

Planning Committee: 29 January 2019

Item Number: 7

Application No: [W 18 / 1811](#)

Town/Parish Council: Budbrooke
Case Officer: Lucy Hammond
01926 456534 lucy.hammond@warwickdc.gov.uk

Registration Date: 20/09/18

Expiry Date: 20/12/18

Land South of Lloyd Close, Hampton Magna, Budbrooke

Outline application with all matters reserved except for access, for the erection of up to 131 dwellings together with vehicular/pedestrian access from Daly Avenue with an emergency access from Mayne Close; Green Infrastructure including a play area, other open space and landscaping; sustainable drainage; and other related infrastructure. FOR Richborough Estates Limited

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

RECOMMENDATION

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

Should a satisfactory Section 106 Agreement not have been completed by 28 February 2019, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

This is an outline planning application, with all matters reserved except for access, for the erection of up to 131 dwellings, on an allocated site (H51) in the Local Plan. Approval is sought, as part of this application, for a vehicular/pedestrian access from Daly Avenue and a secondary access (emergency access only) onto Mayne Close. The proposals also include the associated green infrastructure including children's play area, other open space and landscaping, sustainable urban drainage features and other associated infrastructure.

A pedestrian access from Mayne Close already exists as part of the public right of way. Similarly, there is already an informal pedestrian access from Minster Close. Other matters such as scale, housing mix and landscape are reserved for subsequent approval.

The main elements to the proposed development are set out below:

- Residential development of up to 131 dwellings, of varying sizes
- 40% of the units would be affordable
- Vehicular access would be taken off Daly Avenue in the form of a priority junction with a secondary (emergency) access taken from Mayne Close
- The green infrastructure/open space extends to 3.61ha (about 45% of the red line application site) – this includes a play area, footpaths, structural planting, sustainable drainage features and other landscaping.
- Biodiversity enhancements are proposed
- It is intended that the green infrastructure would be managed by a management company
- Other infrastructure is also proposed, including a foul water pumping station.

It is noted that the red line application site area covers an area larger than that which is shown on the policy map for the allocated site (H51). The indicative layout plan submitted illustrates that a small strip of the open space would extend beyond the boundary of the allocation to the south while all of the SUD's would extend beyond the boundary of the allocation to the east.

THE SITE AND ITS LOCATION

The application site extends to approximately 6.97 hectares (17.23 acres) within a larger field located on the south-eastern periphery of Hampton Magna. The site is an arable agricultural field bounded by mature hedgerows which are interspersed with hedgerow trees. The agricultural access to the field is from the adjoining fields however there are pedestrian accesses from several of the surrounding cul-de-sacs.

On the north and west sides of the site is existing two storey residential development. Along part of the western and northern boundaries is a public right of way (WS4). A further public right of way crosses to the south of the application site within the remainder of the field. Part of the eastern site boundary is defined by an existing field hedge while to the south is agricultural land.

There is a gradual downward slope running west to east across the site. Outside the site the land is slightly undulating to the south and east across adjoining fields.

Hampton Magna is identified in the Local Plan as one of the District's Growth Villages. It contains local facilities and services which meet the day to day needs of the local community including a convenience store, public house, medical centre, community hall, café and primary school. All these facilities are generally between 400 and 600 metres from the site. Access to both Warwick and Leamington Spa, where there are greater employment opportunities, can be achieved by cycle, bus and railway. Warwick Parkway rail station is approximately 1.5km from the site and the nearest bus stop is approximately 300 metres away.

The site makes up site allocation H51 in the Warwick District Local Plan 2011-2029. Policy DS11 identifies this as one of the Growth Villages allocations and it is anticipated it will be developed for 115 dwellings. The Inspector's Report (July

2017) on the Local Plan, in considering this site, stated that development of this site would also involve an extension of the built up area into surrounding countryside, removing the current openness of the land and significantly altering its character and appearance. However, the development would not extend further south or east than adjoining residential areas and would be seen in this context.

The Inspector's Report concluded that there were exceptional circumstances which justified altering the Green Belt. To that end, and in order to facilitate development coming forward on this allocated site, the land within the identified site allocation boundary was removed from the West Midlands Green Belt. The surrounding land however, i.e. the adjoining land on the eastern and southern boundaries, remains in the Green Belt.

There is a TPO tree near the south west corner of the application site, situated on the boundary. There are no heritage assets or other landscape designations relevant to the site or immediate surroundings.

