

**Planning Committee:** 27 February 2018

**Item Number: 10**

**Application No:** [W 17 / 2275](#)

**Town/Parish Council:** Warwick

**Registration Date:** 30/11/17

**Case Officer:** Dan Charles

**Expiry Date:** 01/03/18

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**Land to the south of Gallows Hill, Warwick**

Development of up to 250 dwellings, public open space, landscaping, access to Gallows Hill, sustainable urban drainage systems, footpaths/cycle ways, and associated infrastructure. All matters to be reserved except access into the site.

FOR William Davis Limited & Hallam Land Management Limited

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

**RECOMMENDATION**

Planning Committee are recommended to GRANT outline planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to secure the necessary financial contributions/obligations as detailed within the report.

Should a satisfactory Section 106 Agreement not have been completed by 27 March 2018, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

**DETAILS OF THE DEVELOPMENT**

The application is a resubmission following the refusal of outline planning permission for up to 260 dwellings. Planning permission was refused because of i. the failure to demonstrate that the proposals can be satisfactorily integrated into the surrounding historic landscape without causing harm to the setting of adjacent heritage assets and ii. the increased levels of airborne pollution that would result.

The key revisions that have been made from the scheme as originally proposed are:-

- The proposal has reduced the number of residential properties by 10 and now comprises an outline application for up to 250 dwellings with all matters reserved other than access.

- Additional information and Cross Sections have been submitted to demonstrate the relationship of the proposals to adjacent Heritage Assets particularly Castle Park and the Warwick Conservation Area.

The applicants are also currently preparing further supporting information to demonstrate the way in which they will address any risk of increased airborne pollution arising from the proposals. That further information will be reported to members in the update report.

## **THE SITE AND ITS LOCATION**

The site is a roughly triangular parcel of land that is flanked on two sides by public highway – Gallows Hill and Banbury Road. The third side is an open, undelineated boundary that abuts the site owned by Gallagher’s which has an existing, extant permission for residential development.

The site is open agricultural land with only a single tree punctuating the open land within the site. The boundaries of the site are set to a combination of mature trees and hedges that have been supplemented with a dense buffer of young trees species.

The highest point of the land is where the site joins the development site to the East. The land has a plateau in this area then the land falls away quite significantly to the West towards Warwick and offers views of Warwick Castle.

To the north of the site is the Warwick Technology Park that is served from Gallows Hill.

To the east of the site is the adjacent development site as detailed above which is currently a continuation of the open field on the existing plateau.

To the south of the site is the Banbury Road and beyond this, the Castle Fields site which is a Registered Park and Garden and also forms the boundary of the Warwick Conservation Area.

## **PLANNING HISTORY**

W/17/0699 - Development of up to 260 dwellings, public open space, landscaping, access to Gallows Hill, sustainable urban drainage systems, footpaths/cycle ways, and associated infrastructure. All matters to be reserved except access into the site – Refused 12.10.2017.

W/13/1434 - Outline planning application for the erection of up to 250 dwellings together with associated infrastructure, landscaping and open space (all matters reserved except access) – Withdrawn 05.12.2013.

## **RELEVANT POLICIES**

- National Planning Policy Framework

- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS4 - Spatial Strategy (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029)
- DS10 - Broad Location of Allocated Sites for Housing (Warwick District Local Plan 2011-2029)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029)
- DS15 - Comprehensive Development of Strategic Sites (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE2 - Developing Strategic Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029)
- TR3 - Transport Improvements (Warwick District Local Plan 2011-2029)
- TR4 - Parking (Warwick District Local Plan 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE4 - Protecting Historic Parks and Gardens (Warwick District Local Plan 2011-2029)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)

- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- W1 - Waste Core Strategy (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- Warwickshire Landscape Guidelines SPG
- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- Draft Village Housing Options and Settlement Boundaries (November 2013)

## **SUMMARY OF REPRESENTATIONS**

**Warwick Town Council** - Object - Comments made in respect of the previous application: W/17/0699 still apply specifically in respect of the over development of the site; the effects on air pollution; traffic congestion; lack of infrastructure and concerns regarding flooding; health and education provision. The town council notes that the scheme contravenes Local Plan policy DS4.

