

Application No: W 13 / 1207

Town/Parish Council: Bishops Tachbrook
Case Officer: Liam D'Onofrio

Registration Date: 22/08/13

Expiry Date: 21/11/13

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**Woodside Farm, Harbury Lane, Bishops Tachbrook, Leamington Spa,
CV33 9QA**

Outline planning application for an urban extension comprising up to 280 new homes, public open space, landscaping, new access and highways and associated and ancillary development. FOR Thomas Bates & Son Ltd

This application is being presented to Committee due to the number of objections and an objection from the Parish Councils having been received and the level of public interest in the application.

RECOMMENDATION

Planning Committee are recommended to grant outline planning permission for the development subject to the conditions listed and the completion of a Section 106 agreement by 21st November 2013. If this has not been completed by the 21st November 2013 the application may be refused.

DETAILS OF THE DEVELOPMENT

The application is made in outline with all matters reserved apart from access. The access point will be located on the eastern side of Tachbrook Road opposite the Othello Avenue junction serving Warwick Gates. A minor secondary access will be located to the northern side of Harbury Lane to the east of Woodside Farm, which will provide an access for emergency vehicles only. The development proposes an urban extension to the south of Ashford Road/Landor Road Whitnash and includes up to 280 new dwellings. Indicative plans are provided to illustrate a potential layout which includes 7.61 hectares for residential and 3.49 hectares for open space/woodland/green space. A comprehensive range of green infrastructure is proposed, including public open space, footpaths, landscaping, foul and surface water drainage infrastructure, attenuation ponds and other ancillary infrastructure.

The application is supported by extensive documentation. This includes an Environmental Statement and non-technical summary, a Planning Statement and Design & Access Statement and Transport Assessment (TA).

This application is one of several applications submitted for urban extensions south of Leamington/Warwick within the Tachbrook Road/Harbury Lane and Europa Way/Harbury Lane/Gallows Hill areas.

The Design and Access Statement indicates that the applicant's vision is to create a high quality, sustainable development that is safe, vibrant and welcoming. A framework of green routes, tree-lined streets and public open spaces will connect the community, encouraging green travel and providing a harmonious relationship between town and country. A development with a strong sense of place is envisaged, drawing upon positive townscape principles of the local area and the principles of Garden Towns and Cities. Housing needs will be met by an appropriate mix of type and tenure.

THE SITE AND ITS LOCATION

The application site relates to an agricultural field located east of Tachbrook Road and north of Harbury Lane. The residential gardens of properties on Ashford Road and Landor Road adjoin the northern site boundary and the site wraps around Woodside Farm, Grove Cottage and Ashwood Cottage to the south. The site rises from west to east with the highest point to the northeast. The site is within open countryside and a public footpath runs north to south through the site linking Landor Road with Harbury Lane.

PLANNING HISTORY

W/13/0776 Outline permission for an urban extension comprising up to 280 new homes, public open space, landscaping, new access and highways and associated and ancillary development: Refused on 13th August 2013 on the grounds of failure to demonstrate that traffic generated by the proposed development could be adequately catered for on the local highway network without harming capacity and safety, failure to demonstrate that additional traffic movements would not result in air quality issues impacting upon the quality of the historic environment and failure to provide a pre-determinative Archaeological Site Evaluation. It is these refusal reasons that must be addressed and overcome. The application was not refused in terms of principle for the development of 280 houses on site.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- 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)

- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (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)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Warwickshire Landscape Guidelines SPG
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Affordable Housing (Supplementary Planning Document - January 2008)
- 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)
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Whitnash Town Council - Objection. Traffic and road safety issues are still a major concern, impact of development on schools, medical surgeries and local amenities. No play area. This is currently an area of restraint in the Local Plan and the high density of the number of houses is a concern. The ancient hedgerow at the back of the development must be preserved. The additional volume of traffic will impact on the entrances and exits in Whitnash and it will become a rat run. The coalescence of existing settlements of Bishops's Tachbrook, Whitnash and Leamington is not desirable. Infrastructure is a major concern.

