

Application No: W 14 / 0618

Town/Parish Council: Stoneleigh
Case Officer: Penny Butler

Registration Date: 06/06/14

Expiry Date: 05/09/14

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Land north of Common Lane, Kenilworth (Crackley Triangle)

Erection of up to 93 dwellings together with open space, drainage infrastructure and access from Common Lane (outline application including details of access)
FOR Bloor Homes Ltd & Bluemark Projects Ltd

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

RECOMMENDATION

Planning Committee are recommended to GRANT 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 received by 5th September 2014, 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

The application is made in outline with all matters reserved apart from access. One access point is proposed from Common Lane. The development proposes a residential development of up to 93 dwellings, open space and drainage infrastructure. The site layout proposes a main road with cul de sacs leading off throughout which there are pedestrian linkages. The proposed site access will provide a one-way signalised controlled junction. To achieve the access it is proposed to construct a new bridge structure on the bank of the railway cutting which will have a curved retaining wall on the Greenway side that will adjoin the existing bridge.

0.32 ha. of public open space is proposed, which includes landscaped areas each side of the site access and a central area including a children's play area and potential attenuation pond. At the north-eastern corner of the site is an attenuation pond which stands beyond the main development area of the site, within the adjoining arable field. A noise mitigation barrier is proposed along the eastern boundary of the site which would rise from 1m above ground at the southern end of the site to 2.5m above ground at the northern end of the site. Dwellings would be mainly 2 storeys with some 2.5 storeys.

The application is supported by extensive supporting documentation. This includes an Environmental Statement, report dealing with transportation matters, a Planning Statement and Design & Access Statement.

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

- Preparation and agreement with the local planning authority of an Employment & Training Strategy to link local people with employment, training and contract opportunities arising from the development during its construction phase.
- Preparation and agreement with the local planning authority of a Site Wide Infrastructure Design, Management and Maintenance Strategy for areas of public open space within the site which shall provide for public access to open spaces in perpetuity. Payment of the management/maintenance fees for 13 years from the date on which planning permission was granted. Payment of play area commuted sum.
- Requirement for payment of £157,258 for off site provision of recreational/sport/play types of open space
- Contribution of £6,000 per open market dwelling towards the cost of off-site highway improvement schemes as required by WCC Highways (Total £336,000)
- Contribution of £75 per dwelling towards Sustainable Welcome Packs to promote sustainable living and deliver road safety education (Total £6,975).
- Contribution of £784.61 per dwelling to fund improvements to indoor sports halls and swimming pools within Warwick District (Total £72,968.73).
- Contribution of £56.73 per dwelling to fund improvements to outdoor sports facilities within Warwick District (Total £5,275.89).
- Provision of 40% affordable housing.
- Contribution of £1,678 per dwelling towards the cost of providing a new ward block at Warwick Hospital and providing additional outpatient, diagnostic, treatment and inpatient facilities, including hubs for community health care teams at the Warwick and Leamington hospital sites (Total £156,054).
- Contribution of £ £13,207.60 for GP surgery facilities.
- Contribution of £3,200 towards improvements to public rights of way within a 1.5 mile site radius.
- Contribution to fund the legal costs of the local planning authority in monitoring the agreement (the lesser of £30,000 or 1% of total of financial contribution).
- Contribution for providing biodiversity offsetting off site (amount yet to be determined).
- Contribution for providing school places (amount yet to be determined).
- Contribution for providing library facilities (amount yet to be determined).

THE SITE AND ITS LOCATION

The vast majority of the application site was removed from the Green Belt, having been included in the 1996-2011 Local Plan, on 15 December 2008 following a legal challenge in the High Court.

The site lies adjoins the north-eastern side of Kenilworth and forms a triangular piece of land between the railway cutting to the east and Kenilworth Greenway to the west. The Greenway is a linear country park, permissive bridleway, and Sustrans route 52. The site access currently consists of a farm gate set back from Common Lane, which is bridged at this point to pass over the railway line and Greenway.

The application site consists of agricultural land and is within the open countryside designation in the Local Plan. It covers a total of 3.22 ha. The field immediately to the north is which is separated by a hedge line containing two TPO oak trees is within the Green Belt, and there are strips of Green Belt land each side of the southern tip of the site. This boundary is also the Parish boundary between Kenilworth and Stoneleigh. The application site includes a parcel of land within this field measuring approximately 120m by 60m (0.72ha.). The western and eastern boundaries generally consist of dense tree lines.

