

**Application No:** W 12 / 0027

**Town/Parish Council:** Whitnash  
**Case Officer:** Rob Young

01926 456535 rob.young@warwickdc.gov.uk

**Registration Date:** 25/01/12

**Expiry Date:** 25/04/12

**Land South of, St Fremund Way, Whitnash, Leamington Spa**

Residential development comprising 209 dwellings with associated garages, parking facilities, infrastructure, public open space, allotments, landscaping and access FOR A C Lloyd Ltd

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

**RECOMMENDATION**

GRANT, subject to the conditions listed below and the completion of a Section 106 agreement within one month of the date of this decision to secure affordable housing, open space and contributions towards police infrastructure, sports facilities, education facilities, library facilities and the Croft Medical Centre, and give delegated authority to refuse the application if the legal agreement has not been signed after this time.

**DETAILS OF THE DEVELOPMENT**

The application proposes a residential development of 209 dwellings including a mix of 2, 3 and 4 bedroom dwellings. This would include a range of detached, semi-detached and terraced houses, as well as some apartments. The development would be largely 2 storey, but there would also be an element of 3 storey development. The dwellings are proposed to be laid out around a main central area of public open space, with further areas of public open space around the site.

Access is proposed to be provided via the existing field access from Withy Bank in the north-eastern corner of the site. Withy Bank is proposed to be straightened from the junction with St. Fremund Way, taking up part of an area that is currently laid out as an extension to the frontages of adjacent properties. A second access for emergency vehicles only is proposed to the south-western corner of the site via the railway bridge to Church Lane.

The following amendments have been made to the application:

- layout and design amended to provide a more definitive east / west layout for the development, incorporating a feature square, revised open space areas, a landmark building, and relocation of chicane at entrance to site further away from dwellings;
- alteration to mix of affordable housing units including the addition of a 4 bedroom unit and amendment to tenure to provide 50% social rented, 30% affordable rented and 20% intermediate / shared ownership, with the level of affordable rent to be restricted to 60% of open market rent;

- layout revised to achieve minimum separation distances between the proposed dwellings to accord with the Council's Distance Separation Standards and car parking spaces amended to increase width of spaces alongside walls or fences;
- amendment to design of certain house types;
- access to Local Nature Reserve reduced to a single point of entry, and creation and enhancement of an ecological buffer strip within the application site, alongside the boundary with the Local Nature Reserve (the buffer strip to be taken on and managed under the existing local nature reserve management agreement with Warwick District Council), which would include a financial contribution towards amending the existing management plan and long-term management costs; and,
- additional hedgerow planting along the track to the south of the site.

## **THE SITE AND ITS LOCATION**

The application relates to a field situated immediately to the south of Campion School and the recent residential development around St. Fremund Way. The site currently forms part of the open countryside on the edge of the built up areas of Leamington and Whitnash.

The northern boundary of the site adjoins the school playing fields and the rear boundaries of dwellings in Parish End, Badgers Retreat and Withy Bank. The eastern boundary adjoins the Whitnash Brook Local Nature Reserve. A track runs along the western boundary and on the opposite side of this is the Leamington to Banbury railway line. The built up area of Whitnash is on the opposite side of the railway line. A further track runs along the southern boundary of the site and on the opposite side of this is another field. The track leads to Church Lane in Whitnash, via a bridge over the railway.

There is a field access into the site via a track from Withy Bank to the north. The site is gently sloping.

## **PLANNING HISTORY**

There have been no previous planning applications relating to the application site. The site forms part of a larger area of land (including land to the south) that is included as a proposed housing site in the Preferred Options consultation for the new Local Plan.

## **RELEVANT POLICIES**

- 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)
- 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)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC12 - Sustainable Transport Improvements (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)
- RAP1 - 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)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- National Planning Policy Framework
- Affordable Housing (Supplementary Planning Document - January 2008)
- 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)

## **SUMMARY OF REPRESENTATIONS**

There have been two public consultation exercises on this planning application. There was an initial round of consultation when the application was submitted, with a further round of consultation following the receipt of amended plans. The following comments are the result of both consultation exercises.

**Leamington Town Council:** Object. The increase in the number of properties will put too much pressure on the existing access road and will subsequently have an adverse impact on the local public services and amenities. The Town Council raises no objection, in principle to the building of the properties, although comment was made that there had been insufficient consultation from the developers.

