

Planning Committee: 24 September 2013

Item Number: 7

Application No: W 13 / 0036

Town/Parish Council: Bishops Tachbrook
Case Officer: Liam D'Onofrio

Registration Date: 16/07/13

Expiry Date: 15/10/13

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**Harbury Gardens, Harbury Lane, Bishops Tachbrook, Leamington Spa,
CV33 9QF**

Residential development (approximately 200 dwellings) with new access on to Harbury Lane, land safeguarded for a new primary school, allotments, open space, local shop (A1 use up to 100 sqm gross). car parking and associated infrastructure FOR A C Lloyd Ltd

This application is being presented to Committee due to the number of objections from residents and objections from Parish and Town Councils having been received.

RECOMMENDATION

Planning Committee are recommended to grant outline planning permission for the development subject to the receipt of a satisfactory Section 106 Agreement and subject to the conditions listed along with any other conditions required by WCC Archaeology/Ecology, and English Heritage. Should a satisfactory Section 106 Agreement not have been completed by 15th October 2013, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposals make inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

Outline planning permission is sought with all matters reserved except for access. Access is proposed from the southern side of Harbury Lane adjacent to Cicero Approach on the northern side of the Harbury Lane. The development proposes an urban extension of 10.52 hectares located on the southern side of Harbury Lane into open countryside. The indicative layout shows space for 200 dwellings and land allocated for a primary school and playing field and associated green buffers, green spaces, public open space (incorporating a sustainable urban drainage attenuation basin) and allotments within the development site. A farm access will be provided through the site to Grove Farm.

The application is supported by extensive documentation. This includes an Environmental Statement and non-technical summary, a Planning Statement and Design & Access Statement and Transport Assessment (TA).

This application is one of several applications submitted for urban extensions south of Leamington/Warwick within the Tachbrook Road/Harbury Lane and Europa Way/Harbury Lane/Gallows Hill areas.

The Design and Access Statement indicates that: "the design philosophy for this site from the outset was to adopt and embrace the local authority's strategy for future development as outlined in their prospectus 'Garden Towns, Villages and Suburbs'. Perimeter development blocks and the spaces hereby created are clearly defined promoting efficient movement within the scheme that will help reduce the dependence on the car. Pedestrian links are provided around the perimeter on the site via the creation of 'greenways' that then link back into the site access. From the access you are led straight into the scheme by a tree lined avenue that provides a north/south link to the central 'village green', which is utilised as a hub from which a simple and direct east/west link to transverse the site with leafy tree lined streets creating a pleasant and safe environment for people to walk and cycle. Landscape boundary treatments aim to create important ecology habitat corridors across the site and provide visual mitigation for users of footpaths along the boundaries. The built form comprises 2 and 2.5 storey buildings to provide variation in roofscape and landmark buildings, Architecture will draw on the local vernacular".

THE SITE AND ITS LOCATION

The application site relates to arable fields forming a largely rectangular plot bound by Harbury Lane to the north with Warwick Gates beyond. A static caravan park is located to the west and to the south and east of the site are open fields and a building group belonging to Grove Farm. The site is within open countryside.

PLANNING HISTORY

There is no relevant planning history.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)

- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- Affordable Housing (Supplementary Planning Document - January 2008)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Warwickshire Landscape Guidelines SPG
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council - No objection. Trust that developer will work closely with District Council and County Council to ensure suitable infrastructure. Concern expressed at possible problems with traffic and would press for strategic cycle route.

Bishops Tachbrook Town Council - Objection on the following grounds:

- Contrary to NPPF.
- Contrary to current Local Plan, whose policies should continue to be given weight according to their degree of consistency with the NPPF.
- Local Plan policies for the Rural Area are consistent with the NPPF.
- Decisions should be made in accordance with the Local Plan unless material considerations indicate otherwise and are of more weight.
- The proposal is submitted before the new Local Plan has been adopted. Site should not be considered in isolation until consultation on this is complete.
- Housing will be very visible from Tachbrook Valley from the south, being on the ridge line, the suggested country park would not hide this housing. NPPF intends to conserve, protect and enhance landscape, such as this wonderful piece of Warwickshire.
- The boundary between Bishops Tachbrook, Whitnash and Warwick gates has been Harbury Lane; if developments south of this were to go ahead the resulting

separation between settlements will be too small and threatened by future development.

