

Planning Committee: 21 July 2015

Item Number: 5

Application No: W 15 / 0851

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

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Registration Date: 21/05/15

Expiry Date: 20/08/15

**Grove Farm, Harbury Lane, Bishops Tachbrook, Leamington Spa, CV33
9QF**

Outline planning application for residential development for (approximately) 520 dwellings together with two new accesses onto Harbury Lane, land for Country Park, open space (including areas of formal and informal open space, allotments, structural landscaping and drainage works including surface water attenuation ponds as part of a Sustainable Drainage System), demolition of existing buildings, car parking and associated infrastructure. FOR AC Lloyd Ltd

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

RECOMMENDATION

Planning Committee are recommended to grant outline planning permission for the development subject to the receipt of a satisfactory Section 106 Agreement and subject to the conditions listed. Should a satisfactory Section 106 Agreement not have been completed on or before 20th August 2015, 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

This application is a resubmission of W/15/0271, which was refused on 31st March 2015.

The application proposes a residential urban extension into open countryside on the southern side of Harbury Lane. Outline planning permission is sought with all matters reserved except for access for up to 520 dwellings together with two new accesses onto Harbury Lane, land for Country Park, open space (including areas of formal and informal open space, allotments, structural landscaping with drainage works including surface water attenuation ponds as part of a Sustainable Drainage System), demolition of existing buildings, car parking and associated infrastructure.

The main access proposed to the southern side of Harbury Lane opposite Cicero Approach overlaps the main spine road access that was accepted under Outline application W/14/0023 for Phase 1 to the north of this site. This scheme

proposes a secondary access point closer to the Harbury Lane/Tachbrook Road junction to improve how people move through the wider site.

The application site measures approximately 39.53 hectares gross within the application red line boundary, which includes the associated open space and Country Park. The gross residential development area measures some 14.97 hectares. With the number of dwellings proposed up to 520, the development will have a density of approximately 35 dwellings per hectare.

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

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

The Design and Access Statement indicates a comprehensive mix of unit types are proposed ranging from one bedroomed houses to four bedroomed houses. The dwellings are predominantly two storey with some bungalows located on the corners of the edge of the development that fronts onto the Tachbrook Country Park, in order to reduce the visual impact of the development and provide a softer edge. At the core of the layout 2.5 storey dwellings have been indicated to create feature areas/landmarks to aid the legibility and hierarchy of the development. Amongst the primarily family housing mix an affordable housing allocation will be incorporated into the design to meet the current local authority requirement of 40% of the total number of dwellings (which will be subject to Reserved Matters submission) and contribute to the affordable housing needs of the local community of Royal Leamington Spa and the larger region of Warwick and will ultimately meet the housing shortfall of the local area. The application offers a scheme of high quality design focusing on local character and traditional detailing, with some contemporary features located along the primary access route.

THE SITE AND ITS LOCATION

The application site relates to a green field site comprising arable fields (and Grove Farm buildings) located south of Harbury Lane (beyond Phase 1 - 200 dwellings, which is located immediately south of Harbury Lane) and west of Oakley Wood Road. The housing estate of Warwick Gates is located to the north of Harbury Lane, Heathcote Park, a static caravan park, is located to the northwest and the Severn Trent Water disused sewage works and Gallaghers housing development is located to the west. Open fields lie to the south with the village of Bishop's Tachbrook beyond. The site is within open countryside.

PLANNING HISTORY

W/15/0271 Outline planning application for residential development for up to 520 dwellings together with two new accesses onto Harbury Lane, land for Country Park, open space (including areas of formal and informal open space, allotments, structural landscaping and drainage works including surface water attenuation ponds as part of a Sustainable Drainage System), demolition of

existing buildings, car parking and associated infrastructure: Refused at the 31st March 2015 Planning Committee for following reasons:

1. As the local planning authority can demonstrate a five year housing land supply the relevant housing supply policy RAP1 of the Warwick District Local Plan 1996-2011 may be considered up-to-date. The proposed development would be contrary to Policy RAP1 of the Warwick District Local Plan 1996-2011, in that the approval of this development would result in the loss of a green field site and resultant impact upon countryside. Therefore this is considered to be premature to the emerging Local Plan - Publication Draft April 2014.