Warwick Town Council - Objection. The site is included as a possible development within the District Council's consultation on the new local plan and any approval would prejudice the consultation and in particular the District Councils decision to analyse consultation responses. The land to which the application relates is not allocated for housing purposes. It is not accepted that the District Council do not have sufficient land to meet development for the next five years. There are currently outstanding permissions for the development of 1700 homes and the recent appeal decision to allow development of a further 200 plus homes on land at South Sydenham, provides a total of almost 2000 homes. To this total, can be added the land designated for housing for which permissions have not been sought and brown field development sites. Housing completions between 2006/2007 and 2011/2012, a period of six years, saw only some 1978 homes built (an average of 330 homes per year). From 2009/2010 to

2011/2012 a period of low economic growth, only an average of 141 homes were completed with a high of 188 in 2009/2010. Government forecast is for austerity and low growth to continue until 2018 and this very considerable constraint will limit demand to levels below the number of houses which can be built on available land in the next five years. The District Council's decision to seek to provide housing (some 12,300 homes) greatly in excess of that needed to meet local needs, has contributed directly to the assertion that the Council do not have sufficient land to meet a five year demand, and the District should seek to review the number of houses included in the local plan to provide for the real local needs of the District, and the consequent reduction would clearly show that the existing land allocation would meet local needs. The Town Council is also concerned that the development would worsen air pollution in Warwick Town Centre.

Bishop's Tachbrook Parish Council - Objection. The District does not yet have a new local plan in place. The site should not be considered in isolation until the results of the consultation are known. Since there are over 1600 unresolved objections to the Revised Development Strategy both to the number of homes needed in the locality and the sites that should be selected to contain them it cannot be said that there is an emerging local plan. In addition the Revised Development Strategy contains many contraventions to the NPPF which have to be resolved before the Local Plan can be considered to be in accordance with the NPPF. Local Plan Policy RAP1 highlighted. A housing needs survey carried out by Bishops Tachbrook Parish Council established a local need of 14 dwellings. This was undertaken in 2009. The survey is about to be repeated to see if there is any change to that local requirement. The application clearly does not come within these parameters. Development will result in the loss of the best and most versatile agricultural land. At this stage, the District has not demonstrated use of this land to be necessary because the consultation process is not finished. Not only that, through the consultation periods, suggested options have been changing and even now, the RDS states that the housing requirement number will be dependent on the result of the joint SHMA with neighbouring authorities. The recent decision by the planning Inspector that Coventry's Local Plan could not proceed because it failed in its duty to cooperate with neighbouring authorities. This means that all the adjacent authorities need to cooperate to ensure a coordinated approach to the need for employment and housing. So Warwick District does not actually know its housing requirement nor where it is best placed at this point in time. Reference to 2006 Public Inquiry Inspectors Report regarding protection of landscape character and Inspector's specific example of Woodside Farm as how an Area of Restraint can be used correctly. Impact upon landscape, visual quality of Harbury Lane and Mallory Court (Grade II listed building) and the gap/setting between Whitnash and Bishop's Tachbrook. Due to the current position on consultation and planning approvals given to date, calculations show that there is a 5 year planning supply for the consulted targets of 10,800 & 12,300 homes contrary to the paper issued by the District dated November 2012. After deduction of houses completed in 2011/13, the total five year requirement is 3,685. The total deliverable sites that were available up to 1st April 2013 were 2,695, but since then further planning approvals and other identifiable development add 1,076 sites to that total, giving a total supply of

3,771 dwellings. This provides a 5.11 year housing land supply for the 12,300 target and 5.78 years for the 10,800 target. Traffic and infrastructure concerns.

Leamington Spa Town Council - No objection is raised, but the following comment is made: The Town Council is pleased to be consulted on this proposed application and trusts that the developers will work closely together and with the District Council and County Council to ensure a suitable infrastructure, and recommends that this development does not commence until the total infrastructure has been agreed. The Town Council also expresses concerns regarding possible problems with the junction at Tachbrook Road and the apparent absence of a primary school and allotments. The Council looks forward to the completion of the Local Plan as soon as possible.

Environment Agency - No objections, subject to conditions for a scheme to manage surface water.

English Heritage - Scope to improve the [indicative] scheme. It would be sensible to undertake a pre-determinative archaeological survey (which has been carried out following the County Archaeologist's request under the previous application).

