

Planning Committee: 27 May 2014

Item Number: 9

Application No: W 14 / 0322

Town/Parish Council: Radford Semele

Case Officer: Penny Butler

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Registration Date: 07/03/14

Expiry Date: 06/06/14

**Land East of Radford Semele, North of Southam Road, Radford Semele,
Leamington Spa, CV31 1TP**

Construction of up to 60 market and affordable dwellings, new vehicular access, open space and associated infrastructure (outline application including details of access) FOR Sharba Homes Ltd

This application is being presented to Committee due to the number of objections received.

RECOMMENDATION

Planning Committee are recommended to GRANT outline planning permission subject to the conditions listed and subject to the completion of a satisfactory Section 106 Agreement to secure the contributions listed, and subject to no further objection from National Grid, and any conditions requested by them. Should a satisfactory Section 106 Agreement not have been completed by 6th June 2014, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposals make inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

The application proposes a residential development of 3.4 hectares in open countryside adjoining the eastern side of the village. Outline planning permission is sought with all matters reserved except for access. The indicative layout shows 60 dwellings and land allocated for public open space with potential for a play area, green space and footpath links. The development area occupies the western field and about half of the eastern field, terminating at the edge of the gas transmission works protection zone to the east. The indicative layout shows buildings can be sited off the water main crossing the site. Access is proposed from the northern side of Southam Road, with trees each side being removed to achieve visibility splays.

The application is supported by extensive documentation. This includes a Planning Statement, Design & Access Statement, Landscape & Visual Appraisal, and Transport Assessment (TA).

The Design and Access Statement indicates that:

"6.2 The proposed development will supply an urgent need for both private and affordable homes. As well as supply, it will create housing choice and new amenity spaces for the existing and new community whilst improving public access across the site and to the wider pedestrian network. 6.2 The masterplan is founded on the best practice in urban design, community integration and sustainable development, with strong links to the wider area. It aims to create a development for the 21st Century, whilst reflecting the desirable elements of the local vernacular.

6.3 In this context, the development will respect the local character but also move the community towards a more sustainable future, through a significant increase in housing choice. Development will accord with the principles of high quality design and best practice to create a townscape that is varied and sympathetic to its environment. The aim must be to achieve a development with a strong identity and distinct sense of place whilst at the same time integrating with the existing community."

The development would trigger the need for the following contributions to be secured under a Section 106 agreement. The heads of terms are as follows:

1. Preparation and agreement with the local planning authority of an Employment & Training Strategy to link local people with employment, training and contract opportunities arising from the development during its construction phase.
2. Preparation and agreement with the local planning authority of the design, management and maintenance of SUDS, adoption of SUDS and payment of the management/maintenance fees for 13 years from the date on which planning permission is granted.
3. Preparation and agreement with the local planning authority prior to the commencement of development of a Biodiversity Offsetting Scheme to be identified in a Biodiversity Offsetting Report. The applicant would then deliver the agreed Scheme by funding the offsetting measures and their management/maintenance costs for at least 25 years from the date on which planning permission was granted.
4. Preparation and agreement with the local planning authority of a Site Wide Infrastructure Design, Management and Maintenance Strategy for areas of public open space within the site which shall provide for public access to open spaces in perpetuity. Payment of the management/maintenance fees for 13 years from the date on which planning permission was granted.
5. Requirement for details of children's play space to be submitted for approval and implemented. Payment of a commuted sum for future maintenance of the play areas. Payment of a commuted sum for off site provision of any deficiencies in area by type of open space, including allotments, parks and gardens and outdoor sports.
6. Contribution of £6,000 per open market dwelling towards the cost of off-site highway improvement schemes as required by WCC Highways.
7. Contribution of £75 per dwelling towards sustainable welcome packs to promote sustainable living and deliver road safety education.
8. Contribution of £15,000 towards extending the existing 30mph to include the site access or introducing a 40mph buffer zone. These works will

- include, design, implementation, consultation, new gateway features, signage and if possible a vehicle activated sign to help enforce the lower limit.
9. Contribution of £784.61 per dwelling to fund improvements to indoor sports halls and swimming pools within Warwick District.
 10. Contribution of £56.73 per dwelling to fund improvements to outdoor sports facilities within Warwick District.
 11. Provision of 40% affordable housing, to deliver a tenure mix of 50/30/20 social rent/affordable rent/shared ownership. The level of affordable rent should be restricted to the mid-point between social rent and 80% of open market rent.
 12. Contribution of £1,678 per dwelling towards the cost of providing a new ward block at Warwick Hospital and providing additional outpatient, diagnostic, treatment and inpatient facilities, including hubs for community health care teams at the Warwick and Leamington hospital sites.
 13. Contribution to fund the legal costs of the local planning authority in monitoring the agreement (the lesser of £30,000 or 1% of total of financial contribution).
 14. Contributions towards education, public rights of way, libraries and local medical services may also be required. These matters will be advised by WCC and NHS England whose consultation responses are outstanding at the time of writing the report. Such requests will be reported to Planning Committee as late items.