**Whitnash Town Council:** Members do not object to housing development in Warwick District, but the developers need a comprehensive plan and proper infrastructure is vital. Whitnash Town Council objects to this development on the following grounds:

- overdevelopment of the area;
- this is an Area of Restraint – brownfield sites should be utilised first and contrary to Local Plan policy on Areas of Restraint;
- harmful to the open character of the area, particularly when viewed cumulatively with the adjacent Mill Pool Meadows development;
- some provision is made for affordable housing but this is a large development that is clearly intended to be sold on the open market;
- Church Lane is not suitable as an emergency access route and this runs through a Conservation Area, and the volume of emergencies will lead to calls for the widening of Church Lane and this could only be achieved by the removal of a significant cordon of trees and probably some compulsory purchase of gardens;

- there is no provision for local amenities and the development would put pressure on existing facilities (e.g. schools);
- no bungalows are proposed;
- insufficient parking for the flats;
- the "emergency" gate will become an easy access for motorcycles;
- no easily accessible bus route on the development;
- the nature reserve is being marketed as an amenity – it is a nature reserve and should remain as that;
- the allotments are in the wrong position;
- the vehicular access is too restricted and will lead to congestion on St. Fremund Way;
- the bridle path will be under threat;
- concerns about the surface water drainage – there is a definite need for a balancing pond; and
- this will inevitably lead to an overspill of houses on the adjacent fields in the future.

**Public response:** 132 objections were received following the initial consultation and a further 20 objections were received following the amended consultation (many from the same residents who objected initially). The following concerns have been raised:

- overdevelopment and loss of open countryside;
- detrimental to the rural character of the area;
- increased traffic on Church Lane, Chesterton Drive and St. Fremund Way, and detrimental to highway safety as St. Fremund Way is not suitable as the sole means of access to the existing development and a further development of the size proposed and is already partially blocked by parked cars;
- insufficient parking – the garages are not large enough to accommodate cars;
- local facilities will not be able to cope with the extra demand from this development (e.g. the medical centre, dentists, local schools, bus services and refuse collection);
- potential for unauthorised use of the access for emergency vehicles, and Church Lane is narrow and not suitable for emergency access through a Conservation Area and when there is a funeral access would be impeded by parked cars at the cemetery;
- the roads are inadequate for buses and refuse vehicles;
- harmful impact on wildlife and habitats and detrimental impact on the adjacent nature reserve;
- loss of privacy, outlook, light, and noise, dirt, dust and mud from construction vehicles accessing the site through a residential area;
- noise and disturbance and pollution from increased traffic using Church Lane, Chesterton Drive, St. Fremund Way and Withy Bank;
- the development should be served by a new access road from Golf Lane or from the Asda roundabout (through the grounds of Campion School);
- existing residents recently bought their properties on the understanding that this was a quiet cul-de-sac overlooking fields – the proposed development would completely change this;
- increased flooding;
- there are no bungalows;
- the application should have been accompanied by an Environmental Impact Assessment because the proposed development is likely to have significant effects on the environment and would affect a sensitive area, and the proposals potentially form part of a larger scheme, including further land to the south, and this piecemeal proposal is an attempt to avoid the need for an

Environmental Impact Assessment and the proper consideration of the impact of major development in this location;

- the Section 106 Heads of Terms do not contain a proper assessment of the level of contributions required;
- contrary to the designation of the site as an Area of Restraint - loss of a natural green barrier between Sydenham and Whitnash;
- brownfield sites should be developed rather than this greenfield site;
- loss of productive agricultural land;
- the ancient footpath from Whitnash to Radford will lose all of its character;
- noise from the railway will require the dwellings to incorporate noise mitigation measures;
- adverse impact on archaeological remains;
- the allotment provision is inadequate;
- Withy Bank is to be realigned to take up the frontages of the adjacent houses; and
- increased light pollution.

A Councillor requests that this item be considered by Planning Committee.

The MP states that many residents are concerned about the new developments particularly regarding the effect that they may have on access given the limited transport routes presently in place and the pressure that the new development may have on local amenities such as schooling, health services and social care. Residents want to know that these issues are being fully considered as part of the planning process.

**Environment Agency:** Initially objected because the Flood Risk Assessment was considered to be inadequate for a number of reasons. However, the submission of a revised Flood Risk Assessment has addressed their concerns on the matters of sustainable drainage techniques, space for attenuating water and includes the test results for the potential use of soakaways. Therefore they raise no objection to the amended proposals, subject to conditions.

**Natural England:** Highlight the presence of a "Local Site" in the vicinity of the application and refer to their standing advice in relation to protected species.

**Sport England:** The creation of 209 new dwellings will lead to an increased demand on existing leisure and sports facilities. Using our Sports Facilities Calculator, a contribution could be requested towards built sports facilities in the region of £163,961 - £249,647. Sport England would not object to this planning application subject to a financial contribution towards sports facilities.

