

Application No: W 13 / 0776

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

Registration Date: 05/06/13

Expiry Date: 04/09/13

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Land at Woodside Farm, Harbury Lane, Leamington Spa CV33 9QA

Outline permission for an urban extension comprising up to 280 new homes, public open space, landscaping, new access and highways and associated and ancillary development. FOR Thomas Bates & Son Ltd

This application is being presented to Committee due to the number of objections and an objection from the Parish Councils having been received and the level of public interest in the application.

RECOMMENDATION

Planning Committee are recommended to grant outline planning permission for the development subject to the conditions listed and any other conditions required by WCC Highways and the completion of a Section 106 agreement by 4th September 2013. If this has not been completed by the 4th September 2013 the application maybe refused.

DETAILS OF THE DEVELOPMENT

The application is made in outline with all matters reserved apart from access. The access point will be located on the eastern side of Tachbrook Road opposite the Othello Avenue junction serving Warwick Gates. A minor secondary access will be located to the northern side of Harbury Lane to the east of Woodside Farm, which will provide an access for emergency vehicles only. The development proposes a urban extension to the south of Ashford Road/Landor Road Whitnash and includes up to 280 new dwellings. Indicative plans are provided to illustrate a potential layout which includes 7.61 hectares for residential and 3.49 hectares for open space/woodland/green space. A comprehensive range of green infrastructure is proposed, including public open space, footpaths, landscaping, foul and surface water drainage infrastructure, attenuation ponds and other ancillary infrastructure.

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 applicant's vision is to create a high quality, sustainable development that is safe, vibrant and welcoming. A framework of green routes, tree-lined streets and public open spaces will connect the community, encouraging green travel and providing a harmonious relationship between town and country. A development with a strong sense of place is envisaged, drawing upon positive townscape principles of the local area and the principles of Garden Towns and Cities. Housing needs will be met by an appropriate mix of type and tenure.

THE SITE AND ITS LOCATION

The application site relates to a agricultural field located east of Tachbrook Road and north of Harbury Lane. The residential gardens of properties on Ashford Road and Landor Road adjoin the northern site boundary and the site wraps around Woodside Farm, Grove Cottage and Ashwood Cottage to the south. The site rises from west to east with the highest point to the northeast. The site is within open countryside and a public footpath runs north to south through the site linking Landor Road with Harbury Lane.

PLANNING HISTORY

None relevant

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)

- DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- 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)
- Affordable Housing (Supplementary Planning Document - January 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

Whitnash Town Council - Objection regarding traffic/road safety, impact on infrastructure, schools, Doctors' surgeries and local amenities. No play area. Currently an area of restraint. High density. Ancient hedgerow must be preserved. Coalescence of existing settlements.

Bishops Tachbrook Parish Council - Objection. Reference to implications of the NPPF 2012, in particular the five guiding principles to sustainable development and the objectives at Section 11 - conserving and enhancing the natural environment. Reference to 2006 Public Inquiry Inspectors Report regarding protection of landscape character and Inspector's specific example of Woodside Farm as how an Area of Restraint can be used correctly. The PC state that there is a 5 year housing supply, contrary to the paper issued by the District Council dated November 2012. Traffic concerns and capacity concerns at schools/medical centres in the locality.

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 at new junction and apparent absence of primary school and allotments.

Environment Agency - Objection. The Flood Risk Assessment (FRA) does not comply with the requirements set out in the NPPF Technical Guide and does not therefore provide a suitable basis for assessment to be made on the flood risks arising from the development. The submission of a more detailed FRA has been requested to overcome the EA objection.

WCC Flood Risk Officer - Acknowledge application is outline and suggest inclusion of surface water drainage details at reserved matters stage.

Natural England - No objection on the basis of the information available the proposed development would be unlikely to affect any European protected species.

English Heritage - Comments awaited and to be reported in the additional observations at the meeting.

Severn Trent Water - No objection, condition suggested.

NHS Property Services - No objection, contributions sought.

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

Warwickshire Police - No objection. Crime prevention design methods suggested, which could be considered at reserved matters stage.

Warwickshire Fire and Rescue - No objection, subject to fire hydrants condition.

WCC Ecology - Refusal recommended unless further improved survey work is completed, due to potential impact to protected species. Conditions suggested for other aspects and a S106 agreement to secure a bio-diversity off-setting scheme.

WCC Highways - Comments awaited and to be reported in the additional observations at the meeting along with any suggested conditions.

WCC Education - Comments awaited and to be reported in the additional observations at the meeting.

WCC Archaeology - Comments awaited and to be reported in the additional observations at the meeting.

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

WCC Rights of Way Team - No objection in principle. Public footpath W117 crosses the site and should remain open and accessible along its recorded alignment.

Rambles Association - Pleased that W117 is recognised on plans and will be within an area of open space rather than a 'back alley'.

WDC Housing - 112 of the proposed 280 dwellings will be required to meet the 40% affordable housing requirement.