THE SITE AND ITS LOCATION

The application site comprises two arable fields forming a largely rectangular plot bounded by Southam Road to the south with arable land to the north, east and south. The land is currently used as equestrian grazing land and has low field shelters/stables near the northern boundary. The western site boundary adjoins the built up edge of Radford Semele village. The rear gardens of two semi-detached houses in The Greswoldes, and the side garden of Amberwood, a detached bungalow fronting Southam Road, adjoin this western site boundary. On the opposite side of Southam Road near the eastern site boundary lies The Grange, a large detached house. The site is within open countryside and generally flat, with a small drop from south to north. Land to the north drops steeply towards the River Leam. The site is within the wider Plateau Fringe Special Landscape Area. The eastern most part of the site lies close to a gas transmission works outside the site, and a water main crosses mid way through the site.

PLANNING HISTORY

There is no planning history on the site.

RELEVANT POLICIES

- Warwick District Local Plan 2011-2029 Publication Draft - published April 2014
- Warwickshire Landscape Guidelines SPG

- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- National Planning Policy Framework
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Affordable Housing (Supplementary Planning Document - January 2008)
- 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)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

SUMMARY OF REPRESENTATIONS

Radford Semele Parish Council: Support for the following reasons:

1. Site No.3 has many points in its favour
2. A new road access to/from Southam Road would provide exclusive access to the site.
3. It is in a part of the village where the road can be modified without impact on traffic in other parts of the village.
4. The impact on neighbouring properties is reduced to a few residents.
5. Access to the village shop, post office and community hall is nearer than from this site than from alternative sites.

6. The retention of trees bordering Southam Road would quickly integrate the site as an established part of the village.
7. Few people would notice the visual impact in this location.
8. The 30mph speed restriction needs to be extended.
9. The roadside footpath to Lewis Road can be easily improved.
10. The land has not been cultivated, nor is it not suitable for cultivation.
11. The site has received a high level of support for its development in the survey of residents' opinions.

Public response: 18 objections received raising the following concerns:

- Harm to visual amenity and character of open countryside
- Quantum of housing is not required, exceeds local needs and is contrary to Policy RAP1
- Visual impact, harm to rural agricultural character and setting of village.
- Harm to highway safety from proposed access on brow of hill and on bend, and increases in traffic.
- Outside the village boundary and cannot integrate with the village
- Noise, air, dust and light pollution, especially during construction. Harm to residential amenity of dwellings adjoining the site arising from overlooking, loss of view and privacy. Increased noise and disturbance to adjoining residents.
- Loss of productive agricultural land. Land suitable for small scale agricultural activity
- Unsustainable layout, remote from village facilities on opposite side of road.
- Increased demand on inadequate local facilities. No space at local school. Existing residents currently have to travel outside the village to access schools, health care and other facilities.
- Not the preferred option for development of the village.
- Increased flood risk to dwellings on lower land to the west.
- Harm to ecology and wildlife. Loss of hedgerows
- Ribbon development
- There has been no meaningful engagement or consultation with residents.
- Future requirement for further housing sites in the village due to low number of dwellings proposed

14 letters of support and comment received raising the following points:

- The site is the preferred option for development by the Parish Council
- In accordance with Draft Local Plan
- The site will impact on the fewest number of properties of all sites being considered in the village
- Vehicle movements associated with this site will not necessarily harm the village as they can directly access the Fosse Way
- Minimal visual impact and intrusion into countryside
- Near to village amenities
- Does not impact on heritage assets
- The site access should be designed to allow further development opposite to the south
- The number of houses proposed is appropriate to the village

- Would not lead to coalescence of the village with Leamington Spa
- Required traffic calming would improve road safety and reduce traffic speeds through the village
- Not high quality agricultural land

Environmental Health: Recommend conditions requiring a noise mitigation scheme to protect residents from traffic noise, a contaminated land investigation and remediation, a Construction Management Plan to include measures to control noise, dust and light emissions, and consideration of WDC Air Quality Planning Policy Guidance to minimise and/or offset emissions from the development.

WCC Highways: No objections subject to conditions requiring visibility splays and a footway connection between the site and the existing footpath on the northern side of the A425 as shown on the proposed drawings. The developer should also be required to enter into a S106 agreement to provide £75 per dwelling for sustainable welcome packs and £15,000 towards extending the existing 30mph zone to include the site access, or introducing a 40mph buffer zone. These works to include design, implementation, consultation, new gateway features, signage and if possible a vehicle activated sign to help enforce the lower limit.

The applicant has adequately demonstrated that the impact on the highway network of the proposed development is acceptable, however, there will be a cumulative impact of the development on the wider highway network when considering the further growth currently being planned for in the District. Therefore, WCC recommend that the development contribute towards strategic transport interventions required to support this planned growth. These measures have been identified by WCC in their Strategic Transport Assessment (a document that provides part of the evidence base of WDC Local Plan process). This contribution should be £6,000 per open market dwelling towards strategic highway infrastructure and measures to improve walking and cycling within the Leamington, Warwick and Whitnash areas.

