

Application No: [W 14 / 1513](#)

Town/Parish Council: Whitnash

Registration Date: 17/10/14

Case Officer: Robert Mason

Expiry Date: 12/12/14

01926 456521 robert.mason@warwickdc.gov.uk

Land at, Fieldgate Lane, Whitnash, Leamington Spa

Details of the appearance, landscaping and scale of the proposed 7 residential dwellings and associated infrastructure. FOR Bovis Homes Ltd

This application is being presented to Committee due to an objection from the Parish/Town Council having been received.

RECOMMENDATION

Planning Committee is recommended to GRANT the reserved matters application, subject to conditions.

DETAILS OF THE DEVELOPMENT

The applicant has submitted a reserved matters application for the development of the area in the north west corner of the site which would be final section to be undertaken after the main contractors compound has been removed.

The application involves a similar layout and housing mix to that applied for in the previous application for the larger site, however it now is for 7 dwellings rather than 6 due to the siting of an affordable 2 bed bungalow having been changed to a pair of 2 bed affordable houses. This does not result in any more dwellings on the site as a whole. The only other change is in the house types, however there is no change in the size of each house in terms of the number of bedrooms. The adoptable access road has been omitted from the application site. Three of the dwellings would have chimneys as originally proposed in the previous application.

The Design and Access Statement describes how the whole development contains a hierarchy of roads and pathways designed using a variation in width and materials to encourage low speeds, has a comprehensively designed landscaping scheme, with public open space placed for ease of use, dwellings that will follow a scale that is in keeping with the adjacent landscape, and a wide range of house types which will create a broad based community and will allow families to move within the scheme as needs and aspirations change with time. The current application involves the implementation of these principles on a small part of the site.

The applicant has submitted a Specialist Golf Report in support of the application. The key finding states that the existing Target Line as the datum and calculated the distances and angles of deviation to those places, which are as follows:

- Practice green 247/290 yards 6°
- End of Golf Lane 190 yards 14°
- Existing property 245 yards 20°
- Proposed build line 150/190 yards 24°

Research into shot dispersal in the USA has found that 92% of all shots struck with any club fall within a cone of 15° either side of the target line. The incidence of shots falling outside this cone (8%) diminishes rapidly above 20°.

The number of errant-struck shots which could reach the proposed new housing would therefore be negligible, and no measures should be necessary.

This application has been submitted because when the reserved matters application on the remainder of the site was approved by the Planning Committee on 22nd July 2014 the dwellings in this area were omitted from the scheme in order to overcome the objection from the Golf Club regarding the safety of future residents from errant-struck golf balls. It is understood that this matter has now been resolved and the Golf Club has informed the Council that it no longer has an objection to this issue.

THE SITE AND ITS LOCATION

The whole development site consists of 3.95 hectares of grassland south of the residential area north of Fieldgate Lane. To the east, the Chiltern Railway line runs on an embankment with open countryside beyond, to the west is Golf Lane, which at this point is a narrow track/bridleway with the Leamington and County Golf Club beyond, and to the south is essentially open countryside with some large residential properties.

The site's ground levels rise in a southerly direction towards a large residential property adjoining the southern boundary. There are trees and some sections of hedgerow along the northern and western boundaries. There is also a hedge and some Poplar trees on the western side of Golf Lane.

This application site consists of approximately 0.38 hectare of land in the north west corner of the field which was omitted from the previous application for the approval of reserved matters at the Planning Committee following an objection from the Leamington and County Golf Club. The Location Plan shows two separate areas with red line boundaries. The area to the south consists of just one dwelling and will be separated from the area to the north by an access road.

The application site will be used initially as the contractor's compound for the remainder of the site.

PLANNING HISTORY

W/13/0858 - Outline planning permission granted subject to s.106 agreement. Access details were approved with an entrance from Fieldgate Lane. The indicative plan showed 94 houses in the draft layout.