WDC Environment Services - Comments awaited and to be reported in the additional observations at the meeting.

WDC Community Protection - Comments awaited and to be reported in the additional observations at the meeting.

Public response:

116 objections from local residents raising the following concerns:

- Traffic, roads can't cope, heavy at school/rush hour.
- Accidents/pedestrian safety/danger to school children.
- Impact on countryside/rural area, loss of agricultural land.
- Impact on wildlife/ancient hedgerow.
- Pressure on services, schools, doctors/hospitals, dentists, police.
- More shops will be required.
- Use brown field land instead.
- Negative impact upon community/poorer quality of life for existing residents.
- No account for other large scale developments taking place in the area.
- Loss of character to Whitnash/further urban sprawl.
- Find north of the river development solution.
- WDC should be supporting flats/maisonettes near Town Centre.
- Huge over-development of area with combined schemes.
- Site is a high point in Whitnash and scheme will have an adverse visual impact.
- Noise/smell/air quality/disturbance from development.
- Gvt Inspector found in favour of no development on this land.
- Flooding concerns.

In addition 78 pro-forma letters received raise the following concerns:

- Woodside Farm is the highest point in Whitnash and development will have an adverse visual impact.
- Land is sort-after grade 2 agricultural land.
- 2 and 2.5 storey houses shown on highest part of site impacting on residents' privacy.
- Traffic.
- No bungalows for ageing population.
- Access to hospital, Fire, Police, schools becoming extremely difficult due to already congested bottleneck river bridges.
- Woodside Farm is the last remaining green area in Whitnash and would have a significant impact on rural landscape when approaching Whitnash from the south.

One supporting letter stating: New homes are being built not a moment too soon. Demand for homes outweighs supply. This will be a boost to the economy.

ASSESSMENT

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 on the surrounding highway network;
- The impact on landscape and heritage assets;
- The impact on ecology;
- The impact on the living conditions of surrounding dwellings;
- 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.

Principle

Five Year Housing Supply

The site is within open countryside adjoining the edge of the urban area and set within an Area of Restraint, where the relevant Local Plan Policies are RAP1 - 'Directing New Housing' and DAP2 - 'Protecting the Areas of Restraint'.

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. 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 a consent 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, 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. Little weight can 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 Woodside Farm 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, there are opportunities to enhance public access and design, the 5 year housing supply position, and that there are no insurmountable constraints.

Prematurity

Although the application site at Woodside 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 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 existing transport infrastructure and traffic conditions and the proposed development and transport impacts by predicting vehicle trip generations and distribution throughout the surrounding road network. The TA concludes from traffic model results that the proposal will not have a detrimental impact upon either the local or wider highway network. The agreed development generated traffic has been assigned and tested with the County Councils modelling and demonstrates that the impact of the development will not significantly affect the performance of the surrounding highway network.

This development should, of course, not be viewed in isolation and a proportion of the wider highway infrastructure/public transport improvements cumulatively required for the proposed strategic sites would have to be provided for by this development. Such contributions would be secured via a S106 Legal Agreement.

It is understood that the Highway Engineer has looked in detail at the proposed site access and design changes have been requested. Pending these amendments the Highway Engineer's comments are awaited and will be reported, along with any suggested conditions, to Members at Planning Committee.

In terms of off-street parking provision requirements for residential dwellings set within the Council's Vehicle Parking Standards SPD, any reserved matters application would have to include the exact allocation and location of parking. This approach would fully accord with Policy DP8 and the NPPF (para.39).

Landscape and heritage assets

The Design and Access Statement acknowledges opportunities and constraints for the site. The opportunities include existing dense high hedgerows and trees running around much of the site providing good mature screening, the potential to create open space for amenity, and the potential to enhance the existing public footpath running through the site.

The constraints include the rising land contours and ridgelines, which the applicant acknowledges will limit development in places and the highest point of the site to the northeast will require careful consideration. Part of the boundary to Harbury Lane has no vegetative screening making the lower ground visually exposed. Furthermore the northern edge of the site adjoins existing residential rear gardens and will need to respect these properties.

Although existing plans are indicative only the Design and Access Statement provides detailed design objectives and a concept to utilise existing site vegetation and footpaths and to create a green link and buffer area to the new and existing development to the north and a woodland buffer between the new development and Mallory Court Hotel a Grade II listed building with historic park/gardens located to the southeast of the development on the opposite (southern) side of Harbury Lane. Given the existing landscaping and opportunity

for further screening the is not considered to result in any significant impact upon the character or setting of Mallory Court.

The Design and Access Statement shows up to two and a half storey development on the site, however areas closer to Harbury Lane will be two storey and development to the northeast at the highest point of the site will be one and a half storey. These proposed building heights shown on the indicative plan can be conditioned setting a clear maximum for assessment of scale and appearance at reserved matters stage.