**Bishops Tachbrook Parish Council** - OBJECTS to this application because it is not in accordance with the Local plan (2011-2029) in respect of policies DS11, DS4, DS4(e), SC0(k), HE1, DS4(f), PC0 for the following reasons;

- Missing the opportunity to provide a much needed recreational open space for the 4,904 new dwellings south of the towns of Warwick and Leamington by connecting the new Country Park to the historic Castle Park.
- Previous application was refused by Planning Committee in October 2017 because it exceeded the local plan housing allocation for this site by 80 dwellings and similarly, this application should also be refused as it still exceeds the housing allocation for this site by 70 dwellings.
- The District Council has demonstrated that it has a 6.62 year housing land supply and therefore the presumption in favour is not engaged.
- This application is for 250 dwellings which is 70 more than allocated on this site in the adopted Local Plan and consequently the application does not comply with the development plan and should be refused.
- Policy DS7, will deliver all the housing needed during the plan period. Therefore the provision of sites for housing has been met and is not a material consideration. This application would thus lead to unnecessary additional housing being granted at this location.
- Policy DS4 - spatial strategy – sub paragraph e) states that sites that have a detrimental impact on the significance of heritage assets will be avoided unless the public benefits of development outweigh the harm.
- Development has a material impact on the heritage asset of Castle Park, a listed Grade 1 Historic Parks & Gardens of international importance. It is related to the Listed Grade 1 Warwick Castle and these historic assets are also within the Warwick Conservation Area.

- As submitted for 250 dwellings, the development will encroach close to the Banbury Road and be clearly visible from the road, particularly in the winter. This will cause significant harm to the setting of the heritage asset.
- If the Development Plan housing allocation of 180 dwellings for this site is maintained then the development can be located further to the east. This will leave a significant space between the development and the Banbury Road, mitigating the harm that would otherwise be caused.
- For similar reasons to that for heritage assets, given that the scenic quality of the southern approach to Warwick is of very high sensitivity to local people and that no further public benefit is seen to be forthcoming from the additional 70 dwellings over the housing allocation in the development plan for this site, the Parish Council strongly suggests that development of this site should be limited to 180 dwellings and the application should be refused.
- Policy PC0 Prosperous Communities states - The Council will promote sustainable economic development to support a vibrant and thriving economy, inter alia,(g) to protect and support a strong tourism sector, especially seeking to enhance our town centres as attractive places to visit. This policy applies particularly to Warwick, as the Castle and its southern approach road is a significant part of the attraction of the town to the high level of visitors that support the local economy. The application, as submitted for the larger number of houses than the local plan allocates, means that the development is closer to the Banbury Road and will reduce the valued impact of the existing road into the town.

**Historic England** - Consider that the proposals would not enhance the significance of adjacent Heritage Assets and that further information is required to enable the consideration of the effects of the proposals. Further detailed information has subsequently been provided which is under consideration by Historic England, the outcome of which will be reported to members at your meeting.

**Warwickshire Police** - Recommend contribution of £64,272 towards increased policing requirements.

**WCC Ecology** - Require Biodiversity Offsetting to be secured by S106 Agreement. Otherwise comments remain as per W/17/0699.

**WCC Education** - Contributions required towards education improvements. (Details to be provided in the update sheet).

**WCC Fire and Rescue** - Recommend fire hydrant condition.

**WCC Rights of Way** - No objection subject to contribution of £3,501 towards Public Rights of Way improvements.

**WCC Highways** - No objection to the proposal including in respect of the overall number of dwellings subject to conditions and contributions towards highway and sustainable transport improvements.

**WCC Landscape** - Raises concerns about the effect of the proposals on historic views and the setting of the Grade I Listed Park. Requests further information including cross sections to demonstrate relationships in the surrounding area. Further cross sections have been provided by the applicant and are considered in this report as part of the assessment of the revised proposal.

**WCC Archaeology** - Recommend Written Scheme of Investigation Condition.

**South Warwickshire Foundation Trust** - Request contribution of £287,712.83 for NHS Improvements.

**WDC Environmental Protection** - No objection subject to the submission and implementation of an appropriate Low Emission Strategy. Recommend contaminated land and noise assessment conditions.

**Public Response:** A total of 23 letters of objection received on the following grounds;

- Additional 70 dwellings beyond the Inspectors assessment in Local Plan. Scheme should be a maximum of 180.
- Site currently forms an important green buffer and should be retained.
- Schemes that harm the setting of Heritage Assets should be refused.
- Current scheme fails DS4 as it does not comply with community aspirations.
- Applicants are wrongly dismissive of objections raised.
- Harm through the cumulative impact of air pollution as a result of new developments.
- Air Quality standards are already being breached in Warwick.
- Harm to highway safety as a result of additional traffic in an already highly congested area.

## **ASSESSMENT**

The material factor in assessing this application is whether, by way of the additional information and clarification provided, including the revisions to the scheme, it has been demonstrated that the proposals overcome the reasons for refusal of the earlier application, i.e. whether the applicant has demonstrated that the proposals will satisfactorily assimilate into the wider historic landscape and come forward in a manner which is not detrimental in respect of airborne pollution.

