

Application No: [W 17 / 1724](#)

Town/Parish Council: Lapworth
Case Officer: Lucy Hammond
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Registration Date: 18/09/17
Expiry Date: 18/12/17

Land at Meadow House/Kingswood Farm Old Warwick Road, Lapworth, Solihull, B94 6LX

Development of 38no. residential dwellings together with associated access, parking, open space and landscaping. FOR A C Lloyd Homes and Mr & Mrs M Guest and Mr & Mrs G Bull

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

RECOMMENDATION

Planning Committee are recommended to GRANT 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 in relation to affordable housing, sustainable travel packs, health care and improvements to public rights of way.

Should a satisfactory Section 106 Agreement not have been completed by 27 February 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

This is a detailed planning application which seeks permission for the erection of 38 dwellings on allocated sites H29 and H30 as illustrated on the Policies Map. The proposals would utilise the existing vehicle access off Old Warwick Road and the necessary improvement works would be undertaken to it to serve the new development. The proposals include all associated works including landscaping and the provision of open space.

The submitted Planning Statement sets out that this development has come about following pre-application discussions as well as a public consultation exercise with the local community. The housing mix proposes the required 40% affordable units (total of 15no. units) and the market housing follows the Council's policy requirements and guidance.

The Planning Statement sets out that the rationale behind the proposed layout was driven by a number of site constraints, most notably the need to avoid development within the flood plain but at the same time, taking into account existing trees and the setting of Kingswood Farmhouse which is Grade II listed. The design aims to create a 'village green' feel with a central area of open space to incorporate the existing pond. Due to the site levels and existing landscaping

the proposal does not have a strong relationship with the adjacent Grand Union Canal.

The applicant's submitted Design and Access Statement sets out more about the design rationale. This states that whilst a particular house type may be used more than once, each house will have a bespoke appearance which is most clearly demonstrated on the street scene drawings submitted with the application. Each of the units is designed to have a vernacular form with pitched roofs, gables and hips, while the overall appearance is intended to be contemporary with large window openings being provided where possible to create light, bright, modern interiors. Red or orange facing brickwork is intended to be used with a soft 'off' white render and grey tiled roofs; this basic pallet of traditional materials will be complemented with a dark grey weather board used to projecting bay windows and gable, which is considered, by the applicant, to add contrast, interest and relief to the elevations and reinforces the 'modern vernacular' style of the scheme.

THE SITE AND ITS LOCATION

The application site forms allocated sites H29 and H30 as set out in Policy DS11 of the Local Plan 2011-2029 and as illustrated on the Policies Map. It is therefore allocated for housing development and associated infrastructure and uses, with an estimated figure for the number of dwellings stated as 30 set out in the Plan.

The site comprises the former Kingswood Nurseries site together with paddock land to the rear of Kingswood Farm house. It is located off Old Warwick Road in Kingswood, Lapworth although falls within the parish boundary of Rowington. The site is 2.8 hectares and is accessed via a driveway to the side of a relatively new residential terrace known as Nursery Cottages. The site is generally flat and contains a mix of hardstanding, polytunnels and glasshouses used in connection with the former nursery business. The site wraps around an existing residential property known as 'Meadow House' which is to be retained and is therefore outside the application site.

There is a pond on a small part of the site and a paddock covers the south eastern area. There are clearly defined boundaries on all sides with Old Warwick Road to the north, the Grand Union canal to the east, Kingswood Brook to the west and the canal arm joining the Stratford and Grand Union canals to the south.

The EA flood maps show the site to be wholly in Flood Zone 1 however, the Flood Risk Assessment (FRA) that was undertaken in support of this application indicates otherwise which has been taken into account in the modelling undertaken.