Natural England - No objection to previous scheme on the basis of the information available the proposed development would be unlikely to affect any European protected species. Comments awaited on current application.

NHS Property Services - Contributions sought.

NHS South Warwickshire Foundation Trust - Contributions sought.

Warwickshire Fire and Rescue - No objection, subject to fire hydrants condition.

Warwickshire Police - No objection. Crime prevention design methods suggested, which could be considered at reserved matters stage.

Rambles Association - Footpath W117 is recognised on plans to be retained and further details can be resolved at reserved matters stage.

WCC Public Rights of Way - No objection. Comments on footpath alignment and planting of new vegetation at least 2m from the edge of the footpath can be considered at reserved matters stage.

WCC Highways - No objection, subject to conditions/contributions.

WCC Archaeology - No objection, subject to conditions.

WCC Ecology - No objection, but bio-diversity gain needs to be agreed/secured through a legal agreements. A conditions is suggested to secure a Construction and Environmental Management Plan (CEMP) to take protected species into consideration prior, during and post development.

WCC Education - Contributions requested in order to facilitate increase in school place provision.

WCC Libraries - No comments.

WDC Environmental Services - No objection, subject to conditions.

WDC Green Space Manager - Open space on-site contributions to include facilities such as trim trail, play area and allotment, off-site contributions to make improvements to neighbouring green space such as Harbury playing fields or Washbourne Fields open space.

WDC Housing - 112 of the proposed 280 dwellings will be required to meet the 40% affordable housing requirement.

Public response

41 letters of objection have been received from local residents raising the following concerns:

- Scheme is identical to previous application, there is no reason why it should be approved.
- Developer knows new local plan is still under consultation.
- No reference to phasing over the next 17 years.
- Question over WDC's 5 year land supply figures.
- WDC should not cave into Government demands.
- Traffic, roads can't cope, heavy at school/rush hour.
- Accidents/pedestrian safety/danger to school children.
- Impact on countryside/rural area, loss of agricultural land.
- Impact on wildlife/ancient hedgerow.
- Balance between nature/concrete jungle.
- Pressure on services, schools, doctors/hospitals, dentists, police.
- More shops will be required.
- 2 and 2.5 storey houses shown on highest part of site impacting on residents' privacy.
- Use brown field land instead/lots of brownfield sites are available.
- Negative impact upon community/poorer quality of life for existing residents.
- No account for other large scale developments taking place in the area.
- Loss of character to Whitnash/further urban sprawl.
- Woodside Farm is the highest point in Whitnash and development will have an adverse visual impact.
- Find north of the river development solution.
- WDC should be supporting flats/maisonettes near Town Centre.
- Huge over-development of area with combined schemes.
- Site is a high point in Whitnash and scheme will have an adverse visual impact.
- Noise/smell/air quality/disturbance from development.
- Gvt Inspector found in favour of no development on this land.
- Flooding concerns.

ASSESSMENT

Key issues to be assessed include the following:

- The principle of development taking into account the Five Year Housing Supply position, the current policy position, prematurity and an assessment of the proposed housing;
- Highway matters/access issues including the impact on the surrounding highway network;
- Air quality;
- The impact on landscape and heritage assets;
- The impact on ecology;
- Open space;
- The impact on the living conditions of surrounding dwellings;
- Flood risk and drainage matters;
- Socio-economic impacts, including the contribution that would be made to health, education, open space, affordable housing and community facilities;
- Other matters.

Background

The principle for the development was previously accepted at Planning Committee on 13th August 2013. The scheme was refused however, due to the failure to demonstrate that traffic generated by the proposed development could be adequately catered for on the local highway network without harming capacity and safety. Furthermore it had not been demonstrated that additional traffic movements would not result in air quality issues impacting upon the quality of the historic environment. A pre-determinative Archaeological Site Evaluation was also required to enable an assessment of any archaeological deposits of importance likely to be threatened by the proposed development.

This application must therefore seek to overcome these previous refusal reasons.

Principle

Five Year Housing Supply

The site is within open countryside adjoining the edge of the urban area and set within an Area of Restraint, where the relevant Local Plan Policies are RAP1 - 'Directing New Housing' and DAP2 - 'Protecting the Areas of Restraint'.