In addition to a summary of the background to the allocation of the site including its consideration by the Local Plan Inspector and the recent planning history, the remainder of this report will therefore predominantly focus on the consideration of those matters. Whilst the revised proposals have been fully assessed and are also subject to a range of other considerations, these have already been fully considered and did not form part of the reason for refusal of the earlier application. They are not therefore addressed in any great detail as part of this report.

## History/Background

An outline planning application for up to 250 dwellings was submitted under reference W/13/1434 on 9 October 2013 as a result of the proposed allocation of the site for residential development as a preferred option of the draft Local Plan. Following detailed discussions, the application was withdrawn due to concerns raised by Historic England as to the potential effect of the proposed development on the setting of Warwick Castle Park and Warwick Conservation Area.

Notwithstanding the above, the site was included as a preferred option in the draft Local Plan and now forms part of allocation H46a within the adopted Local Plan.

Following the advancement of the Local Plan process, an outline planning application for up to 260 dwellings was submitted on 18 April 2017 under reference W/17/0699. This application was referred to Planning Committee on 10 October 2017 with a recommendation to grant planning permission but was subsequently refused for the following reasons:-

- *"Policy HE1 of the Warwick District Local Plan states that development that would lead to substantial harm to the significance of Heritage Assets will not be supported unless it can be demonstrated that there are substantial public benefits that outweigh the harm and in cases where the harm is less than substantial, it must be weighed against the public benefits of the proposal. Policy HE2 seeks to protect the character of Conservation Areas and Historic Parks and Gardens within the District by protecting them from development that would harm their character.*

*The application site forms part of an overall site allocation of 630 dwellings identified within the Local Plan as Allocation H46A.*

*The cumulative maximum number of dwellings arising from the proposals the subject of this application when taken with that already permitted by way of an existing extant planning permission for up to 450 dwellings on the other part of Allocation H46A, would be 710 dwellings thereby exceeding the identified allocation by up to 80 dwellings.*

*In the opinion of the Local Planning Authority, the additional resulting dwellings and intensity of development would cause less than substantial harm to the setting of both the adjacent Castle Park, a Registered Grade 1 Park and Garden and the adjacent Warwick Conservation Area by virtue of the failure of the proposals to adequately demonstrate that i. they can be satisfactorily integrated into the surrounding historic landscape in an acceptable manner without detriment to the significance of those heritage assets or, ii. that any such harm is capable of being appropriately mitigated.*

*There has been no public benefit demonstrated that is sufficient to outweigh the detrimental impact and additional harm arising from the additional dwellings proposed and therefore the development is considered*

*to be contrary to the National Planning Policy Framework and the aforementioned Local Plan policies."*

1. *"The increased number of vehicle journeys arising from the additional dwellings would result in further airborne pollution within an area that is already subject to high levels of such pollution and the proposal would therefore also be contrary to Paragraphs 93 & 94 of the National Planning Policy Framework and Local Plan Policy NE5 relating to the reduction of emissions and greenhouse gasses."*

The application the subject of this report is made in outline for up to 250 dwellings and seeks to overcome those reasons for refusal.

## **Principle of development**

### Local Plan

The application site is identified within the Local Plan as a site for new housing development as part of the wider strategic urban extension to the south of Warwick and Leamington. The land forms part of the H46A allocation which is covered by two different land owners. The area of land immediately to the east of the site forms part of the allocation and has an existing and extant permission for up to 450 dwellings.

The current Local Plan has the most up to date evidence base for the allocation of new housing land and this site forms part of the strategic expansion of Warwick and Leamington as defined within Policy H1.

Policy DS11 sets out the allocations for housing development and provides an estimate of the number of dwellings for each of the allocated sites. That estimate for the H46A allocation within the Local Plan is for the provision of up to 630 dwellings. Taking into account the existing outline permission for up to 450 dwellings on the adjacent site, this scheme would result in the provision of up to 700 dwellings for the allocation which is 70 more than previously proposed.

The explanatory text to DS11 states that the sites were assessed against a number of criteria and an estimated figure for the number of dwellings for each site is identified. That explanatory text also sets out that at the detailed planning application stage that figure may vary.

The Local Plan Inspectors Report following the Examination in Public made reference to the housing numbers on this site. At paragraph 164 of his report, with regard to this site, the Inspector acknowledges the *"need to take account of its sensitive location next to Castle Park and a Conservation Area through layout, design and landscaping"*. He recognises the Council's estimate as being *"reasonable"* but also suggests that *"a suitable detailed scheme could come forward with more dwellings."* This is consistent with Policy DS11 which formally allocates this site but which recognises the housing numbers for each site are an estimate.