PLANNING HISTORY

There is no recent or relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029)
- DS17 - Supporting Canalside Regeneration and Enhancement (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)
- H10 - Bringing forward Allocated Sites in the Growth Villages (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - 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)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (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)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- NE7 - Use of Waterways (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- LES - Low Emission Strategy Guidance for Developers (April 2014)

SUMMARY OF REPRESENTATIONS

Rowington Parish Council: Objection for the following reasons:

- Overdevelopment of the site
- There is serious concern about access and egress to the site
- Concern about potential flooding and drainage problems
- There is no sense of character
- The development is out of keeping with the area
- This would create a suburban development in a rural setting

Lapworth Parish Council (adjoining Parish): No objection

WCC Highways: No objection to the principle of development and no objection to the increased number of dwellings over the allocation subject to conditions and S.106 obligations/contributions

Lead Local Flood Authority: No objection subject to conditions

Inland Waterways: No objection

Canal and River Trust: No objection subject to conditions

Canals Conservation Officer: No objection subject to conditions

Housing Officer: No objection

Green Space Team: No objection

WCC Landscape: No objection

WCC Ecology: No objection to the scheme in general but comments on the loss of the hedgerow in the centre of the site.

Warwickshire Wildlife Trust: Original objection (based on insufficient information) but additional information has been submitted and WCC Ecology have provided further comment on it.

WCC Rights of Way Team: No objection subject to financial contribution to go towards improvement to public rights of way

NHS: No objection subject to financial contribution towards appropriate provision of care for the number of dwellings proposed

WCC Archaeology: No objection

WCC Fire and Rescue: No objection subject to condition

Warwickshire Police: No objection

Public Response: 9 letters of objection received raising the following concerns:

- The development will result in an increase in traffic movements to and from the site
- Concern about conflict at the site access
- There appears to be insufficient parking provided for the development
- Concern about increased noise and privacy issues for those neighbours already close to the site
- The scale of the proposed development seems out of proportion with the area
- There is concern about the potential archaeological impacts of the development
- There is concern about the potential ecological impacts of the development
- Potential impact on the setting of nearby listed buildings
- Concern about potential flooding and drainage issues at the site
- Development will exacerbate surface water flooding

- The development is over intensive and will result in undue pressure on local services
- Concern about potential loss of existing landscaping features
- Concern about the type and tenure of housing proposed and whether this accords with the HNS
- There is a lack of public transport in the area which will lead to increasing traffic problems
- The development is poorly landscaped and unsympathetic
- The density of the proposals is urbanising and would change the character of the villages of Lapworth and Rowington
- There is a lack of utilities provision to the site (e.g. mains gas)

ASSESSMENT

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

- the principle of development;
- whether it is appropriate to permit more dwellings than the Local Plan allocation;
- impact on the character and appearance of the area;
- impact on the living conditions of neighbouring dwellings;
- provision of a satisfactory living environment for future occupants of the proposed development;
- car parking and highway safety;
- impact on the setting of heritage assets;
- impact on the setting of the Grand Union canal;
- affordable housing and section 106 contributions;
- drainage and flood risk;
- ecological impact;
- archaeological impact; and
- health and wellbeing.

The principle of development

The application site comprises two adjacent allocated sites (H29 / H30) set out in Policy DS11 of the Warwick District Local Plan 2011-2029. Sites H29 / H30, identified on the Policies Map, which are read together and relate to 'Kingswood – Meadow House and Kingswood Farm' in one of the Growth Villages with an estimated figure for the number of dwellings shown as 30.

Policy H10 states that housing development on sites allocated in the Growth Villages as set out in Policy DS11 will be permitted where housing mix of schemes reflects any up to date evidence of local housing need through a parish or village Housing Needs Assessment, including those of neighbouring parishes. Beyond meeting this need, or in the absence of a local Housing Needs Assessment, the scheme reflects the needs of the district as set out in the latest Strategic Housing Market Assessment.

The proposals seek permission for the construction of 38 dwellings together with the relevant associated works, including open space, landscaping and a drainage pond.

In accordance with the provisions of Policies DS11 and H10 and having regard to the fact this is an allocated site for housing development, the proposals are

considered acceptable in principle subject to an assessment being made of the other relevant considerations which are set out below.

Whether it is appropriate to permit more dwellings than the Local Plan allocation

It has been established above that this is an allocated site for development in the Local Plan. Some concerns have been raised locally about the number of dwellings exceeding the allocation. The Local Plan indicates 30 dwellings for these allocations, whereas the application proposes 38.

However, the numbers provided in the Local Plan for allocated sites are not maximums, but rather an estimated figure. In considering such proposals any planning application must be considered on its merits including the consideration of whether any impacts arising from the increased number of dwellings are sufficient to justify the refusal of planning permission.