2. The proposed development is contrary to the aims and objectives of the National Planning Policy Framework (NPPF) 2012 as it will result in the premature loss of Grade 2 and 3a agricultural land, which Annex 2 of the NPPF identifies as the 'best and most versatile agricultural land'.

3. The proposed development would be contrary to Policy DP2 of the Warwick District Local Plan 1996-2011 and the aims and objectives of the National Planning Policy Framework 2012 in that the applicant has failed to demonstrate that the additional traffic movements generated by the development within the local highway network and associated congestion will not result in a detrimental impact upon the quality of nearby heritage assets to the detriment of the protection of such assets and the stewardship of the historic environment.

4. The proposed development would be contrary to Policies SC 11, SC13 and SC14 of the Warwick District Local Plan 1996-2011, in that no mechanism has been provided to secure affordable housing, open space, ecological bio-diversity off-setting, Police, County Council highway, library and education and health care contributions and therefore infrastructure needs generated by the development have not been satisfactorily secured.

W/14/1865 - Reserved matters application for the layout, scale and appearance of 90 dwellinghouses comprising one and two storey housing together with associated garages, parking facilities, infrastructure, landscaping and drainage, forming Phase 1 of the Grove Farm Harbury Lane development granted under outline planning permission W/14/0023: Granted 8th May 2015

W/14/0023 - Residential development (approximately 200 dwellings) with new access onto Harbury Lane, land safeguarded for a new primary school, allotments, open space, local shop (A1 use up to 100 sqm gross), car parking and associated infrastructure: Granted 29/05/14

W/13/0036 - Residential development (approximately 200 dwellings) with new access on to Harbury Lane, land safeguarded for a new primary school, allotments, open space, local shop (A1 use up to 100 sqm gross), car parking and associated infrastructure: Refused 15/10/13

RELEVANT POLICIES

- The Current Local Plan
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- 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)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS13 - Allocation of Land for a Country Park (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H4 - Securing a Mix of Housing (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)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- TR3 - Transport Improvements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NP1 - Neighbourhood Plans (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)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Affordable Housing (Supplementary Planning Document - January 2008)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Warwickshire Landscape Guidelines SPG
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Objection.

- Applications should be determined on the basis of the existing Local Plan.
- The current levels of development and existing planning permissions clearly demonstrate that the LPA are able to meet a five year supply.
- The reasons for refusal in respect of planning application W15/0271 remain relevant.
- The applicant has failed to demonstrate that the additional traffic movements generated by the development within the local highway network and associated congestion will not result in a detrimental impact upon the quality of nearby heritage assets.
- The proposed development would be contrary to Policies SC 11, SC13 and SC14 of the Warwick District Local Plan 1996-2011, in that no mechanism has been provided to secure contributions and therefore infrastructure needs generated by the development.

Environment Agency: No objection

Historic England: No objection, subject to condition

Warwickshire Wildlife Trust: Objection on basis of unrealistic habitat creation proposed and net loss to biodiversity, with a need to secure a suitable biodiversity offsetting scheme.

Natural England: No objection, condition suggested.

WCC Ecology: No objection, subject to conditions/bio-diversity off-setting.

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

WDC Environmental Health: No objections subject to conditions.

WDC Housing: No objection, subject to securing 40% affordable housing

WCC Archaeology: Comments to be updated to members at the meeting.

NHS: Contribution requested (in relation to GP surgeries).

South Warwickshire Foundation Trust: Contribution requested (in relation to hospitals).

Warwickshire Police: No objection, subject to condition.

Public response:

There have been 81 objections to the scheme, raising the following concerns:

- Prematurity to the Local Plan, prudent to wait for study of housing options for Warwick, Solihull, Rugby and Coventry.
- Evidence of 5 year supply and lower housing numbers indicated by DCLG.
- Coalescence of settlements, site and Bishops Tachbrook is contrary to the Neighbourhood Plan. Harm to BT conservation area.
- Harm to heritage assets, protection of enhanced valued landscapes (NPPF para.109).
- Loss of good quality agricultural land (NPPF para.112).
- Reduction in air quality.
- Noise/lighting pollution. harm to outlook.
- Pressure on local facilities, schools, hospitals, Doctors and social facilities.
- 2007 Local Plan Inspector stated that this land should not be built upon now or in future.
- Study in direction of housing growth implies countryside is less valuable than Green Belt. South of town bearing the brunt of development.
- There is a significant amount of development already going on.
- Impact upon wildlife.
- No infrastructure to support the development.
- Loss of countryside views.
- Traffic generated will affect Warwick Town Centre air quality.
- Development is contrary to Bishops Tachbrook Neighbourhood Plan.