South Warwickshire NHS Foundation Trust: Object due to the additional burden that the development would place on the existing health care infrastructure which is already at capacity. However, if permission were granted would request a contribution of £1,678 per dwelling (£100,680 based on 60 dwellings) towards the cost of providing acute and community health services in South Warwickshire.

WDC Housing Strategy & Development: 40% of the proposed dwellings would be required to be affordable to meet Policy SC11, or 24 out of 60. The type, tenure and location of the dwellings can be agreed at reserved matters stage, and should take account of the changing demand and the current housing needs survey results. The site should deliver a tenure mix of 50/30/20 social rent/affordable rent/shared ownership. For a requirement of 24 units it would be acceptable for the units to be grouped together provided that as a whole they are integrated into the rest of the site. Units should meet the standards set out in the SPD and will be allocated through the Homechoice scheme.

Natural England: Refer to standing advice on protected species. Potential for biodiversity offsetting should be explored.

WCC Archaeology: Requested a geo-physical survey be carried out prior to determination. Comments on this will be reported directly to Planning Committee.

WCC Ecology: The site comprises two semi-improved grassland fields, hedgerows and trees, tall ruderal, bare and recolonizing ground, scrub and one building and hard standing. The site as surveyed in January 2014, outside the optimal period for botanical surveys, thus there could be plant species not identified during this survey. Proposals to retain existing hedgerows and trees, and create wild flower grassland and incorporate bat and bird boxes are welcomed.

Recommend conditions requiring a Construction and Environmental Management Plan (CEMP) to include protective measures to avoid harm during construction, a Landscape and Ecological Management Plan to include details of habitat creation, new planting and maintenance, a tree protection scheme, a badger survey and a detailed lighting scheme. A Biodiversity Impact Assessment calculation has been carried out and it is considered there will still be a biodiversity loss on site, therefore the applicant should be required to enter into a S106 agreement to secure a habitat enhancement scheme elsewhere to compensate for the resulting loss.

Warwickshire Fire Service: No objection subject to a scheme for fire hydrants and water supplies.

Warwickshire Police: No objection subject to recommendations for reducing crime being incorporated into a detailed scheme.

Severn Trent Water: No objection subject to a condition requiring foul and surface water drainage details.

National Grid: Nearby apparatus may be affected by the works so the application has been referred for further assessment. It is requested that no further action is taken until a response is provided, which should be within 28 days (by 30 May 2014).

Environment Agency: No objection.

Green Space Team: Even though the planning application states that it meets the open space requirements as set out in the Open Space SPD, and it appears from masterplan that the overall quantity provision has been achieved, the total area open space measurement being proposed, or a breakdown of area measurements by type, should be provided. If there are any deficiencies in area by type then an offsite contribution should be sought, and this has been acknowledged in the application. The Parish Council should be approached on any current deficiencies of green space in that area that are owned and managed by themselves, and also to see if they have any development plans to improve

them. In addition an offsite contribution could address any quality deficiencies for Newbold Comyn which is within 500m of the proposed site. A play area has been included and should be designed as per the 'Design for Play' Guidance. In addition to transferring the open space to WDC or a management company, another option to transfer the open space to the local Parish Council who should be approached.

Tree Preservation Officer: No objection subject to further detailed tree protection measures.

Health and Community Protection: No comments available at time of writing report. Comments will be reported directly to Planning Committee.

NHS Property Services: No comments available at time of writing report. Comments will be reported directly to Planning Committee.

ASSESSMENT

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

- the principle of development;
- traffic impact / highway safety;
- landscape impact;
- provision of public open space;
- ecological impact;
- heritage impact;
- the impact on the living conditions of nearby dwellings;
- air quality;
- drainage and flood risk;
- the impact on local services; and
- loss of agricultural land.

The principle of development

Five year housing supply

The site is within open countryside adjoining the edge of the village, where the relevant Local Plan Policy in relation to residential development is RAP1 - 'Directing New Housing'. The proposals would be contrary to Policy RAP1. However, the National Planning Policy Framework (NPPF) 2012 states (para. 49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement. Whilst the Council can demonstrate a five year supply against the requirements of the revoked Regional Spatial Strategy 2008, these requirements do not reflect the most up-to-date evidence in terms of objectively assessed housing need. In terms of the most recent evidence of housing need, the Council cannot demonstrate a five year supply.

The latest Five Year Housing Land Assessment (July 2013) indicates that the housing land supply is 2.8 years. The five year requirement (2013-2018) is 4,550 dwellings with 2,575 already provided, leaving 1,975 to be provided. Between April 2013 and December 2013 a total of 1,252 dwellings received permission along with 92 office to residential conversions. Not all of these permissions will be built out in 5 years, particularly those on large sites, so this still leaves a shortfall in relation to the housing requirement but the position is slightly improved from 2.8 years.

