

Application No: W 10 / 0748

Town/Parish Council: Leamington Spa
Case Officer: Rob Young

Registration Date: 25/06/10
Expiry Date: 20/08/10

01926 456535 planning_east@warwickdc.gov.uk

Edmondscote Manor, Warwick New Road, Leamington Spa, CV32 6AH

Demolition of existing buildings and erection of 35 dwellings (outline application including details of access) FOR Guide Dogs for the Blind Association

This application is being reported back to Committee due to the submission of further information on the viability of the proposal including 40% affordable housing and the contributions for education and library facilities. Planning Committee resolved to grant planning permission at the meeting on 13 October 2010, subject to the completion of a legal agreement to secure affordable housing, open space and contributions for sustainability welcome packs, education, libraries and maintenance of the open space. The Council's Solicitors were instructed to begin work on the Section 106 Agreement but little progress has been made because the applicant has raised concerns about the impact of the Section 106 requirements on the viability of the scheme.

The report that follows deals solely with the Section 106 requirements. There has been no material change in circumstances to affect the assessment of any of the other issues that were considered previously and therefore the assessment in the previous report remains valid and has been reproduced here as an appendix.

It should be noted that the Section 106 requirements stated in the previous report were amended in the addendum report to that Committee to include an amended affordable housing schedule, a reduced libraries contribution and an increased education contribution. This was to meet the requirements of the Council's Housing Strategy team and to reflect a change in the County Council's formula for calculating the education and library contributions.

The applicant has now requested that the terms of the proposed Section 106 agreement be amended to provide fewer affordable housing units, a lower proportion of social rented units within the remaining affordable housing provision, a reduced contribution for education and the omission of the contribution for libraries.

The terms of the Section 106 agreement as previously approved by Planning Committee would have secured the following:

- 40% affordable housing (14 units) comprising 21% shared ownership (3 units) and 79% social rented (11 units);
- the layout of part of the site as public open space;
- a commuted sum for the future maintenance of the public open space;
- a contribution towards education facilities of £251,779;

- a contribution towards library facilities of £4,880; and
- a contribution towards the provision of sustainability packs for new residents of £1,750 (£50 per dwelling).

The applicant is seeking to vary the terms of the Section 106 agreement so that it would secure the following:

- 31% affordable housing (11 units) comprising 55% shared ownership (6 units) and 45% social rented (5 units);
- the layout of part of the site as public open space;
- a commuted sum for the future maintenance of the public open space;
- a contribution towards education facilities of £150,000; and
- a contribution towards the provision of sustainability packs for new residents of £1,750 (£50 per dwelling).

The County Council and the District Council's Housing Strategy team have been consulted on the proposed amendments and any comments will be included in the addendum report to Committee.

The applicant has submitted a report in support of their requested amendments. This concludes as follows:

"Guide Dogs is a national charity that receives no government funding and relies heavily on charitable donations and help from volunteer workers. It has been providing blind and partially-sighted people with the freedom and independence a guide dog gives for nearly 75 years.

Guide Dogs are currently making full use of its Dog Training School in Leamington Spa. There are no current plans to move. However, in the event that Guide Dogs do decide to relocate, a planning application was submitted in 2010 for 35 dwellings.

Guide Dogs are obliged under the Charities Act 1993 to seek the best value reasonably obtainable, with the receipt invested back into the Charity. A return of £711,000 per acre is what Guide Dogs need to attract a sale. This equates to a land value of £2,050,000. To achieve this, the Section 106 Contributions for application W10/0748 must be amended as proposed."

The report includes an appraisal that demonstrates that the development with the Section 106 requirements as previously approved would support a residual land value of £1,585,000. Whilst this represents a net increase in value over the present use of the site as a training centre the report states that it does not represent an acceptable minimum land value for Guide Dogs, and for a developer to realise the delivery of 35 new dwellings.

The report includes a further appraisal that demonstrates that the development with their proposed revised Section 106 requirements would support a residual land value of £2,050,000. Guide Dogs property consultants have advised that this would reflect a realistic value from the site in order to attract a sale on the open market.

This is a sensitive issue because in general the Council would wish to support the work of a charity such as the Guide Dogs. However, under planning law, the identity of the applicant is rarely a material consideration in the determination of

a planning application. The information submitted by the applicant does not demonstrate that the development is unviable, it only demonstrates that the land value is lower than the landowner would like. There are no unique constraints affecting this site that would justify reduced Section 106 requirements compared with other similar sites. Furthermore, this is not a site where the existing use is causing a particular problem and it is not a site that is in particular need of redevelopment. Consequently there do not appear to be any planning grounds for reducing the requirements in order to encourage the landowner to sell up and relocate. Furthermore there has not been any change in circumstances since the Section 106 requirements were previously agreed by Planning Committee.

It is also important to bear in mind that the proposed amendment to the Section 106 requirements would result in fewer affordable housing units (40% (14 units) down to 31% (11 units)), a significant reduction in the proportion of these that would be low cost rented units (79% (11 units) down to 45% (5 units)), a significant reduction in the education contribution (£251,779 down to £150,000) and the omission of the libraries contribution (£4,880). This all relates to matters that are of public benefit and which might be considered to be quasi-charitable. Therefore, even if it had been considered that there were legitimate planning grounds for reducing the Section 106 requirements to provide a higher land value for the Guide Dogs as a charity, this would only be achieved at the expense of these other public benefits.

In conclusion, for the reasons stated above, I do not consider that there are any planning grounds to justify a reduction in the Section 106 requirements that were previously agreed.

RECOMMENDATION

1. GRANT, subject to the conditions below and the completion of a Section 106 agreement to secure the following:

- affordable housing (3 shared ownership units and 11 social rented units);
- the layout of part of the site as public open space;
- a commuted sum for the future maintenance of the public open space;
- a contribution of £50 per dwelling for sustainability welcome packs;
- a contribution of £251,779 for education; and
- a contribution of £4,880 for libraries.

CONDITIONS

- 1 This permission is granted under the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 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:-
 - (a) appearance
 - (b) landscaping
 - (c) layout
 - (d) scale

REASON : To comply with Section 92 of the Town and Country Planning Act 1990 as amended.