**Warwickshire Police:** Request a contribution of £118,294 towards the cost of increased policing infrastructure. If Secured by Design standards are fully adopted in the development, Warwickshire Police will acknowledge the associated crime reduction benefits by reducing the request to £82,764. Recommend that rear accesses to multiple occupancy buildings can be locked and that courtyard parking is illuminated to BS 5489.

**Severn Trent Water:** No objection, subject to a condition to require drainage details.

**MADE:** The developer presented the proposals to the MADE design review panel, who then submitted detailed comments about the design and layout of the

development. This included advice on how the design and layout of the development could be improved.

**Croft Medical Centre:** Request a contribution towards extending the medical centre to accommodate the additional demand created by the proposed development. No amount specified.

**NHS Warwickshire:** Initially requested a healthcare contribution of £226,402. This was subsequently revised down to £196,900. This would pay for an extension to the Croft Medical Centre and any temporary shortfall in revenue funding for the Primary Care Trust due to the construction of the proposed dwellings.

**Sydenham Children's Centre Health Visiting Team:** Request a contribution to assist with community health services. No amount specified.

**Warwickshire Wildlife Trust:** Initially objected to the proposals on the grounds of the adverse impact on the Whitnash Brook Local Nature Reserve and the net loss of biodiversity from the site. However, confirm that the amended landscaping proposals and Landscape and Ecological Management Plan have addressed their concerns.

**Campaign to Protect Rural England:** Object. This Area of Restraint currently affords protection against urban sprawl between Whitnash, Sydenham and Radford Semele. The proposals will introduce built development in a way that harms the open character and amenity value of this area, particularly when considered cumulatively with the recent development site immediately to the north. The proposals are therefore contrary to Local Plan Policy DAP2. As the Council is now in the process of developing its new Local Plan, the consideration of this proposals for development on a greenfield site should wait for the completion of the new Core Strategy consultation process.

**WCC Highways:** Initially objected to the proposals due to concerns about the suitability of Church Lane as an access for emergency service vehicles. However, following the submission of further information by the applicant's Transport Consultant, including written confirmation from the Fire Service that they are happy with the proposed emergency access arrangements and a plan showing the land where the emergency access enters the site being in the applicant's control, a further response was submitted raising no objection, subject to conditions.

**WCC Fire & Rescue:** No objection, subject to a condition to require details of water supplies and fire hydrants.

**WCC Archaeology:** Recommended that a pre-determinative archaeological evaluation be carried out. Following the completion of this work, the fieldwork identified several features of possible archaeological interest. Given the results of this phase of fieldwork, in particular the fact that the geophysical survey has detected the remains of ploughed out ridge and furrow, it would not be appropriate to require further evaluative fieldwork across the site *at this stage*. It is considered that some archaeological work should be required if consent is forthcoming. Therefore recommend a condition to require the implementation of a programme of archaeological work.

**WCC Education:** Request a contribution of £789,974 towards education facilities.

**WCC Libraries:** Comments awaited.

**WCC Ecology:** The application site is dominated by an arable field surrounded by hedgerows and associated trees with narrow margins or semi-improved grassland. The arable habitat is considered to be of low ecological value while the hedgerows, trees and semi-improved grassland are of medium-high ecological value locally, forming a network of movement corridors and foraging resources linking to higher value habitats beyond the site. The eastern boundary of the site includes a portion of the Whitnash Brook Local Nature Reserve (LNR) and the wider Whitnash Brook potential Local Wildlife Site (pLWS) and Ecosite. To the west of the application site lies the Great Western Railway Ecosite/pLWS.

There are no records of protected species within or adjacent to the site. Ecological survey work undertaken as part of this planning application found only low levels of Common Pipistrelle *Pipistrellus pipistrellus* and Soprano Pipistrelle *P. pygmaeus* bat activity along the margins of the site, with no roosts identified within the site.

The County Ecologist goes on to make a detailed assessment of the ecological impacts of the proposals and concludes that, subject to the imposition of various conditions and the implementation of the Landscape and Ecological Management Plan (as amended in accordance with their comments), the proposals would represent a significant biodiversity gain over the current situation at the site.

**WCC Customer Services:** Suggest that, due to the limited availability of local services in this area, this number of households would benefit from the creation of a multi-purpose building that can be a community centre / meeting room / information point with small retail unit and possibly a public house. It would also be beneficial if the new bus service served the whole of the estate, rather than the eastern half as currently proposed. There is also a mention of a footpath to Campion School, which would be a great benefit.