Accordingly Policy RAP1 is clearly out of date and in these circumstances the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. That means granting planning permission unless either:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- specific policies in the NPPF indicate development should be restricted.

The scheme will contribute towards helping the Council meet its five year requirement and granting outline permission for this site would increase the supply of land for housing. This carries significant weight in the assessment of this application. While the Council has no control over whether a site will be delivered, it is nevertheless reasonable to assume that a site with planning permission would be deliverable with a realistic prospect that development on this site would be achievable within a five year period.

Current policy position

The current Local Plan covered the period 1996-2011 and therefore makes no provision for future housing needs. This forms the Development Plan, which decisions should be made in accordance with, unless material considerations indicate otherwise. The NPPF is a material consideration, as are other policies under preparation such as the Draft Local Plan.

Radford Semele was allocated to be a Category 1 village in the Local Plan Preferred Options report in 2012 which meant it was identified to receive 100 dwellings. The application site was discounted as the preferred option for the village in the Revised Development Strategy (RDS) that was consulted upon between June and July 2013. However, following this consultation, and further highway and landscape assessment work, the site is now the remaining sole preferred option for the village and is included as such within the Draft Local Plan published in April 2014, which is currently under consultation. Very little weight is attached to the RDS as this has now been superseded by the Draft Local Plan. Some weight is also attached to the Draft Local Plan due to its early stage in the planning process. However, this does represent the Council's current preference for development based on the most up to date evidence base.

The Joint Strategic Housing Market Assessment (2013) established the Objectively Assessed Housing Need in the Housing Market Area which includes Warwick District. The need for Warwick District is for 12,860 homes or 720 homes per annum between 2011 and 2013. The interim level of growth previously adopted was 12,300, based on previous available evidence including the 2012 Strategic Housing Market Assessment (SHMA). However, the Inspector considering Coventry's Core Strategy requested that Coventry City Council withdraw their Core Strategy in order to work with other councils in the sub-region in preparing a joint SHMA.

The Draft Local Plan contains justification for the development of the application site and land within/adjoining other Growth Villages, as it will not be possible to provide land for the new homes between 2011 and 2029 within the existing urban area, so it will be necessary to allocate new development on green field and Green Belt sites. In comparison with other possible green field sites considered as part of the preferred options for growth in Radford Semele, this area has significant advantages including the fact that the landowners are willing, the landscape impact can be mitigated, there would be no harm to heritage assets, suitable access can be achieved, that the location at the edge of the existing village is sustainable, and that the land is not Green Belt.

Prematurity

The scale of the development does not raise issues of prematurity in relation to the progress of the publication of the Draft Local Plan, due to its size. The development of the application site would not prevent any other development sites identified in the Draft Local Plan from coming forward and it is not dependant on, nor incompatible with, any other development sites which have been or are being considered. On this basis the development of the application site would not prejudice the outcomes of the preparation of the Local Plan and it could not therefore be demonstrated that permission should be refused on the grounds of prematurity.

Assessment of the proposed housing provision

In terms of the type of housing being provided, 40% would be affordable and the affordable mix would be required to accord with the affordable housing needs of the District in accordance with the current SHMA (50% social rented; 30% affordable rented; 20% intermediate tenure/shared ownership). The size and type of the affordable dwellings would be subject to further consideration under a reserved matters application, which would have to meet current requirements at such time.

In terms of the market housing being provided, this would also be subject to consideration under a reserved matters application, and would be required to accord with the Development Management Guidance on Achieving a Mix of Market Housing by condition.

Complying with these requirements in terms of the affordable and market housing mix, sizes and house types, would comply with Policy SC1 which

requires a range of sizes and types of dwelling and SC11 which requires 40% affordable housing and provision in accordance with local needs. The NPPF (para.50) sets out the need to “plan for a mix of housing based on current and demographic trends, market trends and the needs of different groups in the community”. The granting of outline consent would significantly increase the supply of land for meeting the unmet market and affordable housing needs of the District and would therefore represent a key benefit of the scheme.

Traffic impact / highway safety

The Transport Assessment submitted with the application has assessed the transport implications arising from the proposed development, and the Highway Authority are content that the impact on the highway network would be acceptable.

The proposed access would be gained via a widened priority junction from Southam Road, mid-way along the site frontage, which can achieve the visibility splays required by the Highway Authority. This is on the basis that either, the 30mph speed limit in the village is extended to the site access, or traffic calming measures are introduced, the costs of which the developer would be required to provide

The development would contribute towards a cumulative increase in activity on the wider highway network, along with the further growth currently planned for in the District. Therefore, it is considered necessary for the development to contribute towards strategic transport interventions required to support this planned growth, which equates to £6,000 per open market dwelling. These measures have been identified by the Highway Authority in their Strategic Transport Assessment (a document that provides part of the evidence base for the new Local Plan). A suitably worded S106 agreement would secure the contribution of £6,000 per open market dwelling towards strategic highway infrastructure, £15,000 towards speed reduction measures, and £75 per dwelling for occupants of the dwellings to be provided with sustainable welcome packs.