PLANNING HISTORY

W/17/2387 - Outline application with all matters reserved except for access, for the erection of up to 147 dwellings together with vehicular/pedestrian access from Daly Avenue; Green Infrastructure including a play area, other open space and landscaping; sustainable drainage; and other related infrastructure - Refused 11 June 2018

The above application, for the same nature of development but with additional dwellings proposed, was refused for four reasons summarised below:-

1. the indicative plans and supporting information did not adequately demonstrate how the site could accommodate the scale of development proposed, or how the development would harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use;
2. no secondary access was provided as part of the development leading to highway safety concerns;
3. insufficient information had been provided to demonstrate that the development would not have an adverse impact on protected species; and
4. there was no S.106 agreement in place to secure the necessary obligations to mitigate the impacts of the development.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029)
- DS15 - Comprehensive Development of Strategic Sites (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)

- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Open Space (Supplementary Planning Document - June 2009)
- Parking Standards (Supplementary Planning Document)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- LES - Low Emission Strategy Guidance for Developers (April 2014)
- Garden Towns, Villages and Suburbs Design Guidance (2012)
- Neighbourhood Plan
- Budbrooke Neighbourhood Plan

SUMMARY OF REPRESENTATIONS

Budbrooke Parish Council: Objection for the following reasons (summarised by case officer):

- Serious concern about traffic and highway safety impacts of the development; principally:
 - an assessment of the surrounding road network should be made, including the minor roads not just the main roads,
 - the cumulative impacts of this development and other sites should be considered,
 - a summary of traffic counts and surveys undertaken over the years demonstrates the inadequacies of the proposal,

- reference is made to the recently made Budbrooke NDP (including parking provision requirements set out therein) and it is considered that insufficient regard has been had to its contents,
- there is a high dependency on car usage among Budbrooke residents,
- bus services have been reduced in recent years,
- increased number of units (i.e. anything over 115) makes this an unacceptable form of development for which there is insufficient mitigation,
- there is concern over the content of the applicant's supporting information,
- some of the claims made by the applicants are questionable when considered against some of the statements above,
- the internal road network of Hampton Magna is inadequate and should be upgraded to address the increased volume of traffic issues,
- there is concern for the safety of residents and school pupils at Cherry Lane/Slade Hill/Field Barn Road bottleneck,
- additional through traffic in Hampton Magna and Hampton on the Hill will exceed levels required for a safe neighbourhood,
- a temporary haulage road for construction traffic should be a pre-commencement condition,
- a construction management plan should be required,
- an independent traffic assessment should be carried out,
- Other concerns (not linked to highway safety) include surface water drainage; the developer's assessment seems weak as the site has a propensity to retain surface water even in average rainfall,
- There are concerns about some of the utilities to be provided to the site,
- How will the site and the dwellings' demand for water impact on the rest of Hampton Magna,
- Concerns about existing foul water drainage system and how it will cope with the additional dwellings,
- Concern about the position of the Daly Avenue access and how this relates to properties opposite where there is limited visibility,
- The proposed arrangements for secondary access are inadequate,
- The Medical Centre has already stated it would have great difficulty in taking on any new patients,
- Criticism of the Statement of Community Involvement as there was not as much public consultation undertaken by the applicants as there was when the Budbrooke NDP was going through the process,
- Request made for possible financial contribution for improvements to the Community Cafe which is almost adjacent to the Medical Centre for which there is a S.106 request from the relevant statutory consultee.

Housing Strategy & Development Manager: No objection in principle; comments provided on tenure, size and type and a reference made to the absence of affordable bungalows which will need to be considered in any subsequent Reserved Matters submission

Environmental Health: No objection subject to recommended conditions

Open Space team: No objection subject to S.106 obligations (and financial contribution where applicable)

Waste Management team: No objection

Policy Team: No objection subject to inclusion in the S.106 agreement of a clause requiring a Local Labour Agreement

WCC Highways: No objection subject to recommended conditions and S.106 obligations and financial contributions to bus and cycle way infrastructure and improvements

WCC Education: No objection subject to S.106 obligations and financial contributions

WCC Libraries: No objection subject to S.106 obligations and financial contributions

WCC Road Safety team: No objection subject to S.106 obligations and financial contributions

WCC Ecology: No objection subject to recommended conditions and S.106 obligations (and financial contribution where applicable)

WCC Archaeology: No objection subject to recommended condition

WCC Public Rights of Way team: No objection subject to S.106 contribution

WCC Fire Services: No objection subject to recommended condition

WCC Public Health: No objection

Lead Local Flood Authority: No objection subject to recommended conditions

Severn Trent Water: No objection; advisory notes recommended

Indoor & Outdoor Sports: No objection subject to S.106 contributions

Doctor's (CCG): No objection subject to S.106 contributions

NHS (SWFT): No objection subject to S.106 contributions

Police: No objection

Natural England: No comments to make

Public Response: 124 letters of objection received raising the following material planning considerations (summarised by case officer):

- significant highway safety concerns about existing congestion and increased volumes of traffic resulting from the proposed development;
- the proposal is for more than 115 dwellings identified for this site in the Local Plan;
- the schools cannot take any additional pressure;
- the doctors are already stretched and cannot take any additional patients;