**WDC Community Safety Manager:** Comments awaited.

**WDC Cultural Services:** Initially objected to the proposals due to concerns about the areas of public open space and the relationship with the adjacent local nature reserve. However, the amended plans have addressed these concerns and therefore Cultural Services now raise no objection to the proposals.

**WDC Waste Management:** No objection.

**WDC Environmental Health:** Initially raised concerns about the lack of information in relation to traffic noise and air pollution affecting existing dwellings alongside the access to the development. Also suggested that consideration should be given to providing a dedicated spine road from the south to serve this and other potential development sites to the south, if these are to be allocated for development.

Following further discussions with the applicant's noise consultant, it has been agreed that these matters can be dealt with by suitable conditions which would include a requirement for a future assessment of the impact of traffic noise on the existing dwellings alongside the access and the implementation of mitigation

measures if deemed necessary. Conditions should also be imposed to restrict the hours of construction work and deliveries.

**WDC Community Protection:** No objection, but recommend conditions in relation to surface water drainage.

**WDC Housing Strategy:** Raise no objection to the number, location and mix of affordable units (following an amendment to include 3 no. 4 bedroom houses). However, the proposed tenure (80% affordable rent and 20% shared ownership) would not meet the housing need as identified in the Strategic Housing Market Assessment. The tenure of the affordable housing units should be changed to 50% social rent, 30% affordable rent and 20% intermediate / shared ownership. On the element of affordable rent, the level of rent should be restricted to 60% of open market rent and not 80% as proposed by the applicant.

## **ASSESSMENT**

The main issues relevant to the consideration of this application are as follows:

- the principle of development;
- the impact on the living conditions of nearby dwellings;
- design and layout;
- highway safety;
- car parking;
- the impact on local services;
- the ecological impact of the proposals;
- provision of open space;
- provision of affordable housing; and
- drainage and flood risk.

### The principle of development

As the site falls within the defined rural area within the Local Plan, the proposed development is contrary to Policy RAP1 by virtue of its scale and location. However, the NPPF 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 adopted 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. 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 para 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.

Whilst there is clearly an adverse impact of the development on the natural environment in terms of the loss of the generally open nature of this designated Area of Restraint with reference to Policy DAP2 of the Local Plan, this needs to be weighed against the benefits of the development, including the delivery of new market and affordable housing contributing towards meeting the housing needs of the area in a sustainable location adjacent to the urban area. In the particular circumstances of this application, it is not considered that the adverse impacts from the development of this site significantly and demonstrably outweigh the benefits such that permission should be refused on the grounds of conflict with Policies RAP1 and DAP2 of the Local Plan.

#### Impact on the living conditions of nearby dwellings

The proposed development would be situated due south of the dwellings in Parish End, Badgers Retreat and Withy Bank. However, the separation distances between the proposed dwellings and those existing dwellings is generally well in excess of the minimum required by the Council's Distance Separation Standards (generally over 15m where the existing dwellings face a gable end within the proposed development and over 26m where the existing dwellings face the rear elevation of proposed dwellings). The only exception to this is Plot 209, which would have a gable end 12.5m from the rear elevation of the adjacent dwellings at Nos. 10 and 11 Badgers Retreat. Nevertheless, this would still exceed the minimum required by the Distance Separation Standards (12m) and the proposed dwelling on Plot 209 would only extend across part of the rear of those dwellings. Consequently Nos. 10 and 11 Badgers Retreat would retain a largely open outlook across the rear garden of Plot 209. Plot 209 would be closer to the rear corner of the flats at Nos. 12-20 Badgers Retreat (11m), but would not be situated directly to the rear of those flats. Consequently Nos. 12-20 Badgers Retreat would retain a largely open outlook across the front of Plot 209. For these reasons, it is concluded that the proposals would not cause unacceptable loss of light, loss of outlook or loss of privacy for neighbouring dwellings.