- 2 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 not later than the expiration of five years beginning with the date of this permission. REASON: To comply with Section 92 of the Town and Country Planning Act 1990, giving a longer period due to the special circumstances demonstrated by the applicant.
- 3 The development to which this permission relates 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 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 4 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) DNS-03A, DNS-04A, DNS-05 & 25.100.01, and specification contained therein, submitted on 10 June 2010, 25 June 2010 & 21 September 2010, as amended by any reserved matters approval, unless first agreed otherwise in writing by the District Planning Authority. REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 5 Details of the means of disposal of storm water and foul sewage from the development (based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development) shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. REASON : To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011.
- 6 No development shall take place until the applicant has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the District Planning Authority. REASON : To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy DP4 of the Warwick District Local Plan 1996-2011.
- 7 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% (or whatever percentage figure for the required production of renewable energy is contained in the current adopted local renewable energy policy at the time the scheme is submitted) of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be

maintained strictly in accordance with manufacturers specifications.
REASON : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011 and, given the extended time limit in Condition 2, to ensure that the renewable energy proposals are in accordance with the most up to date local renewable energy policy at the time the scheme is submitted.

- 8 No development shall take place until a detailed lighting scheme has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the District Planning Authority will expect lighting to be restricted, and to be kept to a minimum at night across the whole site in order to minimize impact on foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

(a) low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps;
(b) the brightness of lights should be as low as legally possible;
(c) lighting should be timed to provide some dark periods; and
(d) connections to areas important for foraging should contain unlit stretches.

No lighting shall be installed on any part of the site other than in accordance with the approved lighting scheme, unless agreed otherwise in writing by the District Planning Authority. REASON: To ensure appropriate measures are taken in relation to protected species, in accordance with Policy DP3 of the Warwick District Local Plan.

- 9 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should also include details of habitat creation measures including the creation and management of bat roosting opportunities (e.g. setting up bat boxes), nesting bird opportunities (e.g. setting up bird boxes), creating areas of wild flower grasslands and reptile refugia, as well as details of managing the whole site for wildlife. It should also include details of enhancement of existing habitat – in particular supplementary planting of suitable buffer zones with appropriate native species. Details of species used and sourcing of plants should be included. In addition the plan should outline the measures to be taken for the control of the invasive species on site. The plan should also include details of long-term monitoring of the site, including further species-specific monitoring surveys such as an additional badger survey 1 year after completion of works. Such approved measures shall thereafter be implemented in full. REASON: To ensure a net biodiversity gain in accordance with PPS9 and Local Plan Policy DP3.

- 10 The development hereby permitted shall not commence unless and until two weeks notice in writing of the start of works has been given to a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the buildings to be demolished. Work should be conducted between suitable months as advised by the bat worker. All roofing material is to be removed carefully by hand. Should bats be found during this operation, then work must cease immediately while Natural England are consulted for further advice. REASON: To ensure the protection of bats and compliance with Policy DP3 of the

Warwick District Local Plan 1996-2011.

- 11 No work of any kind shall be begun on the site until tree protection measures have been implemented in strict accordance with details that shall have been submitted to and approved in writing by the District Planning Authority. In particular, no work shall be begun until protective fence(s) around the trees identified as being retained on the approved plans, have been erected and the fencing has been confirmed in writing to be acceptable by the District Planning Authority. Within the approved fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no site huts, no fires lit and no excavation of trenches for drains, service runs or for any other reason. REASON : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 12 All existing trees shown to be retained on approved drawing no. DNS-04A shall be retained in accordance with BS 5837:2005 and shall not be felled, lopped, topped or pruned without the previous written consent of the District Planning Authority. Any trees removed without consent, or dying or being severely damaged or becoming seriously diseased within five years of planting, shall be replaced with trees of such size and species as may be agreed with the District Planning Authority. REASON : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 13 It should be ensured that there is no contamination of the watercourse either during or after development. No work shall start until measures have been put in place to ensure that the pollution prevention guidelines produced by the Environment Agency regarding prevention of pollution during working and operation are adhered to. There should be a buffer zone of at least 8 metres between the edge of the watercourse, (i.e. the top of the bank), and the development. REASON: To ensure the protection of the watercourse during development, in accordance with Local Plan Policy DP3.
- 14 None of the dwellings hereby permitted shall be occupied unless and until a vehicular access to the site has been provided not less than 5 metres in width for a distance of 10 metres into the site, as measured from the near edge of the public highway carriageway. REASON : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 15 The existing vehicular access to the site that is to be closed off shall not be reconstructed in such a manner as to reduce the effective capacity of any highway drain or ditch. REASON : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 16 No more than one vehicular access shall be made or maintained to the site from Warwick New Road B4099. REASON : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.

- 17 None of the dwellings hereby permitted shall be occupied unless and until all parts of easterly access of the two existing vehicular accesses to the site has been permanently closed and reinstated in accordance with the standard specification of the Highway Authority. REASON : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.

2. In the event that a Section 106 agreement has not be completed in accordance with the above recommendation within 3 months, REFUSE for the reason stated below.

- 1 Policy SC11 of the Warwick District Local Plan states that residential development on sites of 10 or more dwellings will not be permitted unless provision is made for a minimum of 40% affordable housing to meet local needs. Policy SC11 goes on to state that the accommodation provided will be determined on the basis of local need as identified by the Council in accordance with the Housing Strategy and the Housing Needs Study. The Affordable Housing Supplementary Planning Document (January 2008) is based on the results of the Housing Assessment 2006 and states that the Council will require a minimum of 80% social rented housing and a maximum of 20% intermediate housing unless the developer can demonstrate that such a mix is inappropriate on the particular site.

The affordable housing provision that has been proposed for this development comprises only 31% of the total number of units and of these only 45% would be for social rented housing. In the opinion of the District Planning Authority, the provision of only 31% of the units as affordable housing and the provision of only 45% of these as social rented housing would not meet the housing need as identified in the Housing Assessment and therefore it is considered that the proposals fail to make adequate provision for affordable housing.

The proposals are therefore considered to be contrary to the aforementioned policies.

- 2 Policy SC14 of the Warwick District Local Plan states that contributions will be sought towards community facilities in conjunction with new development where appropriate.

Warwickshire County Council have calculated that a contribution of £251,779 is required towards the cost of providing suitable facilities for primary, secondary, sixth form and special needs pupils that are anticipated to occupy the proposed development. The County Council have also calculated that a contribution of £4,880 is required towards the cost of providing suitable library facilities for occupants of the proposed development.

The education contribution that has been proposed as part of this application would not be enough to meet the need that has been identified by the County Council. Furthermore, no contribution has been proposed towards library facilities. Therefore, in the opinion of the District Planning Authority, the application makes insufficient provision to mitigate the additional pressure that the development would place on

existing community infrastructure.

The proposals are thereby considered to be contrary to the
aforementioned policy.

INFORMATIVES

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, subject to suitable reserved matters proposals, a residential development would respect surrounding buildings in terms of scale, height, form and massing and would preserve the setting of the adjacent Conservation Area. Furthermore, in principle a development for 35 dwellings would not adversely affect the amenity of nearby residents and would be acceptable in terms of highway safety, flood risk and in terms of the impact on trees / ecology. The proposal is therefore considered to comply with the policies listed.