On the opposite side of the railway are dwellings on Highland Road, and on the opposite side of the Greenway are dwellings on Woodland Road. The application site adjoins the residential curtilage of one dwelling on Redthorne Grove where there are TPO oak and horse chestnut trees close to the site boundary.

The entire site is within Flood Risk Zone 1. The site slopes in a north easterly direction from the south, from 92m AOD to 79m AOD towards the Canley Brook. Most of the site is Grade 2 (Very Good) agricultural land with the remainder Grade 3 (Good/Moderate). The site is within the Feldon Parklands local landscape character area.

The site is within the open countryside allocation of the current Local Plan where rural area policies apply. The site is included in the Draft Local Plan as an allocated housing site for 90 dwellings. The safeguarding route of HS2 lies 320m to the north-east.

PLANNING HISTORY

Planning permission was refused in 2003 (W/03/1255) for a 20m high telecommunications mast due to adverse visual impact.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- 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)
- 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)

The Emerging Local Plan

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

Guidance Documents

- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
- 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
- The 45 Degree Guideline (Supplementary Planning Guidance)

- Distance Separation (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Affordable Housing (Supplementary Planning Document - January 2008)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Raise an objection on the following grounds:-.

Access.

- The proposed access is contrived and requires one-way operation controlled by traffic lights. This is already a heavily utilized route, including for public transport, which is especially busy at peak times, so the proposed additional egress and access requirements will exacerbate both congestion and pollution.
- Members wish to be assured that this situation has been adequately modelled.
- There is a high risk of this access junction becoming blocked. We can see no details of a secondary access, both for emergency vehicles and for residents, when this happens.
- For 93 dwellings, we think this essential in these circumstances of a peculiar one-width road. We therefore object under the terms of Existing Policy DP 6 and new Policy TR1 regarding safe access.

Drainage.

- This part of Kenilworth has suffered regularly from surface water and foul flooding problems which have been exacerbated by other developments. It should be noted that this is a different drainage basin from that which benefited from the extensive sewer upgrades in Kenilworth in the last few years.
- The issues are recognized in the Flood Risk assessment forming part of the application, where it is accepted that the existing foul system has no spare capacity and that Severn Trent have plans to upgrade the system in the area. No development on the site should be approved until such upgrade has taken place and adequate capacity has been provided.
- Whilst the site itself is not liable to flooding, other than possible over ground flow under exceptional rain conditions, we are very concerned about the potential effects on surface water flooding in other areas. This is particularly the case if the flow in Canley Brook is affected, as this would cause Finham Brook to back up, thereby placing several properties in the town at risk. There are already concerns about increased flow in Canley Brook because of the extensive development in South Coventry and at the University of Warwick, despite the extensive SUDS arrangements.
- Members are also concerned that there is no mention of the proposed diversion of Canley Brook as part of the HS2 engineering works in the area.

This would only be a short distance upstream of any discharge from the application site and the mutual effects must surely be recognised.

Public response: 24 objections received raising the following issues:

- Harm to rural environment and loss of important green wedge separating Kenilworth from Coventry.
- Contrary to current Local Plan
- Loss of trees and hedges will harm visual amenity, lead to overlooking and harm wildlife
- Harm to highway safety from proposed junction arrangement
- Loss of privacy to surrounding residents
- Increased traffic congestion and increased queuing leading to tail backs on Coventry Road and Dalehouse Lane. Traffic modelling underestimates demand.
- The cycle route passing the site ends at Abbey Fields so there is no cycle route to Kenilworth town centre
- Erection of wall alongside and the potential emergency vehicular access to the Greenway would harm its character and use
- Disruption to local residents during construction from closure of Greenway and Common Lane
- Each house should have 3 off road parking spaces to avoid over spill parking
- Site is not required to meet the housing needs identified in the Draft Local Plan
- Increased noise and air pollution
- Loss of green wedge. Harm to rural amenity and openness
- Harm to wildlife
- The site should be used as a green space for residents, linking the Greenway and the Common, and provide allotments
- Excessive density of development
- Noise survey does not take account of planned increased rail use and HS2,
- Loss of agricultural land

Stoneleigh and Ashow Parish Council: Raise objection.