ASSESSMENT

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

- The principle of development;
- Heritage and visual impact;
- Impact on residential amenity;
- Traffic impact / highway safety;
- Ecological impact;
- Archaeology impact;
- Flood risk and drainage;
- Public open space/Country Park;
- Contributions/legal agreement;
- Health and wellbeing;
- Other matters.

The principle of development

Five year housing supply/Current policy position

The site is within open countryside adjoining the edge of the conurbation of Royal Leamington Spa and Warwick, where the current Local Plan Policy in relation to residential development is RAP1 - 'Directing New Housing'. 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.

When the previous application W/15/0271 was considered by Members in May 2015 (and in terms of the most recent evidence of housing need at that time) Officers considered that the Council were able to demonstrate a five year housing supply and Policy RAP1 should therefore be no longer considered out-of-date. Subsequently greater weight was attributed to Policy RAP1, however it was advised that this weight must be carefully considered as the current Local Plan covered the period from 1996-2011 and therefore no provision is made for the future housing needs of the District, which is clearly contrary to the direction of travel for the District's emerging policies relating to the strategic urban extensions.

The Council's current position is that the Council cannot demonstrate a five year supply of deliverable housing sites against the housing requirement and Policy RAP1 is to be considered out-of-date. The scheme will contribute towards helping the Council achieve its five year requirement and granting outline permission for this site would increase the supply of land for housing which carries significant weight in this determination.

At the Examination of the emerging Local Plan in May 2015 the Inspector raised some significant concerns, in particular that there is an identified unmet housing need in Coventry and Warwickshire of at least 234 dwellings per annum(dpa), which Warwick District Council will be required to address (jointly with the other authorities in our Housing Market Area) before the Local Plan can proceed. The Inspector has stated that, regardless of whether WDC need to provide more houses to contribute towards the unmet need, the total supply of houses set out in the Plan is not sufficient to meet the District's housing requirement and therefore WDC need to be planning for more houses, not less, to meet its obligations. The Inspector's findings may have significant implications for the progression of Warwick District's Local Plan and for the work that needs to be carried out in the whole of Coventry and Warwickshire. The extent to which additional sites may need to be allocated in the district and the location of any sites is currently unknown.

Should it be found that the Council need to provide additional housing within the Local Plan period then new housing sites may have to be considered, however these would be carefully assessed and allocated as part of a new Local Plan process. It remains that the application site forms part of Green Field Site H02 - land South of Harbury Lane, which has been allocated for housing development within Policy DS11 of the emerging Local Plan Publication Draft April 2014. The application site has already been specifically identified through the current Local Plan process to meet the future housing needs of the District and is considered

to be within a sustainable location and compatible with the policies within the NPPF when taken as a whole. The scheme will contribute towards helping the Council meet and maintain its five year requirement and granting outline permission for this site would increase the supply of land for housing, which carries significant weight in the assessment of this application. It has been estimated that the site could contribute some 180 units within the 5 year plan period to 2020. Beyond that it will continue to contribute to a rolling 5 year supply through the Local Plan's plan period. The approval of this development will further strengthen the Council's capability in meeting the District's (current) housing requirement and to maintain a 5 year supply throughout the plan period. It is considered to be particularly important to reinforce the Council's ability to resist development on unallocated sites, particularly given the uncertainty around housing numbers.

In terms of National policy the NPPF seeks to significantly boost the supply of housing and whether relevant policies for the supply of housing are up-to-date or not the NPPF is clear that housing applications should be considered in the context of sustainable development. The NPPF is a material consideration that is afforded significant weight.