APPENDIX

Planning Committee: 13 October 2010

Item Number:

Application No: W 10 / 0748

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Town/Parish Council: Leamington Spa

Expiry Date: 20/08/10

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Edmondscote Manor, Warwick New Road, Leamington Spa, CV32 6AH

Demolition of existing buildings and erection of 35 dwellings (outline application including details of access) FOR Guide Dogs for the Blind Association

This application is being presented to Committee due to the number of objections received, due to an objection from the Town Council having been received and because it is recommended that planning permission be granted subjected to the completion of a legal agreement.

SUMMARY OF REPRESENTATIONS

Town Council: Object. The Council consider that the following conditions should be met before approval is given:

1. In developing the site the buildings should not dominate the surrounding properties.
2. The anticipated increase in traffic congestion should set limits to the number of dwellings proposed for the site.
3. A pedestrian crossing would assist safe movement of pedestrians, particularly school children.
4. All existing trees should be retained wherever possible and particularly those screening Warwick New Road.

Conservation Area Advisory Forum: Concerns were expressed at the access shown to the site with that number of dwellings from it. It was felt this was very close to the junction with Rugby Road and it was felt that possibly the retention of the in and out access that exists at the moment might be more acceptable. Concerns were expressed that, although this is an outline application, the dwellings were shown as particularly uniform with little interest in the layout. No attempt had been made to address the aspect of the river, with very small gardens to each of the houses on this part of the site, with trees planted in front of them. It was generally felt that there was an aspect of over development on

this particular site. In terms of the existing buildings, it was felt that some attempt could be made to retain the oldest part of the building and convert it, thus creating a more interesting scheme on the site. Protection should be given to as many trees as possible on the site.

Public Response: 14 objections and 2 comments in support have been received.

The objections raise the following concerns:

- detrimental to the character and appearance of the area;
- 3 storey development on the Warwick New Road frontage would harm the character and appearance of the area;
- the development should be restricted to 2 storey only and no higher than the existing buildings on the site;
- overdevelopment of the site;
- the original Edmondscote Manor building should be retained;
- detrimental to highway safety;
- the Transport Assessment only collected traffic flow data on one day;
- the traffic flows generated by the development would be far in excess of those included in the Transport Assessment;
- the access is dangerous and causes serious disruption to traffic flows;
- increased traffic congestion on Warwick New Road;
- traffic movements will be spread throughout the day rather than being limited to office hours as with the present use;
- the increased traffic will exacerbate the problems for residents on Warwick New Road exiting their drives at peak times;
- the developer should be required to undertake traffic calming measures on Warwick New Road;
- a further pedestrian crossing should be provided on Warwick New Road;
- the number of parking spaces should be reduced;
- increased risk of flooding;
- the 1998 floods approached the edge of the current proposed housing scheme;
- building on what is currently green land which absorbs rainwater would increase the risk of flooding elsewhere;
- the site slopes down to the properties in Mill House Drive and therefore drainage from the development may endanger those properties;
- the current storm drain provision struggles to cope in times of heavy rain;
- the sustainable drainage proposals are inadequate;
- conditions should be imposed to limit future revisions at the detailed planning application stage;
- the development should include family housing only and not apartments;
- the development should be restricted to the current developed area including its proximity to Warwick New Road;
- the proposed number of dwellings should be reduced;
- the existing trees on the site should be protected;
- harm to trees in neighbouring gardens;
- risk of subsidence following the removal of trees;
- a good number of bats have been observed in the area and flying to and from the mature trees on the site frontage;

- detrimental ecological impact and insufficient mitigation of ecological impacts;
- there are no proposals for low carbon construction or the incorporation of renewables;
- loss of security for adjacent dwellings due to open space being created to the rear;
- increased anti-social behaviour from use of the public open space;
- people would trespass through the private Mill House Drive estate to access the public open space;
- the Council grass cutters access the existing public open space alongside the river by going through the private Mill House Drive estate – this should be changed because the new development provides an alternative means of access;
- the existing boundaries between adjacent properties and the proposed public open space should be replaced with a solid fence or wall;
- playgrounds, paths and cycle routes should be sited away from neighbouring dwellings;
- the developer should contribute towards improving the riverside walk off-site;
- constructing a play area on a flood plain is questionable from a child safety perspective;
- proposed property number 19 is only 1m from the boundary with the adjacent dwellings in Edmondscote Road and would be visually intrusive with no screening proposed for this boundary;
- noise, traffic and lack of security during construction works; and
- potential conflict between the proposed dwellings and an established pigeon keeping hobby in an existing garden adjacent to site.

The following comments have been made in support of the application:

- there seems to be shortage of affordable family housing in Leamington; and
- there should be more affordable housing for the public in Leamington.

One further neighbour has commented that they are in support of the proposal if it creates good quality family housing but that they will object strongly to the felling of any mature trees on the site.

Environment Agency: No objection, subject to a condition requiring the construction of a sustainable drainage system and an assessment of the hydrological and hydro-geological context of the development.

The Environment Agency welcomes the submission of a Flood Risk Assessment (FRA) in support of this planning application for the proposed redevelopment of this site. The FRA indicates that the location of the new buildings will lie outside Flood Zone 3. Flood Zone 3 represents land which has a high risk of flooding, i.e. a 1 in 100 or greater annual probability (chance) of river flooding (>1%). We are satisfied that the proposed layout meets the requirements of the Sequential Test as described in Planning Policy Statement 25: Development and Flood Risk.

We would accept that the 1 in 150 year flood level can be used to determine the 1 in 100 year 20% (climate change) flood level and we support the proposed flood level of 48.37mAOD(N) to be used.

Having reviewed the site specific information within the FRA which demonstrates that pluvial flooding is not a significant risk, and the proposal to raise floor levels

of the new dwellings 150mm above surrounding ground levels is satisfactory to meet the requirements of PPS25.

With regard to surface water drainage, the FRA discusses the use of sustainable urban drainage systems on the site. The proposals include an 86% reduction in surface water discharge to the River Leam which is considered to be a method of reducing flood risk and therefore welcomed by the Environment Agency.

The FRA refers to a number of SUDS features that could be used on the site. Permeability tests of the site should be undertaken to determine whether soakaways will be suitable on the site. We would wish to see the use of porous paving and swales as well as the oversized pipes beneath the access road, all of which are proposed within the FRA.

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

Warwickshire Police: No objection.