Where an applicant proposes more dwellings than the allocation, it is expected that they will submit supporting information with the application to demonstrate that this increase in numbers would not cause harmful effects that would justify a refusal of planning permission.

Within the Planning & Heritage Statement, the applicant sets out that the proposal is to provide 38 units on a 2.8 hectare site resulting in a gross density of approximately 14 units per hectare which is very low in comparison to many similar modern developments. This 'low density' is a response to a number of constraints, including (but not limited to):

- Respecting the area outlined in the Flood Risk Assessment which is unsuitable for development;
- Allowing for the retention of important landscape features both within and around the perimeter of the site; and
- Creating usable open space and to create a density which fits comfortably in this village setting.

The impact of the numbers proposed is considered in detail against the various headings that follow in this report. Overall, as the following sections of this report will demonstrate, it is considered that the increase in dwellings from 30 to 38 would not give rise to any harmful effects that would weigh against the proposals in the planning balance.

Impact on the character and appearance of the area

Since this is a full planning application, comprehensive details are known at this stage in respect of the layout and visual appearance of the proposed dwellings. The layout has been informed by local character influences, as well as by site constraints and opportunities. The site is linear and the development reflects this. As the main road through the development enters the site from its access onto Old Warwick Road, it curves eastwards into the site (behind Meadow House) and terminates in the south west corner. The curve of the road enables the proposed dwellings to be stepped in plan thus creating a sense of relief and interest along the road.

There are some key plots in the centre of the development, to which the eye would naturally be drawn on entering the site due to the curve of the road and

the direction it would take the driver/pedestrian. Plots 5-8 reflect the topography of the site and includes a bungalow at the end of the row, nearest the corner with the road, while Plots 31-33, which share an equally prominent position within the centre of the site, allow views across a central landscaped area.

Dwellings in the southern half of the site generally follow the line of the access road, with some steps in the building line to provide relief to the street scene. The existing hedgerow and tree screening along the eastern boundary with the adjacent canal results in a logical approach for the layout of the dwellings as proposed with the screening (to be enhanced and supplemented where necessary) acting as a buffer between the two and providing a high proportion of screening from the canal throughout the year. The impact of the development on the canal-side setting is considered in more detail in a section to follow in this report.

The northern end of the site is defined by two mature oak trees, which are to be retained. A small number of larger dwellings is therefore proposed in this location, to be naturally framed by respective detached garages and resulting in a small 'bespoke' courtyard within the north east corner of the site.

Almost all the dwellings would be 2 storeys in height to reflect the local context, however, two units are proposed as bungalows and their position within the development has been carefully chosen to reflect and respond to the topography of the site. Dual aspect houses have been used to address corner positions, with active frontages onto all public areas to create visual interest and increase passive surveillance.

With regard to the visual appearance of the proposals it is noted that each house within the development is intended to have a bespoke appearance which is most clearly demonstrated on the street scene drawings submitted with the application. Each of the units is designed to have a vernacular form with pitched roofs, gables and hips, while the overall appearance is intended to be contemporary with large window openings being provided where possible to create light, bright, modern interiors. Red or orange facing brickwork is intended to be used with a soft 'off' white render and grey tiled roofs; this basic pallet of traditional materials will be complemented with a dark grey weatherboard used to projecting bay windows and gable, which is considered to add contrast, interest and relief to the elevations and reinforces the 'modern vernacular' style of the scheme.

One of the key features of this development is the large amount of open space that has been designed into the layout. This would be the first key feature of the overall scheme that is seen on entry into the development from the Old Warwick Road and provides a significant focal point for the development. To the east of the access road a 'village green' style open space is proposed with tree planting, mown grass, ornamental planting and an associated seating area. It is noted that the Landscape Officer has no objections to the landscaping proposals and planting plans and overall, the landscaping proposed is seen as a key benefit to the overall feel of the development, that would ensure the development as a whole retains a sense of place and a feeling of spaciousness.

The Parish Council has suggested this would be an overdevelopment of the site with an urbanising feel to it in an otherwise rural area. However, with a proposed density of 14 dwellings per hectare, officers are of the view this is wholly in

keeping with the wider rural character of the surrounding area and would not amount to overdevelopment of the site, especially given the amount of on-site open space which is to be provided as part of the scheme.