There are three dimensions to sustainable development: economic, social and environmental. The development would deliver economic benefits through the generation of employment during the construction phase, and from the increased population which would contribute towards increased expenditure in the local area and dependence on local facilities. Business would also benefit economically through the provision of immediate highway network improvements. Social benefits would include the provision of a mix of types and sizes of market and affordable housing to meet identified local needs. Environmental benefits would arise from measures to increase biodiversity, sustainable transport improvements, more efficient use of land, provision of open spaces, sustainable drainage measures and new footpath/cycle way links. The site is sustainably located adjacent to the urban area and will be integrated into the existing settlement by sustainable transport links. It is therefore concluded that the development represents sustainable development by satisfying the three dimensions.

The emerging Bishops Tachbrook Neighbourhood Plan runs contrary to the District Council's emerging Local Plan in that development that encroaches on the green space between the conurbation and Bishops Tachbrook (where the application site is located) is not considered appropriate. However the emerging Neighbourhood Plan carries limited weight as it is un-adopted and is not considered to outweigh the aims and objectives of the NPPF or warrant refusal of the scheme.

Prematurity

As Local Plan Policy RAP1 covers the period from 1996-2011 and makes no provision for the future housing needs of the District it is considered entirely appropriate to look towards the emerging policies relating to housing and strategic urban extensions.

The development site forms part of the allocated housing site H02, which has several different land owners who will be developing different parts of the site separately. The District Council have commissioned the "Draft Design Guidance

for the Strategic Urban Extension South of Royal Leamington Spa and Warwick - March 2015", which seeks to ensure that the development in the areas of the strategic urban extension come forward in accordance with the garden suburb ambitions for the area. The document will also establish a strategic framework that extends across all areas to ensure that each component that comes forward has due regard to its part in the comprehensive whole.

The development of the application site would not prevent any other adjoining development sites identified in the emerging Local Plan Publication Draft April 2014 from coming forward and it is not dependant on, nor incompatible with, any other development sites which have been or are being considered.

It is not therefore considered that permission should be refused on the grounds of prematurity.

Assessment of the proposed housing provision

Paragraph 50 of the NPPF states that local planning authorities should plan for a mix of housing, based on current and demographic trends, market trends and the needs of different groups in the community. It goes on to state that local planning authorities should identify the size, type, tenure and range of housing that is required in different locations. In accordance with these requirements, the Council has adopted guidance on the required mix of market housing (June 2013). This is based on the 2012 Strategic Housing Market Assessment for Warwick District and specifies a mix of 7% 1 bedroomed dwellings, 26% 2 bedroomed dwellings, 43% 3 bedroomed dwellings and 24% 4 bedroomed dwellings.

The applicant has confirmed that a comprehensive mix of unit types will be proposed ranging from one bedroomed houses to four bedroomed houses, which can be controlled by condition to ensure this is followed at reserved matters stage. An affordable housing allocation of 40% will be incorporated into the design also. The affordable housing would be secured by a Section 106 agreement to accord with Policy SC 11.

The granting of outline consent would significantly increase the supply of land for meeting the unmet market and affordable housing needs of the District and would therefore represent a key benefit of the scheme.

Heritage and visual impact

The supporting information sets out key design objectives, which align with the Council's 'Garden Towns, Villages and Suburbs Prospectus 2012' and 'Draft Design Guidance for the Strategic Urban Extension March 2015'.

Historic England have summarised that the site lies to the north of the village of Bishop's Tachbrook. The proposals, with extensive landscaping to the south of the housing, seem to have a relatively minor impact on the significance of the designated heritage assets. Rigorous conditions should be imposed to ensure that the impact on the significance of the historic environment is kept to a minimum.

A condition is therefore suggested to ensure that the landscaping will be appropriate in terms of its density and extent and that the building heights are modulated in an appropriate manner bearing in mind the topography of the site and the views out from the Conservation Area, the historic Castle park, and the highly graded listed buildings within Warwick.

The Design and Access Statement indicates that the majority of dwellings across the development will be two-storey (8-9m). Where there are feature areas such as around the public open space and at the core of the layout, two-and-a-half storey dwellings (10-11m) have been indicated to create feature areas and landmarks to aid the legibility and hierarchy of the development, with opportunities for single storey dwellings also being utilised at appropriate areas within the development. Whilst scale and design will be considered at reserved matters stage, given Historic England's comments on building heights, a condition is suggested to ensure that building heights adhere to the submitted massing layout plan.