At paragraph 462, the Inspector acknowledges that the “the Council has taken a cautious approach in terms of estimated capacity of proposed site allocations. Whilst this is reasonable and justified, it may be that in some cases suitable detailed proposals come forward for a greater number of dwellings”.

This point is made in the context of paragraphs 458 and 459 of the report where he sets out his intention not to allocate certain sites that had been proposed by the Council that could have accommodated approximately 740 dwellings and justifies this by the extent of flexibility of some 363 dwellings in the housing supply for the plan period which he describes as “limited”.

When considering the additional numbers above the allocation, Officers note that Strategic Policies DS2 and DS3 of the Warwick District Local Plan seek to support the provision of homes that are required within the District as identified within the Objectively Assessed Housing Need. These policies also require development schemes to provide an appropriate level of affordable housing and a mix of new homes of all tenures.

The above policies are based upon the Government objective of significantly boosting housing supply. Furthermore, Policy DS6 identifies a minimum of 16,776 new dwellings during the local plan period of 2011 to 2029. Current rates of new development require the provision of 1,098 dwellings per year for the remaining Local Plan period until 2029.

Policy DS7 sets out the methodology for the provision of new housing over the plan period. The figures set out that the plan period has a significant number of site completions, extant permissions, existing commitments and new dwellings proposed through the sites that are allocated within the plan.

In addition to the identified sites, an additional 1010 dwellings have been earmarked within the Local Plan housing figures that would potentially come forward through windfall sites.

In essence, the additional housing proposed on this site could be considered as a windfall insofar as they would be additional dwellings not identified within the allocation but capable of being satisfactorily assimilated onto the site which is located within a sustainable area.

The potential opportunities for seeking that level of windfall provision across the District on smaller sites is considered to be limited and would in all likelihood result in small, sporadic developments, a significant number of which may relate to sites of 10 or less units. Unlike the current proposals, in such circumstances, there would be no requirement for the provision of 40% of the units to be affordable housing. Therefore in circumstances such as that presented by the current application, there is an opportunity to provide an increased number of dwellings whilst also ensuring the provision of affordable housing at an appropriate level.

The scheme identified on the indicative Masterplan submitted as part of this proposal demonstrates that the site can accommodate the additional dwellings

over the allocation in a wholly acceptable manner without representing the overdevelopment of the site. The site as indicated shows very large area of open space around the dwellings in excess of the required standards for open space. The site also has substantial buffer zones between the built form and the site boundaries. The upper and lower sections of the site are also separated by an additional area of green space that further 'breaks up' the proposed built form on the site. The overall result of this green space provision is that the overall density of dwellings on the site would be relatively low at approximately 17.5 dwellings per hectare.

The site is located in a sustainable area and the additional 70 dwellings would result in the provision of dwellings in a manner which would be in accordance with the overall Local Plan housing strategy, in part as a result of the low density nature of the scheme and the benefits the additional units would provide in terms of additional affordable homes for the District when compared against smaller, individual development of sites where no affordable housing would come forward. This is considered to be of significant benefit for the scheme.

Officers are satisfied that the principle of the proposed development is therefore in accordance with the Local Plan.

### **Impact on character of surrounding area**

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

The sloping nature of the land creates a natural plateau on the eastern side of the site that falls away towards the west quite significantly. The change in levels has been assessed within the application package and the indicative masterplan submitted demonstrates how the two areas of the site will be integrated into the landscape. A planting belt is proposed across the upper section of the site on the plateau to mitigate the impact of the dwellings concentrated in this area. Large swathes of open land are proposed on the sloping area of the site adjacent to Gallows Hill where distance views are afforded from the Castle and St Marys Church.

Views from outside the site are mitigated by existing mature boundary planting that is proposed to be supplemented with additional planting. The existing boundary to the south of the site, where it is adjacent to the Castle Park has already been strengthened with significant tree planting that offers significant structural planting to this boundary of the site.

It is noted by Officers that the upper area of the site will be read against the backdrop of further residential development on the parcel of land to the immediate east of the application site and this is an important consideration when considering the visual impact of this development.

The scheme as identified on the indicative masterplan identifies large areas of open space forming an integral element of the overall proposal and the result is a development that seeks to significantly bolster the amount of tree planting within the site and retaining large areas of open green space within the development that give an overall feeling of a development site that is sensitive to the edge of the settlement and creates a more green and 'leafy' form of development that is appropriate for this location.

The Landscape Officer has raised concerns regarding the proposed layout of the scheme and would seek further planting schemes to be provided. At this stage, the masterplan drawing is indicative only and the overall landscaping strategy for the site will be provided at reserved matters stage. The applicants have been in negotiation with the Landscape Officer to agree a suitable solution for the treatment of the site and this will be submitted as part of the reserved matters application.

