

**Planning Committee:** 25 April 2016

**Item Number: 7**

**Application No:** [W 15 / 1761](#)

**Town/Parish Council:** Radford Semele

**Registration Date:** 18/02/16

**Case Officer:** Liam D'Onofrio

**Expiry Date:** 19/05/16

01926 456527 liam.donofrio@warwickdc.gov.uk

**Land On The West Side Of, Southam Road, Radford Semele, Leamington Spa**

Residential development of up to 25 no. dwellings. Means of access from Southam Road to be determined, with all other matters (internal access, appearance, landscaping, layout and scale) reserved for subsequent approval.

FOR Rosconn Group

---

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

**RECOMMENDATION**

Planning Committee are recommended to GRANT outline planning permission, subject to the conditions listed and subject to the completion of a satisfactory Section 106 Agreement to secure the contributions listed. Should a satisfactory Section 106 Agreement not have been completed by 19th May 2016 Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposals make inadequate provision in respect of the issues the subject of that agreement.

**DETAILS OF THE DEVELOPMENT**

Outline planning permission is sought for a residential development of up to 25 No. dwellinghouses with all matters reserved except for access. The access will be located off the western side of the highway.

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

The Design and Access Statement states that the purpose of the illustrative layout design is to provide a template for the detailed design stage of a reserved matters applications and an indication of densities across the site. Key situations where buildings may be used to close a vista, act as a gateway into the site or turn a corner etc. are also indicated on the illustrative layout design.

The outline application is for up to 25 new homes, Therefore the approximate density for development is 28 homes per hectare. This density is relatively low

for urban areas but more typical for village locations. The proposed layout comprises a mix of terraced, semi-detached and detached properties and has been developed to reflect the character of the existing area. The proposed buildings will be 2 storeys in height and reflect similar footprints, style and vernacular of the existing properties within Radford Semele to ensure that the bulk and scale of the built form is appropriate within the settlement edge setting.

The development of the site for new homes would require the loss of 0.9ha of arable land. There would also be a requirement to clear a small length of species-poor hedgerow on the eastern boundary of the site (less than 10 metres) to allow access from the A425. All other hedgerows and trees would be retained. It is proposed that approximately 175 metres of new hedgerow would be established along the southern and western boundaries of the application site.

This Design and Access Statement demonstrates how the proposal is based upon a thoughtful design process informed by site assessment and analysis of opportunities and constraints. The proposal aims to maximise the positive aspects of the site's location, fully integrating and actively enhancing the character and appearance of the site's surroundings. The proposed dwelling will be a high quality of form, materials and craftsmanship. The proposals can be accommodated without detriment to the localised landscape and can be integrated into the existing visual environment without harming the character and quality of the area. In summary, it is suggested that the proposal is well designed and represents a sustainable residential development that will create an attractive and safe living environment.

In relation to the Policy DAP2 and the Area of Restraint the applicant notes that for viewers to the west, in Sydenham, there would be little opportunity to view the proposed development and there would therefore be no perception of coalescence between Leamington and Radford Semele in this location. In relation to the potential perception of coalescence to the north, there is already a strong sense of arriving in Radford Semele around 250 metres to the north west of the application site: it is at this point that, having passed through a rural area with vegetation on both sides of the road, travellers first see the Radford Semele signs, combined with a reduction in the speed limit. Soon thereafter, having crossed the Grand Union Canal, there are clear views of the built development within the village in the form of Ricardo.

## **THE SITE AND ITS LOCATION**

The application site relates to an arable field of approximately 0.9 hectares located on the western side of the highway. The site sits outside of but adjacent to the village envelope and is located between residential development and the Ricardo industrial buildings to the north. The site is within open countryside and is identified as an area of restraint (Local Plan Policy DAP2).

## **PLANNING HISTORY**

None.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- 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)
- 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)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- RAP1 - 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)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

#### Guidance Documents

- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
- Warwickshire Landscape Guidelines SPG
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- 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)

### **SUMMARY OF REPRESENTATIONS**

**Councillor Doody:** Objection. If we consider this application on the New Local Plan then it would fail because it is outside the village envelope. Both the Area of Restraint and the village envelope were set by Warwick District Council's Planning Department for very good reasons, to protect expansion of Royal Leamington Spa and stop the village itself from filling the very important gap between the two settlements.