While detailed layout, design and landscaping would be assessed at reserved matters stage, the indicative plan demonstrates that there is the ability to secure a high quality residential scheme that meets the Council's 'garden suburb' guidance. The scheme is not considered to raise any visual amenity or heritage issues. Soft landscaping and planting details would be considered in detail at reserved matters stage.

Impact on residential amenity

The layout plans are indicative only but provide a good illustration of how 520 dwellings could be located on the site with suitable separation distances achievable between new properties and also to surrounding existing properties, the closest being Oak Court on Heathcote Park to protect outlook, light and amenity.

The ample landscaping and public open space shown on indicative plans will assist in ensuring the new development provides a high quality residential environment. Such details will be considered in greater detail at the reserved matters stage.

It is unlikely that this green field site will present any significant contaminated land issues that cannot be overcome through mitigation and remediation, which can be secured by standard conditions (the current application site does not include the Severn Trent Water treatment plant).

Environmental Health have not objected to the scheme but have suggested several conditions relating to noise, land contamination and a construction management plan. The EHO also considers that a brief mitigation statement is required in relation to air quality. This can be successfully secured by condition and submitted at reserved matters phase.

Traffic impact and highway safety

The Highway Authority did originally object to the planning application W/15/0271. The justification of this objection was mainly due to a lack of information regarding the assessment of the developments impact on the surrounding highway network.

At the time, the access arrangements had not been suitably modelled. Without this information the Highway Officer was unable to make a considered decision and therefore objected to the application. In addition to the reasons above a number of design matters were also identified to be resolved in terms of the documents and drawings submitted for consideration.

Also as a result of the Highway Authority's objection, the applicants undertook strategic transport modelling, which demonstrated that the development would impact upon the existing road network. The impact however, would be mitigated through the implementation of the transport infrastructure improvements which has been identified by Warwickshire County Council.

The Highway Authority has raised no objection to the scheme, subject to conditions and financial obligations. The contributions are discussed in further detail within the 'contributions/legal agreement' section of this report and highways have been made aware of the potential issues around securing contributions that do not directly relate to the site.

Historic England note the further assessment undertaken of the impact of the traffic generated by this scheme suggests that there will only be a minor increase in traffic.

Ecological impact

The County Ecologist has assessed the submitted ecological survey work and has undertaken a Biodiversity Impact Assessment (BIA). The biodiversity impact score varies between the applicant and County Ecologist, who has calculated a net biodiversity loss, which is contrary to NPPF.

The County Ecologist considers that the differences in calculations are mainly due to alterations in the habitat creation and restoration conditions and time taken to achieve this i.e. the high value 'unimproved grassland' proposed on the Country Park is considered unachievable, particularly in an area subject to public pressure and has been downgraded by the Ecologist to semi-improved grassland. In terms of habitat creation and restoration for the site, the Ecologist considers that the time taken to create a good quality, fully functioning and established habitat also needs to be taken into consideration.

The Ecologist notes that a robust habitat management plan for the site, including details of habitat creation and any restoration, should be produced to accompany any subsequent reserved matters application to ensure proposed measures are achievable.

The County Ecologist considers the loss of 5.41 units (based on the Bio-diversity Impact Score) will need to be offset and does not oppose the development,

subject to the biodiversity loss on site being appropriately addressed. This can be secured through a Section 106 Legal Agreement. The contribution is £170,531.97 and based on the loss being offset in a non-strategic area.

The Ecologist has also suggested a number of conditions to safeguard protected species and secure a suitable Construction and Environmental Management Plan; a Landscaping and Ecological Management Plan; tree protection measures; and a lighting scheme.

Archaeology Impact

Archaeological comments are awaited and will be updated to Members at Planning Committee.

Flood risk and drainage

The development site is situated within Flood Zone 1, although parts of the non-developable country park fall within Flood Zone's 2-3. The supporting Flood Risk Assessment considers that the site is not at risk from flooding. The FRA assumes that existing surface water ultimately drains into the adjacent watercourse, and a direct discharge to the watercourse for the new development is proposed with the discharge rate agreed with the Environment Agency, likely to be based on the run off levels for the existing green field site. The Environment Agency have raised no objections to the scheme.