The number of dwellings proposed has been reduced by 10 as part of this revised application. Overall, Officers acknowledge that the masterplan is only indicative at this stage but consider that it defines the general intentions and aspirations of the application to create a site that forms a green buffer to this edge of settlement location. Assisted by the reduction in the number of dwellings proposed, the development is considered to be acceptable in terms of the impact on the character of the surrounding area.

### **Impact on the adjacent Registered Park and Garden and Warwick Conservation Area**

Local Plan Policy HE1 (protection of designated Heritage Assets) identifies that development will be expected to respect the setting of conservation areas and important views both in and out of them.

In refusing planning permission for the previous scheme of 260 dwellings, there was a concern that the additional number of dwellings over the allocation and the intensity of development would cause less than substantial harm to the setting of both the adjacent Castle Park, a Registered Grade 1 Park and Garden and the adjacent Warwick Conservation Area. That harm was considered to arise from the failure of the proposals to adequately demonstrate that:-

2. they can be satisfactorily integrated into the surrounding historic landscape in an acceptable manner without detriment to the significance of those heritage assets or,
  - i. that any such harm is capable of being appropriately mitigated.

Historic England have expressed that the applicant has not demonstrated that the increased number of dwellings proposed over the allocation can be accommodated at the site in a manner that doesn't harm the setting of Castle Park.

Correspondence has also been received making reference to the decision on The Asps appeal in which in their conclusion, the Inspector makes reference to the weight to be attached to the value of heritage and landscape on the approach to Warwick along the Banbury Road and the need for sensitivity in new proposals.

The applicants advise that they have considered the comments of Historic England and letters of objection carefully. By way of response, they have submitted a detailed Heritage Assessment of the proposed development and provided cross sections through the site to the adjacent Castle Park to demonstrate that in terms of levels, the proposed development would be largely screened by the existing mature tree planting to the boundary which has also been strengthened with additional tree planting to provide a dense buffer which would also assist in ensuring that the two sites would not compete with each other when viewed from the public domain.

Paragraph 159 of the Inspectors Final Report into the Local Plan acknowledged that due to the close proximity of the western part of Allocation H46a, housing on the scale proposed would have an impact on views from the Castle Park and this part of the Warwick Conservation Area given that the site extends up to Banbury Road and its junction with Gallows Hill. In the opinion of the Inspector, the views from the Castle Park would be screened to a significant degree by existing trees along the boundary of the Castle Park/Conservation Area which runs along Banbury Road and by existing and proposed landscaping on the opposite side of Banbury Road and within the site itself.

In considering whether the site should be allocated for residential development, the Inspector opined that whilst there would be some harm to the setting and therefore the significance of the Castle Park and Conservation Area, this would be less than substantial but due to the statutory duties relating to the preservation of such assets, gave this harm considerable importance and weight.

When assessing the harm, the Inspector concluded at Paragraph 161 of the Final Local Plan Report that the proposed site allocation would make a sizeable contribution to the supply of housing including a substantial amount of affordable housing (40% of the total) and would also have benefit in terms of providing publically accessible open space and improved pedestrian and cycling links towards Warwick Town Centre. He considered that these public benefits are very significant and outweigh the less than substantial harm to designated heritage assets as identified.

Within that context, the illustrative Masterplan and cross sections that have been submitted demonstrate that within the wider landscape, the reduced number of proposed dwellings will be read as being an integral part of a heavily landscaped area where the built development within the core of the site is concentrated at a significant distance from the site boundaries behind deep structurally landscaped and treed areas including belts of mature trees supplemented with newly planted young tree species that are beginning to establish and mature.

As a result, it is considered that there would be limited public views of the core of the development site when read within the context of Castle Park from the public

highway and any other public areas within the Warwick Conservation Area. Rather, the existing bosky and well treed character of the approach to Warwick will be reinforced and enhanced by the proposals. Plots that are located in any sensitive areas of the site can also be restricted to a maximum of two storey properties to prevent any excessive height impact.

Officers conclude that the impact of the development on the adjacent heritage assets amounts to less than substantial. Weighed against this degree of harm is the fact not only that this is an allocated site in the Local Plan which would deliver additional housing, but other benefits such as the provision of open space which forms an integral part of the layout and defines the character of the development.

The public views of the site are predominantly from the public highway in close proximity to the site and some distance views are afforded from Warwick Castle and St. Marys Church. In near views of the site, the dense planting on the boundary of the application site and the boundary of the Castle Park provide two defined areas that are not viewed as a single entity. Officers are satisfied that the existing planting provides a green buffer between those areas so that they do not compete visually and are not easily read together when viewed from ground level.

