

Planning Committee

Tuesday 24 April 2018

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 24 April 2018 at 6.00pm.

Councillor Cooke (Chairman)

Councillor Day (Vice Chairman)

Councillor Boad

Councillor Mrs Hill

Councillor Mrs Bunker

Councillor Morris

Councillor D'Arcy

Councillor Mrs Stevens

Councillor Edgington

Councillor Weed

Councillor Heath

Emergency Procedure

At the commencement of the meeting the emergency procedure for the Town Hall will be displayed on screen for information.

Agenda

Part A – General

1. Apologies and Substitutes

- (a) to receive apologies for absence from any Councillor who is unable to attend; and
- (b) to receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting.

2. Declarations of Interest

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be entered on the form to be circulated with the attendance sheet and declared during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

3. **Site Visits**

The Chairman to report the location of the planning application sites visited and the names of the Committee Members who attended.

4. **Minutes**

To confirm the minutes of the Planning Committee of 27 March 2018 **(To follow)**

Part B – Planning Applications

To consider the following reports from the Head of Development Services:

5. **W/17/2110 – Land adjacent to 2 Church Cottages, Church Road, Honiley** **(Pages 1 to 10)**
6. **W/17/2150 – Land on the east side of Warwick Road, Kenilworth** **(Pages 1 to 22)**
****This is a major application****
7. **W/17/2357 – Land to the south of Westwood Heath Road, Burton Green** **(Pages 1 to 23)**
****This is a major application****
8. **W/17/2415 – Land North of Birmingham Road, Hatton** **(Pages 1 to 26)**
****This is a major application****
9. **W/18/0247 – 17 Stoneleigh Close, Stoneleigh** **(Pages 1 to 5)**
10. **W/18/0264 – CFS Aeroproducts Ltd, The Alvis Works, Bubbenhall Road, Baginton** **(Pages 1 to 3)**
11. **W/18/0356 – Moorfields Rugby Club, Kenilworth Road, Royal Leamington Spa** **(Pages 1 to 7)**
12. **W/18/0364 – Pinners Cottage, Old Warwick Road, Lapworth** **(Pages 1 to 6)**

Part C – Other matters

13. **Appeals Report** **(To follow)**

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please call 01926 456114 (Monday to Thursday 8:00am to 7:00pm, Friday

8:00am to 6:00pm and Saturday 9:00am to 1pm) or email committee@warwickdc.gov.uk, anytime after the publication of this agenda, but before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.

- (d) please note, that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public - Have registered to address the Committee.
- (e) occasionally items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's web site, and where possible, the applicant and all registered speakers (where applicable) will be notified via telephone.

Published Monday 19 March 2018

General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.

Telephone: 01926 456114

E-Mail: committee@warwickdc.gov.uk

For enquiries about specific reports, please contact the Case Officer named in the reports.

You can e-mail the members of the Planning Committee at

planningcommittee@warwickdc.gov.uk

Details of all the Council's committees, councillors and agenda papers are available via our website www.warwickdc.gov.uk/committees

Please note that the majority of meetings are held on the first floor of the Town Hall. If you feel that this may restrict you attending this meeting, please telephone (01926) 456114 prior to the meeting, so that we can assist you and make any necessary arrangements to help you to attend the meeting.

The agenda is available in large print on request,
prior to the meeting, by telephoning (01926)
456114

Planning Committee: 24 April 2018

Item Number: 5

Application No: [W 17 / 2110](#)

Registration Date: 22/02/18

Town/Parish Council: Beausale, Haseley, Honiley & Wroxall

Expiry Date: 19/04/18

Case Officer: Helena Obremski
01926 456531 Helena.Obremski@warwickdc.gov.uk

**Land adjacent 2 Church Cottages, Church Road, Honiley, Kenilworth, CV8
1TJ**

Construction of a detached dwelling house and associated works. FOR Mr
Dammermann

This application is being presented to Committee as the Parish Council supports the application and it is recommended for refusal.

RECOMMENDATION

Planning Committee are recommended to refuse planning permission for the reasons stated in the report.

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the erection of a two storey detached dwelling, with an area of hardstanding for vehicle parking. The development would be positioned to the south of 2 Church Cottages on a parcel of disused land. The property would be constructed and finished in facing brickwork and would have a plain tile roof. The property would have two bedrooms. The applicant has provided a draft legal agreement with Heads of Terms which confirm that the property would be sold at 20% below the average valuation of the property at the time of sale and that the dwelling would be sold only to local persons meeting a cascading set of qualifying criteria.

This is a resubmission of application W/16/1826 which was for a similar proposal, which was withdrawn as a Preliminary Ecological Appraisal and Tree Survey were required. These documents have been submitted as part of the current application.

THE SITE AND ITS LOCATION

The application relates to a parcel of land positioned between the boundary serving 2 Church Cottages to the north of the site and Ferndale to the south of the site, with open rural fields to the east and west of the site. The application site lies within the Green Belt. There is an existing access serving the site which currently appears to have no use. There are a number of trees along the front

boundary of the application which are considered to provide amenity value within the street scene, and a tree to the rear of the site with a TPO.

PLANNING HISTORY

W/16/1826 - application withdrawn for the proposed erection of a two storey detached dwelling and associated works.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H11 - Limited Village Infill Housing Development in the Green Belt (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)

Guidance Documents

- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Beausale, Haseley, Honiley & Wroxall Parish Council: Support the proposal, which is a modest build, in line with the Parish Plan.

WCC Ecology: No objection, subject to conditions and notes.

WCC Highways: No objection subject to condition.

WDC Green Space: No objection, subject to provision of £1,684 towards the improvement of local open spaces.

Waste Management: No objection.

Tree Officer: No objection, subject to works being carried out in accordance with recommendations in arboricultural report.

Public Responses: 3 Objections, the proposal represents inappropriate development within the Green Belt and insufficient justification has been provided as to why the development should be allowed; concern raised regarding sewerage disposal; any damages to fencing as a result of the proposed development should be repaired.

ASSESSMENT

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

- Principle of the Development
- Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified
- The impact on the Character and Appearance of the Area
- The impact on the living conditions of nearby dwellings
- Car Parking and Highway Safety
- Drainage and Flood Risk
- Ecological Impact and Trees
- Open Space
- Waste
- Health and Wellbeing

Principle of the Development

Local Plan policy H1 states that new housing will be permitted in Growth and Limited Infill Villages as shown on the proposal maps. However, Honiley is not identified as a Growth or Limited Infill Village.

Local Plan policy H1 goes on to state that housing within the open countryside will be permitted where the development is for rural affordable housing, in accordance with Policy H3. Policy H3 states that development of affordable rural housing will be permitted under the following circumstances:

- a) the proposal will meet a particular local housing need, as identified in detailed and up to date evidence from a parish or village housing needs assessment, and it can be demonstrated that the need cannot be met in any other way;*
- b) the proposed development will be small in scale, of appropriate design and located within, or adjoining, an existing settlement; and*
- c) the following principles are established:*
 - i. all of the housing provided will only be available (both initially and for subsequent occupancies) to those with a demonstrable housing need and, first and foremost, to those with a need to be housed in the locality;*
 - ii. the type of accommodation, in terms of size, type and tenure, to be provided will reflect the needs identified in the housing needs assessment.*

There is no current up-to-date local parish housing need assessment for Honiley and the Planning Statement gives no evidence to demonstrate that the proposed housing cannot be accommodated elsewhere. Furthermore, after consultation with the Council's Housing team, although the Planning Statement confirms that the dwelling could be sold at 20% less than the market value, Officers do not consider that this comprises "affordable" housing. This is because the proposed dwelling represents "low cost market" housing, without the full regard to local incomes and local house prices, which the NPPF specifically states cannot be considered as affordable housing for planning purposes.

Therefore, whilst the applicant contends that the development would provide affordable housing to meet a local need, Officers do not consider that the proposed dwelling would represent affordable housing, or that there is any demonstrable need. The proposed dwelling is not considered to meet the requirements of Local Plan policy H3. Furthermore, the development would be contrary to Local Plan policy H1 and is therefore not acceptable in principle.

The proposed development would provide a small contribution towards the Council's housing supply. However, the Council is able to demonstrate a 5 year housing land supply and the Council's policies are not considered out of date for the purposes of decision-taking under paragraph 14 of the NPPF.

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified

The National Planning Policy Framework (NPPF), which is reflected in policy DS18 of the Local Plan, states that the essential characteristics of Green Belt are openness and permanence. It sets out that inappropriate development within the Green Belt is harmful by definition. Exceptions to inappropriate development in the Green Belt are listed and includes the limited infilling in villages and limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

In the Planning Statement provided, the applicant accepts that the development does not meet any of the exceptions to inappropriate development as identified in the NPPF, and that therefore the proposed development would be harmful by definition to the openness of the Green Belt. It is therefore necessary to consider whether any very special circumstances exist which would outweigh the harm caused to the openness of the Green Belt as a result of the proposed development.

The Planning Statement proposes that the applicant's personal circumstances represent very special circumstances. In summary, the Planning Statement confirms the following: the applicant was a resident of Honiley for 32 years, but had to move out of the area in 2005 for personal reasons. The applicant served as a Parish Councillor for 25 years and was Chairman of the Parish Council for 10 years. The applicant wishes to move back to Honiley to be close to his daughter

and two grandchildren. The proposed development would be a cost-effective way for the applicant to secure property compared to the costs of buying an existing dwelling in the locality.

The Planning Statement purports that the applicant has a demonstrable local need to live in the area and that the construction of a dwelling would fulfil that need. The applicant has confirmed through the submission of a draft unilateral undertaking that the proposed dwelling would be sold at 20% below the average valuation of the property at the time of sale and that the dwelling would be sold only to local persons meeting a cascading set of qualifying criteria.

Whilst Officers acknowledge the applicant's desire to live closer to their family, this alone is not considered to represent very special circumstances for the construction of a new dwelling within the Green Belt. Officers also appreciate that the applicant spent many years within Honiley, however, this also does not provide very special circumstances which would outweigh the harm caused to the Green Belt as a result of the proposed development. As recognised by Inspectors in recent appeal decisions, it would be rare that an individual's personal circumstances would outweigh the harm caused to the Green Belt, and in this case, the personal circumstances detailed in the Planning Statement are not considered to be so unique or special, to lead Officers to consider that they would outweigh the harm caused.

The Planning Statement also states that another mitigating factor is the fact that the application site is effectively an infill plot between existing residential development to the north and south of the site. However, importantly, the application site does *not* lie within a limited infill or growth village boundary. Furthermore, the site is not considered to represent a "small gap" between a largely uninterrupted built up frontage - the application site boundary is 40 metres from the nearest property to the north of the site and 10 metres from the property to the south of the site. There are three properties to the north of the site, which are relatively spaced out and one property to the south of the site, creating a sporadic form of development. This is not considered to represent a largely uninterrupted built up frontage. Therefore, the proposal does not represent limited infilling.

The Planning Statement states that the dwelling would meet a demonstrable local need and is compatible with the affordable housing objectives in the Green Belt in accordance with paragraph 89 of the NPPF. However, as detailed above, it is not considered that a local need for the property has been demonstrated, and furthermore, the proposed dwelling is not considered to represent the provision of affordable housing.

The Parish Council have supported the application, stating that the development would be a modest build, in line with their Parish Plan. However, although the Parish Council consider the development to be modest in scale, this does not represent very special circumstances which would outweigh the harm caused to the Green Belt.

Furthermore, although Councillors make reference to the Parish Plan, this is not a formally adopted document which has undergone public consultation. Although the development may meet some of the aspirations of the Parish Council, the Parish Plan has no material planning weight and therefore, this is not considered to represent very special circumstances which would outweigh the harm caused to the Green Belt.

The NPPF states that the essential characteristics of Green Belt are openness and permanence. Constructing a dwelling on the site would impact on the openness of the Green Belt and is therefore inappropriate development within the Green Belt to which there is an objection in principle. There have been no very special circumstances presented which are considered sufficient to outweigh the harm caused to the Green Belt and therefore the development is not acceptable in principle, and is considered to be contrary to the NPPF and Local Plan policies H11 and DS18.

The impact on the Character and Appearance of the Area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Local Plan policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing importance features; respecting the surrounding buildings and using the right materials.

As detailed above, the built form within the surrounding area is sporadic, and there are open fields to the east and west of the site. This provides a verdant, rural character, which the application site adds to. The existing properties are well spaced, and have little impact on the rural atmosphere of this part of the Green Belt. The gap between the existing houses is considered to represent an important element in retaining the rural appearance of the locality. This undeveloped site, which was once part of the site to the south of the application site adds value to rural character of the area, and developing it would erode the open nature of the wider area. This would provide a more continuous row of built form than the existing arrangement and would provide a more suburban appearance to this frontage, which would detract from, and be harmful to the rural character of the area.

Therefore, the proposed development is considered to be contrary to the NPPF and Local Plan policy BE1.

The impact on the living conditions of nearby dwellings

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide provides a framework for policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

The proposed dwelling would be positioned nearly 20 metres away from the property to the south of the application site. There are first floor side facing windows proposed which would face towards this neighbour's property, however, they could be conditioned to be permanently obscure glazed and non-opening unless above 1.7 metres in height to avoid any perception of overlooking and loss privacy. There would be no conflict with the Council's adopted 45 degree guidance as a result of the proposed development. Therefore, it is considered that there would be no harm caused to this neighbour's living conditions which would warrant reason for refusal of the application.

The neighbour to the north of the site would be over 40 metres from the proposed dwelling, therefore it is considered that there would be no harm to this neighbour's living conditions which would warrant reason for refusal of the application.

The proposed development is considered to be in accordance with the NPPF and adopted Local Plan policy BE3.

Car Parking and Highway Safety

The proposed dwelling would utilise the existing access to the site. There is an area of hardstanding proposed within the site boundaries which could accommodate two cars, which is the requirement for a two bedroom dwelling, in accordance with the Council's adopted Vehicle Parking Standards guidelines.

WCC Highways have commented on the application, and have no objection to the proposal, subject to a condition requiring the access to have been surfaced with a bound macadam material prior to use. This is considered to be reasonable and could be added if the application were approved.

Therefore, the proposed development is considered to provide adequate parking and is not considered to cause harm to pedestrian or highway safety. The development is therefore considered to be in accordance with Local Plan policies TR1 and TR3.

Drainage and Flood Risk

No information has been provided in reference to sustainable drainage within the site boundaries, however, this matter could be secured by condition.

Ecological Impact and Trees

WCC Ecology have assessed the Preliminary Ecological Appraisal which was provided as part of the application. They agree with the recommendations in the report in relation to measures to be taken to safeguard protected species and lighting. WCC Ecology therefore recommend a condition in order for the proposed works to be carried out in accordance with the measures detailed in the report, which is considered to be reasonable.

WCC Ecology also note that in line with the NPPF, development should result in biodiversity gain, and they therefore recommend a condition relating to biodiversity enhancements such as the installation of bat and/or bird boxes. They finally recommend a note relating to native planting is attached to any approval granted. If the application was to be approved, then these could be added.

There are a number of trees which are within the site boundary which have amenity value within the street scene, and a TPO tree to the rear of the site. An arboricultural report was submitted as part of the application which has been assessed by the Council's Tree Officer who has no objection to the proposed development, subject to the control measures included in the report being implemented and maintained throughout the development. This could be controlled by condition.

Open Space

The Open Space team have commented on the application and note that the additional residents brought about by the development will put pressure on existing open space and a contribution is required to mitigate the impact of this additional use. The Open Space department have therefore requested a contribution of £1,684 towards the improvement of local open spaces. As the Council does not manage any local open spaces nearby to the application site, the Open Space team have suggested that Officers contact the Parish Council to see what the contribution can be used towards. The Parish Council have not yet responded to this request, and Councillors will be updated prior to the committee meeting.

Currently, as no open space contribution has been received by the Council, the development is considered to be contrary to adopted Local Plan policy HS4 and the Council's adopted relevant supplementary planning document.

Waste

Adequate waste storage can be accommodated within the site boundaries. It is noted that Waste Management have no objection to the proposed development.

Health and Wellbeing

The Planning Statement identifies that there would be benefits as a result of the proposed development. However, these would be personal to the applicant through the delivery of a dwelling for their needs, and do not represent wellbeing benefits for the wider public. Therefore, no health and wellbeing benefits identified.

CONCLUSION

Paragraph 89 of the NPPF states that Local Planning Authorities should regard the construction of new buildings as inappropriate development in the Green Belt. The application site is washed over by Green Belt and the proposed development of one dwelling does not meet any of the exceptions listed under paragraph 89 of the NPPF. There are no very special circumstances which have been presented which are considered to outweigh this harm caused to the Green Belt. Furthermore, the development is considered to have a harmful impact on the rural character of the area, which is considered to be contrary to Local Plan policy BE1. Finally, as no open space contribution has been received by the Council, the development is considered to be contrary to Local Plan policy HS4 and the adopted relevant guidance. Therefore, it is recommended that the proposed development should be refused.

REFUSAL REASONS

- 1 The proposed development comprises inappropriate development within the Green Belt to which there is an objection in principle and in respect of which no very special circumstances sufficient to outweigh that harm have been demonstrated. The development is therefore considered to be contrary to the NPPF and Warwick District Local Plan policy DS18.
- 2 Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. New development will be expected to harmonise with or enhance the existing settlement, and relate well to local topography and landscape features.

This part of Church Road is characterised by well spaced, sporadic development which has little impact on the rural character of the area. The proposed development would introduce a more suburban and built-up appearance to this frontage which would detract from, and cause harm to the rural character and appearance of Church Road and the locality. This is not considered to harmonise with, or enhance the existing settlement and would not positively contribute towards the quality of the environment.

The development is thereby considered to be contrary to the aforementioned policy.

- 3 Policy HS4 of the Warwick District Local Plan 2011 - 2029 states that

contributions from residential developments will be sought to provide, improve and maintain appropriate open space, sport or recreational facilities to meet local needs. The Council have also adopted a Supplementary Planning Document entitled Open Space together with associated guidance on developer contributions for commuted payments for off-site provision and enhancement of public open space where it is not provided on site.

The Open Space team have requested a contribution of £1,684 towards identified improvements to local open spaces. No unilateral undertaking has been put forward to secure such a contribution and therefore, in the opinion of the Local Planning Authority, the proposals do not make adequate provision for open space.

The proposals would therefore be contrary to the aforementioned policies.