Ecology

WCC Ecology have recommended refusal, subject to a further wildlife survey, as the level of effort for the Extended Phase 1 survey submitted with the scheme is considered to be minimal, in particular the Great Crested Newt and Bat surveys. These surveys have been requested and Ecology's comments will be updated in the additional observations accordingly. Failure to provide the necessary pre-determinative surveys within the determination deadline would justify refusal of the scheme under the NPPF and Circular 06/2005, the latter stating that *"it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision"*.

Ecology also suggest a Construction and Environmental Management Plan (CEMP) be produced to take each protected species into consideration prior, during and post development, which the Ecologist is content can be secured through condition. The detailed design of the development at reserved matters stage will also provide an opportunity to secure protection and mitigation.

WCC Ecology require biodiversity gain, which is promoted in the NPPF. 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 if the land area to the east of the site is proposed to be enhanced within the application site boundary. A biodiversity offsetting scheme can be secured as part of a S106 legal agreement.

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.

Residential amenity

The applicant suggests some noise mitigation measures will be required for rooms and gardens adjacent to the roads to the south and west of the site to safeguard the amenities of future occupiers. The Environmental Health Officer's comments are awaited and will be reported in the additional observations at Committee, however officers are content that orientation of buildings/habitable

rooms and proposed buffers will limit any significant noise/pollution issues to future occupiers of the development.

The well considered landscape buffers shown on indicative plans will assist in ensuring the new development is able to meet necessary separation distances to safeguard the outlook, light and amenities of existing residents surrounding the site. 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.

As previously stated the layout plans are indicative only but provide a good illustration of how 280 dwellings could be located on the site. Such details will be considered in greater detail at reserved matters stage.

Flood risk and drainage

The site is within Flood Zone 1. The supporting information confirms that the Environmental Impact Assessment found few effects or likely impacts of the proposed development that are significant or adverse and in all cases there are proposed mitigation measures, including a Sustainable Drainage System, to address concerns. The Sustainable Drainage System originally proposed three balancing ponds to the south of the site, however this has been upgraded to meet the Environment Agency's comments. Exact details can be secured by condition at reserved matters stage.

The Environment Agency have objected to the current Flood Risk Assessment (FRA) requesting further supporting information. The applicant has submitted an updated FRA, which has been submitted to the Environment Agency and their comments will be reported in the additional observations at the Committee meeting, in addition to any suggested conditions.

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 previously indicated a financial contribution of £8,007 per dwelling will be required for schools provision to upgrade pupil capacity. A formal response from the Education Department is awaited and comments will be updated in the additional observations at Committee.

NHS Property Services have assessed the additional demand that 280 dwellings will generate (an estimated 652 future residents based on the existing average household size within the District of 2.33 persons per dwelling) and the capacity at two existing primary health care facilities within reasonable travelling distance likely to serve the proposed development, Warwick Gates Health Centre and Whitnash Medical Centre. The NHS confirm that there is insufficient capacity for an additional 652 patients within the surgeries and in order to make the

development acceptable in planning terms a financial contribution towards primary health care facilities is required, which equates to an estimated £655.40 per dwelling to be applied to all development within the RDS. Contributions will be used to extend existing facilities or more likely the scale of development to the south of Warwick and Whitnash will warrant a new facility of commensurate size to and strategically located away from existing surgeries.

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

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/shared ownership. In addition, on the element of affordable rent, it is expected the level of rent to be restricted to 60% of open market rent. 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 final EA/Community Protection comments are awaited, however the S106 legal agreement is likely to require the SUDS systems to be adopted and the maintenance costs to be provided for a set number of years.

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.

Other Matters

Concern has been raised 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 Supporting Statement confirms that, from a desk based study, the proposed development is not expected to impact upon archaeological remains. WCC Archaeology have been consulted and comments will be reported in additional observations at Committee.

Given its existing use the site is unlikely to present any contaminated land issues that cannot be overcome through mitigation and remediation, which can be secured by standard conditions. The EHO response is awaited and comments will be updated in additional observations at Committee.

An assessment of street lighting has been undertaken to ascertain baseline lighting conditions. Such details would be secured and controlled by condition at reserved matters stage.

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 immediate 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. 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 new footpath/cycle way links. The site is sustainably located 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 impact on the surrounding landscape in terms of the loss of openness and rural character, with a resulting decrease in the separation between Whitnash and Bishops Tachbrook settlements, however there is an opportunity to secure a good landscaping mitigation scheme so that the visual harm is not significant. The scheme also needs 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 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) (12001 02a), and specification contained therein, submitted on 3 May 2013. **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.
- 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 stretches

Such 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 in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011. To ensure that appropriate measures are taken in relation to protected species in accordance with Policies DP3 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 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.

- 13 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.
- 14 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 water bodies, native species planting, wildflower grasslands; provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure a net biodiversity gain in accordance with NPPF.
- 15 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 DP3 & DP9 of the Warwick District Local Plan 1996-2011.

- 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 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.
- 18 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.
- 19 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.
- 20 The building heights shall not exceed those indicated on the indicative plan Figure 23: Building Heights within the Design and Access

Statement submitted on 3 May 2013. **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.