Landscape impact

The Landscape and Visual Appraisal (LVA) submitted with the application demonstrates that the site has a relatively small visual envelope, and that there are only limited long distance views of the site from its surroundings, as it is contained by existing vegetation, the edge of the village and prevailing land levels.

The further work carried out by WCC Landscape Architects into Landscape Sensitivity as part of the evidence base for the Draft Local Plan designates the western part of the site (and land to the north) as having High/Medium sensitivity to housing development, whilst the land to the east and south is designated as High sensitivity. This evidence informed the decision to include the site as the preferred site allocation for the village.

The site is not widely visible at long distance aside from the north-east, as the tree line along the road frontage and drop in levels to the south limits views from this direction, whilst views from the east are against the backdrop of the existing village. Views from the north are also limited by the steeply rising land from this direction to the site. Views of the site from the Southam Road are also limited as the site is near a bend in the road, and behind roadside hedges and trees, whilst the field boundary along the eastern side of the site can be supplemented to minimise visual intrusion into the wider landscape as part of a landscaping scheme. The indicative site layout shows a large part of the site at the eastern end being left free of built development and used as open space. This would ensure that the impact of new buildings on the rural area is minimised as far as possible, as the area of open space within the site would act as a visual buffer to the open countryside beyond.

The quantum of dwellings proposed would achieve an average density of 30 dwellings per hectare, allowing for denser development closer to the village and more dispersed on the outer edge, which would accord with the Garden Suburbs design advice. Although the plans that have been submitted are indicative only, the Design and Access Statement provides detailed design objectives and a concept to accord with garden suburb principles. Dwellings are proposed to be a maximum of two storeys which is appropriate, and this would be secured by condition.

In summary, the development would have a negative impact on the character of the rural landscape and on openness.

Provision of public open space

The development provides an area of planned public open space at the eastern side of the plot, and potential space for a play area. The space would provide an open area linking the existing public footpath on the opposite side of Southam Road which extends across fields to the south, with a new footpath running inside the site frontage to join the path on the northern side of Southam Road, which currently terminates at the edge of the village. The Open Space SPD would require 1.05ha. of open space which is broken down into types. The proposal intends to provide 0.55ha. on the site which would include amenity green space, natural areas and children's/youth areas, with the balance for parks and gardens, outdoor sports and allotments to be provided off site via a commuted sum. This would be in accordance with the SPD and Policy SC13.

Heritage impacts

With regard to archaeological impact, a geophysical survey was undertaken across the site following submission. The results of this fieldwork and further conditions required will be provided by WCC Archaeology to Planning Committee as a late item.

Ecological impact

The development will result in the loss of existing wildlife habitats, however it is possible to compensate for this loss on site by way of Biodiversity Offsetting, which would accord with the NPPF where it requires all developments to result in a net biodiversity gain. The developer will be required to enter into a suitably worded S106 Agreement to secure appropriate habitat creation and management proposals in the District, and WCC Ecology have accepted this approach.

WCC Ecology have advised that the development would be acceptable in other respects, subject to various conditions, including a requirement for a Construction and Environmental Management Plan to be produced. This would include measures for the protection of all notable and protected species that have been identified on site.

Impact on the living conditions of nearby dwellings

The plans are indicative only, however, it is considered that the proposed site can accommodate 60 houses while meeting necessary separation distances within the site and to surrounding properties. The residential use will be compatible with the adjoining residential uses, and associated noise and comings and goings are unlikely to be so significant as to warrant refusal of the application. The concerns raised by dwellings directly adjoining the site to the west are noted, however, loss of view is not a planning matter that is relevant to the determination of the application. A reserved matters application would provide details of the final layout of proposed dwellings, under which it would be possible to ensure an appropriate level of privacy, light and outlook is maintained to these neighbouring properties. A condition is recommended to require the submission of a Construction Management Plan, to protect the amenities of residents during construction.

With regard to traffic noise affecting residents of the proposed dwellings, Environmental Health have recommended a condition to require details of a scheme to protect residents of the development from excessive noise to be submitted for approval.

Air quality

Environmental Health consider that the attraction of additional vehicles to the application site will inevitably lead to an increase in vehicle emissions in the area. Environmental Health have recently published the WDC Air Quality Planning Policy Guidance which recognises the impact of road transport emissions creep due to the aggregated impact of development schemes. The policy requires developers to use 'reasonable endeavours to minimise emissions and, where necessary, offset the impact of development on the environment. Environmental Health have advised that the developer should be invited to consider producing a low emission strategy for the development. A condition has been recommended accordingly.