Application No: [W 17 / 2150](#)

Town/Parish Council: Kenilworth

Case Officer: Lucy Hammond

01926 456534 lucy.hammond@warwickdc.gov.uk

Registration Date: 17/11/17

Expiry Date: 16/02/18

Land On The East Side Of, Warwick Road, Kenilworth

Outline application with all matters reserved except for access for the erection of up-to 125 dwellings together with vehicular/pedestrian access from Warwick Road; Green Infrastructure including a play area, other open space and landscaping; sustainable drainage; and other related infrastructure. FOR
Richborough Estates Limited

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to secure the necessary financial contributions/obligations in relation to affordable housing, highway improvements, sustainable travel packs, health care, education, libraries, sport and leisure and biodiversity offsetting.

Should a satisfactory Section 106 Agreement not have been completed by 22 May 2018, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

Outline planning permission, with all matters reserved except for access, is sought for the erection of up to 125 dwellings. Approval is sought for the access as part of this application; one vehicle access is proposed off Warwick Road, towards the southern edge of the site, which would serve the whole development. An indicative layout plan has been submitted with the application although this could change at the reserved matters stage. It illustrates a potential layout including the green infrastructure, play areas, sustainable drainage and other open space for which outline permission is being sought.

In response to a number of objections received early on in the consultation period, the applicant has submitted amended plans which reduce the number of dwellings proposed at the site from 135 to 125. Part of the rationale behind the revisions relates to the proximity of the site to the Kenilworth Cricket Club and

the indicative areas of open space/play areas for children. To that end an addendum to the Design and Access Statement has also been submitted which considers the key issues that have been raised by consultees and neighbours/objectors, including, but not limited to, a response to the Kenilworth Cricket Club's objection, as well as the Conservation Advisory Forum's response and concerns raised by the Town Council.

Given the outline nature of the application, precise details as to the layout and appearance of the dwellings are unknown at this time. That said, the Design and Access Statement states that the overall appearance of the scheme would reflect the residential built character adjacent to the site and since this is quite varied, a series of urban design principles have been used to inform the future reserved matters application. These principles underpin the illustrative layout submitted with this application and incorporate features such as focal buildings, key frontages and spaces and street typology while maximising views and vistas both into and out of the site.

For the most part the dwellings would be two storeys although the illustrative layout suggests the use of some 2.5 storey buildings which would represent the feature buildings across the development, positioned in prominent positions and/or at key focal points throughout the internal layout. It is envisaged that a locally responsive palette of materials would be used including both red brick and white render with red and grey roof tiles.

The exact housing mix is not yet known however the proposals include a range of 1-bed through to 5-bed properties.

THE SITE AND ITS LOCATION

The application site is located to the south of Kenilworth, east of the Warwick Road and adjacent to the Kenilworth Cricket Club. The site measures 5.83ha in area and comprises agricultural land which is generally bounded by mature field boundary hedgerows and trees. The northern site boundary is bounded by the private gardens of the properties in Swift Close (accessed off Newey Drive). The Kenilworth Cricket Club lies adjacent to part of the western site boundary, enclosed to the south by a timber post and rail fence and to the east by hedgerows interspersed with some trees and gaps. The rest of the western site boundary is bounded by the Warwick Road. The railway line follows the eastern site boundary, the other side of which is Bullimore Wood. The southern boundary of the site is defined by an existing mature mixed tree and hedgerow line.

The site comprises allocated site H41 in the Local Plan and has been removed from the Green Belt following the adoption of the Warwick District Local Plan 2011-2029. There is a Grade II listed farmhouse opposite the site, approximately in line with the position of the proposed new access into the development off Warwick Road.

PLANNING HISTORY

There is no relevant planning history at the site.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029)
- DS15 - Comprehensive Development of Strategic Sites (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- LES - Low Emission Strategy Guidance for Developers (April 2014)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Objection for the following reasons:

- While the principle of development is accepted, objection is raised to the number of dwellings which is in excess of the figure in the Local Plan #
- A 35% increase is excessive
- The neighbouring Cricket Club requires larger buffer zones
- The children's play area is shown to be located in an area exposed to risk from cricket balls although it is appreciated this is a reserved matter
- The access appears to have been designed in isolation, without regard for access required for the Rugby Club and existing development across the road
- A roundabout would be preferable to slow traffic down
- A development of this size should have an emergency access
- A pedestrian/cycle access at the northern end of the site was necessary to prevent an unduly deviation to travel into the town centre, if a suitable route is available
- There is a need for a soft edge for this development to minimise the visual impact of the development in this edge of town centre location

Leek Wootton & Guy's Cliffe Parish Council (adjoining PC): Objection for the following reasons:

- The proposal for 135 houses is excessive and an over-development of the site
- There is concern about the access into this development which could become one of multiple accesses with future developments coming forward on the land to the south as well as the existing accesses to the west of the site
- A roundabout would be preferable

WCC Highways: No objections subject to conditions and request for financial contributions

WCC Archaeology: No objections

WCC Fire and Rescue: No objections subject to condition

WCC Landscape: No objections

WCC Ecology: No objections subject to conditions and request for S.106 obligations/contributions related to biodiversity offsetting

Natural England: No comments to make

Lead Local Flood Authority: No objections subject to conditions

Waste Management: No objections

Crime Prevention Officer: No objections

Housing Strategy and Development Officer: No objections

Health and Community Protection (Environmental Sustainability): No objections subject to conditions

South Warwickshire NHS Foundation Trust: No objections; request for financial contribution of £155,364.93

Sport England: Holding objection pending further comments from the ECB (England & Wales Cricket Board)

WDC Conservation: No objection raised; condition recommended for a site-wide design code

Conservation Advisory Forum (CAF): Raise the following comments:

- The Green Belt site serves to protect the setting of the historic town of Kenilworth and the setting of the Grade II listed farmhouse abutting the site
- The site also serves as a southern gateway to Kenilworth from Leek Wootton
- This proposes a 35% increase in the number of dwellings approved for the site in the Local Plan
- CAF would like to see a masterplan and design code that complements the historic town of Kenilworth and the setting of the listed farmhouse but there is currently no convincing design vision or rationale for the numbers proposed
- The proposed layout is a single large cul-de-sac with no connectivity to surrounding land or existing residential communities to the north
- It is not clear how the proposal relates to the identity of Kenilworth
- In summary the proposed 35% increase would intensify the harm caused to the wider setting of designated heritage assets and to the wider setting of the historic town of Kenilworth with no clear justification for the increase

Public Response:

32 letters received objecting on the following grounds:

- the number of houses proposed is excessive and above the number in the Local Plan
- a traffic roundabout should be created to improve traffic movements in and out of Kenilworth
- proposed housing would be too close to the cricket club and there is a danger of balls flying close to play area/housing
- concern about loss of privacy to neighbouring properties
- concern about impacts on ecology
- there will be a negative impact on the existing highway network and a danger to highway safety
- concern about the cumulative impacts of this, and other, developments that may come forward
- concern about drainage
- concern about the impact the development could have on the cricket club and its future ability to survive in this location with housing in such close proximity
- there should be appropriate mitigation for the cricket club in terms of boundary treatments
- there should be suitable links for pedestrians and cyclists

ASSESSMENT

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

- principle of development;
- impact on the character and appearance of the area;
- impact on the living conditions of neighbouring dwellings;
- provision of appropriate living environment for future occupants of the proposed development;
- impact on heritage assets;
- car parking and highway safety;
- housing mix;
- section 106 contributions;
- drainage and flood risk;
- ecological impact;
- health and wellbeing; and
- the number of dwellings proposed relative to the allocation.

Principle of development

The application site is one of the allocated sites (H41) set out in Policy DS11 of the Warwick District Local Plan 2011-2029. Site H41, identified on the Policies Map, relates to East of Warwick Road, Kenilworth with an estimated figure for the number of dwellings shown as 100.

The explanatory text to DS11 states that the sites were assessed against a number of criteria and an estimated figure for the number of dwellings for each site is identified. That explanatory text also sets out that at the detailed planning application stage that figure may vary.

The Local Plan Inspectors Report following the Examination in Public made specific reference to this site and the housing numbers on it. At paragraph 248 of his report, the Inspector states "*there are no fundamental constraints to development and detailed issues including the need to provide a buffer along the boundary with the railway line and to take account of the presence of the cricket ground could be satisfactorily addressed through specific proposals.*"

With this in mind therefore, the Inspector goes on to say, at paragraph 249, that the Council's estimate of 100 dwellings on the site is "reasonable", however, it may be that a suitable detailed scheme could come forward with more dwellings. Policy DS11 (as modified) would allow for such flexibility.

When considering the additional numbers above the allocation, Officers note that Strategic Policies DS2 and DS3 of the Warwick District Local Plan seek to support the provision of homes that are required within the District as identified within the Objectively Assessed Housing Need. These policies also require development schemes to provide an appropriate level of affordable housing and a mix of new homes of all tenures.

The above policies are based upon the Government objective of significantly boosting housing supply. Furthermore, Policy DS6 identifies a minimum of 16,776 new dwellings during the local plan period of 2011 to 2029. Current rates of new development require the provision of 1,098 dwellings per year for the remaining Local Plan period until 2029.

Policy DS7 sets out the methodology for the provision of new housing over the plan period. The figures set out that the plan period has a significant number of site completions, extant permissions, existing commitments and new dwellings proposed through the sites that are allocated within the plan.

In addition to the identified sites, an additional 1010 dwellings have been earmarked within the Local Plan housing figures that would potentially come forward through windfall sites.

In essence, the additional housing proposed on this site could be considered as a windfall insofar as they would be additional dwellings not identified within the allocation but capable of being satisfactorily assimilated onto the site which is located within a sustainable area.

The potential opportunities for seeking that level of windfall provision across the District on smaller sites is considered to be limited and would in all likelihood result in small, sporadic developments, a significant number of which may relate to sites of 10 or less units. Unlike the current proposals, in such circumstances, there would be no requirement for the provision of 40% of the units to be affordable housing. Therefore in circumstances such as that presented by the current application, there is an opportunity to provide an increased number of dwellings within a high quality scheme whilst also ensuring the provision of affordable housing at an appropriate level.

The proposals seek outline permission for the construction of up to 125 dwellings, associated open space and green infrastructure. In accordance with the provisions of Policy DS11 and having regard to the fact this is one of the District's allocated sites for housing, officers consider that the site is capable of delivering a high quality scheme notwithstanding the proposed increase in numbers. This conclusion has been drawn having regard to the above and taking into account the comments of the Inspector in his final report.

Impact on the character and appearance of the area

Details of the layout are unknown at this time however, an indicative layout plan submitted with the application demonstrates that the site is capable of being developed for the number of houses proposed in an acceptable manner. The surrounding character is mixed; neighbouring development is arranged in cul-de-sacs and small clusters which are set back from the more regular and linear continuous frontage that contributes to Warwick Road's identity. The illustrative layout indicates assorted clusters of development within the site that reflects adjacent development patterns. This could be interspersed with areas of open space and landscaping around the site's perimeters and the indicative plans show

a circular network of footpaths around the edge of the development which seek to maximise the areas of open space for future occupiers.

It is considered appropriate to impose a condition on any forthcoming outline permission requiring the submission of a site-wide masterplan and design code which will ensure that the relevant design principles set out within the Garden Towns, Villages and Suburbs guidance are adhered to, for example, the provision of a tree-lined boulevard along the spine road, and the layout of the development is to a high standard which meets and preferably exceeds the requirements set out in the guidance.

Although indicative, the dwellings will generally be 2 storeys high, with some 2.5 storey buildings used to provide focal points throughout the development. Based on the illustrative layout and the number of dwellings proposed the density would be approximately 21.4 dwellings per hectare which is considered to be lower than average thus contributing to the overall sense of spaciousness across the development.

Overall, officers consider that subject to conditions on the outline and the subsequent reserved matters stage, that the proposals will bring forward a high quality scheme which is acceptable in respect of the character and appearance of the area and as such would comply with Policy BE1 of the Local Plan.

Impact on the living conditions of neighbouring dwellings

Due to the site's location to the southern edge of Kenilworth and its relationship with the existing built development, the closest neighbours to the proposals are the properties in Swift Close which would share both side to back and front to back relationships. The illustrative layout plan shows that distance separation between these particular properties exceeds the guidance and there is sufficient space within the site to revise the positions of properties in the final reserved matters stage (should this be necessary) to ensure this remains the case. Elsewhere within the site, the proposals, in relation to existing built development, together with existing boundary treatments consisting of landscaping, are not considered to result in any material impacts on the amenity of existing residential properties in terms of overshadowing, overlooking or overbearing impacts.

In terms of noise and disturbance, and with regard to the impacts of the development on existing neighbours, there has been no objection from the Council's Environmental Health Officer. Therefore it has been concluded that the proposals would not cause unacceptable noise and disturbance for neighbouring dwellings.

For the above reasons it has been concluded that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings and accordingly the development complies with Policy BE3 of the Local Plan.

Provision of appropriate living environment for future occupiers of the proposed development

Within the development, the illustrative layout of the proposed dwellings demonstrates that the Council's Distance Separation Guidelines can be achieved, and in many cases, exceeded. Where properties share a front to front relationship, consideration has been given to the fact that such dwellings would be positioned on opposite sides of a road or pedestrian route running through the development and accordingly regard is had to the more 'public' frontage these properties would have, from which views, certainly into ground floor windows, would be facilitated by pedestrians, cyclists and other passers-by. Overall, having regard to the relevant guidance, the proposals are compliant and the development is acceptable in this regard.

In terms of other benefits of the scheme, the illustrative layout shows areas of open space placed across the development. Recognising that this is indicative only and that the reserved matters layout could change, the plan demonstrates that there is sufficient space within the site to accommodate the proposed number of dwellings as well as appropriate landscaping and sufficient areas of amenity land and open space which would be for the benefit and enjoyment of future occupiers. Overall, officers consider this would provide an attractive environment for people to live.

Concerns raised in respect of this development relate to the proximity of the development to the Cricket Club to the west and the prospect of cricket balls being hit towards the application site.

Officers are satisfied that at this outline stage, the advice that has been received demonstrates that the site can be developed in a manner incorporating appropriate mitigation measures to ensure that any such risk is minimised to an appropriate level and a condition is proposed to control this.

A noise assessment for the whole site was submitted with the application which has been reviewed and agreed by the Environmental Health officer (EHO) who is in agreement with the supporting information and has raised no objection subject to the imposition of a standard condition requiring a noise mitigation scheme to be submitted for approval.

Overall, having regard to the above, the development is considered to provide appropriate living environments for future occupants, which is further enhanced by the extent of the public open spaces proposed as part of the development.

Impact on heritage assets

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect listed buildings and conservation areas respectively. These duties affect the weight to be given to the factors involved.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard

to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

The comments from CAF are acknowledged however since the application is made in outline, officers are satisfied that appropriate conditions can be imposed requiring the submission of a Masterplan and Design Code for the site which will ensure that the subsequent reserved matters application(s) not only reflect the relevant design guidance but also recognise and accordingly respect the presence of the Grade II listed farmhouse on the opposite side of Warwick Road where the access is proposed into the new development.

Officers are satisfied that the proposals are unlikely to have any impact on the setting of this heritage asset, however, if this were not the case, officer conclude that any level of harm would amount to less than substantial. Weighed against this degree of harm is the fact not only that this is an allocated site in the Local Plan which would deliver additional housing, but other benefits such as the provision of open space which would form an integral part of the layout and define the character of the development.

Car parking and highway safety

At the request of the County Highways Authority and following local concerns being raised that suggested the access had been considered in isolation, additional information has been submitted which includes a Transport Assessment Addendum that considers the options for access into this site. The assessment concludes that a single access point to serve this and other future development to the south is not feasible given the constraints of the area and the type of junction needed. The Highway Authority agrees with this conclusion and the direct access from the Warwick Road which complies fully with the relevant design standards can be achieved. The Highway Authority is therefore satisfied that this sufficiently demonstrates that the proposed access to the site is the most suitable.

Concerns have been raised about the level of housing proposed; that it is in excess of the number estimated in the Local Plan, and that the local highway network may not be suitable to cater for the development related traffic. In response to this, the Highways Authority has confirmed that it has considered these proposals within the wider context of other developments that are coming forward. In addition to this, and prior to the formal submission of this application, transport modelling work has been conducted by the Infrastructure Delivery Team which recognises that with the mitigation identified in the Infrastructure Delivery Plan, the highway network is capable of accommodating the development related traffic, despite the increased number of dwellings. The Highways Authority is seeking contributions to help deliver these schemes which will be secured by S.106 obligations.

Given the application is made in outline the precise number of parking spaces is unknown because the layout is indicative only. At the point at which the detailed layout is determined any proposals would be expected to comply with the adopted parking standards.

In view of the scale of the proposed development (i.e. less than 150 dwellings) there is no requirement for the provision of an emergency access into the development. The Highways Authority has raised no objection in that respect and this matter will be considered further at the reserved matters stage.

Overall, the site is capable of being developed for the proposed number of dwellings and the access, for which approval is sought at this stage, is considered to be suitable for the scale of development and would not lead to any harm to highway safety. There are no objections from the Highways Authority subject to conditions and S.106 obligations/contributions and the development is considered to comply with Policies TR1 to TR3.

Housing mix

Given the outline nature of this application, the exact market housing mix is not yet known although it is stated that there will be a range of 1-bed through to 5-bed dwellings which would reflect the housing mix guidance and the provisions of Policy H4.

Likewise with the affordable housing mix which has yet to be determined, this will be reviewed in detail by the Housing Strategy and Development Officer who has already considered the outline application and the supporting information submitted in this regard and confirmed there is no objection to the proposals on the basis that there is a commitment to providing the required 40% affordable units on the site. The proposals are therefore considered to be acceptable in accordance with Policy H2.

Section 106 contributions

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

- provision of 40% of the total units proposed as affordable housing;
- the appropriate provision of allotments to serve the development;
- a contribution of £450,000 towards strategic highway infrastructure and measures towards improving walking and cycling within the Kenilworth area;
- a contribution of £250,000 towards the cost of diverting bus services to serve the proposed new development and enhancing the service timetable over a 5 year period;
- a contribution of £9,375 towards sustainability packs ;
- a contribution of £1,024,538 towards education (early years/pre-school/primary/secondary)
- a contribution of £187,762.32 towards biodiversity offsetting;
- a contribution of £8,907 towards outdoor artificial grass pitches;
- a contribution of £104,077 towards indoor sports facilities;
- a contribution of £2,736 towards libraries;
- a contribution of £155,364.93 towards acute and community healthcare (hospitals) [this amount is to be amended following the reduction in numbers from 135 to 125; this will be reported via the committee updates];

- S.106 monitoring fee of £30,000 or 1% of the total contributions (whichever is the lesser)

The proposed financial contributions are in accordance with the requests from the various consultees in relation to the relevant services. It is considered that these contributions will ensure that all relevant services and infrastructure can be provided to serve the level of development proposed at the site in an appropriate manner.