Another issue to consider in assessing the impact on the living conditions of nearby dwellings is the potential for noise and disturbance from increased traffic using St. Fremund Way and Withy Bank to access the development site (NB. this paragraph deals with traffic accessing the dwellings when constructed; the temporary issue of construction traffic is considered separately in the following paragraph). The main impact would be felt by the existing dwellings in Badgers Retreat and Withy Bank that are situated alongside the proposed access. These dwellings are in close proximity to the access and have windows facing onto the access. Unlike other dwellings along the access route from Chesterton Drive, these dwellings do not currently experience any significant traffic noise because they front onto a cul-de-sac / field access. The potential for these dwellings to experience unacceptable noise and disturbance from traffic using the new access has been carefully considered in consultation with Environmental Health. As the potential impact is likely to be from individual vehicles rather than a regular "drone" of traffic noise (e.g. main road or motorway noise), this is not an impact that can be easily measured or predicted. In the circumstances it has been decided that the best way to deal with this issue would be to impose conditions to require the developer to carry out noise assessments after the occupation of 105th (50%) and 188th (90%) dwellings to assess the impact of traffic noise on

the nearest dwellings in Badgers Retreat and Withy Bank. If this assessment demonstrates that there is unacceptable traffic noise within those dwellings, the conditions would require the developer to provide suitable mitigation measures. The relocation of the traffic calming chicane further into the site will also help to limit the potential for unacceptable traffic noise outside of the existing properties by allowing for a more steady flow of traffic in that location. Therefore, subject to the suggested conditions, it is concluded that there are no unacceptable impacts in terms of traffic noise arising from the proposed development. The issue of construction noise has also been considered and it has been concluded that this could be addressed by conditions restricting hours of work and deliveries.

The potential impact of additional traffic on air quality has also been considered in consultation with Environmental Health and it is concluded that a refusal of planning permission would not be justified on these grounds due to the level of traffic generation and air quality of the area.

### Design and layout

The developer presented their proposals to the MADE Design Review Panel. MADE raised a number of issues with the design and layout of the development and the proposals have subsequently been amended in an attempt to address these concerns. The revised proposals now show a more definitive east / west layout for the development, incorporating a feature square, revised open space areas and a landmark building. Whilst the amendments may not have fully addressed all of the issues raised by MADE, it is concluded that the revised design and layout for the development would be appropriate for this location and would be in keeping with the recent residential development to the north.

With regard to the impact on the wider rural landscape, the development would immediately adjoin an existing built up area to the north and would be screened by the railway line and Local Nature Reserve and associated vegetation to the east and west. There is also a hedgerow along the southern boundary which would be enhanced as part of the proposals. Therefore it is concluded that the proposals would not cause unacceptable harm to the rural character of the wider area.

### Highway safety

The development would be served by a single point of access from St. Fremund Way / Withy Bank via Chesterton Drive and objectors are concerned that this would result in too many dwellings being served from a single access point off Chesterton Drive (in combination with the large number of existing dwellings served by this access). Objectors have raised concerns about highway safety and unacceptable traffic congestion along this route. Objectors have also raised concerns about the suitability of the proposed emergency access route from Church Lane.

Whilst the Highway Authority initially had concerns about the proposed emergency access route, they have now raised no objection to the proposals following the submission of further information regarding land ownership and confirmation from the fire service that they have no objection to this emergency access route. The Highway Authority have advised that roads along the access route from the Sydenham Drive roundabout have sufficient capacity to accommodate the predicted traffic associated with the proposed development.

They have also advised that the road layout within the development would be acceptable and would be suitable for refuse vehicles and buses. Therefore the proposals are considered to be acceptable from a highway safety point of view.

### Car parking

The proposed parking provision would be in accordance with the Council's Parking Standards. A number of the objectors have raised concerns about the size of the garages. However, the proposals would meet the Parking Standards without including the garages and consequently there are no grounds for requiring the garages to be increased in size.

### Impact on local services

Objectors have raised concerns about the ability of local services to cope with the increased demand from the proposed development. However, the applicant has agreed to provide contributions towards education facilities (£789,974), police infrastructure (£82,764), sports facilities (£195,731) and to pay for an extension to the Croft Medical Centre. This is all in accordance with the amounts requested by the relevant consultees and this will ensure that these facilities can be upgraded to serve the proposed development.

The proposals to pay for an extension to the Croft Medical Centre have been agreed directly between the developer and the medical centre. The separate request for a contribution that was received from NHS Warwickshire was intended to pay for any shortfall in revenue funding as well as the extension. However, the medical centre have not requested any revenue funding and therefore it is considered that there is only justification for a contribution to pay for the extension.

There has also been a request for a contribution towards the cost of the health visitors at Sydenham Children's Centre. However, no amount has been specified for this contribution and no details have been provided about the additional costs the health visitors would experience as a result of the development. Therefore it is not considered that there is sufficient justification for requesting a contribution in this respect. It has also been suggested that the development should include a multi-purpose community building. However, it is not considered that the development would be of a scale sufficient to justify such a requirement.

Comments are awaited from the County Council regarding any need for a libraries contribution.