All of these features are considered to work well with the established pattern of development in the area and accordingly, it has been concluded that the proposals would be acceptable in respect of the character and appearance of the area and as such would comply with Policy BE1 of the Local Plan.

Impact on the living conditions of neighbouring dwellings

Due to the site's position in relation to existing built development, the presence of open fields and/or waterways beyond the immediate south, east and west site boundaries and together with existing boundary treatments consisting of landscaping, it is unlikely that the proposed dwellings would have any material impacts on the amenity of existing residential properties in terms of overshadowing, overlooking or overbearing impacts.

Some concern has been raised locally about construction noise and construction traffic. The Highway Authority has recommended a condition to require the submission of a Construction Management Plan. This would ensure that adequate controls are put in place to address these issues.

For the above reasons it has been concluded that the proposals would be acceptable in terms of the living conditions of neighbouring dwellings and accordingly the development complies with Policy BE3 of the Local Plan.

Provision of an appropriate living environment for future occupants of the proposed development

The development provides a high quality environment which achieves and in some cases exceeds the Council's design guidelines. Although the development proposes 8 more dwellings than the allocation number it is still a very low density scheme, at just 14 dwellings per hectare. The amount 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.

Car parking and highway safety

The development proposals include one vehicle access point off Old Warwick Road to the north, where there is already an existing vehicle access serving the site at present. It is proposed to utilise and improve this access to serve the new development.

A Transport Statement (TS) was submitted with the application, which the Highways Authority has considered. While some initial concerns were raised, additional information and revised plans have been submitted during the course of the application which has addressed any concerns. Having fully assessed and reviewed all the supporting information the Highways Authority considers the proposed development to be acceptable subject to some suitable conditions and Section 106 contributions towards sustainable travel packs.

Concern has been raised by objectors over the impact of development related traffic on the surrounding Highway Network. Having regard to the content of the TS, which was undertaken based on 38 proposed dwellings, the Highways Authority does not consider the additional 8 units over and above the allocation would result in any significant impacts on the highway network, or the access arrangements to the site. In view of their comments and recommended conditions/S.106 obligations it is considered the development would not result in detriment to highway safety.

In terms of car parking, the proposed development would provide the requisite number of spaces for each dwelling based on size (number of bedrooms). The proposal therefore complies with the Council's parking standards and is acceptable in this regard.

Overall, there is no objection to the proposals from the County Highways Authority, subject to the imposition of suitable conditions relating to the provision of accesses and estate roads within the development, as well as the inclusion of a financial contribution to be secured via the Section 106 Agreement. The car parking standards are satisfied. It is therefore considered that the development would result in no detriment to highway safety and accordingly the development complies with Policies TR1 to TR3 (inclusive) of the Local Plan.

Impact on the setting of heritage assets

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect listed buildings and conservation areas respectively. These duties affect the weight to be given to the factors involved.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The application was submitted with a Historic Environment Assessment and a Heritage Statement that presents a heritage assessment and statement of significance in respect of the one designated heritage asset in close proximity of the site (Grade II listed Kingswood Farm, approximately 40m to the north of the site, as measured from the nearest part of the proposed development). The statement of significance acknowledges a terrace of four properties that was approved in 2005; these lie immediately adjacent the listed building, sharing a direct side to side relationship with it.

The statement concludes overall that the proposed development of the site would have no material impact on the setting of Kingswood Farm by virtue of relative disposition and intervening built forms. Any impact on its setting therefore is considered to be neutral.

In considering the layout of the site, its proximity to the listed building and the presence of the terraced row of dwellings immediately adjacent to it, officers are of the view that the scheme has been composed to result in minimal impact on the setting of the listed building. It is accepted that there would be some degree

of harm to its setting by virtue of developing the land to the rear which is presently open. However, change does not necessarily equate to material harm and in making this assessment, officers have considered the boundary treatments, levels across the site and the proposed layout. Plots 1-4, although 7-22m away (respectively) from the boundary of Kingswood Farm, would be separated by existing boundary treatments consisting of vegetation and fencing and their position immediately behind a part of the listed building which is used as garaging is noted. Moreover, their position behind the terraced row fronting the road (approved in 2005) is noted and officers consider there would be little or no public views of this part of the development when read in the context of the listed building from the main road. Plots 36+37 in the north east corner of the site are two storey properties, however, the two closest to the boundary with the listed building have been orientated such that their garages would be adjacent to the boundary. These step down to single storey which further diminishes any impact on the setting of Kingswood Farm.