Drainage and flood risk

Although the site is in Flood Zone 1, a Flood Risk Assessment has been submitted with the application. The Lead Local Flood Authority has confirmed there is no objection to the development subject to a condition requiring a detailed drainage strategy to deal with surface water. The development is therefore considered to be acceptable in this regard.

Ecological impacts

A number of supporting documents have been submitted with the application in respect of protected species and other ecological features. The County Ecologist has confirmed there is no objection to the development subject to a number of conditions which require necessary mitigation as well as a financial contribution towards biodiversity offsetting. Subject to such conditions and financial contributions being secured, officers are satisfied the development would not be detrimental to any protected species or features of ecological importance and is therefore acceptable in this regard.

Health and wellbeing

The proposals would provide housing to meet the housing needs of the district, including an element of affordable housing for people in housing need. This is a benefit that contributes to health and well-being. Additionally, the illustrative layout demonstrates that there is sufficient space within the site to provide a appropriate amount of open space which is a positive benefit that would add to the effective layout of the scheme and provide an enhanced environment in which to live for future occupiers.

The number of dwellings proposed relative to the allocation

This application proposes up to 125 dwellings; a 25% increase over the estimated number for the allocation in the Local Plan. It is acknowledged that the application originally proposed a 35% increase over the allocation but has been amended and reduced accordingly, in response to some of the objections received from local residents.

No objections have been received from the key infrastructure providers in this respect and in light of the responses received from the Highways Authority, Education and Healthcare services, all of whom have requested financial contributions, officers are satisfied that the level of development can be

comfortably accommodated within the site and an appropriate level of infrastructure provided in an acceptable manner.

The layout, albeit indicative, positively demonstrates that even with the additional numbers, a high quality development within a landscaped setting can be achieved that would provide desirable living environments in which future occupiers will live.

Other benefits are capable of accruing as a result of the increased number of dwellings proposed relative to those estimated at the time of the allocation. Within the context of the Government objective to significantly boost housing supply, the provision of additional dwellings in a sustainable manner within a high quality development is considered to be a positive outcome which as set out above increases opportunities for the provision of affordable housing and a wider tenure mix in a manner which may not otherwise be the case and in accordance with the relevant policies to suit the housing requirements of a variety of people. The overall housing mix has been confirmed to provide between 1 bed and 5 bed properties which reflects the policy requirements of Policy H4 and is applicable to Kenilworth town as well as responding to the wider District's needs.

Other matters

Open Space

Notwithstanding the outline nature of the application the indicative layout illustrates where within the site the areas of open space and children's' play areas might be located. In considering the proximity of the cricket club to the application site the Open Space team has considered where might be preferable to locate children's' play equipment in order to appropriately minimise any risks associated with cricket balls. To that end, officers consider that there are locations within the site sufficiently distant from the cricket club so as not to result in material harm to the safety of children and other users of the amenity open spaces.

In terms of the mitigation required to minimise any risks associated with cricket balls there have been ongoing discussions between the applicant, the Cricket Club, Sport England, the England Cricket Board and the Open Space team. Whilst those discussions are ongoing, officers consider it is appropriate to attach a pre-commencement condition to any forthcoming outline permission that would require the submission of a suitable scheme for the provision of appropriate mitigation measures to be implemented that minimises any such risks. Pursuant to this any future reserved matters submissions in which the final layout and landscaping is determined would need to reflect the approved mitigation and since both these issues are reserved for subsequent approval, they are subject to change from the illustrative layout submitted with this application in any case.

It is noted that no allotments are proposed to be provided on site, instead, the applicant has offered to pay a financial contribution. The Open Space team however has advised that in Kenilworth there is an evidenced need for the provision of allotments on site rather than contributions and a development of this scale would normally be expected to provide an allotment on site. That said,

officers consider that the S.106 can be worded in such a way as to identify an appropriate solution in that respect.

Overall, there is no objection from the Open Space team to any aspects of the proposals and any matters raised can be satisfactorily addressed either through conditions or appropriate S.106 contributions/obligations.

CIL

The proposals are CIL liable and the amount to be paid will be calculated following the determination of the application.

SUMMARY/CONCLUSION

The development of this allocated site (H41) for the construction of 125 dwellings together with the necessary infrastructure and associated works, including the provision of open spaces and SUD's is considered to be acceptable in principle in accordance with Local Plan Policy DS11.

Notwithstanding the outline nature of the application officers are satisfied that the proposals would be able to facilitate appropriate levels of amenity for neighbouring dwellings whilst also providing positive and suitable living conditions for future occupants. The proposals would have a positive impact on the character and appearance of the area and are considered to be acceptable in terms of car parking and highway safety. Furthermore the proposals are considered to be acceptable in ecological terms subject to conditions and S.106 contributions thus ensuring that any possible impacts of the development are adequately mitigated.

Overall therefore, officers are satisfied, based on the illustrative layouts submitted and the parameters plans, that the site is capable of being developed for this number of dwellings without causing material harm to neighbouring amenity or the general character of the surrounding area.

Matters related to the provision of open space, children's play areas and the mitigation measures surrounding the Cricket Club and its eastern boundary can be suitably dealt with through conditions and the Section 106 and moreover the reserved matters application will be the point at which the final layout and landscaping proposals are determined which can be designed appropriately to reflect the particular requirements in these respects.

Overall, the development is considered to accord with all relevant provisions of the Development Plan and for these reasons, it is therefore recommended that planning permission be granted.

CONDITIONS

- 1 Details of the 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 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from 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 this 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 No part of the development hereby permitted shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved FRA, *Land off Warwick Road, Kenilworth_M-EC_21088/11-17/5100_November 2017* and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
 - Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
 - Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 8.41l/s for the site.
 - Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
 - Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.
 - Provide evidence to show a section 106 agreement from Severn Trent Water to connect to the existing surface water network.
 - Provide a maintenance plan to the LPA giving details on how the

entire surface water systems shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA.

REASON: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

- 5 No part of the development hereby permitted shall commence unless and until a suitable scheme for the provision of appropriate mitigation measures to be implemented that minimise any risks associated with the proximity of the cricket club to the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details. **REASON:** In the interests of visual amenity and to safeguard the amenity of future occupiers in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 6 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 mixed open space facilities will be incorporated into the development, to include informal open space, appropriate children's play facilities, outdoor sport facilities and allotment gardens. The scheme shall be implemented in strict accordance with the approved details and shall be retained thereafter. **REASON:** To ensure appropriate open space and recreational facilities are provided to serve the development in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029.
- 7 No reserved matters application for any phase of the development shall be submitted until there has been submitted to and approved in writing by the Local Planning Authority a Site Wide Masterplan for the approved development, which shall substantially be in accordance with the approved plans and documents listed above in condition 4 and the principles set out within the Council's approved document 'Garden Towns, Villages and Suburb: A Prospectus for Warwick District Council, May 2012' (and any subsequent revision and/or approved plans/strategy available at the time), and which shall also accord with the principles set out in the approved Site Wide Design Code. The Site Wide Master Plan shall include the following:
 - Illustrative details of how the proposed layout of development has been designed with due regard to the surrounding urban and rural context
 - Land form topography as existing and proposed
 - Land use plan and character areas (including densities and building heights)
 - Movement corridors within the site (including principal roads, public transport corridors, footpaths, cycleways and green

corridors) and demonstrating how these relate to existing movement networks in the wider area

- Location of any areas for off-street car parking areas and courts
- Key infrastructure (including SUDs, significant utility provision, schools, district/local centres)
- Landscape corridors and open space network
- Public open space
- Housing mix including tenure and size of dwelling
- Location of affordable housing
- Street tree planting and other structural planting landscape areas
- Hard and soft landscaping treatments
- Street lighting arrangements and any other lighting to public space
- A phasing plan including triggers for delivery of key elements of supporting infrastructure
- A statement establishing how the development proposals accord with the principles set out in the Site Wide Design Code.

REASON: In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029

- 8 No reserved matters application for any phase of the development shall be submitted until there has been submitted to and approved in writing by the Local Planning Authority a Site Wide Design Code for the approved development. This Design Code shall be in accordance with the principles and parameters as set out within the DAS, the plans and documents listed in condition 4 above and "Garden Towns, Villages and Suburbs: A Prospectus for Warwick District Council, May 2012" (and any subsequent revision and/or approved plans/strategy available at the time). The Design Code shall include the following matters:

- hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas)
- Development blocks including built form and massing and relationship with adjoining development areas/blocks including areas of transition between development parcels (including the relationship between built form and adjoining open space);
- Building types
- Building heights
- The means to accommodate the parking of vehicles and cycles
- Sustainable Urban Drainage features
- Key spaces, open spaces and green features
- Architectural language and detailing
- Design principles for street tree planting and other structural planting landscaping areas
- Design principles on hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals

for their long term management

- Design principles on waste disposal and recycling
- Design principles on the colour and texture of external materials and facing finishes for roofing and walls of buildings and structures
- Design principles for street lighting and any other lighting to public space (including parking areas)
- The principles shall include a regulating plan on an ordnance survey base at a scale no greater than 1:1250
- A mechanism for periodic review and refinement if necessary of the approved Design Code

The Design Code shall then be used to inform the subsequent reserved matters applications.

REASON: In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029.

9 No part of the development hereby permitted shall 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 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 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 planning authority. The method statement shall include details of how the remediation works will be validated upon completion.
This should be approved in writing by the 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 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 planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.'

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

- 10 The development hereby permitted shall not commence until a scheme of mitigation including detailed 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:**
- 11 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:
 - Any temporary measures required to manage traffic during construction
 - Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction
 - Dust management and suppression measures – level of mitigation determined using IAQM guidance
 - Wheel washing
 - Noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites – Part 1 and 2
 - Concrete crusher if required or alternative procedure
 - Delivery times and site working hours
 - Site lighting
 - Access and protection arrangements around the site for

- pedestrians, cyclists and other road users
- Restrictions on burning and details of all temporary contractors buildings
- Plant and storage of materials associated with the development process
- External safety and information signing notices
- Complaints procedures, including complaints response procedures and dedicated points of contact
- Best practicable means shall be employed at all times to control noise and dust on the site including:
 - o Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays.
 - o Delivery vehicles should not be allowed to arrive on site before 8 am or after 4.30 pm Mon – Fri, 8 am - 1 pm Sat and not on Sundays or Bank Holidays.

REASON: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR3 and NE5 of the Warwick District Local Plan 2011-2029.

- 12 The development hereby permitted shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, 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) and Policy NE2 of the Warwick District Local Plan 2011-2029.
- 13 The development hereby permitted (including demolition) shall not commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists– Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.
- 14 No part of the development hereby permitted shall commence unless and until an updated reptile survey has been carried out at the appropriate time of year and during appropriate weather conditions, by

a suitably qualified ecologist. Appropriate mitigation measures as recommended following results of the survey to be agreed between the applicant and the District Council (with advice from WCC Ecological Services), and incorporated into the development design. **REASON:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

- 15 No part of the development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the District 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 native species planting, wildflower grassland, woodland creation/enhancement, 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 and Policies NE3 and NE4 of the Warwick District Local Plan.
- 16 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 District 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, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District 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:** To protect trees and other features on site during construction in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.
- 17 The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the District Planning Authority expects lighting to be restricted across ponds and semi-improved grassland and trees/hedgerows and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:
 - Lighting should be directed away from vegetated areas
 - Lighting should be shielded to avoid spillage onto vegetated areas

- The brightness of lights should be as low as legally possible
- Lighting should be timed to provide some dark periods
- Connections to areas important for foraging should contain unlit stretches

REASON: In accordance with NPPF and Policies BE1 and NE2 of the Warwick District Local Plan 2011-2029.

- 18 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 Public Safety from fire, and the protection of Emergency Fire Fighters.

- 19 The development shall not be occupied until the public highway on Warwick Road has been improved so as to provide for Bus Stop infrastructure in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 20 The Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site. Prior to the commencement of the development, the details of these measures (including type, method of operation and control of use) shall be submitted in writing to the Local Planning Authority for their approval in consultation with the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

Planning Committee: 24 April 2018

Item Number: **7**

Application No: [W 17 / 2357](#)

Town/Parish Council: Burton Green
Case Officer: Lucy Hammond

Registration Date: 08/12/17
Expiry Date: 09/03/18

01926 456534 lucy.hammond@warwickdc.gov.uk

Land to the South of Westwood Heath Road, Burton Green, Coventry

Hybrid planning application for the erection of up to 425 dwellings (detailed first phase of 129 dwellings with the remainder of the site being outline including details of access), convenience store of up to 400 sqm gross together with the erection of formal and informal open space including allotments, infrastructure provision and associated work together with means of access onto Westwood Heath Road and agricultural access onto Bockendon Lane. FOR Crest Nicholson Operation Limited

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to secure the necessary financial contributions/obligations in relation to affordable housing, sustainable travel packs, health care, improvements to public rights of way, sport and leisure, air quality and biodiversity offsetting.

Should a satisfactory Section 106 Agreement not have been completed by 22 May 2018, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

This is a hybrid planning application for the erection of up to 425 dwellings, on an allocated site (H42) in the Local Plan. The proposals include the first detailed phase for 129 dwellings, with the remainder of the site being outline with all matters reserved except for access. The outline proposals include a convenience store of up to 400 sq.m., which the allocation envisages being on site, together with the creation of formal and informal open space and associated infrastructure. Approval is sought at this stage for two new vehicle accesses which are proposed off Westwood Heath Road together with an agricultural access to be created off Bockendon Road that serves the agricultural land to the south west of the site. Through both the detailed phase and the rest of the

outline phase the spine road is intended to facilitate public transport links through the site.

The first detailed phase for 129 dwellings is located in the north east corner of the site where Westwood Heath Road and Bockendon Road meet. It includes areas of open space along the road frontages and one of the accesses off Westwood Heath Road provides the start of a spine road that is intended to circulate through the entire development. Existing boundary hedgerows are proposed to be retained and supplemented. The 129 dwellings proposed as part of the detailed phase of the application would, in the main, be two storey and the Design and Access Statement states that traditional materials would be used, including a mix of red brick, sporadic use of buff only for detailing around key/feature buildings, some render and cladding detailing and traditional tiled roofs. The detailed phase 1 of the development is described as the gateway to the site which would have a tree lined avenue and areas of parkland with drainage and SUD's incorporated into them. In terms of the overall design there is a reference to the Arts and Craft style throughout.

A number of different house types are proposed, in accordance with the Council's housing mix guidance, and ranging in size from maisonettes up to 4-bed dwellings. Of the detailed phase one of the dwellings proposed is a bungalow. The proposed market housing mix is set out in the table below:

Dwelling Type	Total no. proposed
2 bedroom	11
3 bedroom	33
4 bedroom	32

THE SITE AND ITS LOCATION

The site is irregular in shape and comprises approximately 30 hectares of agricultural land. It lies immediately south of Westwood Heath Road and is bounded by Bockendon Road to the east. The rear gardens of properties in Cromwell Lane define the western edge of the site. The southern edge is defined by the edge of Black Waste Wood and the existing mature hedgerows. There is a change in levels across the site from east to west of some 30 metres, while the change in levels from north to south is less significant. An oil pipeline runs across the north east corner of the site which requires a 6m easement.

The site lies immediately to the west of Burton Green which is one of the District's identified Growth Villages. It also lies approximately 5km from the city centre of Coventry. Although the development site is within the administrative boundary of Warwick District, the boundary with Coventry City Council runs in line with the northern site boundary and a small area adjacent to the western site access proposed off Westwood Heath Road lies within the administrative boundary of Coventry City. The site is served by excellent road links into the city centre from Tile Hill station which is approximately 1km from the site. Tile Hill

station also offers a direct service to Birmingham and a service to London via Coventry.

The University of Warwick lies some 2km to the east of the site and larger area of employment land at Westwood Heath Road and Tile Hill are approximately 1km away. The surrounding residential development is mixed in character with a range of 1990-2000 properties immediately opposite the site on Westwood Heath Road. The site is not within any designated conservation area and there are no listed buildings in the vicinity of the site.

The site makes up site allocation H42 in the Warwick District Local Plan 2011-2029. Policy DS11 identifies this as one of the edge of Coventry allocations and it is anticipated it will be developed for 425 dwellings and include a health centre, community facilities and retail facilities (a convenience store of no more than 500 sq.m. gross floor space). The site was taken out of the Green Belt as part of the Local Plan allocation.

PLANNING HISTORY

There is no relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029)
- DS15 - Comprehensive Development of Strategic Sites (Warwick District Local Plan 2011-2029)
- DS20 - Accommodating Housing Need Arising from Outside the District (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE2 - Developing Strategic Housing Sites (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)

- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- LES - Low Emission Strategy Guidance for Developers (April 2014)
-
- Strategic Local Plan Site H42 Westwood Heath

SUMMARY OF REPRESENTATIONS

Burton Green Parish Council: Objection for the following reasons:-

- the existing road infrastructure is inadequate and this development will make things worse
- the cumulative impact of other proposed future developments has been minimised
- Coventry's population statistics should be reviewed before houses are built
- brownfield sites should be prioritised
- there is insufficient provision for education

Lead Local Flood Authority: No objection subject to conditions

WCC Highways: No objection subject to conditions and request for financial contributions

WCC Public Rights of Way Team: No objections; request for financial contribution

WCC Ecology: No objection; request for financial contribution

Warwickshire Wildlife Trust: No objections

Housing Strategy Team: No objections

Health & Community Protection (Environmental Sustainability): No objections subject to conditions and financial contribution

Sport and Leisure: No objection; request for financial contributions

Open Space Team: Detailed comments awaited however anticipate there being no objection.