### The ecological impact of the proposals

Objectors have raised concerns about the impact on the Whitnash Brook Local Nature Reserve. This included an initial objection from Warwickshire Wildlife Trust. However, the proposals have subsequently been amended to include the creation of an ecological buffer strip alongside the Local Nature Reserve together with a number of other ecological enhancements which have been agreed with Warwickshire Wildlife Trust, WDC Cultural Services and the County Ecologist. Warwickshire Wildlife Trust have now withdrawn their objection. The site itself is an arable field that is largely of low ecological value (with the exception of the surrounding hedgerows, trees and semi-improved grassland) and the proposals in the Landscape and Ecological Management Plan would represent a significant

biodiversity gain over the current situation at the site. Therefore it has been concluded that the proposals would have an acceptable ecological impact.

#### Provision of public open space

The proposals for public open space have been amended to address concerns raised by WDC Cultural Services. It is considered that the revised public open space provision would be appropriate for a development of this size and would be in accordance with the Council's Open Space Supplementary Planning Document. WDC Cultural Services have raised no objection to the revised public open space proposals.

#### Provision of affordable housing

The affordable housing proposals have been amended to meet the requirements of the Council's Housing Strategy team in terms of size of units and tenure. The revised proposals are for 84 affordable housing units, 50% of which would be social rented, 30% affordable rented and 20% shared ownership. Affordable rents would be capped at 60% of open market rent. This provision would be in accordance with the affordable housing need in the District. The affordable housing units would be arranged in two clusters, one on the western half of the site and the other on the eastern half. It is considered that this represents a suitable level of dispersal across the site taking account of the desire for units to be grouped together in clusters for ease of management.

#### Drainage and flood risk

The Environment Agency have withdrawn their objection following the submission of a revised Flood Risk Assessment. There has also been no objection from WDC Community Protection. Therefore, subject to the conditions recommended by the Environment Agency and WDC Community Protection, it is considered that the proposals would be acceptable in terms of flood risk and would not increase the risk of flooding elsewhere.

#### Other matters

An archaeological evaluation has been carried out and this identified several features of possible archaeological interest. The County Archaeologist has subsequently recommended that a condition be imposed to require the implementation of a programme of archaeological work.

A number of objectors have raised concerns about the loss of productive agricultural land. The Agricultural Land Classification of the site is partly Grade 2 and partly Grade 3. However, it is considered that the need to provide new homes in a sustainable location overrides any concerns about the loss of productive agricultural land.

The concerns about an absence of bungalows within the proposed development are noted. However, the Council does not have any policies to require the provision of bungalows within new housing developments. Also, Housing Strategy have not advised of a need for affordable bungalows.

The applicant has indicated that the requirement for 10% on-site renewable energy production in accordance with Local Plan Policy DP13 would be met by

solar photovoltaics, solar thermal and / or ground source heat pumps. A condition is recommended to require full details.

Objectors have made reference to the potential for the application site to form part of a larger development site including land to the south and it has been suggested that this should be taken into account in considering whether a new access road should be provided from Golf Lane or through the grounds of Campion School. The application site and land to the south is included as an allocated housing site in the Preferred Options for the new Local Plan that were published in May 2012. However, given the early stage in the Local Plan process, little weight can be attached to the potential for the land to the south to be allocated for residential development. Therefore this should be afforded little weight in the assessment of the access proposals for the current application site. The proposed access for the application site has been judged to be acceptable on its merits and consequently there are no grounds for requiring an alternative means of access.

All other issues raised by objectors have been carefully considered, including light pollution, noise from the railway line, the need for an Environmental Impact Assessment, loss of countryside views for existing dwellings and overdevelopment. However, some of these issues are not relevant to the consideration of a planning application and the others do not amount to concerns that would justify a refusal of planning permission or can be dealt with by the recommended conditions.

### **CONCLUSION/SUMMARY OF DECISION**

In the opinion of the District Planning Authority, the adverse impacts of the development in terms of the loss of the generally open nature of this designated Area of Restraint, and the visual impact on the wider landscape, does not significantly and demonstrably outweigh the benefits of the development, including the delivery of new market and affordable housing contributing towards meeting the housing needs of the area in a sustainable location adjacent to the urban area. Moreover, the development achieves acceptable standards of layout and design and does not give rise to any harmful effects in terms of highway safety, ecological impact or flood risk which would justify a refusal of permission. The impact on local services can be mitigated by the financial contributions secured by the Section 106 agreement. The proposals would have an acceptable impact on the living conditions of nearby residents. The proposal is therefore considered to comply with the policies listed.