- The latest ONS data projections reduce housing need and therefore the need to develop the site. The application is, therefore, premature.
- The Local Plan and its housing, employment and infrastructure proposals should be revised to take account of the projected 30% reduction in the population that is expected by 2029. Until then the application site should remain in the Green Belt and the application should be refused or withdrawn.
- The transport assessment is based on data from Highland Rd where the housing mix is generally large dwellings whereas the proposed mix
- Traffic lights will create tailbacks onto Coventry Rd
- Harm to rural character of Common Lane from increased traffic
- Parking in excess of the required standards should be provided, given there is no opportunity for over spill parking due to the site access, and need to maintain emergency and service vehicle and access

- The elevated nature of the site means it is visible from the Green Belt and is therefore unsuitable for dense development
- Historic flooding problems in Dalehouse Lane and Northvale Close, and the construction of HS2 will have a further, as yet insufficiently defined, impact on drainage in so any development requires adequate independent foul and storm drainage

Kenilworth Society: Object on the grounds of difficulties of access onto Common Lane. The plans make no improvement on the access or egress from the site. Traffic light control and platooning of traffic is likely to hinder emergency services and delay this busy bus route. HS2 works are likely to impact on drainage and stream diversions. This area has not been included in the Town drainage infrastructure improvements, there are no plans to improve the drainage infrastructure and no consideration should be given to this site until the drainage infrastructure has sufficient capacity to accommodate these 93 houses.

Warwickshire Amphibian & Reptile Team: Populations of slow worms and common lizards on site represent colonisation from Kenilworth Common to the south which is one of the key reptile assemblage sites in the County. Mitigation and monitoring must be provided to address these. The submitted Ecological Report and proposed wildlife corridor to the north of the site are supported. It is unfortunate Green Belt land is included but with vision it could provide more reptile friendly areas enabling dispersal to more new habitats and therefore achieve improved conservation status for both species.

Ramblers Association: Although the Ramblers Association is primarily interested in public paths, we also have interests in protecting the landscape. In this particular case it is considered that the site lies at a prominent position on rising ground where its development would result in the town appearing to spread over the top of the high ground rather than stay 'within' the landscape. It is considered, therefore, that the application should be refused and the site added to the Green Belt.

Severn Trent Water: No objection subject to a condition requiring details of surface water and foul sewage drainage.

WDC Housing Strategy & Development: 40% of the proposed dwellings would be required to be affordable to meet Policy SC11, or 37 out of 93. The affordable mix would be in accordance with the affordable housing need previously identified by the Housing Strategy Officer (50% social rented; 30% affordable rented; 20% intermediate tenure/shared ownership). The size and type of the affordable dwellings would be subject to further consideration under a reserved matters application, but the indicative mix of housing types also meets the requirements. The units should normally be grouped in small clusters throughout the site, that are not visually distinguishable. Current policy on affordable rents levels is for levels to be set at the mid-point between social rent and 80% of market levels. Units should meet the standards set out in the SPD and will be allocated through the Homechoice scheme.

Health & Community Protection (Drainage): No objection subject to conditions requiring a detailed drainage design and use of SUDS.

Warwickshire Fire Service: No objection subject to a scheme for fire hydrants and water supplies.

WCC Ecology: Require bat surveys and newt surveys which are being undertaken. A biodiversity offsetting calculation should also be carried out. Comments on these will be provided in the late items report.

Environment Agency: Please consult your internal flood risk team or WCC LLFA.

NHS Property Services: Two GP practices will be impacted by the development which have list sizes higher than the national average and no space to accommodate additional doctors or staff. A contribution is therefore required to fund the capital cost of an extension as NHS England currently has no capital resources allocation to fund capital developments and limited revenue finding to underpin the reimbursement of rent and rates associated with GP premises. A contribution of £13,207.60 is therefore requested as part of a S106 agreement.

South Warwickshire NHS Foundation Trust: Object due to the additional burden that the development would place on the existing health care infrastructure which is already at capacity. However, if permission were granted would request a contribution of £1,678 per dwelling (£156,054 based on 93 dwellings) towards the cost of providing acute and community health services in South Warwickshire.

Natural England: Refer to standing advice on protected species. Potential for biodiversity offsetting and landscape enhancements should be explored.

Warwickshire Police Design Advice: Recommend consideration of measures to design out crime.

WCC Definitive Map Team: Request a contribution of £3,200 towards improvements to rights of way within a 1.5 mile radius of the site (such as upgrading stiles to gates and path surface improvements), to mitigate the maintenance liability resulting from increased use of rights of way by residents of the development.