Waste Management: No objections

Planning Policy: No objections

South Warwickshire NHS Trust: No objections; request for financial contribution

Crime Prevention Officer: No objections

HS2: No objections

Coal Authority: No comments to make

British Pipeline Agency: No comments to make

Public Response:

Westwood Heath Residents Association: Objection for the following reasons:

- lack of infrastructure
- traffic congestion and road safety
- development is out of character
- environmental concerns
- failure to consider surrounding development
- use of incorrect data (question raised over the accuracy of the housing numbers for Coventry and Warwickshire)
- archaeological issues (although trial trenching has been undertaken at the site the depth of the trenches was not sufficient)
- ecology (there are findings in the ecology report to suggest development of the site would destroy the natural habitat of several species)

143 letters received, objecting for the following reasons:

- there is insufficient infrastructure to support the development
- although accident figures may not reflect it there is local knowledge of traffic collisions in the vicinity
- the area is Green Belt and semi-rural in character
- proposals are not in line with the current accommodation in the surrounding area
- there will be significant disturbance to local residents
- development lacks character
- there is insufficient parking proposed

- loss of wildlife/ecological features
- insufficient capacity at doctors
- insufficient capacity at schools
- insufficient provision for cycle links and pathways
- the site is not suitable for development
- this scheme does not address the housing need in Coventry
- brownfield sites should be developed first
- concern about the proposed density
- no very special circumstances have been demonstrated
- how will remaining green spaces be managed
- given the location on the border of WDC and CCC there should be appropriate strategies put in place for joint infrastructure improvements
- housing mix is inappropriate as there are too many smaller/affordable units
- increased noise and pollution
- CCC's housing figures are inaccurate
- bus service needs to be improved as it is not currently frequent
- insufficient provision for pedestrian safety
- the transport assessment is flawed
- inadequate air pollution assessment
- overdevelopment of the site
- concerns regarding the proximity of the sewage pump to an existing dwelling
- development will be detrimental to existing neighbours amenities
- questions as to why part of the development is not for the over-55's
- loss of agricultural land

Other non-material considerations were raised including;

- loss of views
- there is no need for a shop here
- there is no need for this development
- this will reduce the value of nearby properties
- private matters of land ownership/ale of land
- concerns regarding who will eventually occupy these properties e.g. bought as buy to let and/or occupied as HMO's
- comments regarding how the developers undertook their public consultation exercises

3 support letters received making the following comments:

- there is a need for new homes to be built
- government funding should mean that essential infrastructure is improved accordingly in time which should help support this (and other) development

3 neutral letters received making the following comments:

- concern about the highway network and added vehicle movements
- concern about density about development
- a dual carriage way along Westwood Heath Road is needed
- when the essential infrastructure has been reviewed and better planned then a development can be considered here
- concern about schools and hospitals and their existing capacity
- this development should incorporate green spaces for occupants to be able to enjoy

- population assessments of nearby settlements are misleading
- other brownfield sites have not been reviewed and discounted first
- there are capacity issues on the local road network
- there will be impacts as a result of HS2 and associated developments
- how will the landscape be protected and preserved
- the tenure of the affordable housing should be clear
- properties should have a local person 'tie' on them
- there is no need for a convenience store to be on this site

ASSESSMENT

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

- principle of development;
- impact on the character and appearance of the area;
- impact on the living conditions of neighbouring dwellings;
- provision of appropriate living environment for future occupants of the proposed development;
- car parking and highway safety;
- housing mix;
- section 106 contributions;
- drainage and flood risk;
- ecological impact; and
- health and wellbeing.

Principle of development

The application site is one of the allocated sites (H42) set out in Policy DS11 of the Warwick District Local Plan 2011-2029. Site H42, identified on the Policies Map, relates to Westwood Heath with an estimated figure for the number of dwellings shown as 425. The policy states within the explanatory text (at 2.49) that at Westwood Heath, land has been identified for a residential-led, mixed use development. This application proposes 425 dwellings which is in accordance with the allocation number and a convenience store as per the allocation estimate. The existing highway network is considered to be capable of supporting the number proposed by the allocation although it is envisaged that with improved road infrastructure / additional network capacity, further residential development could be accommodated without undue adverse impacts on local amenity, on land that has been safeguarded adjacent to the allocated site.

The proposals seek part outline and part detailed permission for the construction of a total of 425 dwellings, of which, 129no. form the first detailed phase as part of this application. The remainder of the dwellings are proposed in outline form only at this stage, with all matters reserved except for access. Two vehicle accesses are proposed off Westwood Heath Road and an agricultural access is proposed to the southern corner of the site off Bockendon Road. The application includes the appropriate associated infrastructure, with the first detailed phase incorporating drainage, landscaping and open space.

In accordance with the provisions of Policy DS11 and having regard to the fact this is one of the District's allocated sites for housing development, the proposals are considered acceptable in principle subject to an assessment being made of the other relevant considerations which are set out below.

Impact on the character and appearance of the area

This is a hybrid planning application and comprehensive details are known at this stage in respect of the first detailed phase of development which comprises 129no. dwellings in the north eastern corner of the site, while the remainder of the proposal is in outline and as such indicative layouts and parameters plans have been submitted.

The detailed phase

The access off Westwood Heath Road into Phase 1 provides part of the primary spine road across the wider development which would be tree lined and in accordance with the Garden Towns, Villages and Suburbs guidance.

The layout is thoughtfully arranged with much open space towards the perimeter of the site near to the Westwood Heath Road/Bockendon Road frontages. These areas not only provide positive opportunities for landscaping and areas of open space / shared amenity for occupants of the development but also include opportunities for drainage swales and attenuation basins. They contribute to an overall feeling of spaciousness throughout this detailed phase of the development which has a density of approximately 22 dwellings per hectare.

The affordable housing is evenly distributed across the site, with smaller clusters within each parcel of the development's layout. The tenure mix is also appropriately spread which promotes integration and social cohesion within the development.

There is some provision of forecourt parking across the development however amended plans have been submitted which further reduce this and break up parking spaces to the fronts of properties so they are positioned to the sides and/or enhanced by landscaping. The remaining areas of 'parking courts' are associated with the apartments and located at the end of cul-de-sacs and therefore not forming prominent features or fronting the roads within the development. Overall, officers are satisfied the development is acceptable in this regard.

Dwellings are two storey with the exception of one building in a prominent position near the site's entrance which is proposed at single storey. The spine road is intended to connect through and loop around the entire development and there are other link roads through phase 1 resulting in small clusters of development around each of the internal roads.

There are two apartment buildings located towards the southern edge of the detailed phase, positioned in cul-de-sac style layouts and therefore less prominent along the main spine road as the dwellings which add a sense of symmetry and uniformity throughout the overall layout.

The submitted Design and Access Statement refers to the detailed phase as 'The Village'; traditional in appearance with references to the Arts and Crafts style. The use of traditional red brick is the predominant choice for dwellings, with elements of render, timber cladding and some buff brick for architectural detailing on feature buildings, for example, around windows and doors.

The outline phase

The remainder of the proposal is in outline and therefore both illustrative layout plans and parameters plans are submitted with this application to provide an indication of how the remainder of the site would connect to the detailed first phase. A strong and positive feature noted in the layout of both the detailed and the outline proposals, is the central spine road, that connects both accesses off Westwood Heath Road through the entire development, off which are secondary and tertiary roads internally within the development. This is illustrated as a tree lined boulevard as encouraged by the Garden Towns, Villages and Suburbs guidance. Dwellings are indicatively shown arranged in reasonably small clusters, around the internal roads and cul-de-sacs, reflecting the regularity and uniformity of the layout of the detailed first phase. Relative to the developable site area of the remainder of the site, average densities are proposed in the region of 35 dwellings per hectare.

The character areas plan of the remainder of the site refer to the smaller parcel due west of the detailed phase as the 'Village Core', traditional in appearance with references to the Arts and Crafts style in much the same way as the detailed phase to the east, while the rest of the site to the south is identified as the 'Southern Heart'. This envisages both a mix of traditional and contemporary, still with references to Arts and Crafts, and has lower density and significant amounts of open space, including both formal and informal, including a central park, an amenity parkland area and additional drainage swales and attenuation basins.

Officers consider that the indicative layouts demonstrate that the site can be developed for the proposed number of dwellings, whilst ensuring there is ample provision of open space throughout, a sense of spaciousness across the built development and a focal point created by the tree-lined spine road that flows centrally throughout the development as a whole and connects both accesses together.

All of these features are considered in keeping with the established pattern of development in the area and accordingly, it has been concluded that the proposals would be acceptable in respect of the character and appearance of the area and as such would comply with Policy BE1 of the Local Plan.

Impact on the living conditions of neighbouring dwellings

Due to the site's position in relation to existing built development, together with existing boundary treatments consisting of landscaping, the proposed dwellings would not have any material impacts on the amenity of existing residential properties in terms of overshadowing, overlooking or overbearing impacts.

In terms of noise and disturbance, and with regard to the impacts of the development on existing neighbours, there has been no objection from the Council's Environmental Health Officer. Therefore it has been concluded that the proposals would not cause unacceptable noise and disturbance for neighbouring dwellings.

Some concern has been raised locally about construction noise and construction traffic. Both Environmental Health and the Highway Authority have recommended a condition to require the submission of a Construction Management Plan. This would ensure that adequate controls are put in place to address these issues.

With regard to the remainder of the development and the outline phase, only the north west corner of the site is near to existing dwellings. Officers therefore consider that the proposals would not result in any harm to the amenity of neighbouring dwellings.

For the above reasons it has been concluded that the proposals would be acceptable in respect of the living conditions of neighbouring dwellings and accordingly the development complies with Policy BE3 of the Local Plan.

Provision of appropriate living environment for future occupiers of the proposed development

Within the development, the layout of the proposed dwellings achieves the Council's Distance Separation Guidelines where dwellings share a back to back or back to side relationship and in many instances exceeds the guidelines. In respect of front to front relationships consideration has been given to the fact that such dwellings would be positioned on opposite sides of a road or pedestrian route running through the development and accordingly regard is had to the more 'public' frontage these properties would have, from which views, certainly into ground floor windows, would be facilitated by pedestrians, cyclists and other passers-by. Overall, having regard to the relevant guidance, the proposals are compliant and the development is acceptable in this regard.

In terms of other benefits of the scheme, the detailed phase includes areas of open space to the north east corner and south east corners of the site. Although some of these areas are intended to accommodate the SUD's for the scheme, they would also provide good opportunities for enhanced public amenity and areas of open space for the enjoyment of future occupants. Overall, officers consider this would provide an attractive environment for people to live.

A noise assessment for the whole site was submitted with the application which has been reviewed and agreed by the Environmental Health officer (EHO) who is in agreement with the supporting information and has raised no objection subject to the imposition of a condition requiring a noise mitigation scheme to be submitted for approval.

With regard to the remainder of the development and the outline phase, the illustrative layouts demonstrate that the site is capable of being developed in a similar way which would not impact the amenity of future occupiers. Broadly speaking, the illustrative plans show that clusters of dwellings would be laid out in a similar way to the detailed phase and officers are satisfied that the distance separation guidelines can, as a minimum, be met, if not exceeded in many cases.

Overall, having regard to the above, the development is considered to provide appropriate living environments for future occupants, which is further enhanced by the extent of the public open spaces proposed as part of the development.

Car parking and highway safety

The development proposals include two vehicle access points, both off Westwood Heath Road, as well as proposing a new agricultural access off Bockendon Road. Due to the proximity of one of the accesses on Westwood Heath Road to the boundary between Warwick District and Coventry City Council's administrative areas, a joint planning application has been submitted to both local planning authorities and the Coventry City Council's Highways Officer has been consulted as well as Warwickshire County Council's Highways Authority. Both access points together with the internal layout, comply with the requirements of the Highway Authority and would provide a safe form of access into the new development. The joint response from both Highways officers is one of no objection subject to conditions and financial contributions.

These proposals follow extensive pre-application discussion that was undertaken between the developers and the County Highways Authority, as well as Coventry City's Highways Authority, and the application has been accompanied by a Transport Assessment (TA).

Concern has been raised by numerous objectors over the impact of development related traffic on the surrounding Highway Network as well as questioning the current level of infrastructure and whether or not it is capable of supporting this level of development. However, the TA and the Highway Authority have both confirmed that the highway network as proposed to be improved is capable of accommodating the development proposed.

In terms of car parking, the proposed development would provide the requisite number of spaces for each dwelling based on size (number of bedrooms).

Overall, there is no objection to the proposals from the County Highways Authority, subject to the imposition of suitable conditions relating to the provision of accesses and estate roads within the development, as well as the inclusion of financial contributions to be secured via the Section 106 Agreement. It is therefore considered that the development would result in no detriment to highway safety and accordingly the development complies with Policies TR1 to TR3 (inclusive) of the Local Plan.

Housing mix

The market housing mix set out earlier in this report reflects the housing mix guidance and the provisions of Policy H4.

The affordable housing mix has been reviewed by the Housing Strategy and Development Officer and is considered to be acceptable in accordance with Policy H2.

Section 106 contributions

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

- provision of 52no. units of affordable housing (40% of the total units proposed);
- a contribution towards highways infrastructure and junction improvements in the locality;
- a contribution towards sustainability packs;
- a contribution towards public open space;
- a contribution of £21,540 towards improvements to public rights of way within a 1.5 mile radius of the development site (including e.g. upgrading stiles to gates, bridge improvements and path surface improvements);
- a contribution of £79,169 towards air quality (Type 3 mitigation as per the adopted guidance);
- a contribution of £93,771 towards biodiversity offsetting;
- a contribution of £428,200 towards primary care;
- a contribution of £489,111.82 towards the South Warwickshire NHS Trust;
- a contribution of £30,304 towards outdoor artificial pitches;
- a contribution of £354,079 towards indoor sports facilities;

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

Where figures are not specified above it is anticipated that by the committee meeting these will have been finalised and reported via the committee updates sheet.

In terms of on-site health care provision, the Infrastructure Delivery Team, in its consultation response confirmed that the South Warwickshire and Coventry and Rugby CCGs are looking at the existing provision of health care across the area and rather than require a health centre on the site, would undoubtedly require financial contributions instead to go towards the improvement/extension or otherwise of the existing facilities.

Drainage and flood risk

Although the site is in Flood Zone 1, a Flood Risk Assessment has been submitted with the application. The Lead Local Flood Authority has confirmed there is no objection to the development subject to conditions requiring a detailed drainage strategy to deal with surface water as well as a strategy to manage and maintain any construction materials from entering or silting up the ditch network. Subject to these conditions there is no objection from a drainage and flood risk point of view and the development is therefore considered to be acceptable in this regard.

Ecological impacts

A number of supporting documents have been submitted with the application in respect of protected species and other ecological features. The County Ecologist has now confirmed there is no objection to the development subject to a number of conditions which require necessary mitigation as well as a financial contribution towards biodiversity offsetting. Subject to such conditions and financial contributions being secured, officers are satisfied the development would not be detrimental to any protected species or features of ecological importance and is therefore acceptable in this regard.

Health and wellbeing

The proposals would provide housing to meet the housing needs of the district, including an element of affordable housing for people in housing need. This is a benefit that contributes to health and well-being. Additionally, the proposed areas of open space, including the amenity parkland and informal open space/playing field to the south are positive benefits that would add to the effective layout of the scheme and provide an enhanced environment in which to live for future occupiers.

Other matters

With regard to contamination, a desk study and site investigation report was submitted with the application. Environmental Health have no objection to the principle of development, but have recommended a condition to require a further site investigation and details of remediation measures to be submitted for approval. Subject to this condition, the proposals are considered to be acceptable from a contamination point of view.

In respect of air pollution, Environmental Health have recommended a financial contribution to be put towards air quality improvement measures which is necessary due to the scale of the proposed development. It is considered that this would satisfactorily mitigate the impact of the proposals in relation to air quality.

There is a public footpath to the south and west of the site and there are opportunities for the development to provide links through to this to promote improved circulation and ease of access through/to the site for future occupiers.

The proposals are CIL liable and the amount to be paid will be calculated following the determination of the application.

SUMMARY/CONCLUSION

The development of this allocated site (H42) for the construction of 425 dwellings and a convenience store of up to 400 sq.m., including the first detailed phase for 129 dwellings and two new accesses off Westwood Heath Road, together with the necessary infrastructure and associated works, including the provision of open spaces and SUD's is considered to be acceptable in principle in accordance with Local Plan Policy DS11.

The proposals would ensure appropriate levels of amenity for neighbouring dwellings whilst also providing positive and suitable living conditions for future occupants. The proposals would have a positive impact on the character and appearance of the area and are considered to be acceptable in terms of car parking and highway safety. Furthermore the proposals are considered to be acceptable in ecological terms and there are a number of necessary and relevant conditions recommended in the event permission is forthcoming which would ensure that any possible impacts of the development are adequately mitigated.

Notwithstanding the partial outline nature of these proposals, officers are satisfied, based on the illustrative layouts submitted and the parameters plans, that the site is capable of being developed for this number of dwellings and the convenience store without causing material harm to neighbouring amenity or the general character of the surrounding area. Suitable conditions are recommended regarding the phasing of the development.

Overall, the development is considered to accord with all relevant provisions of the Development Plan and for these reasons, it is therefore recommended that planning permission be granted.

Conditions

- 1 The development hereby permitted in detail (i.e. the detailed first phase of 129no. dwellings, landscaping, SUD's and open space) must be begun not later than the expiration of three years from the date of this permission. The development hereby permitted in outline must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 With the exception of the detailed first phase of 129no. dwellings and associated access, servicing, highway works, parking, footpaths, cycleways, public realm and other related works, this permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 as amended, on an outline application and the further approval of the

District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced on each subsequent phase of development:-

- (a) Appearance
- (b) landscaping (other than the structural landscaping hereby approved)
- (c) layout
- (d) scale

REASON: To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

- 3 In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the District Planning Authority, for each phase of the development, not later than the expiration of three years beginning with the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 4 In the case of the reserved matters specified above, development shall begin within three years of the date of this 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).
- 5 The development hereby permitted in detail (i.e. the detailed first phase of 129no. dwellings, landscaping, SUD's and open space) shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 7842/P103 DR5, 7842/P120 DR2, 7842/P151.1 DR5, 7842/P151.2 DR5, 7842/P152.1 DR1, 7842/P152.2 DR1, 7842/P162.1 DR4, 7842/P162.2 DR5, 7842/P162.4 DR4, 7842/P166.3 DR4, 7842/P166.4 DR5, 7842/P166.5 DR5, 7842/P168.1 DR4, 7842/P168.2 DR3, 7842/P168.3 DR3, 7842/P169.1 DR4, 7842/P169.2 DR4, 7842/P170.1 DR4, 7842/P170.2 DR4, 7842/P170.3 DR4, 7842/P171.1 DR5, 7842/P171.2 DR4, 7842/P171.3 DR4, 7842/P171.4 DR1, 7842/P174.1 DR4, 7842/P174.1 DR4, 7842/P174.2 DR5, 7842/P175.1 DR1, 7842/P175.2 DR1, 7842/P175.3 DR1, 7842/P176.2 DR1, 7842/P176.4 DR1, 7842/P177.1 DR1, 7842/P177.2 DR1, 7842/P190.1 DR1, 7842/P190.3 DR2, 7842/P190.4 DR3, 7842/P190.5 DR3, 7842/P190.6 DR3, 7842/P190.7 DR3, 7842/P190.9 DR2 and specification contained therein, submitted on 8 December 2017 and revised drawings 7842/P172.1 DR5, 7842/P172.2 DR5, 7842/P173.1 DR4, 7842/P173.2 DR6, 7842/P176.1 DR2, 7842/P176.3 DR2, 7842/P101 DR10, 7842/P102 DR10, 7842/P105 DR8, 7842/P106 DR8, 7842/P107 DR8, 7842/P108 DR8, 7842/P109 DR8, 7842/P110 DR8, 7842/P111 DR9, 7842/P112 DR8 and specification contained therein, submitted on 12 April 2018. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick

District Local Plan 2011-2029.