The Southam Road is a major thoroughfare to Kenilworth, Leamington, Warwick, and onto Stratford upon Avon. Traffic flows are considerable through the village at peak times and not inconsequential at other times.

**Councillor Brian Fryer:** The location of this development will adversely affect the character of the village finally linking it to Sydenham and the greater conurbation of Leamington Spa. There are already many other development plans to the east and south of the village which are resulting in a much higher impact on this village compared to others in the district. Restraint from developing on this site would at least give the village some opportunity of retaining its identity which is part of the appeal for people wanting to live here.

The density of side feeder roads on to the A425 is already high, with increasing volumes of traffic from other developments, the sighting of a road outlet here, for traffic eastbound is partially obscured and would be a significant traffic hazard.

**Inland Waterways:** No objection.

**Canal & River Trust:** No objection.

**WCC Public Rights of Way:** No objection.

**WCC Local Flood Authority:** No objection, subject to conditions.

**WCC Landscape:** No objection.

**WCC Education:** A contribution of £70,122 has been requested for primary education, with secondary education contributions to be confirmed. members will be updated at the meeting.

**WCC Highways:** No objection subject to conditions.

**WDC EHO:** Noise survey requested. No objection raised following submission of noise survey, subject to conditions.

**WCC Archaeology:** No objection, following pre-determinative archaeological works, subject to conditions.

**Natural England:** No comment.

**Fire & Rescue Service:** No objection, subject to fire hydrants condition.

**Historic England:** No comment.

**Severn Trent Water:** No objection, subject to condition.

**Warwickshire Police:** No objection, subject to condition.

**Public response:**

19 objections raising the following concerns:

- Two developments already approved in Radford Semele.
- Encroaches on gap protected by Area of Restraint, Policy DAP2.
- Pressure of infrastructure/resources/services.
- Density of development, out of character.
- Ricardo security, privacy concerns, 24hr working patterns, lights/emissions from busy manufacturing operation.
- Road safety, another access on very busy road, traffic generation, pedestrian safety.
- Impact upon rural landscape.
- Development will link Radford Semele with Leamington Spa.

One comment that no access will be allowed to construction vehicles/future residents on the private drive to the south of the application site.

**ASSESSMENT**

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

- Principle of the development;
- The Impact on Local Services and Infrastructure;
- The Impact on character of the area, Landscape and Heritage Assets;

- Provision of public open space;
- The impact on the living conditions of nearby dwellings;
- Car parking and highway safety;
- Air Quality;
- Drainage and Flood Risk;
- Renewable Energy;
- Health and Wellbeing;
- Ecological Impact;
- Loss of Agricultural Land.

## **The Principle of the Development**

### Five Year Housing Supply

The site is within open countryside adjoining the edge of the village, where the relevant Local Plan Policy in relation to residential development is RAP1 - 'Directing New Housing'. The proposals would be contrary to Policy RAP1. However, the National Planning Policy Framework (NPPF) 2012 states (para. 49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement.

Whilst significant steps have been made towards meeting a five year housing land supply an analysis of all current information indicates that the District Council are not able to demonstrate a five year supply of deliverable housing sites. As from 31/03/16 the number of years supply has been calculated at 4.69 years.

Accordingly Policy RAP1 is to be considered out-of-date and in these circumstances the NPPF paragraph 14 requires applications to be considered in the context of the presumption in favour of sustainable development. That means granting planning permission unless either:

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

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

### The Current Policy Position

The current Local Plan covered the period 1996-2011 and therefore makes no provision for future housing needs. This forms the Development Plan, which

decisions should be made in accordance with, unless material considerations indicate otherwise. The NPPF is a material consideration, as are other policies under preparation such as the emerging Local Plan. Emerging Local Plan Policy H1 - 'Directing New Housing' indicates Radford Semele as a growth village. Although the site falls outside of the village envelope, identified on Local Plan Policies Map No.15 it is clearly within a sustainable location and would represent sustainable development. There are no specific policies in the NPPF to indicate that development on this site should be restricted.

### Prematurity

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

### Assessment of the Proposed Housing Provision

In terms of the type of housing being provided, 40% would be affordable, secured via a Section 106 Legal Agreement, and the affordable mix would be required to accord with the affordable housing needs of the District. The size and type of the affordable dwellings would be subject to further consideration under a reserved matters application, which would have to meet current requirements at that time.