Officers therefore 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.

Having regard to the impact of the development on the setting of the Grand Union canal, there is an opportunity to improve the boundary treatments between the development and the canal-side and towpath (considered further in the following section of this report) and this in turn would improve the relationship of the development with the canal, opening it up as a more active pedestrian route and thus encouraging more people to use it. These benefits, when considered cumulatively as part of the wider scheme to deliver the anticipated housing on this allocated site are seen as benefits which would outweigh any minor degree of less than substantial harm identified to the setting of Kingswood Farm.

Overall, the scheme is therefore considered acceptable in this regard and accords with Policy HE1 of the Local Plan.

Impact on the setting of the Grand Union canal

Policy NE7 of the Local Plan states that waterways can be used as tools in place making and place shaping, and contribute to the creation of sustainable communities. The policy lists a number of principles that development should seek to avoid, such as adversely affecting the integrity of the waterway structure, the landscape, heritage, ecological quality and character of the waterways and adversely affecting the waterways potential for being fully unlocked or discouraging its use.

The development has been designed so that houses back onto the canal. There is already significant landscaping along the canal-side boundary which would be further supplemented. While there is no opportunity for houses to front onto the canal, due to the topography of the site, boundary treatments and access, the scheme nevertheless makes the most of its canal-side location and seeks to ensure that enhancing the boundary treatments improves and retains a sense of place along the towpath.

It is proposed that a condition be attached to any forthcoming permission requiring, in addition to the latest landscaping masterplan, the submission of further details of boundary treatments including the enhancement/protection of the canal side hedges.

Subject to this condition it is considered the development is acceptable in this regard and therefore accord with Policy NE7.

Affordable housing and section 106 contributions

The applicant has agreed to enter into a section 106 agreement to secure the following:

- provision of 15no. units of affordable housing (40% of the total units proposed);
- a contribution of £39,518.68 towards health care;
- a contribution of £2,850 towards sustainability packs;
- a contribution of £1,257 towards improvements to public rights of way within a 1.5 mile radius of the development site;
- a contribution towards outdoor sports facilities (final figure to be confirmed and reported via the update sheet to committee);
- a contribution towards indoor sports facilities (final figure to be confirmed and reported via the update sheet to committee);

The proposed affordable housing provision has been determined in accordance with the comments of the Council's Housing Strategy Team. In this respect the scheme accords with Local Plan Policy H2.

The proposed financial contributions are in accordance with the requests from the various consultees in relation to the relevant services and infrastructure needs arising from the number of dwellings proposed including the increased number of dwellings over the allocation. It is considered that these contributions will adequately mitigate the impact of the development on these services.

Drainage and flood risk

Although the site is mostly in Flood Zone 1, an element of it falls within Flood Zones 2 and 3 and a Flood Risk Assessment has accordingly been submitted with the application. The Lead Local Flood Authority has confirmed there is no objection to the development subject to conditions requiring a detailed drainage strategy to deal with surface water as well as requiring the development to be carried out in accordance with the submitted FRA and in particular, the mitigation measures detailed therein, which include; levels across the site being laid out to provide an opportunity for any flood water to flow away from buildings and the finished floor levels being significantly higher than the 1 in 100year plus 30% Climate Change event flood levels. Subject to these conditions there is no objection from a drainage and flood risk point of view and the development is therefore considered to be acceptable in this regard. In this regard officers consider there would be no impact arising from the increased number of dwellings.

Ecological impact

An Ecological Appraisal including Biodiversity Impact Assessment (BIA) calculation (and updated calculations) have been submitted with the application. The County Ecologist has considered this information, broadly accepted the findings and raised no objection to the principle of development. There are however, some comments about the loss of the existing hedgerow from the central part of the site. However, the area of hedgerow in itself enjoys no specific protection in its own right and it is considered that its loss would be sufficiently mitigated by way of conditional hedgerow planting and landscaping proposed as part of the scheme.

Therefore, having regard to all these considerations, it is concluded, on balance, that the development would be acceptable in ecological terms subject to conditions, as recommended by the Ecologist, requiring the submission of a Construction and Environmental Management Plan and Landscaping and Ecological Management Plan as well as ensuring tree protection and appropriate levels of external lighting.