WCC Archaeology: Required a geophysical survey be undertaken which has now been assessed. Given the results of that survey, and that this is an outline application with some flexibility in respect of the final layout etc, a programme of archaeological work is required by condition prior to submission of reserved matters. The first phase of fieldwork would comprise evaluative archaeological trial trenching and will ensure that the results of the initial phase of archaeological evaluation can inform consideration of any reserved matters applications.

Health & Community Protection (Environmental Health): Recommend conditions requiring a noise mitigation scheme to protect residents from traffic noise, a contaminated land investigation and remediation, a Construction Management Plan to include measures to control noise, dust and light emissions, and consideration of WDC Air Quality Planning Policy Guidance to minimise and/or offset emissions from the development.

WCC Highways: Comments awaited and will be reported in the late items report.

Contract Services (Refuse): Adequate refuse and recycling storage is required along with an acceptable layout for refuse vehicle access.

Cultural Services (Green Space): Request contributions towards play equipment and the maintenance of open spaces, would need to approve the design of open spaces, and the transfer of open space to WDC. The amount required will be included in the late items report.

WCC Infrastructure Delivery Team: The amount required will be included in the late items report.

ASSESSMENT

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

- the principle of development;
- the impact on the living conditions of nearby dwellings;
- noise;
- air quality;
- Green Belt impact;
- landscape impact;
- impact on trees and hedgerows;
- traffic impact / highway safety;
- the impact on local services;
- the ecological impact of the proposals;
- provision of open space; and
- drainage and flood risk.

Principle of development

Five year housing supply

The site is within open countryside adjoining the edge of the urban area, where the relevant Local Plan Policy in relation to residential development is RAP1 - 'Directing New Housing'. The proposals would be contrary to Policy RAP1. However, the National Planning Policy Framework (NPPF) 2012 states (para. 49) that relevant policies for the supply of housing should *not* be considered up-to-

date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement. Whilst the Council can demonstrate a five year supply against the requirements of the revoked Regional Spatial Strategy 2008, these requirements do not reflect the most up-to-date evidence in terms of objectively assessed housing need. In terms of the most recent evidence of housing need, the Council cannot demonstrate a five year supply.

The latest Five Year Housing Land Assessment (July 2013) indicates that the housing land supply is 2.8 years. The five year requirement (2013-2018) is 4,550 dwellings with 2,575 already provided, leaving 1,975 to be provided. Since that time, planning permission has been granted for 1,271 more homes, some of which could potentially be completed within 5 years and in that case would count towards the five year supply. However, this still leaves a shortfall in relation to the five year requirement. Accordingly Policy RAP1 is clearly out of date and in these circumstances the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. That means granting planning permission unless either:

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

The parts of the application site that are within the Green Belt are subject to the more stringent tests under paragraph 87 of the NPPF, which states that inappropriate development is by definition harmful to the Green Belt, and should not be approved except in very special circumstances. This is a specific policy in the NPPF that indicates development should be restricted, therefore, for those parts of the site that are within the Green Belt, this policy carries more weight than the test required under paragraph 14 and provides the decision making context. The areas of Green Belt consist of a sliver along the western boundary with the Greenway containing part of the access, and a wider strip along the eastern boundary that extends to the rear of gardens on Highland Road, and the area containing the attenuation pond at the northern boundary. The indicative plan shows there may be parts of dwellings proposed within this eastern strip, which would be inappropriate development, therefore this can only be acceptable where there are very special circumstances. The attenuation pond and access, as engineering operations that preserves openness and do not conflict with the purposes of including land in the Green Belt, can be not inappropriate (full details would be required under a reserved matters application).

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

Current policy position

The current Local Plan covered the period 1996-2011 and therefore makes no provision for future housing needs. This forms the Development Plan, which decisions should be made in accordance with, unless material considerations indicate otherwise. The NPPF is a material consideration, as are other policies under preparation such as the Draft Local Plan.

This site is allocated for residential development in the Draft Local Plan and the proposals accord with Draft Policy DS11. The site allocation includes the land within the Green Belt on the eastern side of the site. Some weight is attached to the Draft Local Plan due to its early stage in the planning process and this represents the Council's current preference for development based on the most up to date evidence base.