Drainage and flood risk

The site is situated within Flood Zone 1. The supporting Flood Risk Assessment considers that the site is not at risk from flooding and proposes two options for drainage of surface water. The first is for attenuated storage with an outfall to the existing watercourse to the north of the site, as per the drainage of the existing site, or if option one is unviable, discharge to the main sewer on Southam Road. Foul sewerage will be passed to Severn Trent Water for connection to the existing adopted network.

The Environment Agency and Severn Trent Water have raised no objection to the proposed scheme, subject to conditions to agree detailed plans. Therefore the proposals are considered to be acceptable in terms of flood risk and drainage.

Impact on local services

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

In terms of hospitals, South Warwickshire NHS Trust have requested a contribution of £1,678 per dwelling towards the cost of providing a new ward block at Warwick Hospital and providing additional outpatient, diagnostic, treatment and inpatient facilities, including hubs for community health care teams at the Warwick and Leamington hospital sites.

WDC Housing Strategy supports the proposed 40% affordable housing provision and expects the site to deliver a tenure mix of 50% social rented, 30% affordable rented and 20% shared ownership, with the level of affordable rent to be restricted to the mid-point between social rent and 80% of open market rent. The size and types of property have been suggested, however Housing Strategy acknowledged that these may need to be revisited and adjusted as the scheme progresses to take account of changing demand.

There are also requirements for contributions of £784.61 per dwelling towards indoor sports facilities and £56.73 per dwelling towards outdoor sports facilities.

WCC Highways require a contribution of £15,000 to be used to reduce the speed limit to 30mph or introduce a 40mph buffer zone, and £75 per dwelling for sustainable welcome packs. £6,000 per dwelling is required towards strategic highway improvements on the wider network and for walking and cycling measures, due to the cumulative impact of the development.

The Green Space Manager has advised that, if open space land is to be transferred, then a commuted sum for maintenance of this and drainage systems would be required. A contribution for allotments would be secured under the S106 since the site is below the 100 dwelling threshold for requiring such provision on site.

At the time of writing the report responses are outstanding from the County Council in relation to education and rights of way, and from NHS England.

Responses on these matters will be reported directly to Planning Committee and may be added to the list of S106 requirements.

Loss of agricultural land

An Agricultural Land Statement submitted with the application states that the site is poor quality and unproductive, and its size is unviable as an agricultural unit, therefore, there would be a negligible impact on the agricultural land bank. It is also pointed out that much land in the District is high quality so it is inevitable that some will be lost to housing, therefore the development of poorer quality sites should be prioritised above lesser quality sites such as this.

However, the land is currently in agricultural use and classified as Grade 3 which is the best and most versatile agricultural land as set out in the NPPF. The proposals would therefore result in the permanent loss of 3.4 hectares of the best and most versatile agricultural land.

Paragraph 112 of the NPPF states that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Paragraph 112 goes on to state that, where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

Looking first at whether development of agricultural land is necessary, this is demonstrated by the pressing need for housing in the District and the lack of a 5 year supply of housing land. The housing needs of the District will not be met without developing significant areas of agricultural land.

Turning to the requirement for local planning authorities to seek to use areas of poorer quality land in preference to that of a higher quality, it must first be acknowledged that much of the agricultural land adjoining the urban area of Warwick and Leamington is classified as the best and most versatile agricultural and / or is situated within the Green Belt. Meeting the housing needs of the District and complying with Green Belt restrictions will inevitably require development on areas of the best and most versatile agricultural land.

Therefore, in conclusion on this issue, it is considered that the need to provide new homes in a sustainable location overrides any concerns about the loss of productive agricultural land.

Other Matters

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

SUMMARY/CONCLUSION

Due to the Council's lack of a five year supply of housing land, Local Plan Policy RAP1 is out of date. Therefore the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. This states, at paragraph 14, that where the development plan policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

There are three dimensions to sustainable development: economic, social and environmental. The development would deliver economic benefits through the generation of employment during the construction phase, and from the increased population which would contribute towards increased expenditure in the local area and dependence on local facilities. Social benefits would include the provision of a mix of types and sizes of market and affordable housing to meet identified local needs, the provision of open space and footpaths, and improvements to shared infrastructure. Environmental benefits would arise from measures to increase biodiversity, sustainable transport improvements, more efficient use of land, provision of open spaces, and improved footpath links. The site is in a sustainable location adjacent to the village where residents can access a range of services. It is therefore concluded that the development represents sustainable development by satisfying the three dimensions identified in the NPPF.

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

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

CONDITIONS

- 1 This permission is granted under the provisions of Article 4(1) of the

Town and Country Planning (Development Management Procedure) (England) Order 2010 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) layout
- (b) scale
- (c) appearance
- (d) landscaping

REASON : To comply with Section 92 of the Town and Country Planning Act 1990 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 The access hereby permitted shall be constructed in strict accordance with the details shown on approved access drawing(s) JPH/131105/Figure 1 submitted on 6 March 2014 and with the radii increased to 8 metres. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011.
- 5 Any dwellings, garages or other buildings hereby permitted shall be sited only within the "Development Area" shaded beige and referred to on drawing "Figure 6 Landscape Strategy Bir.4346_02". **REASON :** For the avoidance of doubt and to ensure built development is contained within the least visually sensitive part of the site in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 6 No development shall take place under any relevant phase of development until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

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

Such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.