### **CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON :** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing(s) AAH1953/03N, AAH1953/04C, AAH1953/05C, AAH1953/06B, AAH1953/07B, AAH1953/08B, AAH1953/09B, AAH1953/10B, AAH1953/11C, AAH1953/12C, AAH1953/16, AAH1953/17, AAH1953/18, AAH1953/20B,

AAH1953/21D, AAH1953/22D, AAH1953/23D, AAH1953/24, AAH1953/25, AAH1953/32 & AAH1953/41 and specification contained therein, submitted on 12 January 2012, 25 January 2012, 27 January 2012, 6 June 2012, 3 August 2012 & 7 September 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.

- 3 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any construction works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
- 4 No work of any kind shall be begun on the site until a Management Plan for Construction detailing measures for the protection of important ecological features on and adjacent to the site (including the Local Nature Reserve, hedgerows and trees) has been submitted to and approved in writing by the District Planning Authority. The development shall be carried out in strict accordance with the approved Management Plan for Construction. All site contractors shall be required to sign up to the approved Management Plan for Construction. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 5 In addition to the landscaping proposals in the Landscape and Ecological Plan, a landscaping scheme for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 6 No development shall be carried out on the site which is the subject of this permission, until satisfactory details of boundary treatment have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 7 No development shall take place until the applicant has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the District Planning Authority. **REASON** : To ensure any items of archaeological interest

are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy DP4 of the Warwick District Local Plan 1996-2011.

- 8 The development hereby permitted shall not commence until a detailed Lighting Scheme has been submitted to and approved in writing by the District Planning Authority. No external lighting shall be installed otherwise than in strict accordance with this approved Lighting Scheme. The Lighting Scheme should show lighting sensitively designed across the site, maintaining lux levels at the legal minimum. Lighting should be avoided in the vicinity of existing hedgerows, trees (particularly those with potential for bat roosts), any bat boxes that are installed, and the length of the Whitnash Brook Local Nature Reserve, including the proposed habitat buffer zone. Where lighting is necessary in these areas the height of the lighting column should be restricted to reduce light spill onto habitats of value. Any external lighting should employ low pressure sodium lamps with a full cut-off lantern and/or timers. The Lighting Scheme should allow dark periods during the night and maintain links with offsite foraging features by maintaining unlit areas.  
**REASON :** To protect European Protected Species and enhance opportunities for biodiversity at the site in accordance with Policies DP3 and DAP3 of the Warwick District Local Plan.
- 9 Details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON :** To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011.
- 10 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the District Planning Authority. The drainage strategy should demonstrate that the surface water run-off generated up to and including the 1 in 100 yr plus climate change allowance critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall include details of how the scheme will be maintained and managed after completion. The development shall be carried out in strict accordance with the approved details. **REASON :** To ensure satisfactory provision is made for the disposal of storm water and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011.
- 11 Detailed drawings shall be submitted to and approved by the Local Planning Authority before any work is commenced to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved. **REASON :** To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policies DP1 and DP2 of the

- 12 No development shall be carried out on the site which is the subject of this permission, until details of the finished floor levels of the dwellings in comparison with existing ground levels and proposed highways, driveways and footpaths have been submitted to and approved in writing by the District Planning Authority. This shall include details of the surface water flow paths across the site. The development shall be carried out in strict accordance with the approved details. **REASON** : To protect the proposed dwellings against surface water flooding, in accordance with Policy DP11 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 District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority. **REASON** : In the interests of fire safety.
- 14 No development shall commence until details of measures to ensure that mud and debris will not be deposited on the highway as a result of construction traffic leaving the site have been submitted to and approved in writing by the District Planning Authority. The approved measures shall be implemented for the duration of the development. **REASON** : In the interests of highway safety and to protect the amenities of the area, in accordance with Policies DP1 and DP6 of the Warwick District Local Plan.
- 15 The development hereby permitted shall not be commenced unless and until a scheme 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 District Planning Authority. The 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.
- 16 Within 2 months of the first occupation of the 105<sup>th</sup> dwelling in the development hereby permitted:
- (a) a noise assessment shall be carried out to assess the impact of noise from traffic using the access road hereby permitted on the dwellings at Nos. 21, 22 & 31 Badgers Retreat and Nos. 6, 8, 10, 12 & 18 Withy Bank;
  - (b) if the noise assessment demonstrates that there is unacceptable traffic noise within those dwellings, the noise assessment shall include

details of suitable mitigation measures; and  
(c) the noise assessment and details of any mitigation measures shall be submitted to and approved in writing by the District Planning Authority.

Within 2 months of any approval under this condition, any required mitigation measures shall be completed in strict accordance with the approved details.