The Joint Strategic Housing Market Assessment (2013) established the Objectively Assessed Housing Need in the Housing Market Area which includes Warwick District. The need for Warwick District is for 12,860 homes or 720 homes per annum between 2011 and 2013. The interim level of growth previously adopted was 12,300, based on previous available evidence including the 2012 Strategic Housing Market Assessment (SHMA). However, the Inspector considering Coventry's Core Strategy requested that Coventry City Council withdraw their Core Strategy in order to work with other councils in the sub-region in preparing a joint SHMA.

The Draft Local Plan contains justification for the development of land within/ adjoining settlements, as it will not be possible to provide sufficient land for the new housing growth within the existing urban area, so it will be necessary to allocate new development on green field and Green Belt sites.

Prematurity

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

Assessment of the proposed housing provision

In terms of the type of housing being provided, 40% would be affordable and the affordable mix would be in accordance with the affordable housing need previously identified by the Housing Strategy Officer (50% social rented; 30% affordable rented; 20% intermediate tenure/shared ownership). The size and type of the affordable dwellings would be subject to further consideration under a

reserved matters application, but the indicative mix of housing types also meets the requirements.

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

Complying with these requirements in terms of the affordable and market housing mix, sizes and house types, would comply with Policy SC1 which requires a range of sizes and types of dwelling and SC11 which requires 40% affordable housing and provision in accordance with local needs. The NPPF (para.50) sets out the need to “plan for a mix of housing based on current and demographic trends, market trends and the needs of different groups in the community”. 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.

Impact on the living conditions of nearby dwellings

The proposed development would be situated to the west and east of dwellings on Woodland Road and Highland Road, and to the south-east of dwellings in Redthorne Grove. Houses in Woodland Road are separated from the site by the Greenway, and those in Highland Road are separated by the railway line, both of which have substantial hedges and trees along side. These nearby dwellings also have a variety of trees and hedges within their own boundaries. The nearest dwelling to the site is 5 Redthorne Grove which is a large modern detached house with substantial protected trees near its rear boundary. The indicative layout would be subject to separate assessment under a reserved matters application, but this shows dwellings positioned in this rear corner of the site with rear gardens abutting the shared boundary. Such a layout would comply with the Council’s Distance Separation Standards SPD and which would ensure an acceptable standard of amenity. A scheme to incorporate suitable protection measures for the TPO trees will also be required, along with suitable landscaping between the site and this neighbour, and also to the Greenway. The provision of new dwellings alongside existing dwellings would not lead to unacceptable standards of amenity, subject to the approval of detailed layouts and design, and loss of view is not a planning matter.

The Environmental Health Officer recommends a condition for a construction management plan to minimise disturbance to surrounding residents.

Noise

The application was accompanied by a Noise Assessment. This identifies the main source of noise to be the adjacent railway line. The Noise Assessment concludes that noise mitigations measures will be required to ensure that the site is suitable for development. This will vary across the site, but includes a noise barrier of variable height along the eastern boundary of the site (1m to 2.5m high) and acoustic glazing and ventilation to certain properties. These measures

will adequately mitigate any noise for future occupiers and take into account the predicted increases in rail traffic over the next decade (32%). Environmental Health have raised no objection on these grounds, subject to a condition to require a scheme to be submitted to protect residents of the development from traffic noise.

Air quality

Environmental Health consider that the attraction of additional vehicles to the application site will inevitably lead to an increase in vehicle emissions in the area. Environmental Health have recently published the WDC Air Quality Planning Policy Guidance which recognises the impact of road transport emissions creep due to the aggregated impact of development schemes. The policy requires developers to use 'reasonable endeavours to minimise emissions and, where necessary, offset the impact of development on the environment'. Environmental Health have advised that the developer should be invited to consider producing a low emission strategy for the development, which could be required by condition.

Green Belt impact

The indicative layout shows there may be part of a small number of dwellings within the narrow strip of Green Belt land on the eastern side of the site. The applicant submits that these will not harm openness or the function of the wider Green Belt land to the north of the site, and that these matters, along with the circumstances that lead to the land being removed from the Green Belt, constitute very special circumstances to justify the proposal for this small area of development. These points are agreed and combined with the need to increase housing supply, and the fact that this is the only potential housing site adjoining Kenilworth that is not wholly within the Green Belt, and is therefore a proposed allocation in the Draft Plan, this is considered to constitute very special circumstances sufficient to outweigh the harm to the Green Belt by reason of inappropriateness, and by reason of visual harm which would be small.