REASON: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3, DP9 and DAP3 of the Warwick District Local Plan 1996-2011.

- 7 No phase of the development shall take place under any reserved matters consent until a scheme for that reserved matters consent and phase of development showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the local planning authority. That phase of development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.

REASON : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

- 8 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter.

REASON: To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan.

- 9 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the local planning authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2012, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas

fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the local planning authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

- 10 The development hereby permitted (including demolition) shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy DAP 3 of the Warwick District Local Plan.
- 11 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the local planning authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as pond, wildflower grasslands, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure a net bio-diversity gain in accordance with the National Planning Policy Framework (NPPF).
- 12 The development hereby permitted shall not commence until: -
 - (1) (a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:
 - a risk assessment to be undertaken relating to human health;
 - a risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected;
 - an appropriate gas risk assessment to be undertaken;
 - refinement of the conceptual model; and

- the development of a method statement detailing the remediation requirements.
- (b) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.
- (c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion and shall be approved in writing by the local planning authority prior to the remediation being carried out on the site.
- (2) All development of the site shall accord with the approved method statement.
- (3) If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be deal with.
- (4) Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

REASON: To safeguard health, safety and the environment in accordance with Policies DP2, DP3 & DP9 of the Warwick District Local Plan 1996-2011.

- 13 The development hereby permitted shall not commence until a scheme detailing arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

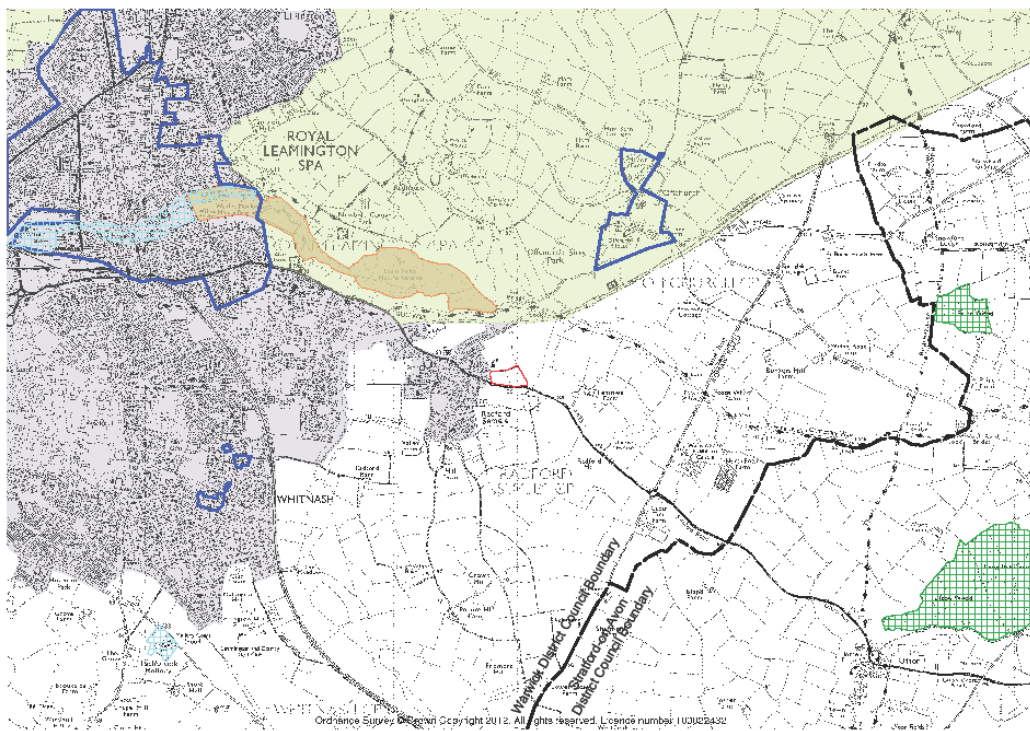
- 14 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority. **REASON:** In the interests of fire safety.
- 15 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.
- 16 No development shall take place unless and until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012.
- 17 The development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.
- 18 No part of the development hereby permitted shall be commenced until a detailed badger survey, including timetabled mitigation measures where appropriate, has been carried out by a suitably qualified badger consultant and has been submitted to and approved in writing to the

local planning authority. Any approved mitigation measures shall be implemented in accordance with the approved timetable. **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 DAP3 of the Warwick District Local Plan 1996-2011.