WCC (Highways): The figures within the Transport Assessment regarding the proposed trip rates appear to be fairly accurate. I have interrogated the TRICS database and come up with figures not dissimilar to the applicant's. I have also conducted my own manual traffic count, on both accesses, on a Tuesday at the am peak. These figures do differ from the applicant's findings. This count found 83 vehicular movements, with 17 of those movements attributed to the Eastern access. This shows that the proposed development will decrease the amount of vehicular movements attributed to the Western access and be an improvement to highway safety and therefore the Highway Authority's response to your consultation in regard to the above application is one of NO OBJECTION, subject to conditions. The developer should also be required to contribute £50 per dwelling for sustainability welcome packs to help promote sustainable travel in the local area.

The Highway Authority were subsequently asked to comment on the suggestion from the Town Council and neighbours that the developer should be required to provide a pedestrian crossing, and the following response was received:

There is already a scheme in place to signalise the Rugby Rd / Warwick New Rd junction. This, along with the existing puffin crossing 180m from the existing access, would give ample opportunity for pedestrians crossing Warwick New Rd.

Given the above there would be no need for the developer to provide a crossing at the access point.

WCC (Archaeology): The proposed development lies within an area of significant archaeological potential. In addition to the upstanding remains of the medieval or early post-medieval manor which survive within the existing structure, there is a potential for further archaeological deposits to survive across the site. It is my understanding that you are presently discussing the appropriateness of the proposed demolition of the existing buildings (including the remains of the manor house), with the Conservation Officer.

Without prejudice to the Conservation Officers subsequent comments on the appropriateness of the proposed demolition, should you be minded to grant planning consent I would recommend that some archaeological work should be

required to mitigate the potential archaeological impact of the proposed scheme. I therefore recommend that a condition is imposed to require the implementation of programme of archaeological work.

This recommendation conforms with the approach suggested in Planning Policy 5: Planning for the Historic Environment. I would be happy to forward a brief for archaeological recording on request.

WCC (Ecology): The site has no nature conservation value. However, it is adjacent to Ecosite 16/36: River Leam which has been also identified as a potential Local Wildlife Site (pLWS). There are no records of protected species within the application site. There are records of protected and notable species, namely bats, otters, grass snakes, common frogs, brown hare, and hedgehog within the surrounding area.

I am broadly satisfied with the revised Ecological Assessment report produced by DNS Planning and Design (August 2010). A Phase 1 habitat survey was undertaken at the site, which appears to have mainly been carried out in accordance with recommended guidelines. Protected and notable species were considered during the site visit but I am somewhat disappointed with the level of detail in the report. The collated information gained from the survey was assessed to some degree in the report but no recommendations were given. In general I am uncertain of the level of ecological expertise from DNS Planning and Design.

I have read the Site Survey for Bats for Edmondscote Manor produced in June 2010 by Link Ecology and MPEcology. It appears that the survey has been carried out in accordance with appropriate methodology and I can have confidence in its findings.

Bats

Daytime inspection was carried out at all buildings on site, as well as emergence and dawn surveys. The main office complex (annotated in the report as A) and a small office building (annotated in the report as B) were found to have the highest potential to support roosting bats. In fact two droppings were found, probably of *Pipistrellus* or *Myotis* species, in the loft hatch of the small office building (B). No other evidence of bats was found in the rest of the buildings.

During the emergence and dawn surveys no bats were recorded entering or exiting the buildings A and B, but common pipistrelle individuals were recorded foraging among the buildings and mature trees present on the application site. Due to the suitability of buildings A and B to support roosting bats, the two droppings found in building B, and bats being active on site, I agree to the recommendations of the report that the roof tiles both these buildings should be stripped by hand under the supervision of an ecologist. I therefore recommend that a condition is attached to any approval granted in order for a qualified bat ecologist to supervise all destructive works to the buildings A and B (as annotated in the report).

Also I recommend that as mitigation and compensation for the loss of these suitable roosting sites, full consideration should be given to providing bats with alternative roosting opportunities through the incorporation of bat access tiles to the developments designs or erection of suitable bat boxes in the trees. This could form part of an ecological management plan for the site, which is discussed in greater detail below.

Please note that if demolition works are delayed by a period of 12 months then a repeat inspection of all buildings will be necessary. Bats are mobile species and the findings of this report can be considered reliable for one year.

Trees

From the Arboricultural Survey report it appears that there are numerous trees on site, many of which are mature specimens. Trees should be retained where possible as they constitute a valuable habitat for a range of species including birds, invertebrates, associated lichens and fungi. From the plans it appears that there will be a small number of trees to be removed and that most mature trees will be retained. The trees that are planned to be retained should be protected from works by a buffer zone of at least 2-3 m between the boundary of the works and the outer canopy.

I strongly recommend retention and protection of all trees with bat potential. If this is not possible, I recommend that a pre-determinative activity survey at the appropriate time of year should be carried out on any trees with potential that will be lost.

Nesting Birds

As some trees are planned to be removed, and as a blue tit nest was recorded in building A, I strongly recommend that a note relating to nesting birds, as protected species, is attached to any approval granted. Demolition works and tree removal should be carried out outside the nesting bird season (which lasts March to September inclusive). If this is not feasible, I strongly recommend suitable areas should be checked for nesting birds by a suitably qualified ecologist immediately prior to removal.

Adjacent Watercourse

Please note that as the boundary of the application site is adjacent to River Leam (Ecosite 16/36 and potential Local Wildlife Site) adequate measures should be taken prior to works in order not to contaminate this watercourse by any subsequent chemical run-off. We have otter records along this section of the river, and white-clawed crayfish, water vole and kingfisher have been recorded along the river. I therefore strongly recommend that a condition relating to the protection of this watercourse is attached to any approval granted.

Otters and Water Vole

Although we have records of otters nearby, the Ecological Assessment concluded that no signs of otters were found and the site does not provide potential holt sites for otters. However, there is some potential that the site could be used as a transient habitat, for example as a dispersal corridor.

The WBRC does not hold records of water voles within 2km of the site, although the lack of data does not indicate they are not present. The watercourse is has steep banks which could provide burrowing opportunities for water voles. A narrow band of marginal vegetation is present. Section 3.4.7 of the Ecological Assessment states that potential suitable habitat for this species is present on site.

The lack of evidence of both these species does not mean they are not utilising the watercourse. As the proposed works will not impact on the watercourse, water voles and otters are not considered to represent a constraint to development providing work is undertaken with sensitivity to the possible presence of

these species and measures are implemented to ensure there is no pollution of the watercourse. As the presence of these species can't be ruled out, I recommend that notes relating to water voles and otters, as protected species, are attached to any approval granted.