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 Five Year Housing Land Assessment dated 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. Accordingly, only limited weight can be afforded to Policy RAP1, and in these circumstances the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. This states at 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.

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 which carries significant weight in this determination. While the Council has no control over whether a site will be deliverable, given that they cannot require a developer to deliver houses once a consent is given, and that further reserved matters approval would be required before work can start, it is nevertheless reasonable to assume that the 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 site was included in the Local Plan Preferred Options report in 2012, and is included in the Revised Development Strategy 2013 currently under consultation.

Little weight is attached to the 2012 Preferred Options although these were the subject of public consultation, as these have been superseded by the Council's preferred options in the 2013 Revised Development Strategy (RDS) and have not therefore been carried forward. Little weight can be attached to the 2013 RDS since the public consultation has not been completed or its outcomes assessed. However, this does represent the Council's current preference for development based on the most up to date evidence base. The intention is that the public response to the RDS will inform the policies within the Draft Local Plan, which is scheduled for public consultation in late 2013. The current Local Plan covered the period 1996-2011 and therefore makes no provision for future housing needs. The Warwickshire Structure Plan 1996-2011 has been revoked and no longer forms part of the development plan. Decisions should be made in accordance with the Local Plan, unless material considerations indicate otherwise. The NPPF is a material consideration, as are other policies under preparation such as the RDS.

The RDS (paras. 5.1.26-5.1.33) contain justification for the development of the Woodside Farm application site and the other sites south of Warwick and Whitnash, as it will not be possible to provide land for the 12,300 new homes needed between 2011 and 2029 within the existing urban area. This is the interim level of growth adopted by the Council based on current 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 Strategic Housing Market Assessment. Warwick District Council is one of these councils and therefore the timetable for the preparation of Warwick's Submission Draft Local Plan will be delayed until late 2013, at which stage it will gather more weight.

The RDS states that as it is not possible to provide for 12,300 homes within the existing urban areas, it will be necessary to allocate new development on green field and Green Belt sites. In comparison with other possible green field sites, this area has significant advantages which justify its inclusion in the RDS. This includes that the landowners are willing, the location at the edge of the existing urban area is sustainable, the land is not Green Belt, there are opportunities to enhance public access and design, the 5 year housing supply position, and that there are no insurmountable constraints.

Prematurity

Although the application site at Woodside Farm would need to link with land uses and accesses on adjacent sites it does not physically adjoin any of the other strategic development sites to the south of Warwick and Whitnash. The development of surrounding allocated land in the RDS would not be prevented by the development of the application site. Furthermore, as the surrounding sites are neither dependent on, nor incompatible with, the application site in terms of principle or layout, 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 the permission should be refused on the grounds of prematurity.

The scheme is therefore considered to remain acceptable in principle.

Highway matters

Following the previous refusal under W/13/0776 discussions have taken place between the developer's transport consultant and the County Highway Engineer to address concerns. The levels of impact of the proposed development are considered to be acceptable with the junction modelling showing that junctions analysed will still operate within capacity. Therefore, when considering NPPF 2012 para. 32 states that development should only be prevented or refused on transport grounds where the residual impacts of development are severe, the Highway Authority do not consider this is the case for this application. The Highway Engineer raises no objection to the scheme. The current scheme is therefore considered to have successfully overcome the previous refusal reason relating to highway capacity and safety.

There will be a cumulative impact of the development on the wider highway network when considering the further growth currently being planned within the District. Therefore, it is considered necessary for the development to 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). The contributions requested by the Highway Authority are detailed below:

- Contribute £6,000 per open market dwelling towards strategic highway infrastructure and measures to improve walking and cycling within the Leamington, Warwick and Whitnash areas. Payments will be required upon occupation of 50% and 100% of the open market dwellings.
- Contribute £50 per dwelling for sustainable welcome packs and to help promote sustainable travel in the local area.
- Contribute £302 per dwelling to provide school bus services for those pupils living on the development.
- Contribute £10,000 (in total) for improvements to the public right of way W117 between the site and Landor Road. This is to resurface what is the main connection through from the site to the existing G1 bus service.