In this regard, it is not considered there would be any additional ecological impacts arising from the increased number of dwellings over the allocation.

Archaeological impact

A desk-based assessment to assess the archaeological potential of the site has been carried out to support the application. Following the County Archaeologist's initial assessment and comments on the development, further investigative work has been undertaken on site which has resulted in nothing being found. The Archaeologist has therefore concluded there is no objection to the development and no need for any conditions or further work to be undertaken prior to the commencement of development.

Health and Well-being

The proposals would provide housing to meet the housing needs of the district, including affordable housing for people in housing need. The proposed landscaping measures which seek to improve the canal-side setting would further open up the towpath, create a stronger sense of place and encourage a higher usage of the towpath for pedestrians and cyclists. Overall, the development is considered to provide a high quality living environment for all future occupiers. All these are considered to be benefits that contribute to health and well-being.

Other Matters

In respect of air pollution, the standard condition is recommended to require the submission of a Low Emission Strategy. It is considered that this would satisfactorily mitigate the impact of the proposals in relation to air quality.

Such is the level of on-site provision of open space, the open space team concluded that there would be no need to require a financial contribution towards off-site improvements in this instance because the level of on-site provision is so great.

The proposals are CIL liable and the amount to be paid will be calculated following the determination of the application.

SUMMARY/CONCLUSION

The development of this allocated site (H29/H30) for the construction of 38 dwellings together with the associated works, mainly including the significant provision of on-site open space together with landscaping improvements is considered to be acceptable in principle in accordance with Local Plan Policies DS11 and H10.

The proposals would be acceptable in terms of their impacts on the living conditions of neighbouring dwellings whilst also providing a high quality living environment for future occupants. The proposals would also be visually acceptable without impacting on the character and appearance of the area, the setting of a nearby heritage asset and the setting of the adjacent Grand Union canal and towpath. Additionally, the proposals are considered to be acceptable in terms of car parking and highway safety.

The proposals are considered, on balance, to have acceptable ecological and archaeological impacts and there are a number of necessary and relevant conditions recommended in the event permission is forthcoming which would ensure that any possible impacts of the development are adequately mitigated. Overall, there would be no additional harm arising from the increased number of dwellings proposed over the allocation and officers consider the development accords with all relevant provisions of the Development Plan and for these reasons, it is recommended that planning permission be granted.

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 01, 3083-01, 3083-110 Rev.B, 3083-111 Rev.B, 3083-112 Rev.B, 3083-113 Rev.B, 3083-114 Rev.B, 3083-115 Rev.C, 3083-119 Rev.B, 3083-120 Rev.C, 3083-123 Rev.D, 3083-126 Rev.E, 3083-128 Rev.E, 3083-130 Rev. D, 3083-135, 3083-136 and 3083-137 and specification contained therein, submitted on 15 September 2017, revised drawings 3083-116 Rev.E, 3083-117 Rev.D, 3083-118 Rev.D, 3083-121 Rev.D, 3083-122 Rev.F, 3083-124 Rev.D, 3083-125 Rev.F, 3083-127 Rev.F, 3083-129 Rev.F, 3083-132 Rev.A, 3083-133 Rev.A and 3083-138 Rev.A and specification contained therein, submitted on 5 December 2017, revised drawings 3083-05 Rev.E, 3083-06 Rev.R and 3083-08 Rev.C and specification contained therein, submitted on 10 January 2018 and revised drawing 02 Rev.O and specification contained therein, submitted on 16 January 2018. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been

submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 4 No part of the development hereby permitted shall commence until details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. Details of hard landscaping works shall include boundary treatment (including full details of any proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates); footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted. Notwithstanding the details illustrated on the revised landscaping masterplan drg. no. 02 Rev.O, submitted on 11 January 2018, details of soft landscaping works shall include further details of boundary treatments including the enhancement and protection of the canal side hedges, particularly along the eastern and southern boundaries of the site. All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally 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 and additionally in the interests of minimising the visual impact of the development on the canals and protecting and enhancing the character, appearance and biodiversity interest of the waterway corridor in accordance with Policies BE1, BE3, NE4 and NE7 of the Warwick District Local Plan 2011-2029. In the
- 5 No part of the development hereby permitted shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The Construction Management Plan shall include a Construction Phasing Plan; details to prevent mud and debris passing onto the public highway; and HGV Routing Plan. The development shall thereafter be carried out strictly in accordance with these approved details. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 6 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the