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

### **The Impact on Local Services and Infrastructure**

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

- Affordable Housing at 40%, which will relate to 10 affordable dwellings.
- A contribution of £75 per dwelling for sustainable welcome packs to promote sustainable living and to deliver road safety education in the area, equating to a total of £1,875.00.
- A contribution of £37,680 to be spent on enhancements to open spaces within 500m (10 minute walk) of the development, or toward the development of the district's destination parks. Both Newbold Comyn and Welches Meadow fall within this area.
- An Education contribution of £70,122 has been requested. WCC Education Authority advise that Radford Semele Primary School is currently close to

capacity and with other planning applications already having received planning permission locally the school is forecast to fill and remain full for the foreseeable future. The school is on a constrained site and the opportunity for meaningful expansion to support the provision of additional school places is limited. As a result it is possible that additional school places will have to be provided elsewhere than in the village and the contribution requested will be utilised to fund the cost of the associated home to school transport. A contribution request for secondary/post 16 education is currently awaited and members will be updated at the Committee on this matter.

- Securing contributions for biodiversity offsetting, should WCC Ecology consider that the landscaping scheme (to be assessed at reserved matters stage) results in a net bio-diversity loss.

### **The Impact on character of the area, Landscape and Heritage Assets**

The site is not within Green Belt but does fall within an Area of Restraint. Local Plan Policy DAP2 states that development will not be permitted within Areas of restraint where it would harm or threaten the generally open nature of the area. Although this open area is largely infilled by the Ricardo site just south of Southam Road it provides a clear gap between the western edge of Radford Semele and the eastern edge of Leamington Spa to the south of the Ricardo site. The proposed development of the application site will not reduce this gap further as the proposed development does not project further west than the existing edge of the village.

The County Landscape Officer has commented that within the Warwick District Council Landscape Sensitivity and Ecological & Geological Study (November 2013) the application site sits within a zone that has a sensitivity to housing rating of "high-medium". The study goes on to state that "If development was to take place within this zone it is recommended that this does not extend beyond the edge of the existing housing". The County Landscape Officer considers that the proposal complies with that recommendation and raises no objection to the scheme.

Local Plan Policy DAP4 states that development will not be permitted that will adversely affect the setting of a listed building. Grade II listed Radford Hall, which included listed boundary walls fronting Southam Road is located opposite the application site. The Southam Road separates the application site from the listed building and the proposed scheme will sit adjacent to existing housing development and will be viewed in this context. It is not considered that the development will adversely affect the setting of the listed building.

The scale, design and use of materials will be secured at reserved matters stage to ensure the development assimilates appropriately within the landscape. Given the context of the site it is considered reasonable to restrict development to two-storey only, which can be secured by condition.

The County Archaeologist has requested a pre-determinative archaeological desk top survey as the proposed development lies within an area of significant archaeological potential. Domesday indicates a thriving medieval settlement at



Radford Semele in the 11<sup>th</sup> century. Whilst largely rebuilt in the 19<sup>th</sup> and 21<sup>st</sup> centuries, the Church of St. Nicholas was founded in the early 12<sup>th</sup> century.

The desk-based assessment has been provided and has considered that there is a potential for the site to contain redeposited Palaeolithic artefacts as well as evidence for later prehistoric and Romano British activity; the nature and importance of such evidence, if present, should be considered to be unknown. The site also lies less than 200m to the west of the Church of St Nicholas which may have formed a settlement focus for the early development of Radford Semele; it is possible that the current village could represent a later development since it was not uncommon during the later medieval period for settlements to be deliberately relocated away from manor sites. In addition the proposed development lies adjacent to the Southam Road and it may be that structures could have fronted onto the road. The County Archaeologist notes that the submitted survey did not identify any clearly defined geophysical anomalies across the site, however the County Archaeologist considers that there remains a potential for archaeological deposits and features to survive across the site. The County Archaeologist has therefore raised no objection to the proposed scheme, subject to a condition to secure further archaeological work on site.

### **Provision of public open space**

The scheme makes no provision for public open space, however the Green Space Manager considers that given the small size of the development, and the proximity of other open space, this is considered acceptable. The additional residents brought into the area by this application will place more pressure upon existing open space, both in the locality and the wider district in relation to destination parks and a contribution is therefore required in order to mitigate the impact of this additional use. A contribution of £37,680 has therefore been requested to be spent on enhancements to open spaces within 500m (10 minute walk) of the development, or toward the development of the district's destination parks. Both Newbold Comyn and Welches Meadow fall within this area.