- Hampton Magna is a village which is not capable of any further growth so other locations should be considered;
- it would be detrimental to residential amenity;
- it would be detrimental to visual amenity;
- there is concern about noise and smells;
- there would be adverse impacts on protected trees;
- loss of privacy and overlooking;
- harm to pedestrians and cyclists;
- too dense a form of development;
- destruction of wildlife habitats;
- lack of open space for people to walk;
- loss of outlook for existing dwellings;
- detracting from original 'village' character;
- concern about protected species (bats);
- impact on air quality;
- concern about foul water drainage and existing capacity;
- concern about increased need for parking provision;
- concern as to whether previous reasons for refusal have been addressed;
- intrinsic character of village and sense of community will be lost;
- destruction of the Green Belt;
- loss of hedgerows;
- public footpath would be affected;
- there is a change in levels between Mayne Close and the field; how will this be addressed for the access?
- some green space is still outside the allocated boundary;
- concern about land contamination;
- concern about waste management;
- little has changed since the original (refused) scheme;
- outline application is scant on details;
- concern over the safety of children walking/cycling to school;
- suggested play area is of limited value and does not complement others in the village;
- this site should be considered having regard to the cumulative impacts of this and other development sites;
- concern about public transport, especially the No.68 bus service which has already been reduced and is reported to be ceased altogether;
- concern about added pressure on the hospital;
- Budbrooke NDP sets out a desire for self build options which is not mentioned in the applicant's planning statement;
- impact on the rural landscape; and
- inadequate emergency services to Hampton Magna.

Other non-material planning considerations were also raised, for example:

- concern about subsidence;
- there was a lack of community engagement before the application was submitted;
- loss of views;
- supply of electricity to properties; and
- increase in housing leads to concern about winter weather conditions, icy roads and a lack of road gritting in the village.

3 general comments letters received making following comments:

- little seems to have changed since the last application;
- concern about existing drainage and water supplies in the village;
- will there be any affordable bungalows for existing residents wishing to downsize;
- concern about congestion, highway safety, access and parking issues; and
- concern about village infrastructure and impacts of development

Other comments received:

- St Michael's Church has a strong foundation in the community and has operated The Open Door as a cafe and hub for nearly 20 years; there is a partnership with Budbrooke Surgery which is looking to develop a programme which will involve a range of activities and support groups for vulnerable people;
- the partnership has looked into redeveloping and sharing the present cafe building and transforming it into a multi-purpose hub;
- the hub would provide the doctor's surgery with a meeting space, make more community meeting rooms available and continue the cafe drop-in space for the existing work of the cafe but with enhanced facilities including a disabled toilet; and
- to achieve these proposals, a financial contribution of £25,000 is requested

Officer note - the above comments are acknowledged and the proposals are considered reasonable and if delivered, would facilitate a great community benefit. In terms of CIL compliance however, there is limited justification for such a financial contribution to be secured as part of the S.106 agreement but the scheme overall is CIL liable and to that end there would be CIL monies, separate to any S.106 obligations, which could, in principle, be used to achieve the proposals set out above. In this case, Budbrooke has a recently made Neighbourhood Development Plan which would ensure a potentially substantial amount of CIL monies and it would be greatly advantageous if the Parish Council could have regard to this when considering how to spend any monies received as part of the CIL process.

ASSESSMENT

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

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

Principle of development

The principle of development is twofold, given that the proposal extends, in part, beyond the boundary of the allocated site into the adjoining countryside which, unlike the allocation itself, has not been removed from the West Midlands Green Belt. These two primary matters of principle are considered in turn below.

The allocated site (H51)

The application site is one of the allocated sites (H51) set out in Policy DS11 of the Warwick District Local Plan 2011-2029. Site H51, identified on the Policies Map, relates to Hampton Magna with an estimated figure for the number of dwellings shown as 115. The policy states within the explanatory text (at 2.51) that for village allocations, the majority of the village housing allocations are located on the edge of the existing limits to the built up areas of the village.

The proposals seek outline permission, with all matters reserved except for access, for the construction of up to 131 dwellings. Approval is also sought at this time for vehicle access off Daly Avenue together with an emergency, secondary access off Mayne Close. The application includes the appropriate associated infrastructure, including areas of open space and SUD's features.

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

Whether the development constitutes appropriate development in the Green Belt

For the aspects of development which are proposed outside of the boundaries of the allocated site, principally, the SUD's features to the east and a small additional strip of open space to the south, these works are proposed in land which is still designated as Green Belt.

Policy DS18 of the Local Plan states that the Council will apply national planning policy to proposals within the Green Belt. Paragraph 145 of the NPPF states that the construction of new buildings is inappropriate in the Green Belt but lists exceptions to this in six bullet points which follow under paragraph 145. Although none of the proposed development fits within the exceptions listed at para.145, the following paragraph states that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. Such exceptions include, amongst other things, engineering operations.

The provision of SUD's to the east of the allocation, albeit in adjoining agricultural land which is still designated Green Belt land, is considered to be an engineering operation that would neither harm the openness of the Green Belt nor conflict with the purposes of including land within it.