In terms of off-street parking provision requirements for residential dwellings set within the Council's Vehicle Parking Standards SPD, any reserved matters application would have to include the exact allocation and location of parking. This approach would fully accord with Policy DP8 and the National Planning Policy Framework 2012 (para.39).

Air Quality

Air quality concerns were raised as a specific issue under the previous scheme, particularly in relation to additional traffic movements resulting in air quality issues impacting upon the quality of the historic environment. The Highway Engineer is now content that the proposed junction will operate within capacity and the cumulative impact of the development on the wider highway network contributes towards strategic transport interventions required to support the planned growth.

The applicant has also provided an outline Air Quality Management Plan (AQMP) which proposes mitigation against the impacts of construction works on local air quality. The Environmental Health Officer agrees with the general approach outlined but would recommend a condition is imposed requiring the applicant to submit a detailed Construction Environmental Management Plan (which should include an AQMP) for approval prior to the commencement of works on site. This can be controlled by condition

The Environmental Health Officer notes that the submitted Low Emissions Strategy sets out measures that will mitigate the operational impact of the development on air quality and should reduce car use by residents of the development. The EHO also recommends that consideration is given to providing Electric Vehicle recharging points at car parks for shops and designation of priority parking spaces for low emission vehicles outside shops, although this would not be applicable to this scheme, which is residential only.

The current scheme is therefore considered to have successfully overcome the previous refusal reason relating to air quality.

Landscape and heritage assets

The Design and Access Statement acknowledges opportunities and constraints for the site. The opportunities include existing dense high hedgerows and trees running around much of the site providing good mature screening, the potential to create open space for amenity, and the potential to enhance the existing public footpath running through the site.

The constraints include the rising land contours and ridgelines, which the applicant acknowledges will limit development in places and the highest point of the site to the northeast will require careful consideration. Part of the boundary to Harbury Lane has no vegetative screening making the lower ground visually exposed. Furthermore the northern edge of the site adjoins existing residential rear gardens and will need to respect these properties.

Although existing plans are indicative only the Design and Access Statement provides detailed design objectives and a concept to utilise existing site vegetation and footpaths and to create a green link and buffer area to the new and existing development to the north. English Heritage note that there is scope to reduce the number of units to provide a greater buffer between the southeast corner of the scheme and Mallory Court garden, which is included at Grade II on the register of historic parks and gardens and contains a significant Grade II listed building. The indicative concept plan indicates a woodland buffer to the southeast corner of the site between the new development and Mallory Court and illustrates that there is good scope to accommodate up to 280 houses within the site, while increasing the depth of the green buffer to the southeast corner. A detailed layout and soft landscaping scheme will be secured at reserved matters stage. The scheme is not therefore considered to result in any significant impact upon the character or setting of Mallory Court. The applicant has considered English Heritage's comments and notes that: *"the intervening vegetation and the topography currently create a good degree of separation between the two sites. Intervening views are severely restricted by the topography. A ridgeline runs along the eastern boundary of the development site and the site slopes away to the west. There is a significant hill along Harbury Lane and Mallory Court is situated on the eastern side of the hill. The current scheme also allows for a significant set back for development from the southern boundary on Harbury Lane to allow for additional woodland and hedgerow planting"*.

English Heritage also consider that it would be sensible to undertake a pre-determinative archaeological assessment. A pre-determinative Archaeological Site Evaluation has been completed at the request of the County Archaeologist. A ditch and possible pit of Middle to Late Iron Age date were identified during the fieldwork. The proposed development will have an impact upon these features, and any others which survive across the site. The Archaeologist has confirmed no objection to the principle of development but considers that some further archaeological work should be required if consent is forthcoming. A condition

requiring further archaeological work has therefore been suggested by the Archaeologist.

The current scheme is therefore considered to have successfully overcome the previous refusal reason relating to Archaeology.

The Design and Access Statement shows up to two and a half storey development on the site, however areas closer to Harbury Lane will be two storey and development to the northeast at the highest point of the site will be one and a half storey. These proposed building heights shown on the indicative plan can be conditioned setting a clear maximum for assessment of scale and appearance at reserved matters stage.