### **The impact on the living conditions of nearby dwellings**

The plans are indicative only, however, it is considered that the proposed site can accommodate 25 houses whilst meeting necessary separation distances within the site and to surrounding properties. The residential use will be compatible with the adjoining residential uses, and associated noise and comings and goings are unlikely to be so significant as to warrant refusal of the application.

A reserved matters application would provide details of the final layout of proposed dwellings, under which it would be possible to ensure an appropriate level of privacy, light and outlook is maintained to these neighbouring properties. A condition is recommended to require the submission of a Construction Management Plan, to protect the amenities of residents during construction.

EHO asked for noise survey future occupiers of site from noise associated with the Ricardo industrial site to the north. The EHO is satisfied with the survey and

has raised no objection in this respect. A standard land contamination condition is also suggested.

### **Car Parking and Highway Safety**

The Highway Authority have raised no objection to the scheme, subject to conditions. Based on the supporting Transport Assessment and the Highway Authority's own trip generation analysis it is considered that it is unlikely that the number of vehicle trips generated by the development will have a detrimental impact upon safety or operation of the local highway network.

In terms of the proposed access, the Highway Authority have assessed the visibility spays and are content that these are acceptable. The access layout is wide enough to allow two vehicles to pass each other within the access and a refuse vehicle is able to manoeuvre into/out of the access, without crossing onto the opposing lane of the carriageway.

### **Air Quality**

The Environmental Health Officer (EHO) raises no issues in terms of air pollution. The Council's Low Emission Strategy guidance establishes the principle of Warwick District as an 'Emission Reduction Area' and requires developers to use 'reasonable endeavours' to minimise emissions and, where necessary, offset the impact of development on the environment. The developer is required to provide electric vehicle (EV) recharging provision for each house with dedicated parking and/or other innovative ideas. This information will be secured by condition.

### **Drainage and Flood Risk**

WCC Flood Risk Management have raised no objection to the proposed development, subject to conditions to secure sustainable urban drainage with the aim to provide suitable disposal of surface water runoff for the site without causing flooding nuisance within and downstream of site.

Severn Trent Water have raised no objection to the scheme, subject to a condition to agree drainage details.

### **Renewable Energy**

The scheme will require the provision of either renewable technology to meet 10% of the predicted energy requirements for the dwellinghouse or a fabric first construction to reduce the energy demand of the property. This can be secured through condition.

### **Ecological Impact**

Following the submission of further Ecological information the County Ecologist has raised no objection to the scheme subject to the imposition of conditions, including a Construction and Environmental Management Plan (CEMP),

Landscape and Environmental Management Plan (LEMP), lighting scheme and a condition for protective fencing to protect trees and hedges during construction.

The County Ecologist notes that the Biodiversity Impact Assessment calculation results to a loss of biodiversity (-2.67 biodiversity units) which is contrary to National Planning Policy Framework (NPPF). If a biodiversity loss is predicted on site then this should be compensated appropriately. The County Ecologist considers that any loss could be compensated for on-site subject to appropriate habitat creation and management proposals. If this is not feasible then the loss should be offset via a S106 agreement. The Ecologist therefore recommends a condition to secure a scheme for the offsetting of biodiversity impacts on the site.

### **Health and Wellbeing**

There are no health and well-being issues considered to be raised by this development.

Warwickshire Police have no objections to this proposed development, however they have requested that a secured by design condition be applied to assist in ensuring that the future occupants do not become victims of crime or anti social behaviour.

### **Loss of Agricultural Land**

The agricultural land classification for the site is mixed with the southern part of the application site falling within Grade 2 - very good and the northern part of the site falling within Grade 4 - poor, roughly a 50-50 split across the site.

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

Looking first at whether development of agricultural land is necessary, this is demonstrated by the pressing need for housing in the District and the lack of a 5 year supply of housing land. Officers also note that much of the land in the District is high quality so it is inevitable that some will be lost to housing development. It is concluded that the need to provide new homes in a sustainable location overrides any concerns regarding the loss of this agricultural land, which is of mixed value.