The provision of some of the open space to the south of the allocation, also in adjoining agricultural land which is still within the Green Belt, is considered to be an appropriate form of development in the Green Belt on the basis that it would

provide appropriate facilities for outdoor sport, outdoor recreation, and would preserve the openness of the Green Belt and not conflict with the purposes of including land within it.

There are several examples of appeal decisions, including High Court judgements, where similar types of development have been tested against Green Belt policy. The conclusions drawn generally concur with the view that both the above types of development, namely, the provision of open space and SUD's features, constitute appropriate forms of development in the Green Belt. As such, the submission of very special circumstances are not required and it falls to assess whether or not there would be any material harm caused by the proposals when considered cumulatively that would justify a refusal of planning permission.

Overall, having regard to the twofold principle of development as set out above, the overall conclusion is that the principle of residential development on this site is acceptable. This has particular regard to the fact the site is one of the Local Plan's allocated sites for housing and the development proposed beyond the allocation boundary represents appropriate development in the Green Belt. The conclusion on the principle of development is subject to an assessment being made of the other relevant material considerations which are set out below.

Impact on the character and appearance of the area including impact on the Green Belt

Policy BE1 of the Warwick District Local Plan 2011-2029 expects new development to positively contribute to the character and quality of its environment through good layout and design and specifies certain criteria to which any development proposal should have sufficient regard. Policy NE4 requires new development to positively contribute to landscape character, citing specific criteria to which any proposal must have regard.

Although the application is only made in outline, with all matters reserved for subsequent approval besides access, an indicative layout plan has been submitted illustrating how the development could be laid out. This plan has been revised following the refusal of the first application on this site and appears to respond to the points of concern previously raised. The indicative layout is materially different to that which was illustrated in the first submission and now depicts a less dense form of built development being provided within the site which is predominantly arranged around a central area of open space. There are improved areas of landscaping around the perimeters of the site and the area of open space to the south would provide an appropriate buffer to the southern edge of development which adjoins the neighbouring open countryside.

The indicative layout demonstrates that across the development, the minimum separation distances required between dwellings is satisfied and in some cases, exceeded, ensuring that adequate levels of amenity and privacy would be afforded to occupants of the new dwellings.

The indicative layout plan shows very limited amounts of frontage parking, with the majority of parking positioned to the side of dwellings or driveways to the frontages of dwellings. This amendment to the indicative layout addresses

another concern from the first submission where a substantial amount of frontage parking was illustrated which is not generally supported having regard to the Council's design guidance including the Garden Towns, Villages and Suburbs Design Guidance. The indicative layout now illustrates that a suitable layout could be provided which would not be dominated by car parking, and improved separation between dwellings would provide an overall sense of spaciousness across the development.

The proposed density, based on the indicative layout plan, (and within the extent of the allocation boundary, i.e. not including the SUD's area) would be 24 dwellings per hectare. This is broadly comparable with the adjacent development in the village.

Overall, it is considered that the illustrative layout plan demonstrates that a suitable form of built development could be accommodated within the site that would have regard to the key design principles against which development is assessed. The reduced number of dwellings within the development has a further positive impact insofar as separation distances and car parking provision is concerned. The site could be adequately landscaped and the area of SUDs to the east which is appropriate development in the Green Belt, would result in no visual harm to the character of the surrounding area.

The development is therefore considered to harmonise with the existing settlement in terms of physical form, patterns of movement and land use; and accordingly the development is considered to comply with the provisions of Policies BE1 & NE4 of the Local Plan.

Impact on the living conditions of neighbouring dwellings

The application is made in outline with only an indicative layout plan demonstrating how the dwellings could be laid out within the site. The position of the site and its relationships to the nearest existing residential properties is such that it would be possible to achieve a suitable layout that would not result in harm to the amenity of existing neighbours by reason of overbearing, overlooking or overshadowing.

No objections have been raised by Environmental Health (EHO) and conditions have been recommended to mitigate against any impacts arising from the construction of the development.

In view of the fact this is an outline application it is considered that a suitable layout could be designed to minimise any impacts on the amenity of existing residential properties. Together with the recommended conditions of the EHO, it is considered that there would be no adverse harm caused by reason of noise, construction impacts or general disturbance.

For the above reasons the proposals are considered to be acceptable in respect of the living conditions of neighbouring dwellings and accordingly the development complies with Policy BE3 of the Local Plan.

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

The indicative layout plan submitted illustrates a form of development which contains satisfactory distance separation between dwellings, and in some cases, distances in excess of the minimum standards.

A noise assessment was not undertaken for the whole site however, the Environmental Health officer (EHO) considers the development is likely to be affected by road traffic noise from the A46, which is approximately 600m east of the eastern site boundary. A condition would therefore be recommended in the event planning permission were forthcoming requiring the layout and orientation of dwellings closest to the A46 to be subject to review until a noise assessment is agreed with the local authority.

In terms of possible benefits of the scheme, the indicative layout plan illustrates areas of open space centrally within the development and to the southern and eastern edges of the site. These would provide good opportunities for enhanced public amenity and areas of open space for the enjoyment of future occupants.