- The Inspector's comments who considered the current Local Plan remain relevant.

Whitnash Town Council - Objection on the following grounds:

- The current local plan is still in force.
- Significant traffic increases/road congestion.
- Coalescence of all developments south of the river will result in urban sprawl and loss of identity to towns/villages.
- Overdevelopment/ not cohesive/ adverse impact on infrastructure.
- Loss of agricultural land/ impact upon air quality.

Warwick Town Council - Objection on the following grounds:

- Approval would prejudice consultation on new local plan.
- Land is not allocated for housing purposes.
- It is not accepted that WDC do not have sufficient land to meet development for the next five years with outstanding permissions for nearly 2000 homes.
- Proposed housing provision is greatly in excess of what is needed.
- Air pollution concerns.

Highways Agency - No objection.

Environment Agency - No objection, subject to conditions.

English Heritage - Request that the scheme should be supported by an appropriate assessment on its impact upon relevant heritage assets. This assessment has been completed and forwarded to English heritage for comment. Further comments will be reported in the additional observations at the meeting.

Severn Trent Water - No objection, subject to condition.

Natural England - No objection

Warwickshire Fire and Rescue - No objection, subject to condition securing adequate fire hydrants and fire hydrants on site necessary for fire fighting purposes.

NHS Property Services - Comments awaited and to be reported in the additional observations at the meeting.

NHS South Warwickshire Foundation Trust - Comments awaited and to be reported in the additional observations at the meeting.

WCC Highways - No objection.

WCC Archaeology - Pre-determinative archaeological evaluation requested. This evaluation has been undertaken on site by the applicant and is nearing

completion. The Archaeologist's comments will be reported in the additional observations at the meeting.

WCC Ecology - Objection raised due to potential bio-diversity loss. The Ecologist has requested that this be addressed through a pre-determinative bio-diversity off-setting scheme. Following submission and agreement of this scheme the Ecologist would remove their objection. This scheme has been requested and the ecologist's comments will be reported in the additional observations at the meeting. The Ecologist raises no objections to other matters, subject to conditions.

WCC Libraries - Developer contributions are required to enable the library service to flex services to meet the needs of new and emerging communities.

WCC Education - Standard contribution required per dwelling for education provision.

WDC Environmental Services - No objection, subject to conditions.

WDC Greenspace Manager - No objection.

WDC Housing - No objection. Site is sufficient to engage 40% affordable housing, which is recognised in the applicant's Planning Statement.

WDC Community Protection - No objection, subject to conditions.

Public response - 21 objections raising the following concerns:

- Not supporting local plan/new local plan still under consultation.
- No reference to phasing over next 17 years.
- NPPF should not be considered out of date.
- Application should not be considered in isolation but considered as a masterplan.
- WDC housing numbers are guesswork/no proof houses are needed.
- 1400 empty/derelict homes in the District.
- Suggestions on other housing sites in the district.
- Suggestions on location of community centre/local retail facilities.
- WDC should not cave into Government demands but listen to public protest.
- Impact upon green area/wildlife.
- Few houses are affordable, present homeowners cannot afford to upsize.
- Farmland should be retained/next to ancient woodland.
- Residents do not want to live in a town sprawl.
- No housing mix.
- Air quality concerns.
- Coalescence of development.
- Road congestion.
- No cycle paths shown.
- Lack of infrastructure/ impact upon existing infrastructure.
- Archaeological work should be completed.

- Insufficient contributions.