- 6 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted in detail (i.e. the detailed first phase of 129no. dwellings, landscaping, SUD's and open space) until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 7 No part of the development hereby permitted shall commence until a detailed 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 Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- Undertaken infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site.
 - Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
 - Where flooding occurs onsite to store the 1 in 100 year climate change event details should be provided of the storage capacity required outside of the proposed formal drainage system. Details of the depths and locations of flooding should also be provided to the LLFA where the depths may be unsafe Hazard mapping may be required to ensure the development remains safe to users of the site
 - Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network.
 - Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.
 - Provide and implement a maintenance plan to the LPA giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the

party responsible, including contact name and details shall be provided to the LPA.

REASON: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

- 8 No part of the development hereby permitted shall commence until a strategy to manage and maintain any construction materials from entering or silting up the ditch network has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. Details to ensure that no silt or chemicals can leave the phase being constructed shall be provided and any detrimental impact to the ditch network shall be repaired. **REASON:** To ensure the development does not have impacts off site to flood risk and that the ditch network downstream can function as intended.
- 9 The development hereby permitted shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the District Planning Authority. The CEMP needs to be compliant with the British Standard on Biodiversity BS 42020:2013 published in August 2013. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, 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) and Policy NE2 of the Warwick District Local Plan 2011-2029
- 10 No development shall commence until a Protected Species Contingency Plan has been submitted to and approved in writing by the local planning authority. The plan shall include:
 - a) Details on safeguarding Dormice during construction and post development – development licence and appropriate mitigation strategy, changes in proposed layout highly likely.
 - b) Further bat survey of the trees (if final plans show trees to be removed or significant period lapses) in accordance with BCT Bat Surveys – Good Practice Guidelines, has been carried out and if appropriate a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.
 - c) A pre-commencement badger survey carried out by a suitably qualified badger consultant and has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.

- d) If it is not included in the S106 – a scheme to provide off-site mitigation for skylarks.

REASON: To ensure that protected species are not harmed by the development.

- 11 No part of the development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the District 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 grassland, woodland creation/enhancement, 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 and Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 12 No work to start until adequate measures have been taken to protect existing trees, scrub and ground flora of the adjacent Local Wildlife Site Black Waste Wood, during development. A barrier, such as a wire fence, should be erected before works start. This fenced area should include a sufficient buffer zone between the development / associated works and the boundary of the LWS. It is important NOT to allow access, or storage of materials within this buffer zone, otherwise soil compaction is likely to occur, with subsequent damage to the ground flora. **REASON:** To ensure the protection of important habitats during development.
- 13 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, *in particular the three veteran trees*, and hedges to be retained on site has been submitted to and approved in writing by the District 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, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District 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:** To protect trees and other features on site during construction in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.
- 14 No development shall take place until a detailed lighting scheme has been submitted and agreed between the applicant and the local planning authority. In discharging this condition the District Planning Authority expects lighting to be restricted around the boundary edges,

along hedgerows, around known bat roosts and badgers setts, 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) the brightness of lights should be as low as legally possible
- b) lighting should be timed to provide some dark periods
- c) connections to areas important for foraging should contain unlit stretches

The agreed scheme to be fully implemented before/during development of the site as appropriate. **REASON:** To ensure appropriate measures are taken in relation to protected species in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

- 15 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. **REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.
- 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:
- Any temporary measures required to manage traffic during construction
 - Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction
 - Dust management and suppression measures – level of mitigation determined using IAQM guidance
 - Wheel washing
 - Noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites – Part 1 and 2
 - Concrete crusher if required or alternative procedure
 - Delivery times and site working hours
 - Site lighting
 - Access and protection arrangements around the site for pedestrians, cyclists and other road users
 - Restrictions on burning and details of all temporary contractors buildings
 - Plant and storage of materials associated with the development process

- External safety and information signing notices
- Complaints procedures, including complaints response procedures and dedicated points of contact
- Best practicable means shall be employed at all times to control noise and dust on the site including:
 - o Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays.
 - o Delivery vehicles should not be allowed to arrive on site before 8 am or after 4.30 pm Mon – Fri, 8 am - 1 pm Sat and not on Sundays or Bank Holidays.

REASON: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR3 and NE5 of the Warwick District Local Plan 2011-2029.

- 17 An application for the approval of a construction phasing plan for the development shall be submitted before the expiry of three years from the date of this permission. The development shall thereafter 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.

- 18 No part of the development hereby permitted shall 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 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 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 planning authority. The method statement shall include details of how the remediation works will be validated upon completion.

This should be approved in writing by the 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 planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.
4. Upon completion of the remediation detailed in the method statement a report shall be submitted to the planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.'

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

- 19 The development hereby permitted shall not commence until a scheme of mitigation including detailed 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 Policy BE3 of the Warwick District Local Plan 2011-2029.
- 20 Noise arising from any plant or equipment at these premises, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes))
[if the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.] **REASON:** To ensure there would be no unacceptable disturbance to the detriment of the amenities of the occupiers of the development in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 21 The development permitted in detail by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) *Westwood Heath Road, Coventry FRA_WHR-BWB-EWE-XX-RP-EN-0002-FRA_May 2017* and approved Drainage Strategy *Westwood Heath Road, Coventry_Reuby and Stagg_10210_August 2017* and in particular the following mitigation measures detailed within the FRA and Drainage Strategy:
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 68.4 l/s for the site.
 - Provide provision of surface water attenuation storage as stated within the FRA of 4745m³ and/ or in accordance with '*Science Report SC030219 Rainfall Management for Developments*'.
 - Surface water is to be provided via a minimum of two trains of treatment using the proposed above ground drainage features within the drainage design.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme.

REASON: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

- 22 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 Public Safety from fire, and the protection of Emergency Fire Fighters.

- 23 The subsequent Reserved Matters applications for any phase of the development shall be submitted in general accordance with the approved Site Wide Design Code Document embodied within the Design and Access Statement dated November 2017 and prepared by Crest Nicholson for the approved development unless otherwise agreed in writing or superseded with an updated/revised Design Code Document.

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.

- 24 The landscaping scheme submitted as part of the application hereby permitted in detail shall be completed, in all respects, not later than the first planting season following the completion of the foodstore hereby permitted. 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 BE1 and NE4 of the Warwick District Local Plan 2011-2029.

- 25 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
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Planning Committee: 27 March 2018

Item Number: **8**

Application No: W 17 / 2415

Town/Parish Council: Hatton
Case Officer: Dan Charles

Registration Date: 22/12/17

Expiry Date: 23/03/18

01926 456527 dan.charles@warwickdc.gov.uk

Land On The North Side of Birmingham Road, Hatton

Full planning application for construction of 150no. dwellings (Class C3); a new vehicular access from Birmingham Road; a new temporary access for sales and construction from Birmingham Road; associated drainage and infrastructure; public open space; landscaping and all other ancillary and enabling works FOR Taylor Wimpey UK Ltd; Mr John Stuart Burman; Mr David Ian Burman; Mr Dennis Keit

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to secure the necessary financial contributions/obligations in relation to affordable housing, highway improvements, sustainable travel packs, health care, education, libraries, sport and leisure and biodiversity offsetting.

Should a satisfactory Section 106 Agreement not have been completed by 22 May 2018, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

This is a full application for the erection of 150 dwellings comprising 90 open market and 60 affordable housing units varying between 1 and 5 bedrooms (max 4 bedroom for the affordable housing element); Creation of new vehicular access from Birmingham Road together with a temporary access for sales and construction vehicles, Provision of all associated drainage, infrastructure, public open space, landscaping.

Updated Information has been submitted through the course of the application to update and replace submitted information where necessary such as an updated Planning Statement omitting some inaccuracies together with additional information at the request of statutory consultees.

Applicant's Summary

The application site is allocated within the Local Plan (allocation H28) for 150 dwellings. The proposed development is considered to deliver the following benefits to the surrounding area:

- An additional 150 new dwellings within Hatton Park on an allocated site to be delivered in line with the housing trajectory of the Local Plan;
- Provision of 40% on-site affordable dwellings – equating to the provision of 60 affordable dwellings on the site;
- Improved housing choice within the local market by providing additional one, two, three, four and five-bedroom dwellings;
- Additional residents who will provide support for existing services and facilities within Hatton Park and its surrounding environs;
- Provision of a high-quality, modern and sustainable development and associated amenity space which represents an appropriate response to the character of the site and the wider area;
- Provision of features of biodiversity value within the design of the proposed development;
- Provision of a 3 metre wide ecological buffer along the western boundary to encourage and provide foraging habitat for local fauna;
- Provision for an additional 2.24 hectares of public open space to include a Locally Equipped Area of Play;
- Improved potential for connectivity through to the existing Hatton Park estate with a pedestrian linkage proposed through to Ebrington Drive;
- Provision of financial contributions towards services and facilities within the local proximity of Hatton Park to include contributions towards education

There are no technical or environmental constraints to the development of the site as has been demonstrated by the supporting technical reports. The applicant has engaged and worked proactively with the local planning authority and local highways authority to ensure the scheme is available and deliverable. The applicant has also engaged with the local community and relevant Stakeholders prior to the submission of the full application and during the application process to address concerns throughout the application's progression.

Housing Mix

Private Housing

Size	Total Units	Percentage
1 Bedroom	4	5%
2 Bedroom	27	30%
3 Bedroom	34	38%
4 Bedroom	15	17%
5 Bedroom	10	12%

Affordable Housing

1 Bedroom	8	13%
2 Bedroom	32	53%
3 Bedroom	18	30%
4 Bedroom	2	3%

THE SITE AND ITS LOCATION

The application site forms allocated site H28 as set out in Policy DS11 of the Local Plan 2011-2029 and as illustrated on the Policies Map. It is therefore allocated for housing development and associated infrastructure and uses, with an estimated figure for the number of dwellings stated as 150.

The site is currently agricultural fields laid to crops.

The proposal is flanked by the Birmingham Road to the south, the existing residential development to the west with open countryside to the east beyond the former access drive to the old hospital site (identified on maps as Ugly Bridge Road) which is now used as a combined cycle/footpath linking to the dwellings to the north east of the site. To the north lies an area of woodland known as Smiths Covert that bounds the site. An area of residential development sweeps around the top of Smiths Covert and to the north east of the application site.

Overall the site is approximately 7.5 hectares. The land rises from the public highway to the south towards Smiths Covert to the north. This topography is similar to the existing residential development to the west of the site.

PLANNING HISTORY

No previous planning history.

RELEVANT POLICIES

- National Planning Policy Framework
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS4 - Spatial Strategy (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029)
- DS10 - Broad Location of Allocated Sites for Housing (Warwick District Local Plan 2011-2029)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029)

- DS15 - Comprehensive Development of Strategic Sites (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE2 - Developing Strategic Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029)
- TR3 - Transport Improvements (Warwick District Local Plan 2011-2029)
- TR4 - Parking (Warwick District Local Plan 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE4 - Protecting Historic Parks and Gardens (Warwick District Local Plan 2011-2029)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- W1 - Waste Core Strategy (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Warwickshire Landscape Guidelines SPG
- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- Vehicle Parking Standards (Supplementary Planning Document)
- LES - Low Emission Strategy Guidance for Developers (April 2014)
- Open Space (Supplementary Planning Document - June 2009)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Affordable Housing (Supplementary Planning Document - January 2008)

- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)

SUMMARY OF REPRESENTATIONS

Hatton Parish Council: No objection to the principle of development nor housing mix or design and the use of bungalows is welcomed, however, raise objections on the following grounds:

- Access - Increased traffic movements will cause delays and result in unacceptable noise and air pollution. Lack of pedestrian and cycle connectivity to local facilities.
- Open Space - 3 metre wide ecological corridor to western boundary insufficient for maintenance. There is no reason the scheme could not be moved towards the eastern boundary to allow this corridor to be increased. Area to north should be maximised.
- Sustainability - No reason not to install solar panels to all dwellings where it is feasible.
- Infrastructure - Concern over the additional burden on services.

The site cannot be assessed in isolation and measures to mitigate impact should be considered in conjunction with other housing developments.

Budbrooke Parish Council: Objection - The Parish Council fully supports the case made by residents of Birmingham Road in respect of the development at Hatton Park and asks the Planning Committee to fully assess the impact of the development on these residents and users of the A4177 in general, taking particular account of duty of care.

WCC Highways: No objection, subject to conditions, notes and Section 106 contributions towards highway improvements.

WCC Fire and Rescue: No objection, subject to a condition requiring appropriate water supplies to be provided.

WCC Flood Risk Management: No objection, subject to conditions.

WDC Contract Services - Waste Management: No objection

WCC Ecology: No objection, subject to conditions, notes and Section 106 contribution towards biodiversity offsetting.

WCC Landscape: Concern over the landscaping scheme proposed. Recommend changes to species included within the scheme.

Warwickshire Wildlife Trust: Object to removal of excessive amount of central hedgerow. Biodiversity offsetting required. Hedgehog habitats should be incorporated. Recommend gully pots contain amphibian ladders.

WDC Housing Strategy Team: Housing Strategy expects the amount of affordable housing on the proposed development to comply with Policy H2 and welcomes the applicant's commitment to provide this.

WCC Infrastructure: Request contributions towards education, libraries, sustainable travel packs and bus stop improvements.

Warwickshire Police Architectural Liason Officer: Recommend development constructed in accordance with Secure By Design standards.

Warwickshire Police Infrastructure: Request S106 contributions towards additional policing requirements as a result of the development.

South Warwickshire NHS Trust: Request S106 contributions towards NHS improvements.

Public Health: Recommend scheme accords with Building for Life 12 to ensure scheme promoted healthy, active and sustainable communities.

WDC Environmental Health: Require additional information for noise report to overcome issues raised. Recommend conditions for Low Emissions Strategy, contaminated land survey and Construction Management Plan. Also request S106 contributions towards Type 3 Mitigation Air Quality Improvements.

WCC Archaeology: Following trial trenching work across the site, no requirement for additional archaeological works.

Public Response: A total of 67 letters of objection received making the following comments;

- Overdevelopment of the site.
- Infrastructure will not support this level of housing.
- Traffic on Birmingham Road already not acceptable and results in regular queuing and congestion.
- Lack of school and doctors places.
- Damaging to character of the area.
- Harm to environment through increased vehicle emissions/pollution.
- Loss of rural aspect.
- Loss of Green Belt land.
- Lack of link to adjacent development will result in isolated development through poor connectivity.
- Additional noise pollution.
- New access onto Birmingham Road is not appropriate.
- Loss of light, overlooking and overshadowing to neighbouring properties.
- Should focus new development on brownfield land first.
- Loss of natural habitats and harm to wildlife.
- Over-reliance on surface water drainage and run off could result in increased flooding issues.
- Development too dense and out of character with the area.
- Ecology corridor proposed is inadequate.
- Harm to woodland wildlife.
- Preferable to provide access from Ebrington Drive or adjacent driveway to east.
- Loss of trees.
- Lack of appropriate level of parking.

- Application contains inaccurate information.

Letter from Matt Western MP: It is my privilege to represent the constituency of Warwick and Leamington as Member of Parliament. I understand the need for housing in this area; especially affordable, council and social. I also recognise that Hatton Park has been identified in the Local Plan as a suitable location to accommodate housing.

It is vital that any new development must be supported by the necessary levels of investment in infrastructure. The impact on services such as schools and GPs, as well as amenities, must be a primary focus when considering any application and we need to ensure a long-term approach to guarantee adequate provision, with developers contributing accordingly. As well as this, Hatton Park residents have raised concerns to me about the lack of public transport links, and out of date bus service information being used for this proposal. They have also expressed concern about access points to the proposed development, and the accompanying safety implications of the turnings onto Birmingham Road.

As presently configured, I believe this development proposal falls short of being sustainable, and is not safe, and on those grounds I am opposing.

Letter from adjacent Land Owner - AC Lloyd: AC Lloyd control the land at the end of Ebrington Drive and have confirmed their commitment to enter into discussions with the applicant for the provision of an appropriate link between the developments.

ASSESSMENT

Principle of Development

NPPF

Paragraph 49 of the NPPF states that housing applications should be considered with a presumption in favour of sustainable development.

When assessing what is sustainable development in the context of the NPPF, there are three strands of assessment for sustainable development; An Economic Role, a Social Role and an Environmental Role.

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.

Social benefits would include the provision of a mix of types and sizes of market and affordable housing to meet identified local needs. The proposal would provide 40% affordable housing on the site which can be secured through a Section 106 agreement.

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 links. The site is

sustainably located adjacent to the built up area of Hatton and will be closely integrated into the existing settlement. It is therefore concluded that the development represents sustainable development by satisfying the three dimensions.

Warwick District Local Plan

The application site is identified within the Warwick District Local Plan 2011-2029 as a site suitable for new housing development within the growth village envelope of Hatton Park. The land is defined as the H28 allocation which is formed of two different land parcels separated by a hedgerow running from east to west across the site.

The allocation identified a scheme of up to 150 dwellings on the site and the scheme brought forward details a scheme of 150 dwellings. Officers are therefore satisfied that this is in accordance with the Local Plan.

The adopted Local Plan is the most up to date evidence base for the allocation of new housing land and this site forms part of the strategic expansion of Warwick and Leamington as defined within Policy H1.

Officers are satisfied that the proposed development is in accordance with the Warwick District Local Plan 2011-2029.

Housing Mix

Policy H4 of the Warwick District Local Plan requires new housing development to provide a mix of housing that contributes towards a balance of house types and sizes across the District. In assessing the housing mix, Policy H4 seeks development to be provided in accordance with the mix of housing as set out in the Strategic Housing Market Assessment (SHMA).

The proposed mix of market dwellings on the site represents an appropriate level of 1 and 2 bedroom homes in line with the SHMA requirements. A slightly lower proportion of 3 bedroom properties are proposed and this results in a higher ratio of 4 and 5 bedroom homes proposed. In this location, the SHMA identifies that there is a higher level of need identified for larger homes with four- or more bedrooms based on the demographic modelling of Warwick District.

In terms of the affordable housing mix, the sizes range from one to four bedroom units of varying tenures. The Council's Housing Strategy and Development Officer is satisfied that the size of the affordable units proposed across the site is acceptable and no objection is raised to this mix.

Officers have considered the recommendations of the SHMA and the site in the context of the local area and consider that the mix of housing would be appropriate for the area in terms of the general character and distribution of housing.