Amphibians and Reptiles

There are records of grass snake and common frog within the vicinity of the site. As stated in the Ecological Assessment the only suitable habitat present for these species appears to be present along the sites boundaries, in particular to the south towards the River Leam. It is understood that this area will be retained. It is highly likely that amphibian and/or reptile species are within the area given the adjacent watercourse. Given the lack of suitable habitat present on the majority of the site, I do not consider amphibians or reptile will be a constraint to the development. However as their presence can not be ruled out, I therefore recommend that a note relating to amphibians and reptiles, as protected species, is attached to any approval granted.

Other Notable Species

We have a record of hedgehog close to the site and it is likely that hedgehogs are present on site given the suitability of the amenity grassland. I therefore recommend that a note relating to hedgehogs, as UKBAP species of conservation concern, is attached to any approval granted.

Ecological and Landscape Scheme for the site:

PPS9 indicates that it is a requirement for local planning authorities to maintain, enhance, restore or add to biodiversity. Para 14 of this document states that "Development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. When considering proposals, local planning authorities should maximise such opportunities in and around developments, using planning obligations where appropriate". It is therefore my recommendation that full consideration is given by the case officer to recommending biodiversity gain as part of this development.

As this proposal involves a residential development of 35 dwellings and the application site is adjacent to River Leam, I recommend a combined ecological and landscape scheme is submitted by the applicant, approved from the planning authority and implemented thereafter. Measures could include planting of new, native tree and shrub species, particularly within the corridors of retained green space. This should include details of additional planting, details of control of the invasive plants on site (i.e. Japanese knotweed and giant hogweed), as well as details of enhancement of the application site for the benefit of local wildlife, such as the erection of bat and bird boxes. The developments design could incorporate woodcrete 'Sparrow Terraces' to be attached to walls of new buildings, in particular as the house sparrow population is declining. Additional measures could include planting of species-rich wildflower areas, marginal and aquatic planting around the edges of the watercourse, new native scrub areas planted and the creation of reptile refugia. The scheme should also include details of flooding measures to be taken, as the application site is located on floodplain land.

In the Landscape and Visual Assessment carried out by DNS Planning & Design, it is recommended native species to be used for new planting on site. Indigenous tree, shrub, herb and grass species, preferably of local provenance should be chosen and outlined in the ecological and landscape scheme. Such plants are visually attractive, and have a far higher value for local wildlife than

cultivated, non-native plants. This is particularly important as the site is adjacent to River Leam.

It is important to maintain relatively undisturbed bank-side vegetation (preferably tall herb/grass/scrub/trees etc.) immediately adjacent to the river, as a buffer preferably of at least 8 metres wide. Many animal species travel up and down the bank immediately adjacent to the river provided there is adequate cover, and therefore interruptions in suitable vegetation cover can significantly reduce the ecological value of the river corridor.

Details of control of the giant hogweed and Japanese knotweed on site should be stated in the ecological and landscape scheme and should be adhered to after approval by the planning authority. It is undesirable in ecological terms to use herbicides to control weeds, especially in sites such as this one which is adjacent to a watercourse.

I recommend that lighting along the boundaries, in particular the southern boundary near to the River Leam, is kept to a minimum. This would also help prevent a negative impact on a range of species that may forage or commute along this boundary. Lighting can significantly affect the behaviour of some animals such as moths, birds and mammals, even to the extent of jeopardising their survival or reducing their breeding success. We recommend that where lighting is to be installed or updated, lights should be low pressure sodium with a full cut-off lantern in order to minimise the spread of the light. We also recommend that the lights are put on a timer so that they can be switched off as soon as possible in the evening. We recommend that floodlighting is avoided wherever possible, particularly in rural areas. I therefore recommend that a condition relating to submission of a detailed lighting scheme is included within any approval granted.

As the application site is adjacent to a watercourse I would recommend that a detailed scheme for the provision of a sustainable drainage system as part of this development is submitted and implemented thereafter. Also this could be part of the habitat creation implemented in the ecological management plan for species such as water voles, reptiles and amphibians through the construction of pond(s).

WDC Housing Strategy: The affordable housing requirement is 40% meaning 14 dwellings. The indicative layout in the drawing titled Proposed Layout DNS - 04 7 x 4 bedroom, 8 x 3 bedroom, 8 x 2 bedroom houses and 12 x 1/2 bedroom flats.

It is proposed that should outline permission be granted that the development be subject to a s106 agreement covering a number of obligations including the provision of affordable housing.

The document submitted with the planning application 'Section 106 Heads of Terms' identifies the requirement for 40% affordable housing totalling 14 dwellings. However, the proposed schedule of accommodation does not match the indicative layout (mentioned above).

Whilst it is proposed that the affordable requirement is made up of 2 x 1 bedroom, 3 x two bedroom flats, 6 x 2 bedroom houses for rent and 3 x 2 bedroom houses for shared ownership, Housing Strategy are unable to agree this mix due to the lack of internal floor plans and the fact the layout plan show

8 x 2 bedroom houses not 9. In order to agree flats in any development Housing Strategy need to be clear that the location of the individual flats within a block would be acceptable to a Housing Association in relation to future management and costs.

The following will need to be clarified by the developer prior to approval and secured by way of s106 agreement:

House Types: Confirmation of the types with locations clearly marked on the site plan.

Tenure: The split will need to be 80% rent and 20% for shared ownership, (this is reflective in the proposed mix above). Flats will not be accepted for shared ownership due to the associated problems with mortgage availability and associated service charges/costs.

Delivery: The units will be transferred to and managed by an affordable housing provider that is party to the Council Joint Commissioning Partnership and approved by Warwick District Council. The units will be transferred at a price to ensure they are available to rent within the prescribed target rent regime without the need for additional grant. Units for shared ownership will be within the affordability criteria that the mortgage value is no more than 3 ½ times the average income of newly forming households. Consideration will need to be given to the rental element of the share and any associated service charges.

Standards: The affordable housing units will comply with the minimum standards as set out in the Affordable Housing SPD January 2008 with the exception of Code for Sustainable Homes, will be Level 4 not 3 in line with HCA requirements from March 2011.

Allocation: The affordable housing units will be allocated through Warwick District Homechoice, the Council's housing allocation scheme to households registered on the common housing register and who are in housing need.

Landscaping/Public Open Space: Whether there are any proposed additional charges for the owners of the dwellings on this site.

WDC Neighbourhood Services (Trees): Comments awaited.

WDC Cultural Services: I have applied the SPD on Open Space 2009 provision standards to this proposal. Based on the current drawing and accommodation schedule, we are of the opinion that the quantity of open space being offered, approximately 1Ha combined, meets these provision standards. Therefore we would accept the open space being proposed, but we would expect the area to be appropriately landscaped to either a natural greenspace or green corridor, and will be maintained as such in the future. We would also expect the developer to liaise with Cultural Services on this landscaping. There is some really exciting opportunities to link this site with neighbouring unrestricted greenspace.

