commented that as part of National Highways M40/A46/A429 junction improvements that were agreed in 2007, noise reduction



measures were to be provided on the application site to reduce noise in Chase Meadow by between 3dB and 10dB. It is stated that the final part of the scheme has not yet been implemented and involves the current application site. There is however no planning history for a scheme of noise mitigation works on the site and the application site is in private ownership and falls outside of the control of National Highways. It is therefore difficult to see how any noise mitigation scheme could be delivered (also notwithstanding the allocation of the land in the Local Plan). The proposed development would nevertheless form a barrier between the A46 and the residential development at Chase Meadow and with the inclusion of the proposed acoustic barrier this would mitigate any noise experienced by existing residents to the east of the site.

The other issues raised in the objections have also been addressed elsewhere within this report.

### **Section 106 obligations / CIL**

The applicant has agreed to enter into a section 106 agreement to secure the following:

- Provision of 27no. units of affordable housing as proposed within the application
- Contribution of £145,770 towards Education and Learning
- Biodiversity Offsetting Contribution (circa £178,000)
- NHS healthcare contribution (£65,419)
- Contribution of £5,513 towards outdoor sports facilities
- Contribution of £64,100 towards indoor sports facilities
- Contribution of £75,829 towards provision and improvement of grass pitches
- Off-site Open Space Contribution (circa £400,000 - final figure to be confirmed)
- Contribution of £3,350 towards road safety initiatives
- Contribution of £1,231 towards Library and Information Services
- Arrangements for the future maintenance of on-site open space, drainage areas and the acoustic barrier
- County Monitoring Fee
- District Monitoring Fee

The proposed financial contributions are in accordance with the requests from the various consultees in relation to the relevant services. It is considered that these contributions will appropriately mitigate the impact of the development on these services.

The development is CIL liable.

### **Conclusion**

Officers consider that the loss of employment land is justified in this case based on the available evidence, which indicates that there is no reasonable prospect of an application coming forward for the land use allocated in the Local Plan. An alternative use can therefore be considered and Officers are of the opinion that the development of this site for housing is an appropriate and acceptable use of the site.

The scheme has been amended since the previously refused application and it is considered that the current proposal provides a betterment in terms of the standard of living conditions for future occupiers, specifically with regards to noise, natural light and outlook. While there would still be impacts on the end users in relation to these considerations due to the proximity of the A46 and the necessary mitigation measures, it is considered that these impacts have now been mitigated to an acceptable extent. The submitted Air Quality Exposure Assessment (AQEA) confirms that the development site is predicted to meet with the relevant air quality standards and therefore future occupiers would not be exposed to poor air quality, with the AQEA being accepted by the Environmental Protection team.

While it remains the case that there is very limited usable public open space provided on the site, it is not considered that this could be substantiated as a stand-alone reason for refusal considering the site constraints and the fact that there are opportunities to upgrade existing facilities within the vicinity of the site which would mitigate the increased pressure on the use of existing provision as a result of the development. On balance, the application is therefore considered to be acceptable in terms of the living conditions of future occupiers.

The Applicant has undertaken hydraulic modelling to address the previous reason for refusal relating to flood risk and drainage. This is currently being reviewed and an up-to-date position on this will be provided to the Planning Committee in advance of the meeting.

The overall design of the development would be in keeping with the character of the area and would not result in any significant harm to visual amenity. The development would not prejudice the amenities of neighbouring occupiers and the proposal is acceptable in highway safety terms. Subject to conditions and securing an appropriate biodiversity net gain, the application is acceptable from an ecological perspective.

Overall, the development is considered to accord with all relevant provisions of the Development Plan, subject to the resolution of drainage matters to the satisfaction of the LLFA. It is therefore recommended that planning permission be granted, subject to the delegation of authority to officers to conclude drainage matters, impose all necessary conditions and secure a Section 106 agreement.