Ecology

WCC Ecology have suggested a Construction and Environmental Management Plan (CEMP) be produced to take protected species into consideration prior, during and post development, which the Ecologist is content can be secured through condition. The detailed design of the development at reserved matters stage will also provide an opportunity to secure protection and mitigation.

WCC Ecology require biodiversity gain, which is promoted in the NPPF. If biodiversity is lost then this should be compensated appropriately. Generally amenity grassland, sport pitches and play areas are not considered to contribute to good quality habitat to compensate loss. The Ecologist questions the submitted biodiversity calculation and recommends that either more compensation on site is provided to reduce bio-diversity loss or an off-setting scheme is agreed. Either option can be successfully secured as part of a S106 legal agreement.

Since the impact on ecological matters can be addressed through condition/S106 this would not represent a negative impact of the scheme, whilst the improvements that would be required to biodiversity and the provision of enhanced habitats could represent a benefit.

Open space

Members previously highlighted that fact that the indicative plans submitted under W/13/0776 did not include allotment space. The Green Space Manager has calculated that based on the number of houses proposed 4.67 Hectares of mixed open space is required, however only 3.49 Hectares are proposed, which leaves a deficit of 1.18 Hectares. Part of this space is lost to the necessary attenuation basins for surface water drainage. Furthermore it is not know from the indicative plans the quantity or type of open space being provided in terms of informal recreation, play or sport.

Plans are indicative only at this stage, however a condition is suggested to ensure that layout plans submitted at reserved matters stage include provision of a 'trim trail' walking circuit, play ground/ball activity area catering for different groups and ages and an allotment area.

An off-site contribution is suggested for the shortfall in mixed open space on site, which will be used to fund improvements to neighbouring open space , such as the Harbury playing fields and Washbourne Fields.

If the applicant wishes the Council to take on the future management and maintenance of the proposed open space a commuted sum for maintenance costs would be required, secured through a S106 legal agreement.

Residential amenity

The applicant suggests some noise mitigation measures will be required for rooms and gardens adjacent to the roads to the south and west of the site to safeguard the amenities of future occupiers. The considered orientation of buildings together with the proposed landscaping buffers will assist in limiting any significant noise/pollution issues to future occupiers of the development. These matters can be addressed at reserved matters stage.

The proposed landscape buffers shown on indicative plans will assist in ensuring the new development is able to meet necessary separation distances to safeguard the outlook, light and amenities of existing residents surrounding the site. 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.

As previously stated the layout plans are indicative only but provide a good illustration of how 280 dwellings could be located on the site. Such details will be considered in greater detail at reserved matters stage.

Flood risk and drainage

The site is within Flood Zone 1. The supporting information confirms that the Environmental Impact Assessment found few effects or likely impacts of the proposed development that are significant or adverse and in all cases there are proposed mitigation measures, including a Sustainable Drainage System, to address concerns.

The Sustainable Drainage System originally proposed three balancing ponds to the south of the site, however these were upgraded following the Environment Agency's comments under W/13/0776. The Environment Agency have raised no objection to the development, subject to a condition to secure a scheme to manage surface water.

Contributions/legal agreement

There is significant concern from local residents with regard to the scheme resulting in further pressure on public services, in particular schools, doctors and hospitals. In addition to the highway contributions specified above the following contributions will be sought.

In terms of schools provision Warwickshire County Council have indicated that a financial contribution of £8,007 per dwelling will be required for schools provision to upgrade pupil capacity.

NHS Property Services assessed the additional demand that 280 dwellings will generate (an estimated 652 future residents based on the existing average household size within the District of 2.33 persons per dwelling) and the capacity at two existing primary health care facilities within reasonable travelling distance likely to serve the proposed development, Warwick Gates Health Centre and Whitnash Medical Centre. The NHS consider that there is insufficient capacity for an additional 652 patients within the surgeries and in order to make the development acceptable in planning terms a financial contribution towards primary health care facilities is required, which equates to £655.40 per dwelling to be applied to all development within the RDS. The NHS advise that contributions will either be used to extend existing facilities or, more likely, the scale of development to the south of Warwick and Whitnash will warrant a new facility of commensurate size to and strategically located away from existing surgeries.