Impact on visual amenity and the character of surrounding area

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

Since this is a full planning application, comprehensive details have been provided in respect of the layout and visual appearance of the proposed dwellings.

The application site is currently a pair of agricultural fields laid to crops. The fields are separated by an existing mature hedgerow. The boundaries of the site are a mixture of mature hedgerows along the roadside elevation and the boundary with Ugly Bridge Road. Adjacent to the Hatton Park housing estate, the boundaries are currently formed by a combination of hedgerows and fencing constructed as part of the development of the adjacent land.

The site has been designed to follow the Inspectors report on the Local Plan that stated the site "adjoins existing residential development to the west and is bounded to the south by the A4177 and vegetation along the roadside. Smith's Covert is a substantial area of woodland enclosing the site to the north and Ugly Bridge Road and the significant line of trees and other vegetation associated with it runs down the eastern boundary. The site could be suitably accessed and the layout and design of development would be able to accommodate significant additional landscaping and provide adequate buffers to Smith's Covert and Ugly Bridge Road and address other detailed matters."

The proposed dwellings would be predominantly 2 storey in height to reflect the local context. It is proposed to use some 2 and a half storey dwellings with dormers to create accommodation in the roof space. Bungalows are also proposed within the site to provide a balanced mix of housing options within the site. Active frontages are proposed onto all public areas to create visual interest and increase surveillance. This also provides a softer edge to the development within its rural setting.

With regard to visual appearance, the proposals aim to reflect the traditional 'Warwickshire' architectural style and take inspiration from other buildings in and around the local area. Facades would be predominantly high quality brickwork to add aesthetic value and signify key locations together with the use of render to provide a mixed palette of finishes across the site.

A mix of hard landscaping is proposed through the development, with changes in surfacing mixed with soft landscaping around the perimeter of the site as well as internally across the site.

All of these features are considered in keeping with the established pattern of development in the area and accordingly, it is concluded that the proposals would have an acceptable impact on the character and appearance of the area and as such would comply with Policy BE1 of the Local Plan.

The proposed development has been amended following the concerns raised by the Landscape Officer at Warwickshire County Council. The key elements related to the assessment of the site, the loss of an excessive amount of hedgerow for the access road to connect the two parcels of land, inappropriate tree species, lack of tree planting in landscape buffers together with comments regarding the wider landscaping proposals across the site.

The revised plans have sought to address the objections of the Landscape Officer with additional planting proposed and revisions made to the areas of landscaping.

The overall development provides a proposal with close links to the Hatton Park development to the East whilst providing a green buffer to the north, east and part of the south boundaries to provide a transition from built form to open countryside beyond.

Tree works are required on the site boundary to the road to facilitate the access works and this will result in the removal of some roadside trees. However, these are to be replaced with new species within the site to mitigate the loss.

Site Connectivity

The proposed site layout has been configured with a single access point off the Birmingham Road following an assessment of the options available. The use of a singular access provides appropriate access into the development and does not create a through route and potentially a 'rat run' through the scheme into the adjacent residential development.

A pedestrian link is indicated to the north east of the application site to connect the site to the footpath leading to the existing residential development located in this area. This will increase connectivity for pedestrians with the dwellings located to the north east of the application site.

The revised layout plan also indicates a potential pedestrian link to Ebrington Drive. However, this land forms part of a ransom strip owned by a third party but can be subject to negotiation to facilitate access through the entire development creating a sense of permeability and connectivity.

Having sought legal advice on this matter, the most appropriate method to secure the link would be through a Grampian-style condition to secure the access provision prior to first occupation of any of the dwellings.

A Grampian condition is a negatively worded planning condition that prohibits development until a specified action has been taken, such as the completion of works on land not controlled by the applicant.

In justifying the use of a Grampian condition, Officers consider that when the original site was allocated within the Local Plan it was always the intention to be read in conjunction with the adjacent housing development and connectivity through the site was a key factor in providing a cohesive form of development for the area.

The adjacent development contains many of the village amenities so providing an appropriate and convenient access to these facilities by pedestrians/cyclists and so an appropriate link into the site is considered to be a defining factor in providing a truly connected form of development.

Paragraph 69 of the NPPF refers to promoting healthy communities and also seeks to ensure that proposals are "safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas."

The adjacent land owner has formally written to the Local Planning Authority expressing their commitment to enter into discussions with the applicants in order to facilitate the creation of an appropriate link between the sites.

The specific wording of the Grampian Condition has not been formulated but will be provided in full within the update sheet.

Impact on living conditions

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

Amenity of Existing Properties

The application site lies adjacent to an existing development. The properties immediately adjacent to the site that share a common boundary are the properties at 1-17 and 23 Tidmington Close and 2-18 Combroke Grove.

Nos. 7-17 Tidmington Close would have a rear to rear relationship with the proposed development properties. In terms of separation, the wall to wall distances along this row would be 33 metres which greatly exceeds the required standard of 22 metres.

No.1 Tidmington Close would have a side to rear relationship with a separation of 16 metres where the minimum requirement is 12 metres.

No 3 Tidmington Close has an offset relationship with Plot 22 with a separation distance of 10 metres. There would be no direct facing walls/windows. In this respect, Officers consider that the proposal would not have a detrimental impact on the amenity of the occupiers of this property. The proposed dwelling would be within the 45 degree line drawn from the neighbouring property but as this distance exceeds 8 metres, it is considered acceptable.

No.5 Tidmington Close has its rear boundary adjacent to a parking area associated with the properties. As the rear of the property faces parking spaces and the access, there is no impact from potential overbearing impact or overlooking issues. Whilst potential traffic disturbance is possible, this is not considered sufficient to create any significant demonstrable harm.

Nos. 2-12 Combroke Grove would have back to back relationship with the new development. The minimum distance between these properties would be 23

metres rising to 28 metres. All of these distances exceed the required standards.

No.16 Combroke Grove would have a side to rear relationship with a separation distance of 16 metres which exceeds the required standard of 12 metres.

No.18 Combroke Grove would share an offset side to side relationship with Plot 130. Whilst there is no specific minimum distance requirement for side to side relationships, Officers have assessed the proposed relationship and are satisfied that due to the separation distance of approximately 7 metres and the intervening mature hedgerow, the proposal would not have a harmful impact on the amenity of the occupiers of the existing property.

Issues of construction noise and construction traffic can be mitigated through a condition to require the submission of a Construction Management Plan. This would ensure that adequate controls are put in place to address these issues.

Amenity of Future Occupiers

The scheme has been designed with a predominant character of side to side relationships where no minimum separation is stipulated. Notwithstanding this, the plots have been designed to provide good distances between dwellings to create an acceptable form of development for future occupiers.

Where properties share a side to side or side to rear relationship, all required separation distances are met or exceeded to ensure an acceptable form of development.

All plots have adequate amenity space that exceeds the standards set out within the Draft Residential Design Guide SPD for amenity space standards.

Overall, Officers are satisfied that the proposed scheme can be satisfactorily accommodated on the site without resulting in any demonstrable harm to the amenity of neighbouring properties. The scheme will also provide acceptable living standards for the future occupants of the site.

Noise Impact

The frontage of the site is onto the Birmingham Road, which is a busy 'A' Class Road. The application has been submitted with a Noise Assessment that has been considered and Environmental Health have raised some concerns regarding mitigation for future occupiers.

An updated Noise Assessment to demonstrate how the scheme has been designed to meet the requirements of BS8233: 2014 and World Health Organisation Guidelines is being prepared by the applicants and the results of this survey together with the District Environmental Protection Officer's response will be reported within the update sheet.

Highway Safety

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

The proposal has been assessed by the County Highways Officer and additional information sought during the consultation process.

The developer has submitted a significant amount of documentation in support of the application. The first consideration is the existing traffic situation on the A4177 and the current levels of concern over congestion and the ability of the road network to cater for the development generated traffic movements.

The Highway Authority is proposing a scheme of improvement at the A4177/A46 Stanks junction, the estimated cost of which is in the region of £6,000,000. Whilst the developer's Transport Assessment does not include an assessment of the development's impact upon the Stanks junction, the scheme proposed includes for traffic from the allocated sites in the vicinity which are considered to impact upon the junction, and will therefore provide adequate capacity to enable the development to proceed without any adverse effect on the Highway Network.

Whilst no assessment has been included within the submitted documents, it has been identified during consideration of the improvement works at the Stanks junction that traffic from this development will impact at this location. This is also confirmed by the trip distribution information contained in the Transport Assessment. Therefore a contribution to these works will be required which will need to be negotiated with the developer should Planning Permission be granted as part of the Section 106 Agreement for the development.

In considering the form of access into the development, the developer has submitted a technical note 2056/02-18/574 which considers the options for access.

In assessing the location of the access, an alternative option of access from Ebrington Drive was considered.

Firstly, an access from Ebrington Drive would exceed the Highway Authority's limit of 200 units from a single access point which would require a second access point to meet the Highway Authority's limit. This would potentially lead to capacity issues at the existing roundabout junction of Charingworth Drive and Birmingham Road.

The technical note further concludes that a direct access from the A4177 which complies fully with the relevant design standards can be achieved and the Highway Authority is satisfied that this sufficiently demonstrates that the proposed access to the site is the most suitable.

The Transport Assessment includes an analysis of the proposed access which demonstrates that with the mitigation scheme at the Stanks junction, the site access will operate within capacity and will not be detrimental to the operation of the Highway Network.

Further analysis of the proposed junction has been undertaken through a Stage 1 Road Safety Audit of the access proposal, reference 20586/01-18/5649. The Audit has identified some minor issues that can be dealt with during the detailed design process under Section 278 of the Highways Act and therefore it will not be necessary to consider them further at this stage.

The site layout has been assessed, the proposal providing the required number of parking spaces for each dwelling in accordance with the parking standards. The proposed road system has been the subject of a swept path analysis for the largest refuse vehicle and complies with the requirements of the Highway Authority for adoption, subject to entering into the relevant adoption agreement under Section 38 of the Highways Act.

Finally, objectors have raised concerns over the dates of Traffic Surveys, the suitability of other information contained in the Transport Assessment and accident statistics for the nearby network.

The majority of the survey data used in the preparation of the report was undertaken by Warwickshire County Council as part of our Strategic Network Assessment and local count data taken in connection with the proposed improvement works at the Stanks junction.

A further speed survey carried out by the developers consultants on 5th - 11th July in order to determine the required visibility splay at the site access. These results are not dependant on traffic flows and are therefore acceptable.

The 2011 Census data used to determine trip distribution is the most current data available and is therefore acceptable for use in such cases. The Highway Authority has no reason to doubt this information and it is used nationally to determine vehicle movements.

The accident information included within the Transport Assessment is current and demonstrates that there are no underlying issues with the highway at this location and that the development will not significantly affect Highway Safety. The Road Safety Audit further confirms that a safe access can be achieved.

Impact on Ecology/Protected Species

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

Prior to the submission of the application, the applicants entered pre-application discussions with the County Ecology Unit to agree the requirements for ecological works on the site.

In response to this, the proposal has been submitted with an Ecological Impact Assessment that is in line with the requirements as set out at pre-application stage. This has been assessed by the County Ecology Team who have raised no objection to the proposal subject to the completion of a Biodiversity Impact Assessment and any associated offsetting to be secured through a Section 106 Agreement.

In addition, conditions have been requested for tree protection to be submitted together with the submission of a Construction and Environmental Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP).

The applicants have provided the CEMP and LEMP to the County Ecologists to avoid the need for a pre-commencement conditions. These documents have been considered by the County Ecologist and considered acceptable. The content of the CEMP and LEMP can be secured through appropriate conditions to ensure that all works are carried out strictly in accordance with the recommendations within the documents.

The Parish Council has queried the suitability of the use of 3 metre wide ecological corridors and the potential maintenance costs being passed on to the occupiers. The County Ecologists have not raised this matter as an issue and consider the use of a 3 metre buffer to be sufficient for the development. In this respect, Officers consider that the buffers proposed are acceptable.

Any on-site maintenance of open space will either be through the use of an appropriate management company site-wide and would not be down to individual occupiers to maintain.

Overall, Officers are satisfied that the Ecological Impacts of the development have been satisfactorily mitigated by conditions and Section 106 contributions.

Drainage and flood risk

Although the site is in Flood Zone 1, a Flood Risk Assessment has been submitted with the application due to the site area. The Lead Local Flood Authority has confirmed there is no objection to the development, subject to conditions requiring the development to be in accordance with the submitted drainage strategy to deal with surface water as well. Subject to these conditions there is no objection from a drainage and flood risk point of view and the development is therefore considered to be acceptable in this regard.

Trees/Hedgerows

The application site is formed by two parcels of land that are defined by a hedgerow that separates the land parcels. The proposal requires the removal of a section of the hedge to facilitate the vehicular access to the rear element of the site. Following concerns from the Landscape Officer, the area of hedgerow to be removed has been reduced to the minimum required to facilitate access through the site. In order to mitigate the loss of the hedgerow, additional tree planting is proposed to the area to offset the loss. This can be secured by condition.

Across the site, the hedgerows are to be retained and supplemented where required. Tree planting is also proposed across the site to ensure that there is a net gain of tree species as a result of the development and to provide a well landscaped scheme.

The site has been submitted with an Arboricultural Survey and Impact Assessment that includes a range of proposed methodologies for works near trees. These details can be secured by condition. Additionally a tree protection condition is sought to ensure trees and hedgerows to be retained are not harmed by the development.

Officers are satisfied that the proposed development would not have a harmful impact on trees and hedgerows across the site.

Archaeology

The application was submitted with a desk-based archaeological survey supplemented with a geo-physical survey of the site. The County Archaeologist considered the submitted information and requested further works in the form of trial trenching to be carried out prior to the determination of the application.

The applicants have now completed a program of trial trenching and the report detailing the results of the trial trenching, which was undertaken in accordance with the previously agreed Written Scheme of Investigation (WSI), has now been forwarded to the County Archaeology Team. The evaluation identified a shallow ditch within one of the trenches which was interpreted as having probably defined the parish boundary between Hatton and Budbrooke. No evidence for possible enclosures features identified by the geophysical survey was found suggesting that these anomalies may have been produced by differing mineral content being present in Glacial Till.

In light of the results of the geophysical survey and trial trenching the potential for the application site to contain significant archaeological deposits is considered to be low. The County Archaeologist has therefore recommended that no additional archaeological needs to be undertaken across this site.

Air Quality

Warwick District Council has adopted air quality planning guidance as an addendum to the air quality action plan. The District Environmental Protection Officer has considered the submitted information and recommended a condition requiring the applicant to produce a Low Emission Strategy in compliance with the Air Quality guidance and submit the proposal for approval prior to commencement of the development.

The Low Emission Strategy Guidance establishes the principle of Warwick District as an 'Emission Reduction Area' and requires developers to use 'reasonable endeavours' to minimise emissions and, where necessary, offset the impact of development on the environment. Under the guidance the above development is classified as a medium scheme because it required a transport assessment, as such the developer is required to provide Type 1 and 2 mitigation from the guidance.

The guidance states that electric vehicle (EV) recharging provision for each house with dedicated parking is expected and also sets out a range of locally specific measures to be used to minimise and/or offset the emissions from new development, however these are suggestions and other innovative ideas are also encouraged. This will be secured by condition.

The applicant's air quality assessment has predicted a significant adverse effect on air quality in the absence of mitigation. As such applicant must also provide Type 3 mitigation. This includes the calculation of the damage costs of the proposed scheme to enable the assessment of the scale and kind of mitigation or compensation that is required to make the scheme acceptable. Type 3 mitigation will be secured through a S106 agreement.

Contaminated Land

The proposal has been submitted with a Contaminated Land Assessment. This has been considered by the District Environmental Protection Officer who has recommended that further investigation is carried out due to the submitted reports identifying areas of potential pollutant leakages. This detail can be secured by the use of a pre-commencement condition.

Public Open Space

The site contains approximately 2.24 hectares proposed to be used as public open space including the provision of a Local Equipped Area of Play located centrally within the site. The exact type of open space is to be negotiated with the Open Space team and any additional requirements will be subject to an off-site contribution that will be secured through the Section 106 Agreement.

The proposal does not contain any areas designated as allotments. The Open Space Officer has advised that there is local need for allotments. In this respect, it is appropriate to incorporate this into the additional open space contribution.

Officers note from the supporting information that the open space areas are to be privately managed. The Open Space team has advised that the existing Hatton Park development is managed by Warwick District Council and suggested for consistency, it may be appropriate to continue this. This would be subject to separate notification together with a commuted sum within the Section 106 process.

Health and Well-being

The proposals would provide housing to meet the housing needs of the district, including an element of affordable housing for people in housing need. This is a benefit that contributes to health and well-being. Additionally, the proposed open space and play facilities within the development are positive benefits that would add to the effective layout of the scheme and provide an enhanced environment in which to live for future occupiers.

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

Contributions

- provision of 60no. units of affordable housing (40% of the total units proposed);
- a contribution of £540,000 towards strategic highway infrastructure and measures to improve walking and cycling;
- a contribution of £1,116,208 towards Education and Learning.
- a contribution of £3,283 towards Library and Information Services.
- a contribution of £11,250 towards sustainability packs;
- a contribution of £10,683 towards outdoor sports facilities;
- a contribution of £133,530 towards indoor sports facilities;
- a contribution of £218,255 towards Biodiversity Offsetting.
- a contribution of £172,627.70 towards acute and community healthcare (hospitals)
- a contribution of £32,639 towards policing.
- monitoring fee - £30,000 or 1% of the total contributions, whichever is lower
- a contribution towards public open space and commuted sum towards maintenance (if adopted by WDC) (final figure to be confirmed and reported via the update sheet to committee);
- a contribution of £10,438 towards improvements to public rights of way within a 1.5 mile radius of the development site.
- a contribution towards improvements to the Stanks Island improvement works. (final figure to be confirmed and reported via the update sheet to committee)
- a contribution towards Type 3 Mitigation/Compensation Works for Air Quality.
- maintenance of on-site drainage areas.

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

The development is also liable for payments under the Community Infrastructure Levy (CIL) and this will be calculated accordingly if planning permission is granted. To ensure that no CIL payments overlap with the required Section 106 Contributions, the legal agreement will be subject to clauses to prevent and double payments.

Other Matters

Energy Saving Measures

The Parish Council has raised concerns regarding the proposed lack of measures shown as part of the submission. Energy saving measures are now a matter for the building regulations and there is no longer a policy requirement within the new Local Plan to require the submission of additional energy saving measures. The requirement to install measures for energy efficiency under the building regulations will ensure that all of the proposed properties are as sustainable as possible.