WDC Waste Management: The development needs to take into consideration the need for domestic waste storage in appropriate areas, both internal and external to the property:

- Warwick District Council undertake an edge of property collection service for both refuse and recycling (the point where the property meets the public highway) and the bins and containers need to be accessible to the collection vehicles.
- Occupiers should not be required to carry or wheel containers from the storage point through the property on collection days.

- The collection vehicles should be able to get within 25m of collection points and the operatives should not have to move two wheeled containers more than 15m between collection point and vehicle.
- There needs to be sufficient space at the end of roads (the 'hammer head') to enable the collection vehicles to manoeuvre.
- On the submitted plan, property nos. 8-19 & 20-23 are fronted by block paving, this may be unsuitable for heavy refuse vehicles and may not be adopted as public highway. With those two factors the edge of property collection service may not be able to be achieved. If this is the case a communal collection point for the properties needs to be agreed. I would suggest that the developer contacts Contract Services to discuss options.

RELEVANT POLICIES

- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Affordable Housing (Supplementary Planning Document - January 2008)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

PLANNING HISTORY

There have been large number of previous planning applications dating back to 1945 relating to the use of the site by the Guide Dogs for the Blind Association. The most recent application was submitted in 2009 when planning permission was granted for "Construction of temporary car park extension providing an additional 23 car parking spaces" (Ref. W09/0259).

KEY ISSUES

The Site and its Location

The application relates to the Guide Dogs for the Blind premises situated on the southern side of Warwick New Road. The application site is situated within a predominantly residential area and is surrounded by dwellings. The existing buildings on the site comprise a large 2 storey building set back from the Warwick New Road frontage together with a number of single storey kennels buildings to the rear of that. The main building contains elements of a building that dates back to the 17th century or earlier. However, the majority of this building comprises more modern extensions. The application site is not situated within a Conservation Area, but the boundary of the Leamington Spa Conservation Area runs along Warwick New Road in front of the site.

The remainder of the site comprises areas of car parking, dog training areas, and a large grassed area on the south-western part of the site alongside the river. The south western part of the site is situated within Flood Zones 2 and 3. There are a number of substantial trees on the site and many of these are prominent features when viewed from Warwick New Road. There are two vehicular accesses onto Warwick New Road. The site slopes down from the Warwick New Road frontage to the River Leam at the rear of the site.

The north-western boundary of the site adjoins the rear boundaries of dwellings in Mill House Drive and Warwick New Road as well as public open space alongside the river. The River Leam runs along the south-western boundary of the site. The eastern boundary of the site adjoins the rear / side boundaries of the dwellings in Edmondscote Road and Warwick New Road and the Edmondscote Sports Ground. There are also dwellings facing the site from the opposite side of Warwick New Road.

Details of the Development

This is an outline application for the demolition of the existing buildings and the erection of 35 dwellings. The application includes details of the means of access, number of dwellings and scale parameters, with all other details reserved for future consideration. The development would use the westerly of the 2 existing accesses to the site, with the easterly access closed off. A total of 1ha of open space would be provided within the site, including a large area of public open space on the south-western part of the site, alongside the river. The scale parameters indicate that the height of the buildings will range from two storey (8.5m) for the dwellings to three storey (12.5m) for the apartment block.

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

- a contribution of £50 per dwelling for the provision of sustainability welcome packs;
- a contribution of £132,460 for education facilities;
- a contribution of £6,088 for library facilities;
- 14 of the units to be affordable housing, 11 social rented and 3 shared ownership;
- part of the site to be laid out as public open space to be adopted by the District Council; and
- a commuted sum to be paid to the District Council towards the cost of future maintenance of the public open space.

Assessment

As this is an outline application with the detailed design and layout reserved for future consideration as part of a reserved matters application, the assessment of the application can only consider the principle of development and the limited details that have been submitted. This will have a bearing on the consideration of some of the key issues listed below, with some of the issues having more relevance to the consideration of a subsequent reserved matters application.

Bearing this in mind, the main issues relevant to the consideration of this application are as follows:

- the principle of permitting a redevelopment for residential purposes on this site;
- the impact on the living conditions of neighbouring dwellings;
- highway safety;
- the historical significance of the existing buildings;
- design / layout and the impact on the setting of the adjacent Conservation Area;
- the impact on trees and ecology;
- flood risk and drainage;
- open space; and
- affordable housing and Section 106 contributions.

The principle of permitting a redevelopment for residential purposes on this site

The application relates to a previously developed site situated within the urban area and therefore I am of the opinion that a redevelopment for residential purposes would be acceptable in principle, in accordance with Local Plan Policy UAP1.

I note the concerns of neighbours about the type of dwellings proposed. However, the indicative layout shows a range of detached, semi-detached and terraced dwellings and a block of apartments. This includes a range of dwelling sizes and I am satisfied that this would be in accordance with the objectives of Local Plan Policy SC1 in terms of providing a mix of housing.

Impact on the living conditions of neighbouring dwellings

For the most part, the consideration of the impact on the living conditions of neighbouring dwellings will be related to the detailed design and layout of the proposed development to be considered at the reserved matters stage. I can see no reason why a residential development would be unacceptable in this respect in principle. The indicative layout demonstrates that 35 dwellings could be accommodated on the site whilst complying with the Council's distance

separation standards in relation to neighbouring dwellings. Therefore, I am satisfied that the outline proposals would be acceptable in this respect.

The impact of the proposed public open space on neighbouring dwellings is considered under a separate heading later on.

Highway safety

I note the concerns that have been raised by the Town Council and neighbours about highway safety and traffic congestion and the suggestions that the number of dwellings should be reduced. However, the applicant has submitted a Transport Assessment that has concluded that a redevelopment to provide 35 dwellings would result in a significant reduction in the number of turning movements into and out of the site compared with the existing Guide Dogs use. The Highway Authority have accepted the findings of the Transport Assessment and have not objected to the proposals. Therefore, whilst there is undoubtedly an existing traffic congestion issue for neighbours on Warwick New Road at peak times, the evidence demonstrates that the proposed development may actually improve this situation. Therefore, I am satisfied that the proposals would be acceptable in terms of highway safety.

Some of the consultation responses have suggested that separate in and out accesses should be retained for the proposed development. However, from a highway safety point of view it is preferable to have a single access, and the Highway Authority have advised that the easterly access should be closed off.