### **SUMMARY/CONCLUSION**

Due to the Council's lack of a five year supply of housing land, Local Plan Policy RAP1 is out of date. Therefore the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. This states, at paragraph 14, that where the development plan policies are out of date,

permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

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

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

In the particular circumstances of this application, it is not considered that the impacts on the landscape in terms of the area of restraint and the rural area significantly and demonstrably outweigh the benefits of the development. The development is considered to comply with all current Local Plan policies aside from RAP1, which the NPPF advises cannot carry any weight. Furthermore the development is considered to comply with the policies of the NPPF, taken as a whole. The presumption in favour of sustainable development carries substantial weight, as does the contribution the development would make to the provision of housing to meet the needs of the District.

It is therefore concluded that planning permission 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 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 The development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 4 The access hereby permitted shall be constructed strictly in accordance with the details shown on the site location plan and approved drawing(s) DWG-01, DWG-02, and specification contained therein, submitted on 23/10/15. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011.
- 5 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 6 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.
- 7 The development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.

- 8 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. **REASON:** To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan.
- 9 Prior to the commencement of development a scheme for the offsetting of biodiversity impacts at the site shall be submitted to the Local Planning Authority. The offsetting scheme shall include:
1. The identification of receptor site(s);
  2. Details of the offset requirements of the development in accordance with the recognised offsetting metrics standard;
  3. The provision of contractual terms to secure the delivery of the offsetting measures; and
  4. A management and monitoring plan (to include for the provision and maintenance of such offsetting measures for not less than 25 years from the date of this permission). The development shall not commence until the Local Planning Authority has approved the scheme in writing. The applicant shall secure and implement such offsetting measures in accordance with the requirements of the approved scheme. **Reason:** To ensure no net loss of biodiversity in accordance with NPPF paragraph 118.
- 10 The development hereby permitted shall not commence until a Construction and Environmental Management Plan (in accordance with the British Standard on Biodiversity BS 42020:2013) 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), ODPM Circular 06/2005 and Policy DAP3 of the Warwick District Local Plan 1996-2011.
- 11 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the 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 NPPF.

- 12 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 Policy DP3 of the Warwick District Local Plan 1996-2011.
- 13 No development shall take place until a detailed lighting scheme has been submitted and agreed between the applicant and the local planning authority. In discharging this condition the District Planning Authority expects lighting to be restricted around the boundary edges, along hedgerows, around known bat roosts and badgers setts, 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 stretches.
- The agreed scheme to be fully implemented before/during development of the site as appropriate. **Reason:** To ensure appropriate measures are taken in relation to protected species in accordance with Policy DAP3 of the Warwick district local Plan 1996-2011 and the aims and objectives of the NPPF.
- 14 No development shall take place until:
- a) A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work shall be submitted to and approved in writing by the LPA.
  - b) The programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken. A report detailing the results of this fieldwork shall be submitted to the planning authority.

c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the LPA. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document. **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 where applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.

15 No development 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:

- 1) Undertaken infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is a viable means of managing the surface water runoff from the site.
- 2) Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697, C687 and the National SuDS Standards.
- 3) Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to ideally the Greenfield runoff rates for the site. As a minimum, the developed site must not exceed the run-off from the undeveloped site and must not increase the risk of flooding off-site.
- 4) Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in *Science Report SC030219 Rainfall Management for Developments*.
- 5) 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.
- 6) Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

**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 in



accordance with Policies DP3 & DP11 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; 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 The development shall not be occupied unless and until turning areas have been provided and visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 54 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. The gradient of the access for vehicles to the site shall not be steeper than 1 in 12 for a distance of at least 7.5 metres, as measured from the near edge of the public highway carriageway and the access shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **REASON:** To ensure that a satisfactory access and turning facilities are provided and maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.
- 18 The development hereby permitted shall not commence until: -  
(1) (a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:
- a risk assessment to be undertaken relating to human health;
  - a risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected;

- an appropriate gas risk assessment to be undertaken;
- refinement of the conceptual model; and
- the development of a method statement detailing the remediation requirements.

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

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

(2) All development of the site shall accord with the approved method statement.

(3) If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be deal with.

(4) Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report. **REASON:** To safeguard health, safety and the environment in accordance with Policies DP2, DP3 & DP9 of the Warwick District Local Plan 1996-2011.

- 19 No development shall take place unless and until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012.
- 20 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.

- 21 Any landscaping (other than the planting of trees and shrubs) approved under condition 1, including boundary treatment, paving and footpaths, shall be completed in all respects for that phase of development, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of the dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 22 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.
- 23 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 24 The building heights of dwellinghouse submitted under the reserved matters stage shall not exceed two-storey. **REASON** : To secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 