Conclusion

The development of this allocated site (H28) for the construction of 150 dwellings together with the necessary infrastructure and associated works, including the provision of open spaces and highway improvements is considered to be acceptable in principle in accordance with Local Plan Policy DS11.

The proposals would ensure appropriate levels of amenity for neighbouring dwellings whilst also providing positive and suitable living conditions for future occupants. The proposals would have a positive impact on the character and appearance of the area. Additionally, the proposals are considered to be acceptable in terms of car parking and highway safety. Furthermore the proposals are considered to be acceptable in ecological terms and there are a number of necessary and relevant conditions recommended in the event permission is forthcoming which would ensure that any possible impacts of the development are adequately mitigated.

The proposal is considered to require further archaeological investigation and this shall be carried out prior to the determination of the application subject to the agreement

Overall, the development is considered to accord with all relevant provisions of the Development Plan and for these reasons, it is therefore recommended that planning permission be granted.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s)

Scheme Plans

- 1562-07, 20142-TP-01, 20142-EP-01, 20142-MP-01, and specification contained therein, submitted on 22 December 2017.
- 1562-01a (Sheet 1 of 6), 1562-02a (Sheet 2 of 6), 1562-03a (Sheet 3 of 6), 1562-05a (Sheet 5 of 6), and specification contained therein, submitted on 15 February 2018
- 20142-PL-01D, 10-01 P5, 10-03-01 P5 (Sheet 1 of 2), 10-03-02 P5 (Sheet 2 of 2), 10-04 P6, 10-05-01 P6, 10-05-02 P6, 10-05-03 P3, 10-06 P5, 10-07 P5, 10-08-01 P3, 10-08-02 P3, 10-09 P5, 10-10 P5, 1562-04b (Sheet 4 of 6) and 1562-06b (Sheet 6 of 6), and specification contained therein, submitted on 15 March 2018.

House Type Plans

BU2 - Bungalow 2, KE - Keydale, KE - Keydale Coloured, KE - Keydale Special Coloured, NA21 - Beauford, NA32 - Byford, NA46 Ransford (Bir

Rd), NA46 Ransford Elevations, NA46 - Ransford Plans, NA47 - Stanford Elevations, NA47 - Stanford Plans, NB52 - Rushton Elevations, NB52 - Rushton Plans, NB52 Rushton Special Elevations, NB52 - Rushton Special Plans, AA11, AA24 - Type A, AA32 - Type B, AA42 - Type C, DE - Devonford Elevations, DE - Devonford Plans, DE - Devonford Plans Special PA25 - Canford, PA25 - Canford Special, PA34 - Gosford, PD51 - Lavenham Elevations, PD51 - Lavenham Plans, PT45 - Teasdale (Bir Rd) Elevations, PT45 - Teasdale Elevations, PT45 - Teasdale Plans, 20142 - Double Garage, 20142 - Double Shared Garage, 20142 - Single Garage and specification contained therein, submitted on 22 December 2017.

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

- 3 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the details of tree and hedgerow protection measures have been submitted to and approved in writing by the Local Planning Authority. Thereafter, prior to the commencement of any on site works, the approved scheme shall be put into place in full accordance with the approved details and shall remain in place for the full duration of any such construction work . In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s).
REASON: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

- 4 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;
- Dust management and suppression measures - level of mitigation determined using IAQM guidance
- a scheme for recycling / disposing of waste resulting from demolition and construction works.
- Any temporary measures required to manage traffic during construction
- Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction
- Noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites - Part 1 and 2
- Concrete crusher if required or alternative procedure
- Delivery times and site working hours
- Site lighting
- Access and protection arrangements around the site for pedestrians, cyclists and other road users
- Restrictions on burning and details of all temporary contractors buildings
- Plant and storage of materials associated with the development process
- External safety and information signing notices
- Complaints procedures, including complaints response procedures and dedicated points of contact
- Best practicable means shall be employed at all times to control noise and dust on the site including:
 1. Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays.
 2. Delivery vehicles should not be allowed to arrive on site before 8 am or after 4.30 pm Mon - Fri, 8 am - 1 pm Sat and not on Sundays or Bank Holidays.

REASON: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029.

- 5 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.

- 6 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 Public Safety from fire, and the protection of Emergency Fire Fighters.
- 7 No development and subsequent use of the development shall take place until a detailed 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 Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- Undertaken infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site.
 - Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
 - Where flooding occurs onsite to store the 1 in 100 year climate change event details should be provided of the storage capacity required outside of the proposed formal drainage system. Details of the depths and locations of flooding should also be provided to the LLFA where the depths may be unsafe Hazard mapping may be required to ensure the development remains safe to users of the site
 - Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network.
 - Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity in accordance with Policies FW1, FW2 and NE3 of the Warwick District Local Plan 2011-2029

8 No development shall take place until: -

1.(a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the 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 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 planning authority. The method statement shall include details of how the remediation works will be validated upon completion.

This should be approved in writing by the 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 planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with and shall be submitted to and approved in writing by planning authority. The site shall not be occupied until the approved addendum has been complied with.

4. Upon completion of the remediation detailed in the method statement a report shall be submitted to the planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.'

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

- 9 The development hereby permitted shall be carried out strictly in accordance with the Landscape and Ecological Management Plan reference CSA/2684/05 received on 1 March 2018. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE3 of the Warwick District Local Plan 2011-2029.
- 10 The development hereby permitted shall be carried out strictly in accordance with the Construction and Environmental Management Plan (CEMP) reference CSA/2684/06 received on 1 March 2018. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE3 of the Warwick District Local Plan 2011-2029.
- 11 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those specified within the application documentation. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
- 12 The development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) Birmingham Road, Hatton 890193-R1(2)-FRA_RSK_November 2017 and in particular the following mitigation measures detailed within the FRA:
 - Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 25.8 l/s for the site.
 - Surface water is to be provided via a minimum of two trains of treatment using the proposed above ground drainage features within the drainage design.
 - The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029

- 13 No occupation and subsequent use of the development shall take place until a detailed maintenance plan is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the

party responsible, including contact name and details shall be provided to the LPA within the maintenance plan. **Reason:** To ensure the future maintenance of the sustainable drainage structures in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029

- 14 The development shall not be occupied until the public highway A4133 has been improved so as to provide for the site access in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority, as shown indicatively on plan 890193 10-09 P3. **Reason:** In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 15 The layout of the estate roads serving the development [including footways, verges and footpaths] shall not be designed other than in accordance with the principles and guidance as set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001'. **Reason:** In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 16 No dwelling shall be occupied until the estate roads [including footways] serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority. **Reason:** In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 17 The Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site. Prior to the commencement of the development, the details of these measures (including type, method of operation and control of use) shall be submitted in writing to the Local Planning Authority for their approval in consultation with the Highway Authority. **Reason:** In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 18 The lighting scheme shall be carried out in accordance with the details submitted on plan reference 10-06 P3. In considering the lighting scheme, 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 energy LED lighting should be used in preference to high pressure sodium or mercury lamps;
 - b. the brightness of lights should be as low as legally possible; and

c. lighting should be timed to provide some dark periods.

REASON: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE3 of the Warwick District Local Plan 1996-2011.

- 19 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works in the approved application documents. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
-

Planning Committee: 24 April 2018

Item Number: 9

Application No: [W 18 / 0247](#)

Town/Parish Council: Stoneleigh
Case Officer: Holika Bungre

Registration Date: 06/02/18

Expiry Date: 03/04/18

01926 456541 Holika.Bungre@warwickdc.gov.uk

17 Stoneleigh Close, Stoneleigh, Coventry, CV8 3DE

Erection of first floor and ground floor side extension (resubmission of application ref: W/17/0517) FOR Mr & Mrs Allard

This application is being presented to Committee as the Parish Council supports the application and it is recommended for refusal.

RECOMMENDATION

Planning Committee is recommended to refuse this application for the reasons set out at the end of the report.

DETAILS OF THE DEVELOPMENT

This application is a resubmission of a similar application which was refused last year and was subsequently dismissed at appeal. Amendments have been made to the scale and design of the proposal. As before, the application seeks permission to add a first floor to the bungalow by raising the ridge height from 5.5m to 7m with a dominant front gable of a slightly shallower pitch than the previous application. It is also proposed to add to the side extension to its front. The proposed increase in eaves level from 2.5m to 5.15 as previously proposed has been reduced to 3.7m. This has reduced the proposed floor space at first floor in comparison to the previous application. A chimney is proposed to be added to the property together with some internal reconfiguration and other external alterations.

The previous application was refused for the following reasons:

1. The proposed increase of 105.52% and the increased height and volume of the building would amount to a disproportionate addition, which is inappropriate development within the Green Belt, harmful by definition, and the extent of harm to openness of the Green Belt was also considered moderate. There were no very special circumstances to overcome this.
2. Due to the relationship of the property with its neighbours, the property already breached the 45 degree angle to the windows in the rear elevation of No.18, which would be further affected by the increase in height, impacting their outlook and daylight. This would also be the case for the ground floor side windows serving No. 16 which light the lounge, and this room's daylight and outlook would also be affected in the same way. This would be harmful to the living conditions of the neighbours.

THE SITE AND ITS LOCATION

The application relates to a detached bungalow situated to the northwest of Stoneleigh Close and is washed over by Green Belt. The site and the street are sloping, with the property in an elevated position compared to the entrance of its driveway and is also elevated in comparison to the properties on the opposite side of the street. It is at a similar level to that of the properties to either side.

The original property was built in the 1960's, and has since had a side extension which includes the utility, and a forward extension of the garage.

PLANNING HISTORY

W/17/0517 - Refused and dismissed at appeal - Erection of first floor to bungalow and erection of single storey side extension

4133 - 1962 - Granted - Erection of bungalow and garage

4086 - 1961 - Granted - Erection of bungalow and garage

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Stoneleigh & Ashow Parish Council: Support

WCC Ecology: Recommended bat note, bird note and reptiles and amphibians note

ASSESSMENT

Whether the proposal is appropriate development in the Green Belt and, if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified

Warwick District Local Plan Policy DS18 states that extensions to dwellings will be permitted unless they result in disproportionate additions to the original dwelling which do not respect the character of the original dwelling; do not retain the openness of the rural area; or substantially alter the scale, design and character of the original dwelling. This reflects the approach to development in the Green Belt in the NPPF.

Policy H14 indicates that an extension of more than 30% of the gross floor space of the original dwelling is likely to be considered disproportionate in the Green Belt.

The total original floor space of the application property is calculated to be 157.53m². Existing extensions amount to 27m² which equate to 17.14%. The proposed extensions taken together with the existing extensions would amount to 282.37m² which equates to an overall 79.25% increase in floor space over and above the original dwelling, which is significantly in excess of what could be considered to be proportionate in accordance with Policies H14 and DS18. The proposal is therefore inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. In accordance with the NPPF, this harm must be afforded significant weight.

No very special circumstances have been presented which outweighs the harm identified.

Design, Scale and Impact on the Street Scene

With regard to the small expansion of the side extension at ground floor only, the proposed chimney and the other alterations, these are considered acceptable proportionate and suitable in character to the main house.

The scale and design of the proposed house and the eaves height are improved in comparison to the previous application and will be more in keeping with the scale and design of the neighbouring properties to either side. Therefore, the proposed extensions are not considered to harm the character and appearance of the street scene.

Impact on Neighbour Amenity

In terms of overlooking, the proposed first floor side window could be conditioned to be obscure glazed to prevent overlooking, as it is to the stairway and not a habitable room and would therefore be made acceptable in planning terms. Concerning the eight proposed first floor side roof lights (to bedrooms, an ensuite and a bathroom) the same would apply, as each bedroom has a front or a rear window providing a suitable level of outlook while the ensuite and bathroom do not require clear glazed windows. As such, the proposal would not result in material harm by reason of overlooking and loss of privacy.

However, the property as it stands already breaches the 45 degree angles from the rear of No.18 and the front and side of No.16. The proposed addition at first floor will therefore also result in a breach, and will result in material harm to the neighbours by reason of loss of light and outlook. This is exacerbated as both of

these properties are bungalows. The proposal would therefore be contrary to Policy BE3.

Summary/Conclusion

The proposal would constitute a 79.25% addition to the house as originally built and is therefore considered to result in disproportionate additions which are inappropriate within the Green Belt harmful by definition and by reason of harm to openness as the addition of the first floor to this property will substantially increase the bulk and mass of the dwelling, and therefore the proposals are contrary to the NPPF and Policies DS18 and H14.

The proposals would result in material harm to the living conditions of neighbouring properties by reason of harm to light and outlook and it is considered that the scheme has not been amended such as to overcome the previous reasons for refusal which were upheld at appeal.

REFUSAL REASONS

- 1 The application property is within the Green Belt, wherein the Planning Authority is concerned to ensure that the rural character of the area will be retained and protected in accordance with national policy guidance contained in the NPPF which states that the limited extension of existing dwellings in Green Belt areas may be appropriate provided that it does not result in a disproportionate addition over and above the size of the original dwelling. Policy H14 of the Warwick District Local Plan 2011-2029 defines disproportionate as in excess of 30% of the floor area of the original dwelling.

The proposals would constitute a 79.25% addition to the house as originally built and is therefore considered to result in disproportionate additions which are inappropriate within the Green Belt harmful by definition and by reason of harm to openness as the addition of the first floor to this property will substantially increase the bulk and mass of the dwelling.

It is considered that the proposed development would radically alter the scale and character of the original dwelling, thus constituting an undesirable extension and consolidation of a residential property likely to affect detrimentally the character of this rural locality, thereby constituting inappropriate development conflicting with the aims of Green Belt and Local Plan policy.

No very special circumstances have been presented which outweigh the harm identified.

- 2 Policy BE3 of the Warwick District Local Plan 2011-2029 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users/occupiers of the development.

Due to the 1.5m increase in height together with the associated bulk, the proposal would result in a material loss of light and outlook to both adjacent neighbours, exacerbated by the fact that both are bungalows. The proposal is considered to be an unneighbourly form of development which is contrary to the aforementioned policy.

Planning Committee: 24 April 2018

Item Number: **10**

Application No: [W 18 / 0264](#)

Town/Parish Council: Baginton

Case Officer:

Holika Bungre

01926 456541 Holika.Bungre@warwickdc.gov.uk

Registration Date: 15/02/18

Expiry Date: 12/04/18

**CFS Aeroproducts Ltd, The Alvis Works, Bubbenhall Road, Baginton,
Coventry, CV8 3BB**

Display of 3no. non-illuminated signs to front boundary railings (retrospective application) FOR CFS Aeroproducts Ltd

This application is being presented to Committee as the Parish Council and Councillor Redford support the application and it is recommended for refusal.

RECOMMENDATION

Planning Committee is recommended to refuse this application for the reasons set out at the end of the report.

DETAILS OF THE DEVELOPMENT

This application is retrospective and seeks the retention of 3no. external signs fixed to the front boundary railings of the CFS Aeroproducts Ltd premises. The sign shown on the plans as proposed to the main building has already been granted Advertisement Consent and therefore is not considered as part of this application.

The number of signs in the scheme as proposed has been reduced from the seven signs as proposed in the previous application, which was refused. The applicant has set out the reasons for the signs relating to the ability to recognise the site when driving to it.

THE SITE AND ITS LOCATION

The application site relates to the CFS Aeroproducts premises, located on the east side of Bubbenhall Road in Baginton. The site is located on a country lane in a rural area which is washed over by Green Belt. There is a distinct absence of commercial signage within the street scene other than on units which are well set back from the road.

All of the signs refused as part of the last application and those proposed here (W/17/2102) were still in situ on the officer's site visit date of 14th March 2018.

PLANNING HISTORY

W/17/2102 - Split Decision (front elevation sign approved and all others refused) - Display of 8no. non-illuminated signs (3no signs to front boundary

railings, 2no. signs to either side of the gate entrance, 2no. signs to the gates and 1no. sign to front elevation) of CFS Aeroproducts Ltd premises (retrospective application)

W/16/1340 - Refused - Retention of a 3m high Monolith style free-standing external sign next to the road / entrance of the site

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Baginton Parish Council: Objection withdrawn. Support application due to safety and economic reasons provided by the applicants for the signage.

Baginton Parish Council: Support. this application.

Councillor Pam Redford: Objection withdrawn. Supports application.

ASSESSMENT

The applicant has stated that the reason for the signage is for ease of identification of the premises by delivery drivers and to attract more customers. Whilst this is noted, need is not a material consideration in the consideration of an application for Advertisement Consent, which can only be assessed on impact on amenity and public safety.

Visual Amenity

While the appearance of the signs are relatively understated with green with white text, the number, size and prominent siting results in visual clutter on what is otherwise a pleasant country lane in a rural area generally void of signage.

The signage is considered to be out of character with the area and harmful to the street scene visual amenity of the area and is therefore contrary to Policy BE1 of the Local Plan.

Highway Safety

All of the signs are non-illuminated and sufficiently set back from the highway as not to cause harm to highway safety.

Summary/Conclusion

The 3 signs along the frontage are considered to be harmful to the amenity of this rural lane by reason of visual clutter and advertisement excess. Therefore it is recommended that this application is refused.

REFUSAL REASONS

- 1 Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029 state that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Furthermore, development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users/occupiers of the development.

By reason of their number and scale, the 3no. signs to the frontage boundary of the site result in visual clutter and advertisement excess. Taken together, these signs create an excessive level of visual clutter in this otherwise open, rural setting. These aspects of the development are not considered to harmonise or enhance their existing surroundings and are incongruous features within the wider rural area.

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

Planning Committee: 24 April 2018

Item Number: 11

Application No: [W 18 / 0356](#)

Town/Parish Council: Blackdown
Case Officer: Dan Charles

01926 456527 dan.charles@warwickdc.gov.uk

Registration Date: 15/02/18

Expiry Date: 12/04/18

**Moorfields Rugby Football Club, Kenilworth Road, Blackdown,
Leamington Spa CV32 6RG**

Change of use of overflow car park (part only) to hand car wash together with surfacing works (engineering works only) (resubmission of W/17/1167) FOR Mr B Gecaj

This application is being presented to Committee due to the application being recommended for refusal and more than 5 letters of support having been received.

RECOMMENDATION

That planning permission is refused.

DETAILS OF THE DEVELOPMENT

The proposal is for the change of use of an area of land for the use as a hand car wash business.

The proposal includes the creation of new hard surfaced car wash 'bays' with the provision of new drainage to include interceptors for the treatment of run off. The treated water is then proposed to be dispersed on the existing rugby pitches within the site.

The proposed car wash use would utilise the existing highway access serving the rugby club.

THE SITE AND ITS LOCATION

The area of land that is the subject of this application falls within the grounds of the Leamington Rugby Club on an area currently used for overflow parking.