Landscape impact

In terms of existing landscape character, the Warwickshire Landscape Guidelines include the application site within the Arden character area and the Arden Parklands landscape type. The Guidelines advise that this landscape type is characterised by an enclosed, gently rolling landscape defined by woodland edges, parkland and belts of trees.

The development of this site will have an adverse impact on the rural character of the area by introducing large scale built development on a green field site. The site is visible from the adjoining residential development and open countryside to the north where levels rise. The local topography, vegetation and existing urban development visually contain the site and limit views of the site from the south, west and east, although there are close up views of the site through gaps in the boundary vegetation along the adjacent greenway to the west. The site is also visible from the bridge that takes the Greenway over the A429.

The planning application was accompanied by a Landscape and Visual Appraisal. This proposes a landscape and visual strategy for the site which includes locating an area of open space in the southern part of the site and the enhancement of the creation of landscape buffers along the northern and eastern boundaries of the site. These measures have been developed to take account of the fact that the main views of the site are from the countryside to the north and the fact that there is a view corridor from the north in which the southern part of the site can clearly be seen. Proposed landscape mitigation is in the form of a landscape buffer along the north-eastern boundary which will enhance the existing hedgerow and trees, along with a buffer along the railway boundary to the east, all of which would utilise indigenous species. These mitigation measures would be required to form part of any reserved matters submission.

Taking into account the proposed mitigation measures, the development of this green field site would have an adverse landscape impact. However, this needs to be balanced against the housing needs of the District. The benefits of securing 93 new dwellings to contribute towards housing needs in the District are considered to outweigh the limited landscape harm that has been identified. Furthermore, development on the application site presents the only opportunity for Kenilworth to be enlarged on a site that is largely outside the Green Belt.

Impact on trees and hedgerows

The proposed site access would require the removal of a 14m sycamore tree, a 12m poplar and part of the mixed group of 5-10m high planting on the Greenway embankment. Further 14-16m trees and 8m high hedging would be removed on the eastern boundary, where it is proposed to plant replacement buffer planting at the end of rear gardens. This is also where the acoustic fence is proposed. All remaining trees would be protected during construction. Given the substantial amount of tree cover that surrounds the site generally, it is considered that the proposals including mitigation would not lead to unacceptable loss of trees.

Traffic impact / highway safety

The proposed access would be gained off Common Lane where the road would need to be signalised to allow traffic to safely enter and exit the site. This would lead to delays for motorists using Common Lane. The traffic implications of this have been modelled by the applicant in their Transport Assessment, which is being assessed by WCC Highways. Providing that the Highway Authority are content that the modelling exercise has been correctly undertaken, there would be no justification to refuse the proposal on this ground. Local fears regarding the impact that the proposed arrangements would have on traffic flows are noted, but unless the residual cumulative impact of the development is severe, the NPPF advises that planning permission should not be refused on highway grounds (para. 32).

The applicant considers the proposed bridge structure should be maintainable from the access itself, but are exploring an alternative for emergency access

from the Greenway. Providing this is for emergency access only, it would not harm the quiet secluded character of the Greenway or affect users.

The development would contribute towards a cumulative increase in activity on the wider highway network, along with the further growth currently planned for in the District, and would also require alterations to Common Lane. Therefore, it is considered necessary for the development to contribute towards strategic transport interventions required to support the development which equates to £6,000 per open market dwelling. These measures have been identified by the Highway Authority in their Strategic Transport Assessment (a document that provides part of the evidence base for the new Local Plan). A suitably worded S.106 agreement would secure the contribution of £6,000 per open market dwelling towards strategic highway infrastructure and £75 per dwelling for occupants of the dwellings to be provided with Sustainable Welcome Packs.

Impact on local services and infrastructure

The proposed development would create significant additional demand for local services and there have been a number of requests for contributions towards community facilities, as listed under the details of development.

Having considered the available evidence, the requested contributions are considered to be in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. A development of 93 dwellings on this site would have a material impact on or need for affordable housing, education, health care, open space, rights of way, sports facilities, monitoring costs, employment/training for locals and highway matters. This a particular issue given the cumulative impact that is expected from the substantial level of housing growth proposed across the District. It is reasonable to expect a development of this size to contribute towards the additional costs associated with meeting these increased demands. The relevant consultees have identified specific projects and locations where this money would be spent. Therefore it is considered that all of the contributions listed above are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development (as required by Regulation 122).