I note the suggestion from the Town Council and neighbours that the developer should be required to provide a pedestrian crossing. However, the Highway Authority have advised that there is already a scheme in place to signalise the Rugby Road / Warwick New Road junction and that this, along with the existing puffin crossing 180m from the site access, would give ample opportunity for pedestrians crossing Warwick New Road. Therefore, taking into the account the fact that the proposals would result in a reduction in traffic, I do not consider that there is any need for the developer to provide a further crossing.

Historical significance of the existing buildings

The existing buildings on the application site include parts of the former Edmondscote Manor that date back to the 17th Century or earlier, although this has been much altered and extended. As the site is not within a Conservation Area, the only protection against this being demolished would be if it were considered worthy of listing. The agent has submitted a Historic Building Assessment which investigates the extent of historic fabric remaining. This concludes that the building would not have sufficient special architectural or historic interest to fulfil the criteria for listing. The Council's Conservation Architect has agreed that the building is not worthy of listing and therefore the Council does not have any power to prevent its demolition.

A condition is recommended to require an archaeological investigation in accordance with the comments of the County Archaeologist.

Design / layout and the impact on the setting of the adjacent Conservation Area

Subject to an appropriate detailed design, I can see no reason why a residential development of the scale proposed should harm the setting of the adjacent

Conservation Area. The existing tree belt along Warwick New Road would provide a significant degree of screening and the site slopes down away from the Conservation Area boundary, thus further limiting the visual impact of any proposed buildings.

I note that concerns have been raised about the 3 storey element of the proposals. However, whilst most of the other development in this part of Warwick New Road is two storey, I am conscious of the fact that the 3 storey element of the proposals would be situated directly opposite a tall 2.5-3 storey building on the northern side of Warwick New Road. Furthermore, the proposed 3 storey building would be situated behind substantial trees on the site frontage and would be separated from the two storey dwellings to the east by further tall trees. Therefore, I do not consider that a 3 storey building would appear out of the place in this location, subject to an appropriate detailed design.

With regard to the objections to constructing buildings closer to Warwick New Road than the existing buildings on the site, I do not consider that this would be a problem in principle. The indicative site layout plan suggests that the frontage buildings would be set on a similar building line to the established dwellings on the southern side of Warwick New Road.

I note the concerns that have been raised by CAAF and some neighbours about the layout that has been shown on the indicative site layout plan. However, as this is an outline application with the detailed layout reserved for future consideration, this is not a matter that can be considered at present.

Impact on trees and ecology

Whilst some neighbours have raised concerns about the ecological impact of the proposals, I note that there has been no objection from the County Ecologist. An Ecological Assessment was submitted with the application and the applicant has agreed with the recommendations of the County Ecologist that an ecological and landscape scheme should be implemented for the site and a condition is recommended accordingly.

I note that the County Ecologist has suggested that a further bat survey should be carried out if demolition has not been carried out within 12 months. However, as the applicant has already undertaken one bat survey and a condition is recommended to require the roof tiles to be stripped by hand under the supervision of an ecologist, I do not consider that it would be reasonable to require the applicant to go to the further expense of carrying out another bat survey within the 5 year period for which planning permission has been sought (see note later on in this report about extending the standard time period).

The comments of the Council's Arboricultural Officer are awaiting and will be reported to Committee. An Arboricultural Report has been submitted with the application and the indicative layout plan shows that the site can accommodate 35 dwellings without encroaching upon the root protection areas of any of the significant trees on the site. With regard to the concerns of neighbours about the impact on trees in adjacent gardens, this is a matter that could be dealt with when assessing the detailed layout as part of a subsequent reserved matters application.

I note the concerns that have been raised about the risk of subsidence following the removal of trees. The Arboricultural Report recommends that some of the smaller trees on the site are removed, including some alongside the boundary

with neighbouring dwellings. However, these trees are not currently protected and could well be removed by the Guide Dogs at any time as part of the ongoing management of the trees on the site, even if the proposed development did not go ahead. Therefore, I do not consider that a refusal of planning permission would be justified on these grounds.

Flood risk and drainage

A number of concerns have been raised about flood risk and drainage. However, there has been no objection to the scheme from the Environment Agency or Severn Trent Water, subject to a condition to require details of a sustainable drainage scheme. The indicative site layout plan demonstrates that the proposed dwellings can be accommodated on the part of the site that is not within Flood Zones 2 or 3. Subject to the implementation of a suitable sustainable drainage scheme, the proposed redevelopment should not cause any greater surface water run-off than the existing development on the site. Therefore I am satisfied that the proposed dwellings would not suffer an unacceptable risk of flooding and would not increase the risk of flooding elsewhere.

Open space

The proposed open space provision would accord with the Council's Open Space Supplementary Planning Document. I note that the Council's Cultural Services team consider this to be an exciting opportunity to link the proposed public open space with adjoining areas of public open space. This would provide continuous public access to the north side of the river in this area. The details of the layout of the public open space will be agreed with the Council's Cultural Services team and this will be adopted by the Council, subject to the receipt of a commuted sum for future maintenance.

I note that concerns have been raised about the impact that this new public open space would have on neighbouring dwellings. However, the adjacent residential areas around Mill House Drive and Edmondscote Road already have areas of public open space alongside, and the proposals would represent an addition to these established areas of public open space. It is noted that the proposals would extend the open space up to the boundaries of some dwellings that currently adjoin land with no public access. However, this situation already exists for a number of the nearby dwellings in Mill House Drive and Edmondscote Road. When it comes to considering any detailed layout as part of a reserved matters submission, the Council will have the opportunity to ensure that the proposed public open space is properly overlooking by the new dwellings. Furthermore, there has been no objection from the police and it is possible that the proposals may reduce instances of trespass through the adjacent Mill House Drive estate by creating a new formal public route to the river through the proposed development. Therefore, I am of the opinion that the proposed public open space would be acceptable.

With regard to the concerns about providing a children's play area within an area of flood risk, I note that there has been no objection from the Environment Agency. PPS25 (Development and Flood Risk) identifies amenity open space, nature conservation and biodiversity and outdoor sports and recreation as water compatible uses.

With regard to the suggestion that the developer should be required to contribute towards improving the riverside walk 'off-site', I do not consider that

this would be justified as part of this development. The development would meet the requirements of the Council's Open Space Supplementary Planning Document by providing a valuable addition to the public open space in the area and therefore I do not consider that there would be justification for requiring anything further.

Affordable housing and Section 106 contributions

The application includes proposals to provide 14 units as affordable housing and this would be in accordance with the Council's Affordable Housing Supplementary Planning Document. The precise details of the affordable housing are the subject of ongoing discussions with the Council's Housing Strategy team.