The site contains multiple grass pitches together with two hard surfaced multi use courts and associated gravel parking areas together with a brick built pavilion/club house building.

Adjacent to the area of the proposed application is a small building used in association with the netball courts located on the opposite side of the site to the main clubhouse building.

The site boundaries are defined by mature trees and hedging.

The site lies within the West Midlands Green Belt.

PLANNING HISTORY

W/17/1167 - Change of use of area of hard-standing to hand car wash – Refused
11.10.2017

Various applications for rugby club facilities but none relevant to current application.

RELEVANT POLICIES

- National Planning Policy Framework
- EC1 - Directing New Employment Development (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS2 - Protecting Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Old Milverton and Blackdown JPC - Objection;

- Policy EC1 is clear that employment proposals in the Green Belt are to be determined in accordance with WDC's Policies or with national policy. EC1 states: "In the Green Belt proposals will be determined in line with national policy."
- Paragraph 90 of the NPPF identifies various forms of development which are not inappropriate in the Green Belt. The applicants refer to previous statements made by WDC planning officers that a commercial car wash is an engineering activity and is therefore permitted development in the Green Belt in accordance with paragraph 90 of the NPPF. However, this ignores the proviso contained in paragraph 90 which states that "Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt."
- Granting of planning permission for a car wash will require a change in the use of the land which conflicts with the purpose of including land in the Green Belt. Paragraph 89 of the NPPF does not include "changes of use of land" as a listed exception for development in the Green Belt.

- Consequently, a commercial car wash is by definition inappropriate development in the Green Belt. Planning permission should therefore be refused unless very special circumstances can be demonstrated. In the opinion of the Joint Parish Council those very special circumstances have not been demonstrated. In addition, the proposed development would also reduce the openness of the Green Belt, bringing parking and other activity to an area reserved for overflow and therefore not in general use. Therefore, the applicant has not applied the appropriate part of Policy EC1.
- In appeal reference APP/G5180/C/14/2211286 Land at Bromley Football Club Car Park, Hayes Lane, Bromley BR2 9EF, October 2014 (Copy attached), the Inspector upheld the Local Authority's decision that the development of a car washing facility in the car park of Bromley Football Club was inappropriate development in the Green Belt.
- In addition, EC1 states: "In all instances applicants will be required to demonstrate that: The proposal would not generate significant traffic movements which would compromise the delivery of wider sustainable transport objectives, including safety, in accordance with TR2." The business of a car wash is to attract cars which in turn must generate significant traffic movements. Therefore, again the application does not comply with policy EC1.

Councillor Gordon Cain - Objection;

- The car wash proposed is no small undertaking.
- The proposal has no apparent local welfare facilities, nor provision for operating undercover.
- The noise and the spray from the proposed operations are likely to cause significant impact to the adjacent sports activities.
- The allocated purpose of this Green Belt land is Rugby, and Netball. NPPF paragraph 90 is clear that any permitted development must not conflict with the purposes of including land in the Green Belt. The commercial light engineering project of this application has no relationship with Rugby, or Netball and as such conflicts with the current approved purpose of the land.
- This application has significant harmful impact to the Green Belt by reason of the proposed infrastructure, the impact of noise and wind blown spray of water and chemicals, and whatever welfare facilities that may be provided.
- I have not seen within the application reference to any 'very special circumstances' which would go towards any mitigation of the significant harm.
- I recommend this application be refused.

WDC Environmental Protection - No objection.

WCC Highways - No objection.

WCC Ecology - Recommend tree protection condition and notes regarding lighting, bats, nesting birds, native planting and protection of watercourse.

Sport England - No objection.

Public Response - A total of 12 letters of support have been received stating that the proposal will provide an essential revenue stream to support and improve the continuing operation of the rugby club for the benefit of the local community.

ASSESSMENT

Principle of development

The proposal is for the creation of a stand-alone hand car wash business on an area of land within the existing Rugby Club.

The proposal must therefore be assessed against the provisions of Policy EC1 of the Warwick District Local Plan 2011-2029. This policy states that within rural areas, employment development will only be permitted where the development promotes sustainable development within a growth village, is for agricultural/ other land-based rural business diversification, is within a major identified site in accordance with Policy MS2, is within an allocated sub-regional employment site or supports the sustainable growth and expansion of existing rural business and enterprise.

The proposed hand car wash does not meet any of the above criteria and as such is considered contrary to Policy EC1 of the Local Plan.

The applicants have put forward a statement that the proposed car wash would provide an additional income stream to support the ongoing operation of the rugby club. This has been supplemented by a number of supporting letters setting out how the club operates and the implications that a lack of increased revenue may result in. In considering this, Officers are not satisfied that this alone would outweigh the in-principle objection to the scheme and there are no other overriding factors that would outweigh the in-principle objection under Policy EC1.

Whether the proposal would constitute appropriate development in the Green Belt and, if not, whether there would be any very special circumstances that would outweigh the harm by reason of inappropriateness and any other harm identified.

As the application site lies within the West Midlands Green Belt, the proposal must be assessed against Policy DS18 of the Local Plan. The policy states development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions. The proposal is for a change of use of land. Paragraph 89 of the NPPF does not include changes of use of land as a listed exception for development which is not inappropriate in the Green Belt. As such, the proposal is considered to constitute inappropriate development in the Green Belt, which is harmful by definition.

Impact on the openness of the Green Belt

There are no proposed buildings or canopies proposed as part of the scheme and as such, there is no physical built form proposed as part of the development. However, there would be paraphernalia on site associated with the operations of

the business together with a level of activity associated with the car wash use. The proposal would therefore result in some harm to openness.

Impact on character of surrounding area

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of good layout and design in all developments that relates well to the local topography and landscape features of the area.

The proposal is for the use of land only for the car wash use.

The proposed development would introduce a commercial activity onto the area that is currently used as an overflow car parking for the rugby club together with car boot sales etc. There is no built form associated with the use but the proposal has the potential to attract a significant increase in traffic numbers within the site. When assessing this, it is considered that the existing use of the land for car parking would be of a similar impact to the proposed use.

The use as a car wash would require the use of pressure washers and other noise generating equipment. However, in this location with the background of the rugby club and associated activities together with the noise from the A452 road, Officers are satisfied that the potential noise would not be detrimental to the character and amenity of the local area.

Overall, Officers are satisfied that the proposal would not result in any significant demonstrable harm to the character of the area.

Impact on adjacent properties

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

The application site lies within the grounds of the rugby club where it is open on three sides. To the south and east of the site lie a small number of residential properties that are set away from the site of the proposed car wash by a fairly significant distance. Due to this distance separation, the Environmental Protection Officer is satisfied that there would be no demonstrable noise harm to neighbouring amenity as a result of the development.

Access and Parking

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

The site retains the use of the existing access to the site serving the rugby club. The access point affords good visibility in either direction that exceeds the required distances for appropriate visibility splays for a 40mph road. The access

point is of a bound material and there is sufficient width for two vehicles to pass within the access ensuring that vehicles do not have to wait within the highway carriageway.

In terms of car parking, the site contains large areas of hardstanding that allows for car parking. The nature of the use is such that there is limited need for car parking as the use is a quick turnover of vehicles and the use would not require any significant long term parking.

The proposal has also been assessed by the County Highways Officer who has raised no objection to the scheme. Officers are therefore satisfied that the use would not be detrimental to highway safety.

Drainage/ Pollution

The proposal states that the use of interceptors is to be used to prevent any potential pollution arising from the car wash use. Whilst no specific details have been submitted as part of the application, this element could be secured by an appropriate pre-commencement condition and thereafter carried out in strict accordance with the approved details.

The proposal indicates that the treated water is to be dispersed within the site onto the existing rugby pitch areas. Officers are satisfied that this could be subject to a detailed drainage scheme and therefore no objection is raised to this element. It is also noted that the proposal would also be subject to separate consent from the Environment Agency.

Ecology/Trees and Hedgerows

The County Ecologist has assessed the proposal raised no objection to the proposal subject to a tree protection condition together with explanatory notes.

Conclusion

The proposed development would introduce an employment use onto a rural site, contrary to Policy EC1 of the Warwick District Local Plan 2011-2029. The proposal would also constitute inappropriate development in the Green Belt harmful by definition and by reason of harm to openness.

The recommendation is therefore refuse planning permission.

REFUSAL REASONS

- 1 Policy EC1 of the Warwick District Local Plan 2011-2029 states that within rural areas, new employment development will only be permitted where the proposal either promotes sustainable development within a growth village, is for agricultural/ other land-based rural business diversification, is located within an identified site in accordance with Policy MS2, is located within an allocated sub-regional employment site or supports the sustainable growth and expansion of existing rural business and enterprise.

The proposed creation of a hand carwash business does not accord with any of the 5 identified forms of development as identified above that are considered acceptable within a rural location. The Local Planning Authority do not consider that there are any mitigating factors that outweigh the in-principle objection to the scheme and there are no other overriding factors that would outweigh the in-principle objection.

The proposal is therefore contrary to Policy EC1 of the Warwick Local Plan 2011-2029.

- 2 Policy DS18 of the Warwick District Local Plan 2011-2029 states that development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions. The proposal is for a change of use of land. Paragraph 89 of the NPPF does not include changes of use of land as a listed exception for development which is not inappropriate in the Green Belt. As such, the proposal is considered to constitute inappropriate development in the Green Belt, which is harmful by definition.

There are no proposed buildings or canopies proposed as part of the scheme and as such, there is no physical built form proposed as part of the development. However, there would be paraphernalia on site associated with the operations of the business together with a level of activity associated with the car wash use. The proposal would therefore result in some harm to openness.

Planning Committee: 24 April 2018

Item Number: 12

Application No: [W 18 / 0364](#)

Town/Parish Council: Lapworth
Case Officer: Holika Bungre

Registration Date: 05/03/18

Expiry Date: 30/04/18

01926 456541 Holika.Bungre@warwickdc.gov.uk

Pinner's Cottage, Old Warwick Road, Lapworth, Solihull, B94 6AZ
Formation of new access (and closing of existing access) and erection of new entrance gates and fence FOR Mr I Fernie

This application is being presented to Committee as the Parish Council supports the application and it is recommended for refusal.

RECOMMENDATION

Planning Committee is recommended to refuse this application for the reasons set out at the end of the report.

DETAILS OF THE DEVELOPMENT

This application seeks planning permission to amend the position of the existing vehicular access so that it is set further away from the bridge, which is located south east of the property on Old Warwick Road. A set of new gates and a fence to the new access are also proposed, to overall heights of 1.8m and 1.6m respectively. The part of the hedge which will be removed to make way for the new access and gates will be reused to close off the current access, and more additional picket fencing will be erected.

THE SITE AND ITS LOCATION

The application site relates to a detached dwelling, located to the south west side of Old Warwick road in Lapworth. The site is within the Green Belt and benefits from a number of extensions over time. The site has its full Permitted Development Rights.

PLANNING HISTORY

W/17/2424 - Application for a proposed Lawful Development Certificate for a single storey side extension constructed in similar materials in accordance with drawing no. 5533/01 A submitted on 22nd December 2017 - Lawful.

W/17/1837 - Erection of 200mm flat roof extension to conservatory to north west elevation to incorporate new doorway, single storey rear extension for WC, single storey front extension and new access - Withdrawn

W/98/1518 - Erection of extension to conservatory and new W.C. to rear; erection of extension to kitchen at front; new access - Granted (although appears not to have been implemented)

W/94/0884 - Erection of a first floor rear extension - Granted.

W/89/0446 - Erection of a conservatory with link to laundry room and a first floor bedroom and bathroom extension - Granted

W/83/1239 - Erection of cloakroom & kitchen extension - Granted

W/79/0034 - Erection of additional chimney on side elevation - Granted

W/78/1398 - Erection of two storey side extension to form lounge with two bedrooms over - Granted

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council: Support.

WCC Highways: Objection. The level of visibility that can be achieved at the proposed vehicular access falls significantly below the level of visibility required for a 40mph speed limit (120m to be provided in both directions of the vehicle access, when measured 2.4m back from the edge of the carriageway, in accordance with DMRB Volume 6 Section 1 TD9/93). While the Highway Authority acknowledges that the achievable visibility splays at the proposed vehicle access would be an improvement compared to the existing vehicle access, the level of visibility that can be achieved still falls significantly below the required standards for a 40mph speed limit, and there is no guarantee that the slight improvement in visibility will improve safety.

The Highway Authority requires gates to be set back at least 6m from the edge of the carriageway, which is now met by the amended plan, and is considered to be acceptable

WCC Ecology: Ideally there should be no loss of hedge/trees for the installation of new fence. It is understood from the plans that a smaller gap can be created for the new entrance gates and hedge can be retained either side of the new gates. Requested photos to see if a bat survey is required for the removal of hedging.

Public Response: 1 letter of support - Sensible design and sympathetic to its surroundings.

ASSESSMENT

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

- Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified;
- Design and impact on the character and appearance of the area;
- Impact on the living conditions of neighbours
- Highway safety
- Sustainable drainage
- Ecology

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified

Paragraph 79 of the NPPF states "The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."

Paragraph 87 of the NPPF states "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances." Paragraph 89 of the NPPF states "A local planning authority should regard the construction of new buildings as inappropriate in Green Belt" apart from a set list of exceptions.

Local Plan Policy DS18 states that the District Council will apply National Policy to its Green Belt applications.

As the proposed gates and fence are new structures and do not fall within any of the exceptions set out in Paragraph 89 of the NPPF, they are considered to constitute inappropriate development in the Green Belt which are harmful by definition. Paragraph 88 of the NPPF states that "when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."

The proposed gate and fencing is also considered to be harmful to openness. Although an element of existing boundary treatment would be removed, the

proposed boundary treatment is considered to be materially larger and therefore more harmful to openness.

No very special circumstances have been put forward by the applicant and neither are there any other benefits from the development which would be considered to outweigh the harm. Therefore the proposals are inappropriate development within the Green Belt, harmful by definition, not outweighed by any very special circumstances, and the application should be refused.

Design and impact upon the character and appearance of the area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people.

Warwick District Council's Local Plan Policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing as well as for all proposals to harmonise with the existing area and to reflect, respect and reinforce local architectural and historical distinctiveness. The Council's Residential Design Guide seeks to protect the character of the building and area.

The scale and design of the proposed gates and fence is large and dominant, and their addition is more characteristic of an urban area. Therefore, the proposed gates and fence would not be in keeping with the rural character of the area, which is characterised by low level fencing and field gates but more generally by hedging and vegetation.

The proposal would therefore be contrary to Policy BE1.

Impact on Neighbour Amenity and Living Conditions of Occupiers

Due to the site's isolated location, the proposals are at a distance from any other neighbours and therefore the living conditions of other properties will not be adversely affected.

Highway Safety

Since the Highway Authority's objection to the previous application for a new access, further discussions and a site meeting have taken place between the County Highways Officer and the applicant/agent to discuss the Highway Authority's concerns and any possible solutions.

The potential solutions proposed by the applicant/agent included a reduction in the speed limit to 30mph, so that the level of visibility that could be achieved would be commensurate with the speed limit. A reduction in speed limit was not considered acceptable as Old Warwick Road is a primary road which accommodates a high volume of vehicles, and vehicle speeds on site seemed to be higher than that of the existing 40mph speed limit. Therefore a 30mph speed limit could not naturally be enforced through the alignment of the carriageway. The installation of advanced warning signs were also suggested, however, these could be confused with the junction opposite.

In terms of the visibility splay drawing, the Highway Authority have noted that some aspects of the plotting is incorrect, and therefore what the drawing shows can be achieved is also incorrect. This is partly because both visibility splays have been measured at a distance of 2m instead of the required minimum of 2.4m from the kerbside. This is incorrect as it would result in vehicles protruding into the carriageway to allow for the illustrated visibility splays to be achieved.

After scaling and measuring this therefore, the Highways Officer has concluded that the visibility splays that can be achieved from the existing access are 9m to the right (east) and 52m can be achieved to the left (west), subject to the cutting back of the existing hedgerow on both sides of the access.

At the proposed vehicle access, visibility splays of 37m could be achieved to the right (east) and 57m could be achieved to the left (west), again subject to the cutting back of the existing hedgerow. The proposed relocation of the vehicle access would improve visibility splays by approximately 28m to the right (east), and approximately 5m to the left (west).

The level of visibility that can be achieved at the proposed vehicle access falls significantly below the level of visibility required for a 40mph speed limit. For a 40mph speed limit, the Highway Authority requires visibility splays of 120m in both directions, when measured 2.4m back from the edge of the carriageway, in accordance with DMRB Volume 6 Section 1 TD9/93. This means that there is a shortfall of 83m to the right (east) and 63m to the left (west).

The Highway Authority acknowledges that the achievable visibility splays at the proposed vehicle access would be an improvement compared to the existing access, the level of visibility that can be achieved still falls significantly below the required standards for a 40mph speed limit, and there is no guarantee that the slight improvement in visibility will improve safety.

Notwithstanding the Highway Authority's objection, Officers are of the view that as the proposal would result in some improvement in visibility, there are no reasonable planning grounds on which to refuse the application in respect of the amendment to the position of the access.

In terms of the position of the gates from the road, this has been amended and increased from 5m to 6m and is now considered to be acceptable from a highway safety perspective.

Sustainable Drainage

The proposed hardstanding will drain to a permeable area within the curtilage of the property and therefore this element of the proposal is considered to be permitted development.

Ecology

A bat note is considered to be sufficient to ensure the applicant is aware of their responsibility in respect of protected species.

Summary/Conclusion

The proposed gates and fencing are considered to constitute inappropriate development in the Green Belt, which is harmful by definition and by reason of harm to openness. No very special circumstances have been presented which outweigh the harm identified.

In addition, the fence and gates are considered to be an urban feature which would be seen as a dominant and incongruous feature harmful to the rural character of the area.

Therefore the application is recommended for refusal.

REFUSAL REASONS

- 1 The application site is situated within the Green Belt and the NPPF states that, within the Green Belt, the rural character of the area will be retained and protected. It also contains a general presumption against inappropriate development in Green Belt areas and lists specific forms of development which can be permitted in appropriate circumstances. The proposed development does not fall within any of the categories listed in the Guidance and therefore the proposal is harmful by definition. It is also considered to be harmful to openness.

In the opinion of the Local Planning Authority, very special circumstances to outweigh the harm identified have not been demonstrated. The proposals are therefore contrary to the NPPF and Policy DS18 of the Warwick District Local Plan 2011-2029.

- 2 Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029 state that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design.

In the opinion of the Local Planning Authority the proposed fence and gates would result in material harm to the rural character and appearance of the area by reason of their incongruent, dominant and urban scale and design.

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