W/14/0142 - A separate application was submitted for the Variation of Condition 7 of the Outline Permission regarding sustainable energy provision - Refused.

W/14/0216 - Reserved matters application for 111 houses and flats, consisting of 67 market houses and 44 affordable dwellings - Withdrawn.

W/14/0922 - Planning application submitted by Leamington and County Golf Club for the erection of 30 metre high golf netting along part of its eastern boundary with Golf Lane - Withdrawn

W/14/0775 - Reserved matters application for 111 houses and flats, consisting of 67 market houses and 44 affordable dwellings
- Approved except for houses in the north west corner of the site which were removed from the application at the Planning Committee.

RELEVANT POLICIES

The Existing Local Plan

- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (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)
- 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)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

Warwick District Local Plan 2011-2029 Publication Draft - published April 2014.
Relevant policies: DS2, DS3, DS5, DS6, DS7, DS10, DS11, HO, H1, H2, H4, SC0, BE1, BE2, BE3, TR1, TR2, TR3, TR4, HS1, HS4, HS5, HS6, HS7, CC1, CC2, CC3, FW2, FW3, FW4, HE1, HE6, NE2, NE3, NE4, NE5, W1, DM1.

Guidance Documents

- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- National Planning Policy Framework
- Affordable Housing (Supplementary Planning Document - January 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Whitnash Town Council: Objection - Whitnash Town Councillors object to this planning application as there is already planning permission for the original plan. This is over development by stealth, un-neighbourly and that they should stick to original plan and not increase the number of houses .

Housing Strategy Officer: No objection

Warwick District Council Contract Services: Advise on the requirements for bin collection

Highway Officer

The layout of the proposed development is considered acceptable to the Highway Authority. One visitor parking space was initially omitted, however following discussions with the applicant this has now been included on a revised plan. The Highway Authority's response is one of no objection subject to conditions.

Drainage Officer: No objection subject to conditions

Assessment

Housing Mix

As stated above, although the house types submitted under this application slightly defer from those originally submitted, the number of each house size remains the same in terms of the number of bedrooms. Examples of the proposed house types have already been approved on the rest of the site. It is

considered therefore that application complies with Adopted Local Plan Policy SC1.

Affordable Housing

Two affordable houses have been included within the application boundary, however there is no change in the overall number, size and mix of these units which still accords with policy requirements of 40% of the total dwellings being affordable and the correct mix of social rent/affordable rent/shared ownership. The Housing Officer has confirmed that there is no objection on these issues. The management of the units is also covered by the existing Section 106 agreement with the Outline Permission.

Design

The ridge height of all the proposed houses will be less than 9 metres as per the stipulation in the Design and Access Statement approved with the Outline Planning Permission for the whole site. The applicant has submitted the same materials plan as the one which received permission previously on the remainder of the development site. It is considered that the proposed density is satisfactory. The issue regarding loss of light to an adjoining bungalow has been discussed with the applicant and the pair of affordable dwellings set back so that their no longer conflicts with the Council's 45 degree angle policy. Subject to this point, it is considered that the application complies with Adopted Local Plan Policy D1.

Impact on Residents Amenity

It is considered that the proposed development would not have an adverse impact on the amenity of existing residents bearing in mind that the rest of the field opposite Fieldgate Lane has planning permission.

Access/Parking

No objection has been raised by the Highway Officer, and following the submission of a revised plan including the additional required visitor parking space, the application now complies with Adopted Local Plan Policy DP8.

Ecology

The Ecologist has raised no objection to the proposed development subject to the final agreement being made on mitigation requirements for the Outline application.

Landscaping

The details for the whole development are currently being agreed.

Sustainable Buildings

A separate application was submitted and refused for the variation of condition 7 on the Outline Permission, which was to allow a 'fabric first' approach instead of the provision of renewable technologies. This application is now subject to appeal. In view of members' previous recent decisions, it is proposed to attach a condition requiring renewables to provide 10% of the total energy requirements of future occupants within the whole scheme. Hence subject to this the application would be in accordance with Adopted Local Plan Policy DP13.