Ecological impact

The development will result in the loss of existing wildlife habitats, however, the developer is willing to enter into a S106 to secure biodiversity offsetting, which would accord with the NPPF which requires all developments to result in a net biodiversity gain. WCC Ecology have advised that the development would be acceptable, subject to various conditions, including a requirement for a Construction and Environmental Management Plan to be produced, which would include measures for the protection of all notable and protected species that have been identified on site.

Drainage and flood risk

The site is situated within Flood Zone 1, therefore, the site is considered to be suitable for residential development from a flood risk point of view. The proposed attenuation pond would discharge surface water at a controlled rate to the Canley Brook which passes through the applicant's land, who therefore has a riparian right to discharge here. Prior consent of the Environment Agency will be required. The existing sewerage system does not have sufficient capacity to receive foul water from the development therefore the proposal would be to improve existing systems to deal with the additional load. There has been no objection from the Environment Agency, Severn Trent Water or the Council's Community Protection team. All of these consultees are satisfied that the drainage and flood risk information that has been submitted with the application is sufficiently detailed for these outline proposals. Conditions are recommended to require further details as part of any reserved matters submission. The attenuation basin and upstream drainage systems are intended to be maintained by a private management company therefore the S106 does not need to include payment for maintenance of drainage systems.

Loss of agricultural land

The site will result in the loss of 3.22 ha. of best and most versatile agricultural land.

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

Looking first at whether development of agricultural land is necessary, this is demonstrated by the pressing need for housing in the District and the lack of a 5 year supply of housing land. The housing needs of the District will not be met without developing significant areas of agricultural land.

Turning to the requirement for local planning authorities to seek to use areas of poorer quality land in preference to that of a higher quality, it must first be acknowledged that much of the agricultural land adjoining the urban area of Warwick and Leamington is classified as the best and most versatile agricultural and / or is situated within the Green Belt. Meeting the housing needs of the District and complying with Green Belt restrictions will inevitably require development on areas of the best and most versatile agricultural land. The quantum that would be lost is not considered significant. Therefore, in conclusion on this issue, it is considered that the need to provide new homes in a sustainable location is not sufficient in itself to justify refusal. However, it is an adverse impact of the development.

Other matters

The applicant has carried out a comprehensive review of the benefits and drawbacks of renewable technologies and concluded that adopting a strategy of utilising low carbon building fabrics would prove more effective in minimising energy usage and maximising energy efficiency on a development of this size and type. This is at odds with the Council's Sustainable Buildings SPD and Policy DP12 which specifically requires the generation of renewable energy on site. The movement towards achieving carbon savings by a fabric first approach is generally accepted as being the direction of travel in national and local planning policy, therefore it is recommended that the standard condition requiring renewables be altered to allow this alternative approach to achieving the same carbon savings. Such an approach has recently been agreed by the variation of this condition on a number of residential permissions.

There are no designated heritage assets that would be affected, and WCC Archaeology are satisfied that suitable conditions could be imposed to protect potential archaeological deposits.

In relation to health and wellbeing, the proposed development is designed in a manner which makes appropriate provision for the amenities of the future occupants of the new residential properties and which does not impact upon the amenities of any nearby properties to an unacceptable degree. It will also make appropriate provision in terms of the mix of housing to meet the needs of a range of household types and sizes.

SUMMARY / CONCLUSION

Due to the Council's lack of a five year supply of housing land, Local Plan Policy RAP1 is out of date. Therefore the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. This states at paragraph 14 that where the development plan policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

There are three dimensions to sustainable development: economic, social and environmental. The development would deliver economic benefits through the generation of employment during the construction phase, and from the increased population which would contribute towards increased expenditure in the local area and dependence on local facilities. Business would also benefit economically through the provision of 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, the provision of open space, and improvements to shared infrastructure. 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 improved footpath/cycle way links. The site is in a sustainable location 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 identified in the NPPF.

It has been concluded that any issues of concern that have been raised can be satisfactorily addressed through the assessment of reserved matters applications, the provision of new facilities, and the provision of new infrastructure by way of financial contributions. The development would have an adverse impact on the surrounding landscape in terms of the loss of openness and harm to rural character. However these impacts need to be balanced against the wider benefits of the development listed above. It has also been concluded that in the circumstances of this case, very special circumstances have been demonstrated to justify the inappropriate development in the small areas of the site that are in the Green Belt.