A number of comments have been raised with the name of the site 'Harbury Gardens', however this is not material to the consideration of the application.

ASSESSMENT

The key issues to be assessed include the following:

- The principle of development taking into account the Five Year Housing Supply position, the current policy position, prematurity and an assessment of the proposed housing;
- Highway matters/access issues including the impact of the development on the surrounding highway network;
- The impact on landscape and heritage assets;
- The impact on ecology and archaeology;
- The impact on residential amenity;
- Air quality;
- Flood risk and drainage matters;
- Socio-economic impacts, including the contribution that would be made to health, education, open space, affordable housing and community facilities;
- Other matters

The principle of development

Five Year Housing Supply

The site is within open countryside adjoining the edge of the urban area, which is on the opposite (northern) side of Harbury Lane. The relevant Local Plan Policy is RAP1 - 'Directing New Housing'.

The National Planning Policy Framework (NPPF) 2012 states (para.49) that relevant policies for the supply of housing should *not* be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement. Whilst the Council can demonstrate a five year supply against the requirements of the revoked Regional Spatial Strategy 2008, these requirements do not reflect the most up-to-date evidence in terms of objectively assessed housing need. In terms of the most recent evidence of housing need, the Council cannot demonstrate a five year supply.

The latest Annual Monitoring Report (June 2013) indicates that the housing land supply is 2.8 years. The five year requirement (2012-2017) is 4,550 dwellings with 2,575 already provided, leaving 1,975 to be provided. Since that time, planning permission has been granted for 490 further dwellings further reducing the outstanding requirement. Accordingly, only limited weight can be afforded to Policy RAP1, and in these circumstances the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. This states at paragraph 14 that where the development plan

policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

The scheme will contribute towards helping the Council meet its five year requirement and granting outline permission for this site would increase the supply of land for housing which carries significant weight in this determination. While the Council has no control over whether a site will be deliverable, given that they cannot require a developer to deliver houses once permission is given, and that further reserved matters approval would be required before work can start, it is nevertheless reasonable to assume that the site with planning permission would be deliverable with a realistic prospect that development on this site would be achievable within a five year period.

Current Policy Position

The site was included in the Local Plan Preferred Options report in 2012 as a potential site, and is included in the Revised Development Strategy 2013 currently under consultation.

Little weight is attached to the 2012 Preferred Options although these were the subject of public consultation, as these have been superseded by the Council's preferred options in the 2013 Revised Development Strategy (RDS) and have not therefore been carried forward. Significant weight cannot be attached to the 2013 RDS since the public consultation has not been completed or its outcomes assessed. However, this does represent the Council's current preference for development based on the most up to date evidence base. The intention is that the public response to the RDS will inform the policies within the Draft Local Plan, which is scheduled for public consultation in late 2013. The current Local Plan covered the period 1996-2011 and therefore makes no provision for future housing needs. The Warwickshire Structure Plan 1996-2011 contains saved policies but none are relevant to housing supply. The current Local Plan and the Warwickshire Structure Plan form the development plan, which decisions should be made in accordance with, unless material considerations indicate otherwise. The NPPF is a material consideration, as are other policies under preparation such as the RDS.

The RDS (paras. 5.1.26-5.1.33) contain justification for the development of the application site and the other sites south of Warwick and Whitnash, as it will not be possible to provide land for the 12,300 new homes needed between 2011 and 2029 within the existing urban area. This is the interim level of growth adopted by the Council based on current evidence including the 2012 Strategic Housing Market Assessment (SHMA). However, the Inspector considering Coventry's Core Strategy requested that Coventry City Council withdraw their Core Strategy in order to work with other councils in the sub-region in preparing a Joint Strategic Housing Market Assessment. Warwick District Council is one of these councils and therefore the timetable for the preparation of Warwick's Submission Draft Local Plan will be delayed until late 2013, at which stage it will gather more weight.