The use of dense planting ensures that even in winter when the trees are not all in leaf, a sufficient buffer is provided between the sites to prevent any harm as a result of the residential development of the site having a detrimental impact on the Castle Park. The overall separation between the proposed built form on the application site and the boundary of the Castle Park is substantial and in Officers view, would not represent a form of development that would be intensive or intrusive upon the setting of the Castle Park.

The scheme as indicated on the indicative masterplan demonstrates how elements of the adjacent Castle Park are used in the proposals to reflect the existing character through the proposed landscaping of the site to provide visual cohesion between the areas in terms of landscaping.

As the application is made in outline, the details of landscaping and appearance of the development are not being considered at this stage. However, the indicative masterplan submitted sets out the manner in which proposals could come forward and provides an appropriate basis for securing the high quality landscaping and form of development to ensure that the proposals do not create any significant detrimental harm to the character of the Castle Park RPG or the wider Warwick Conservation Area.

### **Impact on the character and setting of Listed Buildings**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant planning permission.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Warwick District Local Plan Policy HE1 (protection of statutory heritage assets) states that permission will not be granted to alter or extend a listed building where those works will adversely affect its special architectural or historic interest, integrity, or setting.

Whilst the immediate setting of Warwick Castle and St Marys Church are not directly affected by the proposal, key views of the site are available from both of these buildings, albeit at a distance.

Paragraph 157 of the Local Plan Inspectors Final Report makes reference to the effect of the development of the Gallows Hill site. He concluded that the site would sit some way from Warwick Castle and inter-visibility would be limited by existing and proposed landscaping and the development of the site would be seen against the backdrop of the Warwick Technology Park, the wider urban area and other committed development sites and that there would be no harm to the setting and therefore the significance of the Castle.

The adjacent development site includes a specific site line of the Castle and Church incorporated into the Design Code for its future development. The masterplan submitted for this site continues that open vista through the top section of the site where the land lies on the plateau. The area of open space as the land falls away is also contained within this vista ensuring that the views of the castle and church are maintained as well as minimising the amount of built form in prominent areas of the site where visible from the castle and church.

The applicants have provided visualisations of the views from the castle to demonstrate that the harm to this very important view is minimised. It is also noted that the site will be viewed against the backdrop of the adjacent development site that shares the allocation so there is will be an element of built form visible from the views from the castle and church.

Officers are satisfied that the development as proposed on the illustrative masterplan has had significant regard to these important views which will be integrated into the developed landscape in an appropriate manner including additional planting provided to significantly soften the impact of the development to the extent that it is considered to be acceptable in this regard.

The development is intended to provide a high quality environment which achieves and in some cases exceeds the Council's design guidelines. Although the development proposes 70 more dwellings than the allocation number it nevertheless remains a very low density scheme, at 17.5 dwellings per hectare. The extent of open space and landscaping proposed across the development would create an overall sense of spaciousness which would enhance the sense of place and overall amenity value for future residents. Officers are satisfied that the development accords with Policy BE3 of the Local Plan.

## **Air Pollution**

There is ongoing concern regarding levels of air pollution already experienced within Warwick and that this will be further exacerbated by this proposal. That concern is expressed in the second reason for refusal on application W/17/0699 as follows:-

*"The increased number of vehicle journeys arising from the additional dwellings would result in further airborne pollution within an area that is already subject to high levels of such pollution and the proposal would therefore also be contrary to Paragraphs 93 & 94 of the National Planning Policy Framework and Local Plan Policy NE5 relating to the reduction of emissions and greenhouse gasses."*

In response to the reason for refusal, the applicant has updated the air quality assessment provided by Peter Brett Associates with additional data. The submitted assessment demonstrates that the proposed impact on air quality as a result of the development would be negligible.

The Environmental Sustainability Officer has made an assessment of the proposal and raised no objection subject to conditions seeking the submission of a Low Emission Strategy identifying appropriate air quality improvement measures including under the District Councils Air Quality Action Plan and Low Emission Strategy Guidance as necessary. This 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.

Following discussions with Officers, the applicant is currently preparing further information to demonstrate the approach that will be taken in this respect which will be reported to members at your meeting. As explained in the guidance, appropriate mitigation measures may include electric vehicle (EV) recharging provision and other locally specific measures to be used to minimise and/or offset any emissions from new development. Contributions towards local infrastructure and public transport improvements as requested by the Highways Authority in respect of this proposal which are intended to assist in the provision of alternative forms of sustainable transport opportunities from the site to further seek to reduce the impact on air quality as a result of the scheme may also be considered an appropriate part of that approach.