Overall, given the site area and the scale of development anticipated for the site in the Local Plan, it is possible to achieve a suitable layout that would provide appropriate standards of living environment for future occupiers. Accordingly, the development complies with Policy BE1 of the Local Plan.

Car parking and highway safety

The development proposals include a new vehicular access off Daly Avenue to the north of the site. This would be a priority junction and would be the primary point of access and egress to and from the development. The internal road layout, whilst only indicative, would provide access to the rest of the development in a circular route, around a central area of green space, where clusters of dwellings are laid out around the circular route.

While the proposal is for up to 131 dwellings, i.e. less than 150, regard has been had to the existing cul-de-sac network of Woodway Avenue, Daly Avenue and the other closes off them, which currently serves more than 100 units already from the single access point, namely the junction of Woodway Avenue with Cherry Lane/Slade Hill. If the proposed development of up to 131 dwellings is added to this, the maximum number of units allowed off a single access would be far exceeded. In the absence of a secondary access, the previous submission was refused and in order to address this, this revised scheme now proposes a secondary access onto Mayne Close to the west of the site. This is intended as an emergency access and would also be retained as a pedestrian access.

It is important to acknowledge that the applicant's submitted Transport Assessment has considered the cumulative impacts and this is accepted by the Highways Authority, who have confirmed that no additional modelling work would need to be undertaken since it has been confirmed that the secondary access is for emergency access rather than a secondary vehicle access to the site. The content of the survey work carried out to date therefore is sufficient.

In terms of car parking, this would be a matter reserved for subsequent approval through the detailed design and layout stage. The indicative layout does however illustrate a predominance of parking to the sides of dwellings, or on private driveways in front of dwellings which accords with the Council's design guidance and general approach to parking provision. In this respect, the development is considered to accord with Policies TR3 and BE1.

In terms of the vehicle access and the impacts on highway safety, no objection is raised to the development which is considered to accord with Policy TR1 of the Local Plan.

Housing mix

As this is an outline application, exact housing mix is not currently known. The Housing Strategy and Development Manager welcomes the commitment from the applicant to provide 40% of the units as affordable, which, if the total number of units were 131 would equate to 52. Recommended tenures, sizes and type are set out which would accord with the most up to date SHMA and associated guidance on housing mix. This would be for further detailed consideration at the point at which the reserved matters application is received but one point which has been raised as a potential concern, which would need to be addressed in any forthcoming reserved matters submission, is the absence of any affordable bungalows which would need to be included in the subsequent detailed proposals.

Overall, it is considered that a suitable scheme could be developed which would provide the requisite amount of affordable housing as well as the required tenures, size and types. The provision of affordable housing would be secured in the S.106 agreement.

Drainage and flood risk

Although the site is in Flood Zone 1, a Flood Risk Assessment has been submitted with the application. SUD's are proposed to the east side of the site, where the ground levels are at their lowest, which would deal with surface water, while foul water would be discharged to the existing sewer which is proposed to be re-aligned to accommodate the development.

The Lead Local Flood Authority (LLFA) has raised no objection and recommended conditions. Subject to such conditions being imposed on any forthcoming permission, there is no objection from a drainage and flood risk point of view and the development is therefore considered to be acceptable in this regard.

Overall, the development is considered to be acceptable in accordance with Policies FW1 and FW2.

Open space

The indicative layout plan illustrates that a swathe of open space would be located along the southern and eastern edges of the site as well as there being a central area of open space around which much of the development is arranged.

The physical area of SUD's to the east would not be classed as useable open space although there is additional open space to the east of it.

Parts of the open space and all of the SUD's extend beyond the boundary of the allocated site as identified on the Policies Map. The Open Space team has considered the general provision of open space for the development and set out the required types and quantities of public open space (POS) based on an indicative housing mix as per the applicant's LVIA. In total, 2.17ha of POS would be required and the applicant's land use plan advises they will provide 3.16ha broken down into amenity green space, parks and gardens, natural areas, attenuation and children youth. While the amount proposed may exceed that which is required, allotments were originally missing from the proposals and for a development of this size it is expected that allotments will be accommodated on site.

Revised plans have since been received to address this and the Open Space team has confirmed that the scheme is now acceptable from a POS point of view. Subject to the usual clauses within the S.106 regarding the areas of open space and the SUD's it is considered that the development is acceptable in this regard.

Ecological impacts

Ecological appraisals and other technical supporting documents have been submitted with the application in respect of protected species and other ecological features. This responds to one of the previous reasons for refusal which related to the fact that insufficient information had been received to satisfy the County Ecologist that the development would not be detrimental to protected species and other features of ecological importance.

In light of the additional work that has been undertaken by the applicant in this regard and the BIA calculations having also been revised accordingly, there are no longer any objections to the development in this regard subject to the imposition of standard conditions requiring the submission of further information prior to any reserved matters submissions being made.