The RDS states that as it is not possible to provide for 12,300 homes within the existing urban areas, it will be necessary to allocate new development on green field and Green Belt sites. In comparison with other possible green field sites, this area has significant advantages which justify its inclusion in the RDS. This includes that the landowners are willing, the location at the edge of the existing urban area is sustainable, the land is not Green Belt, and the 5 year housing supply position.

Prematurity

Although the application site at Grove Farm would need to link with land uses and accesses on adjacent sites it does not physically adjoin any of the other strategic development sites to the south or east of Warwick and Whitnash. The development of surrounding allocated land in the RDS would not be prevented by the development of the application site. Furthermore, as the surrounding sites are neither dependent on, nor incompatible with, the application site in terms of principle or layout, the development of the application site would not prejudice the outcomes of the preparation of the Local Plan and it could not therefore be demonstrated that the permission should be refused on the grounds of prematurity.

Highway matters

The Transport Assessment (TA) submitted with the application has assessed the transport implications arising from the proposed development on the southern side of Leamington Spa and the assessments within the report have been undertaken in accordance with parameters agreed with Warwickshire County Council.

The TA notes that Harbury Lane is a single carriageway that routes along the southern fringe of the urban area connecting with the A452 strategic road network to the west and subsequently links direct to Warwick with direct links to Leamington Spa to the north. The TA notes that there are a number of existing bus services that route in close proximity to the site and an extensive network of footways and cycleways throughout the adjoining residential area to the north of Harbury Lane with a considerable number of local facilities and services within walking and cycling distance of the site.

The proposed access would be gained via a new junction with Harbury Lane that will incorporate Cicero Approach. The site access will comprise a new traffic signal crossroads with Harbury Lane and Cicero Approach. The junction will incorporate crossing facilities on the site access arm with a dedicated crossing facility on Harbury Lane, operating on a demand basis with a dedicated phase in the signal cycle. The existing farm access will be located some 80 metres to the east.

WCC Highways have commented that they are aware that there are local concerns regarding the traffic impact of the proposed development. The developer has carried out their assessment following an agreed scope of work and carrying out traffic counts at locations to enable a baseline position be

reached for assessing the impact of the development. The levels of impact of the proposed development are not considered to be unacceptable with the junction modelling showing that the junctions analysed will still operate within capacity. Therefore, when considering NPPF para 32 states that development should only be prevented or refused on transport grounds where the residual impacts of development are severe, the Highway Authority do not consider this is the case for this application.

However, there will be a cumulative impact of the development on the wider highway network when considering the further growth currently being planned for in the District. Therefore, it is considered necessary for the development to contribute towards strategic transport interventions required to support this planned growth. These measures have been identified by WCC in their Strategic Transport Assessment (a document that provides part of the evidence base of WDC Local Plan process).

WCC have considered the impact of the proposed signal access crossroads junction and following numerous iterations to the layout, have now accepted the junction to serve the site. The addition of a new short right turn lane on the exit to the site is the primary alteration which resolves a potential issue of blocking vehicles exiting the site should a vehicle look to turn right out of the site.

Therefore, due to the above the Highway Authority's response to this consultation is one of no objection. The applicant will be required to enter into a suitably worded S106 agreement to contribute £6,000 per open market dwelling towards strategic highway infrastructure and measures to improve walking and cycling within the Leamington, Warwick and Whitnash areas. Contribute £50 per dwelling for sustainable welcome packs and to help promote sustainable travel in the local area and contribute £302 per dwelling to provide school bus services for those pupils living on the development.

Landscape and heritage assets

Although existing plans are indicative only the Design and Access Statement provides detailed design objectives and a concept to provide garden suburb principles. The site slopes gently down from Harbury Lane to the south-southeast with some inevitable views of the development from the south. The Design and Access Statement indicates appropriate 2 storey and 2.5 storey development on the site, and there will be a strong landscape edge to the development to part screen and soften the development. It would be appropriate to condition indicated building heights to set a clear maximum for assessment of scale and appearance of buildings at reserved matters stage.