Officers are satisfied that these are technical matters and the specific details can be secured by condition so as to make the proposed development acceptable.

## **Other Considerations**

Access and Parking The proposed development is to be served by a single access point forming a cross roads with the existing access into the adjacent Technology Park and is as previously proposed. As part of the consideration of

the earlier application, there was no objection to this element of the proposals which essentially remain unchanged. The Highways Authority have raised no objection to the proposals including in respect of the additional number of dwellings over the allocation subject to conditions to secure the detail of the access into the site and contributions towards infrastructure improvement for the Gallows Hill Corridor to improve walking and cycling opportunities and improvements to public transport services connecting the site to Leamington Spa and Warwick to improve sustainable transport opportunities for the occupiers of dwellings on the site.

Impact on local services Again, as part of the consideration of the earlier proposal, there was no objection in this respect. As was previously the case, a number of contributions have been requested and are considered necessary and appropriate in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

This a particular issue given the cumulative impact that is expected from the substantial level of housing growth proposed across the District. It is reasonable to expect a development of this size to contribute towards the additional costs associated with meeting these increased infrastructure demands. The relevant consultees are currently seeking to identify specific projects and locations to which contributions will be allocated.

The necessary contributions identified would be secured through an appropriate Section 106 Legal Agreement. At the time of writing, the following requests have been received;

- ii. 40% Affordable Housing.
  - Sustainable Drainage Maintenance.
  - Biodiversity Offsetting Requirements.
  - Air Quality Impact Requirements.
  - £6,000 per open market dwelling for local highway infrastructure improvements.
  - £638 per dwelling for improvements to public transport links.
  - £75 per dwelling for sustainable travel packs.
  - £64,272 towards Warwickshire Police improvements.
  - £287,712.13 towards NHS Improvements.
  - £3,501 towards local public rights of way improvements.

Additional requests are anticipated and will be reported to members at your meeting.

This proposal has also been assessed in terms of a range of other considerations to which no objection was raised at the time that the earlier scheme was considered. Those considerations included the impact of the proposals on adjacent properties; the provision of an appropriate living environment for future occupants of the proposed development; Drainage and Flood Risk considerations; matters relating to Trees and Hedgerows; Ecology and Archaeology. Whilst important, those aspects of the proposals remain essentially unchanged from the



previous application to which no objections were raised and which it is therefore not necessary to set out again in detail in this report.

## **Conclusion**

The site is allocated within the Local Plan for residential development as part of allocation H46A. Whilst the proposed number of dwellings exceeds the estimate included at the time of allocation, it is considered that the applicant has demonstrated that the site is capable of accommodating a high quality scheme at that level which is acceptable in overall terms including in respect of the integration of built development within the surrounding historic landscape and the appropriate management of air quality issues such that the previous reasons for refusal have been addressed.

For the above reasons, Officers recommend that outline planning permission be granted subject to the conditions listed.

## **CONDITIONS**

- 1 Details of the appearance, landscaping, layout and scale of the development (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 strict 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 No part of the development hereby permitted shall be commenced until a detailed access plan including details of the proposed alterations to the highway has been submitted to and approved in writing by the Local Planning Authority in consultation with the County Highways Department. Thereafter, the approved access shall be carried out in general accordance with the approved details prior to the first occupation of any dwellings constructed on the site. **REASON:** In the interest of highway safety and to ensure appropriate access is available for the future occupiers of the dwellings.
- 5 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 stretches.

Such works, and use of that lighting and/or illumination, shall be carried out and operated only in strict 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 BE3, NE2, NE4 and NE5 of the Warwick District Local Plan 2011-2029.

- 6 The development hereby permitted shall not commence until a Construction and Environmental Management Plan 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 and subsequent mitigation as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife 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 NE2 of the Warwick District Local Plan 2011-2029.
- 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 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 the pond, wildflower grasslands; provision of habitat for protected species. The plan should also include details on soil management to make best use of the high quality soils on site -detailed guidance to inform this matter is available in Defra '*Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*'. Such approved measures shall thereafter be implemented in full. **Reason:**

To ensure a net biodiversity gain in accordance with NPPF.

- 8 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2005, 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 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 NE4 of the Warwick District Local Plan 2011-2029
- 9 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 in strict accordance with the approved scheme. **REASON:** In the interests of fire safety.
- 10 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 must 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 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 NE4 and NE5 of the Warwick District Local Plan 2011-2029.

- 11 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 FW1, FW2 and NE4 of the Warwick District Local Plan 2011-2029.
- 12 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 FW2 of the Warwick District Local Plan 2011-2029.