## **CONDITIONS**

### **1** Time limit

The development hereby permitted shall begin not later than three years from the date of this permission.

**Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

## 2 Approved Plans and Specifications

The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and the following list of approved drawings and specification contained therein, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

- 22668\_PL\_02 Rev O (Planning Layout)
- 22668\_CPL\_02 Rev L (Planning Layout) (Coloured)
- 22668\_PP\_02 Rev D (Parking Plan)
- 22668\_TP\_02 Rev C (Tenure Plan)
- 22668\_EP\_02 Rev D (Enclosures Plan)
- 22668\_MP\_02 Rev C (Materials Plan)
- 22668\_PEM\_02 Rev B (Preliminary Ecological Mitigation Plan)
- EMA22\_22668\_PL2 Rev C (EMA22 (Beaford) Floorplans)
- EMA22\_22668\_PL3 Rev B (EMA22 (Beaford) Elevations)
- EMA23\_22668\_PL2 Rev B (EMA23 (Mapleford) Floorplans)
- EMA23\_22668\_PL3 Rev B (EMA23 (Mapleford) Elevations)
- EMA31\_22668\_PL2 Rev A (EMA31 (Ambleford) Floorplans)
- EMA31\_22668\_PL3 Rev A (EMA31 (Ambleford) Elevations)
- EMA34\_22668\_PL2 Rev A (EMA34 (Keeford) Floorplans)
- EMA34\_22668\_PL3 Rev B (EMA34 (Keeford) Elevations)
- EMA35\_22668\_PL2 Rev A (EMA35 (Tetford) Floorplans)
- EMA35\_22668\_PL2 Rev B (EMA35 (Tetford) Elevations)
- EMA48\_22668\_PL2 Rev A (EMA48 (Warkford) Floorplans)
- EMA48\_22668\_PL3 Rev B (EMA48 (Warkford) Elevations Brick)
- EMA48\_22668\_PL4 Rev A (EMA48 (Warkford) Elevations Render)
- EMAP11\_12\_22668\_PL2 Rev C (EMAP11\_12 (Allstead/Bamstead) Floorplans)
- EMAP11\_12\_22668\_PL3 Rev C (EMAP11\_12 (Allstead/Bamstead) Elevations)
- EMAP11\_12\_22668\_PL4 (EMAP11\_12 (Allstead/Bamstead) Elevations (Detached))
- EMAP32\_22668\_PL2 (EMAP32 (Satterstead) Floorplans)
- EMAP32\_22668\_PL3 (EMAP32 (Satterstead) Elevations)
- EMAP41\_22668\_PL2 (EMAP41 (Witherstead) Floorplans)
- EMAP41\_22668\_PL3 (EMAP41 (Witherstead) Elevations)
- EMB32\_22668\_PL2 Rev A (EMB32 (Owlton) Floorplans)
- EMB32\_22668\_PL3 Rev B (EMB32 (Owlton) Elevations)
- EMG44\_22668\_PL2 Rev A (EMG44 (Kitham) Floorplans)
- EMG44\_22668\_PL3 Rev B (EMG44 (Kitham) Elevations)
- EMT31\_22668\_PL2 Rev A (EMT31 (Aynesdale) Floorplans)
- EMT31\_22668\_PL3 Rev B (EMT31 (Aynesdale) Elevations)
- EMT41\_22668\_PL2 (EMT41 (Plumdale) Floorplans)
- EMT41\_22668\_PL3 Rev A (EMT41 (Plumdale) Elevations)
- EMT42\_22668\_PL2 Rev B (EMT42 (Tewksdale) Floorplans)
- EMT42\_22668\_PL3 Rev C (EMT42 (Tewksdale) Elevations)
- 22668/SS/02 Rev B (Streetscenes (1 of 2))
- 22668/SS/03 Rev A (Streetscenes (2 of 2))