The Green Space Manager states that the 3.2 hectares open space (plus 0.23 hectares allotment space) meets requirements. A number of questions have been raised regarding play space, play equipment, the relevant age groups for such equipment along with footpath/cycle linkages. As the plans are indicative such detailing can be successfully agreed at reserved matters stage.

In terms of heritage assets English Heritage have asked for the scheme to be supported by an appropriate assessment of the impact upon local heritage assets, although English Heritage note that the impact upon the significance of Warwick Castle Park in this instance would appear to be low. The applicant has completed a heritage assessment, which has been forwarded to English Heritage for further comment. These comments are awaited and will be updated to members, along with any relevant conditions, at the meeting.

Ecology

WCC Ecology require biodiversity gain, which is promoted in the NPPF and have objected to the current scheme. If biodiversity is lost then this should be compensated appropriately. Generally amenity grassland, sport pitches and play areas are not considered to contribute to good quality habitat to compensate loss and it is considered that this can be off set in other suitable green areas and soft boundary treatments within the application site boundary. A biodiversity offsetting scheme has been requested and Ecology's response on this matter will be updated to members at the meeting.

Ecology have raised no other objections, subject to conditions, including a Construction and Environmental Management Plan (CEMP) be produced to take each protected species into consideration prior, during and post development. The detailed design of the development at reserved matters stage will also provide an opportunity to secure protection and mitigation.

Since the impact on ecological matters can be addressed through condition/S106 this would not represent a negative impact of the scheme, whilst the improvements that would be required to biodiversity and the provision of enhanced habitats could represent a benefit.

Archaeology

WCC Archaeology have requested a pre-determinative archaeological evaluation, which has been undertaken and results should be available shortly. The Archaeologist's comments on the evaluation and any relevant conditions will be updated to members at the meeting.

Residential amenity

The plans are indicative only, however its is considered that the proposed site can appropriately accommodate 200 houses and a school building while meeting necessary separation distances within the site and to surrounding properties. The residential use will be compatible with the adjoining residential uses and associated noise and comings and goings are unlikely to be so significant as to warrant refusal of the application.

The EHO has suggested noise and land contamination conditions to safeguard future residents of the development.

Air quality

The EHO considers that despite the conclusion of the air quality assessment, that the impact of the operation of the proposed development on vehicles emissions is negligible, it is apparent that the attraction of additional vehicles to the application site will inevitably lead to an increase in vehicles emissions to the area. WDC Environmental Services are currently considering amending their policy in assessing air quality impacts in recognition of road transport emissions creep, due to the aggregated impact of development schemes. The amended policy would require developers to use 'reasonable endeavours' to minimise emissions and, where necessary, offset the impact of development on the environment. The EHO has suggested mitigation against air quality impacts associated with proposed development when considered as a cumulative effect combined with other development within the District. As a minimum it is recommended that the provision of electric vehicle charging points are provided in any residential garage that is built. This condition has been suggested accordingly.

Flood risk and drainage

The site is within Flood Zone 1. The supporting Flood Risk Assessment considers that the site is not at risk from flooding but recognises that the use of sustainable urban drainage systems (SUDS) are desirable on new development sites and proposes an attenuation basin to the south east at the lowest point of the site. Soakaways are not viable on the site and surface water disposal will be to the watercourse as per the drainage of the existing site. Foul sewerage will be passed to Severn Trent Water for connection to the existing adopted network.

The Environment Agency, Severn Trent Water and WDC Community Protection have raised no objection to the proposed scheme, subject to conditions to agree detailed plans.

Contributions/legal agreement

There is significant concern from local residents with regard to the scheme resulting in further pressure on public services, in particular schools, doctors and hospitals.

In terms of schools provision Warwickshire County Council have indicated a financial contribution of £8,007 per dwelling will be required for schools provision to upgrade pupil capacity.