A foul sewer connection application would be passed to Severn Trent Water for connection to the existing adopted network via the existing public foul sewer crossing the site.

Public open space/Country park

The indicative plan shows that the proposed site layout will be divided into residential development, public open space and a new country park to the southern edge of the development (allocated under Policy DS11 of the emerging Local Plan). The required proportion of public open space has been calculated as per the Warwick District Council Open Space SPG, and is broken down into amenity green space, parks and gardens, natural areas, allotments and children's play areas.

A detailed layout plan and landscaping scheme for the public open space/country park will be provided at reserved matters stage.

Contributions/legal agreement

It is noted that there is significant concern from local residents with regard to the scheme resulting in further pressure on public services, and in particular schools, doctors and hospitals, adding to existing congestion on the local road network.

Restrictions came into force in 06th April 2015 that limited the pooling of Section 106 contributions to no more than five for the same type of infrastructure project. Subsequently the Local Authority can only lawfully request contributions

that are: 1. necessary to make the development acceptable in planning terms; 2. directly related to the development and; 3. fairly and reasonably related in scale and kind to the development proposed.

There has been a significant amount of negotiation with the developer regarding infrastructure and contributions and the following are agreed:

- Affordable housing provision at 40%.
- Public transport infrastructure on site (i.e. bus stops).
- Sustainable welcome packs (£75 per dwelling) to promote sustainable travel in the local area, equating to a total sum of £39,000.
- Libraries contribution, as required by WCC to enable the library service to flex services to meet the needs of new and emerging communities.
- A bio-diversity offsetting contribution of £170,531.97, as required by WCC Ecology.
- A contribution towards the improvement of Warwick Gates GP surgery.

All indications are that post 06th April 2015 restrictions will limit the Local Authority's ability to request contributions for the following:

- Indoor and outdoor sports facilities.
- Highway infrastructure improvements not related to the site, which may limit the ability to request the full £6000 per dwelling requested by WCC Highways.
- Secondary education provision to upgrade pupil capacity, (land is allocated within phase one for a primary school).
- NHS hospital contributions.
- Police contributions.

Officers will endeavour to secure as many contributions or partial contributions as possible, however it may not be possible to lawfully request all contributions that could have been secured prior to 6th April 2015. It is considered unsustainable to refuse the scheme for this reason, however if Members are minded to grant planning permission officers will continue to negotiate contributions that are CIL compliant up to the 20th August 2015.

Members are therefore recommended to grant outline planning permission for the development subject to the receipt of a satisfactory Section 106 Agreement, but delegate authority to the Head of Development Services to refuse planning permission should a Section 106 Agreement not have been completed to the satisfaction of the Head of Development Services on or before 20th August 2015.

Health and wellbeing

Warwickshire Police have raised no objection to the outline scheme but have asked that the development follows Secured by Design principles, which can be secured by condition. This will assist in minimising the potential for crime and improve community safety for future residents.

Other Matters

Regarding the loss of productive agricultural land, this is a negative impact of the development; however this loss would have been assessed and weighed against the need for new housing as part of the emerging Local Plan process.

The applicant's and Natural England's surveys put the 'best and most versatile land' on the 38 hectare application site at between 17.5 ha and 27.2 ha respectively. Natural England note that a proportion of the agricultural land affected by the development will remain undeveloped as country park and open space and suggest a condition to safeguard soil resources and ensure that soil is able to retain as many of its important functions and ecosystem services as possible through soil management. Natural England suggests Defra guidance '*Construction code of Practice for the Sustainable Use of Soils on Construction Sites*' is followed. This can be secured through condition

A condition can be applied to ensure that subsequent reserved matters applications accord with Local Plan Policy requirements in respect of either generating 10% of the energy needs from renewable sources or reducing the energy demand of the development and its CO² emissions by 10% through initial construction methods.

SUMMARY/CONCLUSION

The Council's current position is that the Council cannot demonstrate a five year supply of deliverable housing sites against the housing requirement and Policy RAP1 is to be considered out-of-date. The scheme will contribute towards helping the Council achieve its five year requirement and granting outline permission for this site would increase the supply of land for housing which carries significant weight in this determination.