- 2183\_01 Rev D (Landscape design (Sheet 1 of 3))
- 2183\_02 Rev D (Landscape design (Sheet 2 of 3))
- 2183\_03 Rev D (Landscape design (Sheet 3 of 3))
- 2183\_04 (POS)
- 3894-100 Rev F (Location Plan)
- 3894-102 Rev F (Visibility Splays)
- 3894-107 Rev B (Flood Exceedence Plan)
- 3894-110 Rev V (Engineering Layout)
- 3894-111 Rev G (Longitudinal Sections)
- 3894-112 (Adoptable Highway Details)
- 3894-113 (Adoptable Drainage Details)
- 3894-114 Rev G (Attenuation Details)
- 3894-115 Rev E (Manhole Schedules)
- 3894-123 (Maintenance Route Sections)
- 3894-132 Rev B (Site Cross Sections)
- 79839-CUR-XX-00-D-TP-05001 Rev P07 (Swept Path Analysis - Refuse Vehicle)
- 79839-CUR-XX-00-D-TP-05002 Rev P04 (Swept Path Analysis - 7.5t Box Van)
- 79839-CUR-XX-00-D-TP-05003 Rev P05 (Swept Path Analysis - Fire Tender)
- 79839-CUR-XX-00-D-TP-05004 Rev P04 (Swept Path Analysis - Large Car)
- 79839-CUR-XX-00-D-TP-75001 Rev P07 (Access Arrangement)
- 23045-HMD-TN-03-C02 (Hydraulic Modelling Assessment)

**Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

### 3 Construction Management Plan

The development hereby permitted 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; site working hours and delivery times; 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, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. The development hereby permitted shall only proceed in strict accordance with the approved CMP.

**Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.

#### 4 Contaminated Land

No development shall take place until:

1. (a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the Local Planning Authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:

- A risk assessment to be undertaken relating to human health
- A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
- An appropriate gas risk assessment to be undertaken
- Refinement of the conceptual model
- The development of a method statement detailing the remediation requirements

(b) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken.

(c) 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 shall be approved in writing by the Local Planning Authority prior to the remediation being carried out on the site.

2. All development of the site shall accord with the approved method statement.

3. 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 dealt with and shall be submitted to and approved in writing by the Local Planning Authority. The site shall not be occupied until the approved addendum has been complied with.

4. 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.

**Reason:** To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

## 5 Construction Environment Management Plan

The development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition, the Local Planning Authority expects to see details concerning pre-commencement checks for protected species and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

**Reason:** To ensure that protected species are not harmed by the development, in accordance with the National Planning Policy

Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.

## 6 Landscape and Ecological Management Plan

The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan shall also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full and retained as such.

**Reason:** To ensure a net biodiversity gain in accordance with NPPF.

## 7 Nesting birds and bats

Works to fell or lop any trees and remove shrubs shall either: be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds or; shall not commence until a qualified ecologist has been appointed by the developer to inspect the vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by a qualified ecologist.

Where mature trees are to be felled or lopped these trees shall be inspected by a qualified ecologist for the presence of bats prior to work starting. If evidence of bats is found then no works to the trees shall take place and advice from Natural England shall be sought by the developer. The tree works shall thereafter be carried out in accordance with the advice of Natural England.

**Reason:** To ensure that protected species are not harmed by the development and to accord with Policy NE2 of the Warwick District Local Plan 2011-2029.

## 8 External lighting (bats)

Details of the external lighting scheme for the development (external light fittings and external light columns) shall be submitted to and approved by the Local Planning Authority before any dwelling is first occupied. The lighting scheme shall be designed to minimise the extent

of external lighting across the development and the amount of light spill to mitigate the impact on the local bat population. The external lighting shall be provided in accordance with the approved details and retained as such.