No comments have been received from NHS South Warwickshire Foundation Trust or NHS Property Services at the time of writing the report and comments will be updated in the additional observations at the Committee meeting.

WDC Housing Strategy supports the 40% affordable housing on the proposed development and expects the site to deliver a tenure mix of 50/30/20 social

rent/affordable rent/intermediate tenure. The size and type of property have been suggested, however Housing Strategy acknowledged that these may need to be revisited and adjusted as the scheme progresses to take account of changing demand.

The County Council (Libraries) have requested developer contributions to enable the library service to flex services to meet the needs of new and emerging communities.

The Green Space Manager has commented that if open space land is to be transferred to WDC then a commuted sum for maintenance would be required, including a sum for maintaining the proposed attenuation basin. A contribution will also be required for the creation/future maintenance of the proposed country park, which will be located to the south of the application site running from Oakley Wood Road to Europa Way.

Other Matters

Concern has been raised from residents regarding the loss of productive agricultural land. This is a negative impact of the development, however it is considered that the need to provide new homes in a sustainable location outweighs concerns about the loss of productive agricultural land.

A condition is required to ensure reserved matters applications accord with current Local Plan Policies DP12 and DP13 in respect of generating 10% of the energy needs from renewable sources.

The EHO has requested that a Construction Management Plan (CMP) should be agreed prior to work commencing on site, the CMP should include all necessary measures to control dust and noise emissions ensuring that best practicable means are employed at all times. This can be controlled through condition.

SUMMARY/CONCLUSION

Due to the Council's lack of a Five Year Housing Supply only limited weight can be afforded to Policy RAP1, therefore the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. This states at paragraph 14 that where the development plan policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

There are three dimensions to sustainable development: economic, social and environmental. The development would deliver economic benefits through the generation of employment during the construction phase, and from the increased population which would contribute towards increased expenditure in the local area and dependence on local facilities. Business would also benefit economically through the provision of highway network improvements. Social benefits would

include the provision of a mix of types and sizes of market and affordable housing to meet identified local needs, the provision of open space, and improvements to shared infrastructure. Environmental benefits would arise from measures to increase biodiversity, sustainable transport improvements, more efficient use of land, provision of open spaces, sustainable drainage measures and improved footpath/cycle way links. The site is in a sustainable location adjacent to the urban area and will be integrated into the existing settlement by sustainable transport links. It is therefore concluded that the development represents sustainable development by satisfying the three dimensions.

It has been concluded that the issues raised can be satisfactorily addressed through the assessment of reserved matters applications, the provision of new facilities, and the provision of new infrastructure by way of financial contributions. The development would have an adverse impact on the surrounding landscape in terms of the loss of openness, rural character and ridge and furrow, however this impacts need to be balanced against the wider benefits of the development listed above.

In the particular circumstances of this application, it is not considered that the adverse impacts on the landscape and rural area and heritage assets significantly and demonstrably outweigh the benefits of the development. The development is considered to comply with all current Local Plan policies aside from RAP1, which the NPPF advises can carry only limited weight, and to comply with the policies of the NPPF as a whole. The presumption in favour of sustainable development carries substantial weight, as does the contribution the development would make to the provision of housing to meet the needs of the District. The fact that the site is identified as a preferred option in the RDS needs to be given serious consideration due to its stage in the plan process, but the evidence base that lead to the inclusion of the site in the RDS carries some weight. It is therefore concluded that the development should be granted.