With regard to the contributions for education facilities, the County Council have advised that they have revised their contribution rates and would now be seeking a higher amount than proposed by the applicant. The precise amount is being calculated by the County Council and this will be included in the addendum report. However, the applicant has agreed in principle to provide contributions for sustainability welcome packs, education, libraries and maintenance of the open space.

Other matters

A number of other issues have been raised by neighbours, including comments relating to the number of parking spaces, low carbon construction and renewables, the proximity of the proposed dwellings to the boundary with existing dwellings, the impact of construction works in terms of noise, traffic and security, and potential conflict with a hobby use in an adjacent garden. However, all of these issues are either covered by other legislation and cannot be considered in the assessment of a planning application, or relate to the detailed design and layout of the scheme and will be considered as part of any subsequent reserved matters application.

Similarly, the comments of Waste Management will be taken into account in the assessment of any reserved matters application.

The applicant has requested an extension to the normal time limit for the planning permission. They have request that the time limit for the submission of reserved matters be increased to 5 years, with a requirement for the development to be completed within 2 years of the approval of the reserved matters. The applicant does not feel that the normal time limit would give them sufficient time to move out of the site and to market it to a house builder who can then apply for their own reserved matters. The applicant would need time to find a suitable alternative location for their operation (within Warwick District) and to obtain a new planning permission and build a new training centre for their staff and dogs to move into. I am satisfied that these represent special circumstances that would justify a longer time limit in this particular case and therefore the standard time limit condition has been amended accordingly.

RECOMMENDATION

GRANT, subject to the completion of a Section 106 agreement to secure affordable housing, open space and contributions for sustainability welcome packs, education, libraries and maintenance of the open space, and subject to the conditions listed below.

CONDITIONS

- 1 This permission is granted under the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 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:-
 - (a) appearance
 - (b) landscaping
 - (c) layout
 - (d) scale

REASON : To comply with Section 92 of the Town and Country Planning Act 1990 as amended.
- 2 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 not later than the expiration of five years beginning with the date of this permission. **REASON**: To comply with Section 92 of the Town and Country Planning Act 1990, giving a longer period due to the special circumstances demonstrated by the applicant.
- 3 The development to which this permission relates 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 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 4 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) DNS-03A, DNS-04A, DNS-05 & 25.100.01, and specification contained therein, submitted on 10 June 2010, 25 June 2010 & 21 September 2010, as amended by any reserved matters approval, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 5 Details of the means of disposal of storm water and foul sewage from the development (based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development) shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON** : To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011.
- 6 No development shall take place until the applicant has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which has been

submitted by the applicant and approved by the District Planning Authority. **REASON** : To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy DP4 of the Warwick District Local Plan 1996-2011.

7 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

8 No development shall take place until a detailed lighting scheme has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the District Planning Authority will expect lighting to be restricted, and to be kept to a minimum at night across the whole site in order to minimize impact on foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

- (a) low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps;
- (b) the brightness of lights should be as low as legally possible;
- (c) lighting should be timed to provide some dark periods; and
- (d) connections to areas important for foraging should contain unlit stretches.

No lighting shall be installed on part of the site other than in accordance with the approved lighting scheme, unless agreed otherwise in writing by the District Planning Authority. **REASON:** To ensure appropriate measures are taken in relation to protected species, in accordance with Policy DP3 of the Warwick District Local Plan.

9 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should also include details of habitat creation measures including the creation and management of bat roosting opportunities (e.g. setting up bat boxes), nesting bird opportunities (e.g. setting up bird boxes), creating areas of wild flower grasslands and reptile refugia, as well as details of managing the whole site for wildlife. It should also include details of enhancement of existing habitat – in particular supplementary planting of suitable buffer zones with appropriate native species. Details of species used and sourcing of plants should be included. In addition the plan should outline the measures to be taken for the control of the invasive species on site. The plan should also include details of long-term monitoring of the site, including further species-specific monitoring surveys such as an additional badger survey 1 year after completion of works. Such approved measures shall thereafter be implemented in full.

REASON: To ensure a net biodiversity gain in accordance with PPS9 and Local Plan Policy DP3.

- 10 The development hereby permitted shall not commence unless and until two weeks notice in writing of the start of works has been given to a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the buildings to be demolished. Work should be conducted between suitable months as advised by the bat worker. All roofing material is to be removed carefully by hand. Should bats be found during this operation, then work must cease immediately while Natural England are consulted for further advice. **REASON:** To ensure the protection of bats and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 11 No work of any kind shall be begun on the site until the tree protection measures have been implemented in strict accordance with details that shall have been submitted to and approved in writing by the District Planning Authority. In particular, no work shall be begun until protective fence(s) around the trees identified as being retained on the approved plans, have been erected and the fencing has been confirmed in writing to be acceptable by the District Planning Authority. Within the approved fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no site huts, no fires lit and no excavation of trenches for drains, service runs or for any other reason. **REASON :** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 12 All existing trees shown to be retained on approved drawing no. DNS-04A shall be retained in accordance with BS 5837:2005 and shall not be felled, lopped, topped or pruned without the previous written consent of the District Planning Authority. Any trees removed without consent, or dying or being severely damaged or becoming seriously diseased within five years of planting, shall be replaced with trees of such size and species as may be agreed with the District Planning Authority. **REASON :** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 13 It should be ensured that there is no contamination of the watercourse either during or after development. No work shall start until measures have been put in place to ensure that the pollution prevention guidelines produced by the Environment Agency regarding prevention of pollution during working and operation are adhered to. There should be a buffer zone of at least 8 metres between the edge of the watercourse, (i.e. the top of the bank), and the development. **REASON:** To ensure the protection of the watercourse during development, in accordance with Local Plan Policy DP3.
- 14 None of the dwellings hereby permitted shall be occupied unless and until a vehicular access to the site has been provided not less than 5 metres in width for a distance of 10 metres into the site, as measured from the near edge of the public highway carriageway. **REASON :** In

the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.

- 15 The existing vehicular access to the site that is to be closed off shall not be reconstructed in such a manner as to reduce the effective capacity of any highway drain or ditch. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 16 No more than one vehicular access shall be made or maintained to the site from Warwick New Road B4099. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 17 None of the dwellings hereby permitted shall be occupied unless and until all parts of easterly access of the two existing vehicular accesses to the site has been permanently closed and reinstated in accordance with the standard specification of the Highway Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.

INFORMATIVES

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, subject to suitable reserved matters proposals, a residential development would respect surrounding buildings in terms of scale, height, form and massing and would preserve the setting of the adjacent Conservation Area. Furthermore, in principle a development for 35 dwellings would not adversely affect the amenity of nearby residents and would be acceptable in terms of highway safety, flood risk and in terms of the impact on trees / ecology. The proposal is therefore considered to comply with the policies listed.