The S.106 agreement will also contain relevant provisions to ensure that the necessary biodiversity offsetting for the creation of 2.27 units is secured accordingly.

For these reasons, the development is considered to be acceptable in this regard and therefore in accordance with the provisions of Policy NE2 of the Local Plan.

Health and wellbeing

The proposals would provide housing to meet the housing needs of the district, including an element of affordable housing for people in housing need. This is a benefit that contributes to health and well-being. Additionally, the provision of open space would be seen as a positive benefit that could add to the effective layout of the scheme and provide an enhanced environment in which to live for future occupiers. Additionally, the proposals for the new cycle link, as requested by County Highways, which would provide much improved cycle and footpath provisions linking the site and connecting it to Warwick would be a significant

benefit for existing occupants of the village and future occupants of the development. This is considered in more detail below (in the S.106 and 'other matters' sections of this report).

The number of dwellings proposed relative to the allocation

This application proposes up to 131 dwellings; almost a 14% increase over the estimated number for the allocation in the Local Plan. It is acknowledged that the application originally proposed a 28% increase over the allocation but has been amended and reduced accordingly, in response to some of the objections received from local residents.

No objections have been received from the key infrastructure providers in this respect and in light of the responses received from the Highways Authority, Education and Healthcare services, all of whom have requested financial contributions, officers are satisfied that the level of development can be comfortably accommodated within the site and an appropriate level of infrastructure provided in an acceptable manner.

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

Other benefits are capable of accruing as a result of the increased number of dwellings proposed relative to those estimated at the time of the allocation. Within the context of the Government objective to significantly boost housing supply, the provision of additional dwellings in a sustainable manner within a high quality development is considered to be a positive outcome which as set out above increases opportunities for the provision of affordable housing and a wider tenure mix in a manner which may not otherwise be the case and in accordance with the relevant policies to suit the housing requirements of a variety of people. While the overall housing mix is not known at present given the outline nature of the application, it is envisaged that any forthcoming reserved matters submission will suitably reflect the policy requirements of Policy H4, the needs identified in the Neighbourhood Development Plan as well as responding to the wider District's needs.

Section 106 contributions

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

- provision of 40% of the total units proposed as affordable housing;
- the appropriate provision of allotments to serve the development;
- the appropriate provision of open space and SUD's together with associated adoption/management;
- details of a Local Labour Agreement;
- biodiversity offsetting scheme for the creation of 2.27 units;
- a contribution of £370,787.50 towards the construction of the cycleway linking the site to Hampton Road, and the provision of land to deliver the scheme;

- a contribution of £224,000 towards the cost of enhancing the Service 68 bus route to an hourly service and extend/divert the route to serve the new development (over a 5 year period);
- a contribution of £9,825 towards sustainability packs;
- a contribution of £1,103,745 towards education (broken down as follows:- £550,830 for primary education / £511,500 for secondary education / £19,365 for primary SEN / £22,050 for secondary and Post-16 SEN);
- a contribution of £51,500 towards the improvement and/or extension of Budbrooke Medical Centre;
- a contribution of £150,761.52 towards acute and community healthcare (hospitals);
- a contribution of £108,855 towards indoor sports facilities;
- a contribution of £8,412 towards outdoor sports facilities;
- a contribution of £6,527 towards improvements to public rights of way within a 1.5 mile radius of the site;
- a contribution of £2,867 towards libraries;
- S.106 monitoring fee of £30,000 or 1% of the total contributions (whichever is the lesser)

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

It should be noted that some of the above figures quoted are currently being reviewed and it is anticipated that by the time of the committee meeting, there will be further updates confirming the final position in terms of final figures and purposes, where any modifications have been made. This is of particular relevance to the responses from County Highways, County Education and the NHS.

Other matters

County Highways request for cycleway linking the site to Hampton Road

The County Highways Authority is keen to promote cycling infrastructure and the provision of a link from the south part of the site to Hampton Road. It is understood that the landowner is willing to enter into a transfer agreement to make the land available for this purpose but the Highways Authority must ensure that sufficient monetary contribution can be secured to deliver the construction of the scheme. It is therefore still necessary for additional S.106 contributions to be secured from this site. As the deliverability of other schemes nearby is not certain at the time of writing this report the maximum sum of £741,575 has been requested by the Highways Authority, who accepts that this figure could be significantly reduced should other permissions be granted with contributions secured in the same way.

In officers' opinion, the proposal for the cycleway link is considered to be justified, reasonable and CIL compliant, however, it is not considered reasonable for the applicant of this proposal to fund the entirety of the scheme unless and until the outcome of the other allocated site's development proposal is determined. Officers therefore consider the financial contribution requested by

the Highways Authority should be split in a fair and proportionate way. Whilst the figure outlined above in the S.106 list suggests that this applicant would be responsible for paying half the amount, this is currently under review pending further comments from the Highways Authority and it is anticipated that any further comments/modifications to the draft S.106 will be reported to the planning committee via the updates sheet.