CONDITIONS

- 1 Details of the means of access to the building(s) and site, appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved. **REASON:** To comply with Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).
- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than three years of the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3 The development to which this permission relates shall begin within three years of the date of permission or within two years of the final approval of the reserved matters, whichever is the later. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 4 The access arrangement hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved access drawing(s) ITB8073-GA-004 Rev C, and specification contained therein, submitted on 12th September 2013. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DP8 of the Warwick District Local Plan 1996-2011.
- 5 An application for the approval of a construction phasing plan of the development shall be submitted before the expiry of three years from the date of this permission. The development shall hereafter be carried out in accordance with the phases established in the phasing plan as approved by the local planning authority. **REASON:** To ensure the proper phasing of the development.
- 6 No development shall take place under any relevant phase of development until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:
 - a. low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps
 - b. the brightness of lights should be as low as legally possible
 - c. lighting should be timed to provide some dark periods
 - d. connections to areas important for foraging should contain unlit stretchesSuch works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.**REASON:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3, DP9 and DAP3 of the Warwick District Local Plan 1996-2011.

- 7 No phase of the development shall take place under any reserved matters consent until a scheme for that reserved matters consent and phase of development showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the local planning authority. That phase of development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 8 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON**: To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan.
- 9 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the local planning authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2012, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the local planning authority. The approved scheme 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 Policy DP3 of the Warwick District Local Plan 1996-2011.

10 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of outdoor sports facilities within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.

11 The development hereby permitted (including demolition) 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 LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, 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 National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy DAP 3 of the Warwick District Local Plan.

12 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 should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as pond, wildflower grasslands, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure a net bio-diversity gain in accordance with National Planning Policy Framework (NPPF).

- 13 The development hereby permitted shall not commence 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 and 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 deal 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 DP2, DP3 & DP9 of the Warwick District Local Plan 1996-2011.

- 14 The development hereby permitted shall not commence until a scheme detailing arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 15 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority. **REASON:** In the interests of fire safety.
- 16 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **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 DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.

- 17 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating the provision of electric vehicle charging points in all residential garages or driveways. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012.
- 18 The development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.
- 19 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority demonstrating that surface water runoff does not exceed runoff from the undeveloped site and does not increase the risk of flooding off-site. Post development runoff volumes and peak flow rates will be limited to the Greenfield discharge rate for all rainfall return periods up to and including the 100 year plus 30% (for climate change) as outlined within the Flood Risk Assessment. On-Site surface water attenuation will be provided to the 1:100 Climate change (30%) standard using Sustainable Urban Drainage Systems. The site drainage strategy will demonstrate the appropriate assessment and adoption of SUDS techniques. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details. **REASON:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011.
- 20 Any landscaping (other than the planting of trees and shrubs) approved including boundary treatment, paving and footpaths referred to in condition one shall be completed in all respects for that phase of development, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of the dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial

completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be 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 DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

- 21 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All 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 (excluding hard surfaces). **REASON:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 22 The mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the "Development Management Policy Guidance : Achieving Mix of Market Housing on new Development Sites". **REASON:** To ensure that the housing meets the needs of the District as required by Local Plan Policy SC1 and the NPPF.
- 23 The building heights shall not exceed 2 storey or 2.5 storey for landmark buildings as indicated within the submitted RPS Design and Access Statement dated November 2012. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
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Harbury Gardens, Warwick - Master Plan with Landscaping Details

Key

- Site Boundary
- Retained Existing Treelines/Walls with Surrounding Soft Protection Area
- Proposed Trees
- Public Open Space (P.O.S.)
- Primary Site Access
- Proposed Primary School Site Area & Playing Fields
- "Square"
- Allocations
- Proposed Roads/Footpaths
- Private Drives
- Pedestrian/Cycle Routes
- Building Frontage
- Key Building Frontages
- Potential Retail Unit With Apartments Above
- Proposed Green Visual Screen Hedge/Grove
- School Access
- Proposed Attenuation Basin

RPS Planning & Development
 Registered Town & Country Planning Consultants, No. 2192
 11-151 Station Road, Warwick, CV35 9EF
 Project: Harbury Gardens, Warwick
 Title: Master Plan with Landscaping
 Client: A.C. Lloyd
 Job No: AA15593 | Orig No: 01 | Plan: D
 Drawn: LPD | Date: September 2012 | Scale: 1:1250 @ A1