- 13 No development shall take place under any reserved matters consent until a construction phasing plan of the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in strict 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.
- 14 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating how and when mixed open space facilities will be incorporated into the development, to include informal open space, appropriate children's play facilities, outdoor sport facilities and allotment gardens. The scheme shall be implemented in strict accordance with the approved details and shall be retained thereafter. **REASON:** To ensure appropriate open space and recreational facilities are provided to serve the development in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029.
- 15 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 strict 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 BE3 & NE5 of the Warwick District Local Plan 2011-2029.
- 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:
  - Any temporary measures required to manage traffic during construction
  - Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction
  - Dust management and suppression measures – level of mitigation determined using IAQM guidance
  - Wheel washing

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

The measures indicated within the Construction Management Plan shall be implemented prior to the commencement of the development and maintained for the duration of the 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 BE3, TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029.

- 17 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 NE5 of the Warwick District Local Plan 2011-2029 and the aims and objectives of national guidance within the NPPF 2012.
- 18 Prior to the submission of any Reserved Matters applications for any phase of development:
- a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work across this site shall be submitted to and

approved in writing by the Local Planning Authority.

- the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI is to be undertaken. A report detailing the results of this fieldwork is to be submitted to the Local planning authority.

- An Archaeological Mitigation Strategy document shall be submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development. Dependent upon the results of the trial trenching, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits worthy of conservation. Unless otherwise agreed with the Local Planning Authority, no development shall take place until any fieldwork detailed in the approved Archaeological Mitigation Strategy document has been completed to the satisfaction of the Local Planning Authority. The post-excavation analysis, publication of results and archive deposition 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 HE6 of the Warwick District Local Plan 2011-2029.

19 No reserved matters application for any phase of the development shall be submitted until there has been submitted to and approved in writing by the Local Planning Authority a Site Wide Masterplan for the approved development, which shall substantially be in accordance with the approved plans and documents listed above in condition 4 and the principles set out within the Council's approved document 'Garden Towns, Villages and Suburb: A Prospectus for Warwick District Council, May 2012' (and any subsequent revision and/or approved plans/strategy available at the time), and which shall also accord with the principles set out in the approved Site Wide Design Code. The Site Wide Master Plan shall include the following:

- Illustrative details of how the proposed layout of development has been designed with due regard to the surrounding urban and rural context
- Land form topography as existing and proposed
- Land use plan and character areas (including densities and building heights)
- Movement corridors within the site (including principal roads, public transport corridors, footpaths, cycleways and green corridors) and demonstrating how these relate to existing movement networks in the wider area
- Location of any areas for off-street car parking areas and courts

- Key infrastructure (including SUDs, significant utility provision, schools, district/local centres)
- Landscape corridors and open space network
- Public open space
- Housing mix including tenure and size of dwelling
- Location of affordable housing
- Street tree planting and other structural planting landscape areas
- Hard and soft landscaping treatments
- Street lighting arrangements and any other lighting to public space
- A phasing plan including triggers for delivery of key elements of supporting infrastructure
- A statement establishing how the development proposals accord with the principles set out in the Site Wide Design Code.

**REASON:** In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029

20 No reserved matters application for any phase of the development shall be submitted until there has been submitted to and approved in writing by the Local Planning Authority a Site Wide Design Code for the approved development. This Design Code shall be in accordance with the principles and parameters as set out within the DAS, the plans and documents listed in condition 4 above and "Garden Towns, Villages and Suburbs: A Prospectus for Warwick District Council, May 2012" (and any subsequent revision and/or approved plans/strategy available at the time). The Design Code shall include the following matters:

- hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas)
- Development blocks including built form and massing and relationship with adjoining development areas/blocks including areas of transition between development parcels (including the relationship between built form and adjoining open space);
- Building types
- Building heights
- The means to accommodate the parking of vehicles and cycles
- Sustainable Urban Drainage features
- Key spaces, open spaces and green features
- Architectural language and detailing
- Design principles for street tree planting and other structural planting landscaping areas
- Design principles on hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long term management
- Design principles on waste disposal and recycling
- Design principles on the colour and texture of external



materials and facing finishes for roofing and walls of buildings and structures

- Design principles for street lighting and any other lighting to public space (including parking areas)
- The principles shall include a regulating plan on an ordnance survey base at a scale no greater than 1:1250
- A mechanism for periodic review and refinement if necessary of the approved Design Code

The Design Code shall then be used to inform the subsequent reserved matters applications.

**REASON:** In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029.

- 21 Any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition one shall be completed in all respects, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 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 trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.

- 23 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 H4 of the Warwick District Local Plan 2011-2029 and the NPPF.
-