Budbrooke Neighbourhood Development Plan

Budbrooke's NDP was made in April 2018 and as such forms part of the Development Plan. It therefore carries full weight in the decision making process. In considering this development proposal, particular regard has been had to Policy BNDP5 'Development Principles - Housing Allocations H27 and H51'. The latter site refers to the application site before Members. The purpose of this policy in the NDP is to support proposals for the allocated site where they address specified design principles in a sensitive fashion. The considerations set out within the policy relate to density, traffic, layout, design, affordable housing and self-build.

Density has been considered earlier in this report and at 24 dwellings per hectare this is considered relatively low and comparable with surrounding densities and built development. Traffic implications have been considered in detail above and there are no objections from the County Highways Authority. In terms of any internal road layouts, this would be reserved for the subsequent reserved matters submission and is therefore not for consideration at this time.

Similarly, issues of layout and design are also not for consideration as part of this application and will be considered when any future reserved matters applications are submitted. It is however considered, for the reasons set out earlier within this report, that the indicative layout demonstrates that a suitable layout and design for the development could be achieved that would accord with the relevant policies and design guidance.

The provision of affordable housing will be secured through the S.106 agreement and in terms of self-build, the NDP states that proposals for self-build will be supported. It is not a policy requirement for the allocated site to incorporate or deliver self-build units.

Overall, in light of the outline nature of the application and the fact that the detail of the development in terms of layout, design etc will be reserved for future application submissions, it is considered that the development is not contrary to the relevant provisions of the NDP and the development is therefore acceptable in this regard.

Impact on TPO tree

There is a single oak covered by a TPO, located on the boundary of the site towards the south western corner. The indicative layout illustrates that the part of the site in closest proximity to the tree would be the rear gardens of individual dwellings. Given this is an outline application the layout is reserved for future approval under a forthcoming reserved matters application. To that end, officers consider a suitable layout can be designed to avoid any impact on the protected tree.

Land contamination

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

Air quality

In respect of air pollution, Environmental Health have recommended a condition which accords with the requirements of the relevant Low Emissions Strategy guidance document. A development of this scale would also be likely to incur a financial contribution request which would be put towards air quality improvement measures. It is considered that this would satisfactorily mitigate the impact of the proposals in relation to air quality.

Archaeology

Further to the initial comments of the County Archaeologist, additional work has been carried out and it is anticipated that the final report in this respect will be provided before the date of the committee. Assuming the final report forms part of the application documents the recommended condition can be updated to require the specified works set out in the report to be carried out accordingly.

Public rights of way

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

CIL

The proposals are CIL liable and the amount to be paid would be calculated following the determination of the application in the event permission was forthcoming.

SUMMARY/CONCLUSION

The development of this allocated site (H51) for the construction of up to 131 dwellings including an access off Daly Avenue and an emergency access off Mayne Close, together with the necessary infrastructure and associated works, (provision of open spaces and SUD's) is considered to be acceptable in principle in accordance with Local Plan Policy DS11. The provision of open space and SUD's beyond the boundary of the allocated site, in adjoining agricultural land which is still within the West Midlands Green Belt constitutes appropriate development in the Green Belt in accordance with Policy DS18 and paragraphs 145 and 146 of the NPPF.

Although this application is made in outline with only access forming part of the detail for which permission is sought at this stage, an assessment has been made of the impacts of the development as indicatively shown on the illustrative layout plan submitted with the application. Officers are satisfied that the site is capable of accommodating the proposed scale of development and a suitable layout which accords with the relevant design principles and other supplementary guidance and which provides the required housing mix could be

achieved without resulting in demonstrable harm to the amenity of existing neighbouring dwellings, or the amenity of future occupants of the development itself.

No objections are raised from a highway safety perspective and it is considered that the main access from Daly Avenue together with the emergency access proposed off Mayne Close are suitable and would result in no detriment to highway safety.

Ecological matters have been suitably addressed through this revised submission and there are no objections in respect of landscaping, open space, drainage, environmental health concerns and archaeology.

A S.106 agreement would secure the necessary obligations and financial contributions to mitigate the impacts of the development and the content of the agreement has been determined in liaison with the relevant statutory consultees and agreed in principle by the applicant.

For the aforementioned reasons it is recommended that planning permission be approved subject to the conditions listed at the end of this report and subject to the necessary obligations and financial contributions to be secured in the S.106 agreement.

CONDITIONS

- 1 Details of the means of access to the building(s) and site, appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved. **REASON:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).
- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 The development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 4 No part of the development hereby permitted shall commence until: -
 1. (a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should

be submitted to and approved in writing by the planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:

- A risk assessment to be undertaken relating to human health
- A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
- An appropriate gas risk assessment to be undertaken
- Refinement of the conceptual model
- The development of a method statement detailing the remediation requirements

(b) The site investigation has been undertaken in accordance with details approved by the planning authority and a risk assessment has been undertaken.