NHS South Warwickshire Foundation Trust have indicated that evidence that existing Acute and Community facilities are at full capacity and are unable to accommodate increased patient demand from population growth. NHS have calculated that the additional burden on Acute and Community health care facilities of proposed population growth in Warwick District will require infrastructure costing c. £16m – equivalent to £1,572.95 per new dwelling.

WDC Housing Strategy supports the 40% affordable housing on the proposed development and expects the site to deliver a tenure mix of 50/30/20 social rent/affordable rent/shared ownership. In addition, on the element of affordable rent, it is expected the level of rent to be restricted to 60% of open market rent. The size and type 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.

Community Protection have commented that the applicant should consider Warwick District Council adopting the attenuation ponds proposed as part of the surface water management. This would require a commuted sum and completion of a S106 legal agreement to secure adoption and maintenance costs for a set number of years.

The County Council (Libraries) previously requested developer contributions to enable the library service to flex services to meet the needs of new and emerging communities. Further comments are currently being sought from WCC in relation to the current scheme.

Other Matters

Concern has been raised regarding the loss of productive agricultural land. This is a negative impact of the development, however it is considered that the need to

provide new homes in a sustainable location outweighs concerns about the loss of productive agricultural land.

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 from renewable sources.

Given its existing use the site is unlikely to present any contaminated land issues that cannot be overcome through mitigation and remediation, which can be secured by standard conditions. The Environmental Health Officer has raised no objections in this regard.

An assessment of street lighting has been undertaken to ascertain baseline lighting conditions. Such details would be secured and controlled by condition at reserved matters stage.

SUMMARY/CONCLUSION

Due to the Council's lack of a Five year housing supply only limited weight can be afforded to Policy RAP1, 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. Business would also benefit economically through the provision of immediate highway network improvements. Social benefits would include the provision of a mix of types and sizes of market and affordable housing to meet identified local needs. Environmental benefits would arise from measures to increase biodiversity, sustainable transport improvements, more efficient use of land, provision of open spaces, sustainable drainage measures and new footpath/cycle way links. The site is sustainably located adjacent to the urban area and will be integrated into the existing settlement by sustainable transport links. It is therefore concluded that the development represents sustainable development by satisfying the three dimensions.

It has been concluded that the issues 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 impact on the surrounding landscape in terms of the loss of openness and rural character, with a resulting decrease in the separation between Whitnash and Bishops Tachbrook settlements, however there is an opportunity to secure a good landscaping

mitigation scheme so that the visual harm is not significant. The scheme also needs 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 impacts on the landscape and rural area, and heritage assets 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 can carry only limited weight and to comply with the policies of the NPPF 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 preferred option in the RDS needs to be given serious consideration due to its stage in the plan process, but the evidence base that lead to the inclusion of the site in the RDS carries some weight.

The development remains acceptable in principle and all previous refusal reasons have been successfully overcome. It is therefore concluded that the development should be granted.

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 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).
- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than three years of 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 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 arrangement hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved access drawing(s) TCP12/191/11/B003/005A, TCP12/191/11/B003/006A, and specification contained therein, submitted on 22nd August 2013. **REASON :** For the avoidance of

doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 5 An application for the approval of a construction phasing plan of the development shall be submitted before the expiry of three years from the date of this permission. The development shall hereafter be carried out in accordance with the phases established in the phasing plan as approved by the local planning authority. **REASON:** To ensure the proper phasing of the development.
- 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
 - d. connections to areas important for foraging should contain unlit stretchesSuch 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 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 thereafter. **REASON:** To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan.
- 9 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 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 SC13 of the Warwick District Local Plan 1996-2011.
- 10 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 grounds 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.
- 11 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.

- 12 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 water bodies, native species planting, wildflower grasslands; 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.
- 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 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
- 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 dealt 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 DP3 & DP9 of the Warwick District Local Plan 1996-2011.

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

- 17 No development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.
- 18 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.
- 19 The development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that 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.

- 20 Any landscaping (other than the planting of trees and shrubs) approved including boundary treatment, paving and footpaths referred to in condition one 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 The building heights shall not exceed those indicated on the indicative plan Figure 23: Building Heights within the July 2013 Design and Access Statement submitted on 22nd August 2013. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
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