approved FRA, *Land off Hob Lane, Burton Green, Kenilworth_M-EC_October 2017_22438/05-17/4905 RevB* and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 6.9 l/s for the site.
- Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in '*Science Report SC030219 Rainfall Management for Developments*'.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.
- Provide evidence to show an agreement from Highways to connect to the existing surface water network.
- Provide a maintenance plan to the LPA giving details on how the entire surface water systems shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA.

REASON: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029.

- 7 The development hereby permitted shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **REASON:** To ensure protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

- 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 District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grasslands, tree/hedgerow planting and provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure a net biodiversity gain in accordance with Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.
- 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 Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.
- 10 The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the District Planning Authority expects lighting to be restricted on the boundaries of the site, the proposed tussocky grassland in the south of the site, at the location of proposed bat boxes/tubes and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and to other nocturnal wildlife. This could be achieved in the following ways:
- Lighting should be directed away from vegetated areas
 - Lighting should be shielded to avoid spillage onto vegetated areas
 - The brightness of lights should be as low as legally possible
 - Lighting should be timed to provide some dark periods
 - Connections to areas important for foraging should contain unlit stretches
- REASON:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.
- 11 The development hereby permitted shall not commence 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 details. **REASON:** In the interests of fire safety.

- 12 No part of the development hereby permitted shall take place until a Method Statement for surveying the existing condition of the ditch along the southern boundary of the site and setting out measures for how this watercourse will be kept clear before, during and after the construction works, together with a timetable for undertaking all such works, has first been submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall be implemented as approved and development shall thereafter only be carried out in accordance with the agreed Method Statement. **REASON:** In the interests of minimising the risk of creating land instability arising from the blockage of this ditch and the resultant potential for the instability of the canal embankment adjacent to the southern boundary of the application site, in accordance with Policy NE7 of the Warwick District Local Plan 2011-2029 and paragraphs 120-121 of the National Planning Policy Framework.
- 13 No part of the development hereby permitted shall take place until a Method Statement detailing all proposals for the alteration of ground levels within Plots 19 to 36 (inclusive) and the location on site for the storage of excavations, top soil and materials during construction works, has first been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the agreed Method Statement. **REASON:** In the interests of minimising the risk of creating land instability arising from any adverse impacts from earthmoving, excavations or other construction works upon the stability of the canal embankments adjacent to the southern and eastern boundaries of the application site, in accordance with Policy NE7 of the Warwick District Local Plan 2011-2029 and paragraphs 120-121 of the National Planning Policy Framework.
- 14 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 15 The development hereby permitted shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) *Land off Old Warwick Road, Lapworth_ACLloyd_Ref.040032/1 Rev A_October 2017* and in particular the following mitigation measures detailed within the FRA:

- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 6.4 l/s for the site.
- Provide provision of surface water attenuation storage as stated within the FRA of 440m³ and/ or in accordance with '*Science Report SC030219 Rainfall Management for Developments*'.
- Surface water is to be provided via a minimum of two trains of treatment using the proposed above ground drainage features within the drainage design.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme. **REASON:** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

- 16 Prior to the first occupation of the development hereby permitted, the access arrangements shall be implemented, constructed and laid out in accordance with drawing no. 18183-03 Rev. B contained within the Transport Statement prepared by David Tucker Associates. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 17 Notwithstanding the provisions of Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification), no development falling within Schedule 2, Part 1, Classes A, E or F; or Schedule 2, Part 2, Class A shall be carried out within Plots 19-36 (inclusive) as identified on the approved plans unless express planning permission for such development has first been granted by the Local Planning Authority. **REASON:** To enable the Local Planning Authority to assess the impact of such proposals on the stability of the canal embankment along the eastern and southern boundaries of the application site in the interests of minimising the risk of creating land instability arising from any adverse impacts from foundation construction, earthmoving, excavations or other construction works, in accordance with Policy NE7 of the Warwick District Local Plan 2011-2029 and paragraphs 120-121 of the National Planning Policy Framework.