(c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the planning authority. The method statement shall include details of how the remediation works will be validated upon completion.

This should be approved in writing by the planning authority prior to the remediation being carried out on the site.

2. All development of the site shall accord with the approved
3. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be deal with.
4. Upon completion of the remediation detailed in the method statement a report shall be submitted to the planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.'

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

- 5 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which shall have first been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for:

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

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

- 6 The development hereby permitted shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF) and Policy NE2 of the Warwick District Local Plan 2011-2029.

- 7 No part of the development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland, woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure a net biodiversity gain in accordance with NPPF and Policies NE3 and NE4 of the Warwick District Local Plan.
- 8 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** To protect trees and other features on site during construction in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.
- 9 No part of the development hereby permitted shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
 - Where flooding occurs onsite to store the 1 in 100 year climate change event details should be provided of the storage capacity required outside of the proposed formal drainage system. Details of the depths and locations of flooding should also be provided to the LLFA where the depths may be unsafe Hazard mapping may be required to ensure the development remains safe to users of the site
 - Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in

- 100 year and 1 in 100 year plus climate change return periods.
- Provide evidence that the watercourse is in sufficient condition to convey flows from the development.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.

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

- 10 No part of the development hereby permitted shall commence until the programme of archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the CgMs Consulting document 'Archaeological Written Scheme of Investigation for Archaeological Mitigation. Land South of Lloyd Close, Hampton Magna, Budbrooke, Warwickshire' has been undertaken. **REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.
- 11 The development hereby permitted shall not be occupied unless and until the emergency access has been provided between the site and Mayne Close in accordance with the details shown on submitted plan number 008 'Mayne Close Site Access with swept path analysis'. **REASON:** In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 12 No part of the development hereby permitted shall be occupied unless and until the estate roads (including footways and cycleways) serving it have been laid out and substantially constructed to the satisfaction of the Highways Authority in accordance with the details approved in writing by the Local Planning Authority in conjunction with Warwickshire County Council Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 13 Prior to the submission of any reserved matters application, a Low Emission Strategy for that phase which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) shall be 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. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.

- 14 Prior to the submission of any reserved matters application, a scheme of mitigation including detailed arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To protect residents of the development from the adverse effects of traffic noise from the outside the development in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 15 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating how and when mixed open space facilities will be incorporated into the development, to include informal open space, appropriate children's play facilities, outdoor sport facilities and allotment gardens. The scheme shall be implemented in strict accordance with the approved details and shall be retained thereafter. **REASON:** To ensure appropriate open space and recreational facilities are provided to serve the development in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029.
- 16 No development shall be carried out above slab level unless and until details of all external light fittings and external light columns have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the District Planning Authority expects lighting to be restricted across ponds and semi-improved grassland and trees/hedgerows and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:
- Lighting should be directed away from vegetated areas
 - Lighting should be shielded to avoid spillage onto vegetated areas
 - The brightness of lights should be as low as legally possible
 - Lighting should be timed to provide some dark periods
 - Connections to areas important for foraging should contain unlit stretches
- REASON:** In accordance with NPPF and Policies BE1 and NE2 of the Warwick District Local Plan 2011-2029.
- 17 The development hereby permitted shall not be occupied unless and 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 and the approved scheme has been implemented in full in strict accordance with the approved details. **REASON:** In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029.

- 18 The development hereby permitted shall not be occupied until a detailed maintenance plan is implemented and provided to the Local Planning Authority giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA within the maintenance plan. **REASON:** To ensure the future maintenance of the sustainable drainage structures in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029.
- 19 The layout of the estate roads serving the development (including footways, cycleways, verges, footpaths and private drives) shall not be designed other than in accordance with the principles and guidance as set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001'. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 20 The construction of the estate roads serving the development (including footways, cycleways, verges and footpaths) shall not be other than in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 21 No part of the development hereby permitted shall be occupied unless and until enhanced bus stops on Chichester Lane have been provided to serve the development, in accordance with details which will have been first submitted to and approved in writing by the Local Planning Authority in conjunction with the County Highways Authority. **REASON:** In the interest of highway safety and in order to promote sustainable modes of travel in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 22 The development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) *Report Ref: 22356/10-17/5010 Rev C August 2018* and in particular the following mitigation measures detailed within the FRA:
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 9.5 l/s for the site.
 - Provide provision of surface water attenuation storage as stated within the FRA of 2250m³ in accordance with '*Science Report SC030219 Rainfall Management for Developments*'.
 - Surface water is to be provided via a minimum of two trains of treatment using the proposed above ground drainage features within the drainage design.
- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme.
- REASON:** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

- 23 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 BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 24 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. Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, 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/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted . 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 BE1 and NE1 of the Warwick District Local Plan 2011-2029.
25. 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 SHMA. **REASON:** To ensure that the housing meets the needs of the District as required by Local Plan Policy H4 and the NPPF.
-