**Reason:** To mitigate the impact on bats and to accord with Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.

## 9 Tree protection

Prior to the commencement of the development hereby approved (including all preparatory work), the tree protection measures as proposed by Wharton Natural Infrastructure Consultants in their Arboricultural Impact Assessment reference 230608 1403 AIA V2 dated 9 June 2023 and as illustrated on the draft Tree Protection Plan, together referred to as the scheme of protection, shall be adopted. The development thereafter shall be implemented in strict accordance with the approved scheme of protection, which shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

**Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

## 10 Hard and soft landscaping

Notwithstanding the submitted details, a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is constructed above floor slab level. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in 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.



**Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

## 11 Sustainability Statement

Notwithstanding the submitted information, a Sustainability Statement including an energy hierarchy scheme for the development and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is constructed above floor slab level. The document shall include:

- a) How the development will reduce carbon emissions and utilise renewable energy;
- b) Measures to reduce the need for energy through energy efficiency methods using construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
- c) How proposals will de-carbonise major development;
- d) Details of the building envelope (including U/R values and air tightness);
- e) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised;
- f) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

For the avoidance of doubt, the scheme shall accord with any relevant Development Plan Document and Supplementary Planning Document relating to sustainability which has been adopted by the Council at the time the scheme is submitted.

No dwelling shall be first occupied until the works within the approved scheme (as far as they relate to that dwelling) have been completed 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.

**Reason:** To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019).

## 12 Estate road construction

The construction of the estate roads serving the development [including footways and verges] shall not be other than in accordance with the standard specification of the Highway Authority.

**Reason:** In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

13    Estate road layout

Before the development is commenced, the further written approval of the Local Planning Authority shall be obtained for the design of the estate road layout serving the development [including footways, verges and private drives]. These details shall include large scale plans and sections showing the layout, vertical alignment, and surface water drainage details including the outfall. The development shall only be provided in accordance with the approved details.

**Reason:** In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

14    Laying out of estate roads

No dwelling shall be occupied until the estate roads [including footways] serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority.

**Reason:** In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

15    Bin collection points

Notwithstanding the submitted details, all bin collection points shall be of sufficient size to accommodate a minimum of 3no. wheelie bins for each property that the bin collection point is to serve. The bin collection points shall be provided before the dwelling to which they relate is first occupied and shall thereafter be retained as such.

**Reason:** In the interests of amenity and highway safety and to accord with Policies BE3 and TR1 of the Warwick District Local Plan 2011-2029.

16    Fire hydrants

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 part of the development and retained as such

**Reason:** In the interests of public safety from fire and the protection of emergency fire fighters.

17 Electric vehicle recharging

The electric vehicle recharging points as shown on approved drawing number 22668/PP/02/D (Parking Plan) shall be installed before the dwelling to which they relate is first occupied. The recharging points shall provide a minimum of 16amp. The electric vehicle recharging points shall thereafter be retained as such and shall not be removed or altered in any way unless being upgraded.

**Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.

18 Acoustic barrier

Notwithstanding the submitted information, a full design and construction specification for the proposed acoustic barrier shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is constructed above floor slab level. The acoustic barrier shall be imperforate and sealed at the base. The acoustic barrier shall be provided in accordance with the approved details before any dwelling is first occupied and shall thereafter be retained as such.

**Reason:** In the interests of residential and visual amenity and to accord with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029 and guidance in the NPPF.

19 Glazing, ventilation, and overheating

The dwellings hereby permitted shall be constructed in accordance with the mitigation measures specified in the following reports:

- Environmental Noise Assessment by noise.co.uk (Ref. 21614B-1-R4, 7<sup>th</sup> February 2024)
- Overheating Assessment TM59 Analysis by The FES Group (Ref. 008466, November 2022)
- Approved Document O report by Integrated Environmental Solutions (dated 14<sup>th</sup> December 2023)

Internal noise levels generated by building services/mechanically cooling system shall be no greater than Noise Rating NR25 when operated at full capacity.

The mitigation measures shall be provided before the dwelling to which they relate is first occupied and shall thereafter be retained as such.

**Reason:** In the interests of residential amenity and to accord with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029 and guidance in the NPPF.

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