- 19 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority demonstrating that surface water runoff does not exceed runoff from the undeveloped site and does not increase the risk of flooding off-site. Post development runoff volumes and peak flow rates will be limited to the Greenfield discharge rate for all rainfall return periods up to and including the 100 year plus 30% (for climate change) as outlined within the Flood Risk Assessment. On-Site surface water attenuation will be provided to the 1:100 Climate change (30%) standard using Sustainable Urban Drainage Systems. The site drainage strategy will demonstrate the appropriate assessment and adoption of SUDS techniques. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details. **REASON:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011.
- 20 Any landscaping (other than the planting of trees and shrubs) approved under condition 1, including boundary treatment, paving and footpaths, shall be completed in all respects for that phase of development, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of the dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 21 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced,

as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

- 22 The mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the "Development Management Policy Guidance : Achieving Mix of Market Housing on new Development Sites". **REASON:** To ensure that the housing meets the needs of the District as required by Local Plan Policy SC1 and the NPPF.
- 23 Visibility splays to be provided at the vehicular accesses to the site shall have 'x' distances of 2.4 metres and 'y' distances of 90 metres to the west and 160m to the east measured to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **REASON:** In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 24 No dwelling shall be occupied until a footway connection has been made between the site and the existing footway on the northern side of a A425, as indicatively shown on plan JPH/131105/Figure 1. **REASON:** In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
-



- KEY**
- Site Boundary
 - LPA Boundary
 - Ancient Woodland (Green Infrastructure Study Assets, 2010)
 - Local Nature Reserves (DAP3)
 - Historic Parks & Gardens (DAP11)
 - Conservation Areas (DAP8, 8-10)
 - Green Belt (DAP1 & RAP1-RAP16)
- Warwick District Local Plan 2006-2011 (2010)

Land East of Radford Semele

Figure 1
Site Location and Planning Designations

Client Name
Sharda Homes

www.pegasusppg.co.uk

T0161 222 2222

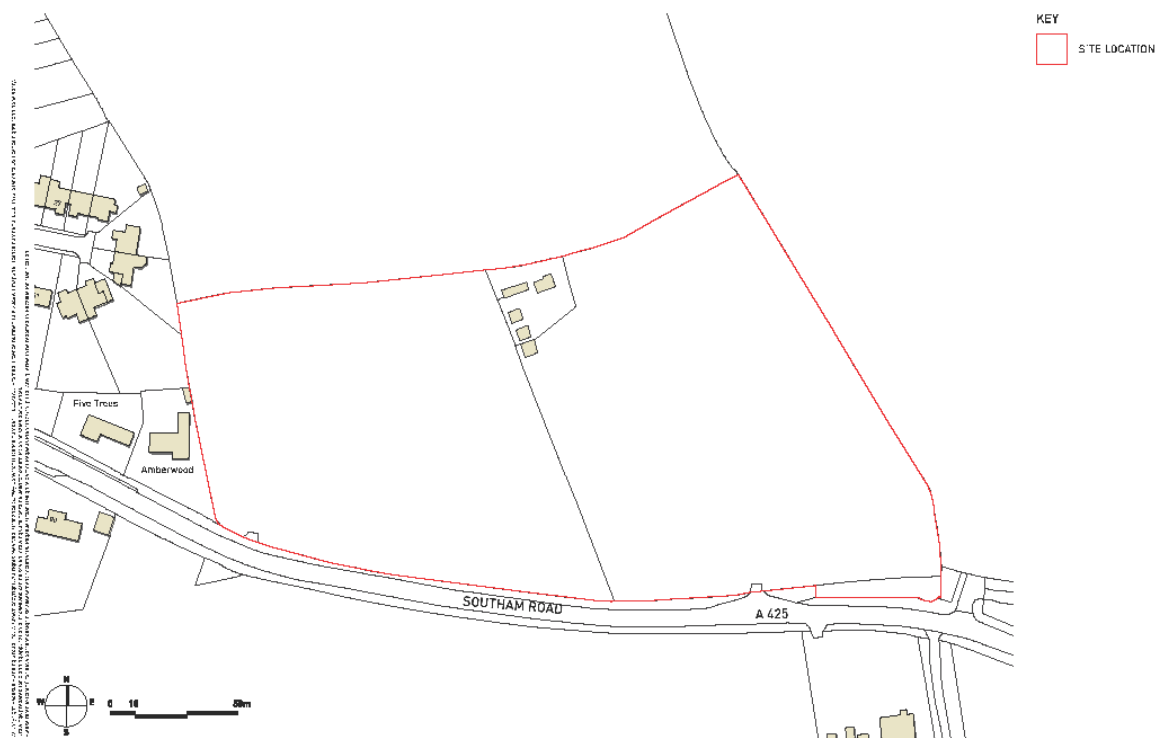
10th February 2014

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Pegasus
Landscape Design

T 0121 308 9670 | F 0121 323 2215 | www.pegasusppg.co.uk
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LAND EAST OF RADFORD SEMELE, WARWICKSHIRE - SITE LOCATION PLAN

[illegible]



LAND EAST OF RADFORD SEMELL, WARWICKSHIRE - INDICATIVE MASTERPLAN

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