In the particular circumstances of this application, it is not considered that the adverse impacts on the landscape and rural area significantly and demonstrably outweigh the benefits of the development. The development is considered to comply with all current Local Plan policies aside from RAP1, which the NPPF advises cannot carry any weight. Furthermore the development is considered to comply with the policies of the NPPF, taken as a whole. The presumption in favour of sustainable development carries substantial weight, as does the contribution the development would make to the provision of housing to meet the needs of the District. The allocation of this site for housing in the Draft Local Plan also carries some weight. It is therefore concluded that planning permission should be granted.

CONDITIONS

- 1 This permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 as amended, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-
 - (a) layout
 - (b) scale
 - (c) appearance
 - (d) landscaping

REASON : To comply with Section 92 of the Town and Country Planning Act 1990 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 development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (B.0292_08, 461095-003 Rev.H, 461095-014 submitted on 28 April 2014. Tree removal and tree protection plan Figure 2 submitted on 28 July 2014), and specification contained therein. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 5 Prior to the submission of any Reserved Matters applications for any phase of development:
- a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work across this site shall be submitted to and approved in writing by the local planning authority.
 - the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI is to be undertaken. A report detailing the results of this fieldwork is to be submitted to the local planning authority.
 - An Archaeological Mitigation Strategy document shall be submitted to and approved in writing by the LPA. This should detail a strategy to mitigate the archaeological impact of the proposed development. Dependent upon the results of the trial trenching, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits worthy of conservation.
- No development shall take place until any fieldwork detailed in the approved Archaeological Mitigation Strategy document has been completed to the satisfaction of the Planning Authority. The post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the approved Mitigation Strategy document. **REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.
- 6 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; and
- (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 to ensure 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.

- 7 The development hereby permitted shall not be commenced unless and until a scheme showing how either 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, or a scheme has been submitted to achieve the equivalent carbon savings by the installation of building fabric improvements, 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 this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications.

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.

- 8 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter.

REASON: To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan.

- 9 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 local planning authority and has been put in place. The scheme

must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2012, 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 ground levels be altered or any excavation take place without the prior consent in writing of the local 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:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

- 10 The development hereby permitted (including demolition) 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 with subsequent mitigation as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy DAP 3 of the Warwick District Local Plan.
- 11 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the 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 pond, wildflower grasslands, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure a net bio-diversity gain in accordance with the National Planning Policy Framework (NPPF).
- 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 should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:
 - a risk assessment to be undertaken relating to human health;
 - a risk assessment to be undertaken relating to groundwater and surface waters associated on and off site

that may be affected;

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

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

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

- (2) All development of the site shall accord with the approved method statement.
- (3) If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.
- (4) Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

REASON: To safeguard health, safety and the environment in accordance with Policies DP2, DP3 & DP9 of the Warwick District Local Plan 1996-2011.

- 13 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.

- 14 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.
REASON: In the interests of fire safety.
- 15 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 noise, vibration, dust, dirt and light 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.
- 16 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.
- 16 The development hereby permitted shall be carried out in strict accordance with a drainage scheme and details of the following that shall have been submitted to and approved in writing by the local planning authority:
- The applicant is to provide detailed design plans showing the existing and proposed foul & surface water drainage systems for the site, showing the location of yard and road gullies, manhole's, soak ways, septic tanks, cess pits and pipes including size, shape, material, fall and level in relation to ground and building levels. This

should include a manhole schedule.

- The applicant is to provide detailed engineering drawings of the proposed attenuation pond and any other SUDS features incorporated into the design of the site. This should include vehicle and pedestrian access to the proposed attenuation pond to allow for maintenance crews to access the area to maintain control structures and the pond.
- Where works are located within 8m of the watercourse the applicant must obtain land drainage consent from the Environment Agency
- The applicant is to obtain discharge consent from the Environment Agency as part of the application.

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.

- 17 Prior to any development commencing on site, full details of the design and appearance, including materials, of the bridge access into the site shall be submitted to and approved in writing by the Local Planning Authority. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 18 Any landscaping (other than the planting of trees and shrubs) approved under condition 1, including boundary treatment, paving and footpaths, shall be completed in all respects for that phase of development, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of the dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 19 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and

species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

- 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.