Although the Examination of the emerging Local Plan is currently being held in abeyance, whatever the outcome and impact upon the District's housing supply requirement, this application site remains an allocated housing site and will contribute to the Council's current housing targets and assist in achieving and maintaining a robust 5 year housing supply. This is considered to be particularly important in strengthening the Council's ability to resist development on unallocated sites, particularly given the current uncertainty around required housing numbers.

It has been concluded that the matters raised can be satisfactorily addressed through the assessment of reserved matters applications, the provision of new facilities, and the provision of new infrastructure by way of financial contributions. The development would have an impact on the surrounding landscape in terms of the loss of openness and rural character, with a resulting decrease in the separation between the conurbation of Warwick/Royal Leamington Spa and Bishops Tachbrook settlements, however there is an opportunity to secure a country park and associated landscaping mitigation scheme so that the visual harm is not significant. The scheme also needs to be balanced against the wider benefits of the development listed above.

The development is considered to comply with other current Local Plan policies and with the policies of the NPPF as a whole. The presumption in favour of sustainable development carries substantial weight, as does the contribution the development would make to the provision of housing to meet the needs of the District.

The approval of this application will strengthen the District's ability to achieve and maintain a robust 5 year supply at a highly sensitive stage of the emerging Local Plan process. The site is also identified as an allocated housing site within the emerging Local Plan Publication Draft April 2014, which carries weight. It is therefore concluded that the development should be granted.

CONDITIONS

- 1 Details of the means of access to the building(s) and site, appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved. **REASON:** To comply with Article 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 in strict accordance with the details shown on the site location plan and approved main and secondary access points within drawing(s) ITB8073-GA-008 Rev B and ITB8073-GA-007 Rev C, and specification contained therein, submitted on 21st May 2015. **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 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 full accordance with those approved details.

REASON: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3, DP9 and DAP3 of the Warwick District Local Plan 1996-2011.

- 6 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 CO² 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.

- 7 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 DAP3 of the Warwick District Local Plan 1996-2011.

- 8 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.

- 9 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 DP3 of the Warwick District Local Plan 1996-2011.
- 10 No development shall commence until a Protected Species Contingency Plan has been submitted to and approved in writing by the planning authority. The plan shall include:
- a) Further bat survey of the site and Grove Farm, to include appropriate activity surveys in accordance with BCT Bat Surveys – Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the Local Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.
 - b) A detailed badger survey, including a bait marking study, has been carried out by a suitably qualified badger consultant and has been submitted to and approved in writing by the Local Planning Authority. Any approved mitigation 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 and Policy DAP3 of the Warwick District Local Plan 1996-2011.
- 11 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting 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.
- 12 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 DP3 & DP9 of the Warwick District Local Plan 1996-2011.
- 13 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority demonstrating that surface water runoff does not exceed runoff from the undeveloped site and does not increase the risk of flooding off-site. Post development runoff volumes and peak flow rates will be limited to the Greenfield discharge rate for all rainfall return periods up to and including the 100 year plus 30% (for climate change) as outlined within the Flood Risk Assessment. On-Site surface water attenuation will be provided to the 1:100 Climate change (30%) standard using Sustainable Urban Drainage Systems. The site drainage strategy will demonstrate the appropriate assessment and adoption of SUDS techniques. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved

details. **REASON:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011.

- 14 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.
- 15 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 DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 16 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 DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 17 An application for the approval of a construction phasing plan of the

development shall be submitted before the expiry of three years from the date of this permission. The development shall hereafter be carried out in accordance with the phases established in the phasing plan as approved by the local planning authority. **REASON:** To ensure the proper phasing of the development.

- 18 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan.
- 19 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating how and when mixed open space facilities will be incorporated into the development, to include informal open space, appropriate children's play facilities, outdoor sport facilities and allotment gardens. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To ensure appropriate open space and recreational facilities are provided to serve the development in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011.
- 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 The building heights shall not exceed those indicated on the indicative 4.2 Massing layout plan, within the Design and Access Statement submitted on 21st May 2015. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DAP4 of the Warwick District Local Plan 1996-2011.
- 22 The development hereby permitted shall not commence until a scheme detailing arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan

1996-2011.

- 23 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.
- 24 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.