**REASON** : To protect the living conditions of those nearby dwellings that do not currently experience any significant traffic noise, in accordance with the objectives of Policy DP2 of the Warwick District Local Plan 1996-2011.

- 17 Within 2 months of the first occupation of the 188<sup>th</sup> dwelling in the development hereby permitted:
- (a) a noise assessment shall be carried out to assess the impact of noise from traffic using the access road hereby permitted on the dwellings at Nos. 21, 22 & 31 Badgers Retreat and Nos. 6, 8, 10, 12 & 18 Withy Bank;
  - (b) if the noise assessment demonstrates that there is unacceptable traffic noise within those dwellings, the noise assessment shall include details of suitable mitigation measures; and
  - (c) the noise assessment and details of any mitigation measures shall be submitted to and approved in writing by the District Planning Authority.

Within 2 months of any approval under this condition, any required mitigation measures shall be completed in strict accordance with the approved details.

**REASON** : To protect the living conditions of those nearby dwellings that do not currently experience any significant traffic noise, in accordance with the objectives of Policy DP2 of the Warwick District Local Plan 1996-2011.

- 18 There shall be no deliveries to the application site before 0800 or after 1700 on Monday to Saturday and no deliveries on Sundays and Bank Holidays. **REASON** : To protect the living conditions of nearby dwellings, in accordance with the objectives of Policy DP2 of the Warwick District Local Plan 1996-2011.
- 19 There shall be no work on site before 0730 or after 1700 on Monday to Saturday, nor at any time on Sundays or Bank Holidays. **REASON** : To protect the living conditions of nearby dwellings, in accordance with the objectives of Policy DP2 of the Warwick District Local Plan 1996-2011.
- 20 The developer and all contractors shall employ the best practicable means to reduce to a minimum the noise produced by their operations on the site during the construction of the development hereby permitted and shall comply with the general recommendations in BS 5228: 1984 'Noise Control on Construction and Open Sites'. **REASON** : To protect the amenities of surrounding properties, in accordance with

Policy DP9 of the Warwick District Local Plan 1996-2011.

- 21 All vehicles, mechanical plant and machinery operated on the site during the construction of the development hereby permitted shall be fitted with proper and effective silencers and shall be maintained in good and efficient working order. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.
- 22 All compressors operated on the site during the construction of the development hereby permitted shall be "noise reduced" models fitted with properly lined and sealed acoustic covers which shall be kept closed whenever the machines are in use and all ancillary pneumatic percussion tools shall be fitted with mufflers or silencers of the type recommended by the manufacturers. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.
- 23 All plant and machinery in intermittent use during the construction of the development hereby permitted shall be shut down in the intervening periods between work. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.
- 24 The development hereby permitted shall only be carried out in accordance with the amended Flood Risk Assessment that was submitted on 14 June 2012. Surface water run-off generated by the 1yr critical storm turn event shall be limited to 17.8 l/s. Surface water run-off generated by the 30 yr critical storm event shall be limited to 47.4 l/s. Surface water run-off generated by the 100yr critical storm event shall be limited to 66.8 l/s. **REASON** : To ensure that the development will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site, in accordance with Policies DP11 of the Warwick District Local Plan.
- 25 Prior to the occupation of the development hereby permitted, the first floor windows in the north elevation of the dwellings on plots 166, 198 & 209 shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times. **REASON** : To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.
- 26 Secured by Design standards shall be fully adopted in the development. **REASON** : Since a lower contribution towards police infrastructure has been accepted on condition that Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan.
- 27 No dwelling shall be occupied unless and until the developer has provided the dwelling with a sustainable welcome pack to help promote sustainable travel in the local area. The contents of the sustainable

travel packs shall first be agreed in writing with the District Planning Authority following consultation with the Highway Authority. **REASON:** In the interests of highway safety and to meet the requirements of policy DP6 of the Warwick District Local Plan 1996-2011.

- 28 The mitigation and enhancement proposals specified in the Landscape and Ecological Management Plan hereby approved shall be implemented in full. Unless specifically stated otherwise in the Landscape and Ecological Management Plan, the mitigation and enhancement proposals shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. **REASON** : To protect and enhance the adjacent Local Nature Reserve and to secure a net biodiversity gain on the application site, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 29 All existing trees and hedgerows shall be retained in accordance with BS 5837:2005 and shall not be felled, lopped, topped or pruned without the previous written consent of the District Planning Authority. Any trees removed without consent, or dying or being severely damaged or becoming seriously diseased within five years of planting, shall be replaced with trees of such size and species as may be agreed with the District Planning Authority. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
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