Residents Objections (2 households)

- Despite moving houses back this is no reason to approve the application
- Bovis Golf Report does not provide the source of US Survey, ignores prevailing wind direction and is not convincing when using the word 'negligible.'

In response it is noted that the Golf Club has been in negotiations directly with Bovis and that it has now formally withdrawn its objection to this application. It is considered therefore that the issue of resident safety in regard to errant struck golf balls has been resolved.

- Density too high

In response it is considered that the proposed net density is similar to the remainder of the site and therefore the application complies with Adopted Local Plan Policy DP5.

- Loss of light and conflict with 45 degree angle policy in regard to the front windows of proposed affordable bungalow and adjoining pair of affordable houses.

In response the applicants have set the pair of affordable dwellings back so that the siting no longer conflicts with the Council's 45 degree angle policy.

Summary/Conclusion

It is considered that the resolution of the issues raised by the Golf Club regarding public safety represents a significant change in circumstances from those considered by the Planning Committee when determining the previous reserved matters application for the whole site.

Hence, it is considered that the proposed development has a satisfactory housing mix, level of affordable houses, design, impact on residents, access and parking, ecology and sustainability and therefore the application complies with Adopted Local Plan Policies D1, D2, D3, D4, D5, D6, D8, D9, D11, D14, DA3, SC1, the Council's Residential Design Guide and the National Planning Policy Framework.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) WHIT/02/300 Rev E, WHIT/02/500 Rev E, WHIT/02/600 Rev E, LEAM /02/0500 Rev B, LEAM-5-400, HTPD AGS2 01, HTPD AGT2 01, HTPD AGD2 01, WHIT/02/400 Rev A, HTPD P303 SHE 02 RevA, HTPD P303 HT ASC 01 Rev A, HTPD P507 HT ASCOT 01 Rev A, HTPD P507 HT ASCOT 02 Rev B, HTPD P502 HT ARU 01Rev A, HTPD P502 HT ARU 02 Rev B, HTPD S241 HT RAD 01 Rev A, WHIT/02/SL02, WHIT/02/701, HTPD_AGD2 01, HTPD_AGS2-1VT, and specification contained therein, submitted on 14/10/14. **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.

- 3 The existing hedges indicated on the approved plans to be retained shall not be cut down, grubbed out or otherwise removed or topped or lopped so that the height of the hedges fall below 3 metres at any point without the written consent of the local planning authority. Any hedge removed without 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 within the next planting season with hedging, trees and/or shrubs of such size and species details of which must be submitted to and approved by the local planning authority. All hedging, trees and shrubs 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 that hedging which is of significant amenity value to the area in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

- 4 The development shall be constructed in general accordance with drawing no. LEAM/02/500. **Reason:** To safeguard highway interests in accordance with Adopted Local Plan Policy D8.

- 5 The Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site. **Reason:** To safeguard highways interests in accordance with Adopted Local Plan Policy D6.

- 6 The development hereby permitted shall not commence until a Construction and Environmental Management Plan 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 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.

- 7 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should 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; 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 the NPPF.
- 8 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. 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.
- 9 The applicant is to provide plans showing the existing and proposed drainage systems for the site, showing the location of yard and road gullies, manhole's, soak ways, septic tanks, cess pits and pipes including size, shape, material, fall and level in relation to ground and building levels to ordinate survey datum.

The applicant is to provide plans showing the existing and proposed internal property drainage systems for the site including rain water down pipes, showers, sinks, toilets, WC's, wet rooms, wash basins, wash machines, dish washers and pipes showing how they link up with the external drainage systems. This should also include the finished floor levels of the property.

The applicant is to provide a plan showing the precise location of the existing watercourse culvert in relation to the site. The proposed development shall be implemented in accordance with these required plans. **Reason:** To safeguard interests in accordance with Adopted

Local Plan Policy DP11.



