

**Application No:** W 14 / 0023

**Town/Parish Council:** Bishops Tachbrook  
**Case Officer:** Rob Young

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**Registration Date:** 08/01/14

**Expiry Date:** 09/04/14

**Harbury Gardens, Harbury Lane, Bishops Tachbrook, Leamington Spa,  
CV33 9QF**

Residential development (approximately 200 dwellings) with new access onto Harbury Lane, land safeguarded for a new primary school, allotments, open space, local shop (A1 use up to 100 sqm gross), car parking and associated infrastructure FOR A C Lloyd Ltd

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This application is being presented to Committee due to the number of objections from residents and objections from Parish and Town Councils having been received and because it is recommended that planning permission is granted subject to a Section 106 agreement.

The application was previously on the agenda for the 18 March Planning Committee. However, it was withdrawn from the agenda prior to consideration at the meeting to enable more work to be carried out on the evidence base to support the requested Section 106 contributions. This work has now been undertaken, with further evidence produced to support the contributions towards the country park, indoor and outdoor sports facilities and NHS acute and community healthcare. All of the Section 106 contributions are now agreed with the applicant.

The report that follows has been updated to take account of further information that has been received following the completion of the previous Committee Report.

**RECOMMENDATION**

Planning Committee are recommended to grant outline planning permission for the development subject to the receipt of a satisfactory Section 106 Agreement and subject to the conditions listed. Should a satisfactory Section 106 Agreement not have been completed by 29 May 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 proposes a residential urban extension of 10.52 hectares into open countryside on the southern side of Harbury Lane. Outline planning permission is sought with all matters reserved except for access. The indicative

layout shows space for 200 dwellings and land allocated for a primary school and playing field and associated green buffers, green spaces, public open space (incorporating a sustainable urban drainage attenuation basin) and allotments within the development site. Access is proposed from the southern side of Harbury Lane adjacent to Cicero Approach on the northern side of the Harbury Lane. A farm access will be provided through the site to Grove Farm.

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

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

The Design and Access Statement indicates that: "the design philosophy for this site from the outset was to adopt and embrace the local authority's strategy for future development as outlined in their prospectus 'Garden Towns, Villages and Suburbs'. Perimeter development blocks and the spaces hereby created are clearly defined promoting efficient movement within the scheme that will help reduce the dependence on the car. Pedestrian links are provided around the perimeter of the site via the creation of 'greenways' that then link back into the site access. From the access you are led straight into the scheme by a tree lined avenue that provides a north/south link to the central 'village green', which is utilised as a hub from which a simple and direct east/west link to transverse the site with leafy tree lined streets creating a pleasant and safe environment for people to walk and cycle. Landscape boundary treatments aim to create important ecology habitat corridors across the site and provide visual mitigation for users of footpaths along the boundaries. The built form comprises 2 and 2.5 storey buildings to provide variation in roofscape and landmark buildings, Architecture will draw on the local vernacular".

The applicant has agreed to enter into a Section 106 agreement. The agreed heads of terms of the agreement are as follows:

1. 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.
2. Preparation and agreement with the local planning authority of the design, management and maintenance of SUDS, adoption of SUDS and payment of the management/maintenance fees for 13 years from the date on which planning permission is granted.
3. Preparation and agreement with the local planning authority prior to the commencement of development of a Biodiversity Offsetting Scheme to be identified in a Biodiversity Offsetting Report. The applicant would then deliver the agreed Scheme by funding the offsetting measures and their management/maintenance costs for at least 25 years from the date on which planning permission was granted.

4. 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.
5. Contribution of £768 per dwelling towards the Country Park.
6. Requirement for details of children's play space to be submitted for approval and implemented. Payment of a commuted sum for future maintenance of the play areas.
7. Contribution of £6,000 per open market dwelling towards the cost of off-site highway improvement schemes as required by WCC Highways.
8. Contribution of £302 per dwelling towards school transport provision.
9. Contribution of £3,740 towards the cost of improvements to public rights of way within a 1.5 mile radius of the site as required by the WCC Rights of Way Team.
10. Contribution of £8,007 per dwelling towards funding new primary, secondary, sixth form, early years and special needs school places and provision of a 1.05 hectare site for a primary school.
11. Contribution of £784.61 per dwelling to fund improvements to indoor sports halls and swimming pools within Warwick District.
12. Contribution of £56.73 per dwelling to fund improvements to outdoor sports facilities within Warwick District.
13. Contribution of £34,138 towards library facilities.
14. Provision of 40% affordable housing, to deliver a tenure mix of 50/30/20 social rent/affordable rent/shared ownership. The level of affordable rent should be restricted to the mid-point between social rent and 80% of open market rent.
15. Contribution of £772.86 per dwelling towards the capital costs of construction of a new GP surgery as required by NHS Property Services.
16. 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.
17. 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).

## **THE SITE AND ITS LOCATION**

The application site comprises arable fields forming a largely rectangular plot bounded by Harbury Lane to the north with Warwick Gates beyond. A static caravan park is located to the west and to the south and east of the site are open fields and a building group belonging to Grove Farm. The site is within open countryside.

## **PLANNING HISTORY**

In October 2013 outline planning permission was refused for "Residential development (approximately 200 dwellings) with new access on to Harbury Lane, land safeguarded for a new primary school, allotments, open space, local shop

(A1 use up to 100 sqm gross), car parking and associated infrastructure" (Ref. W13/0036). The reasons for refusal were as follows:

*"1. The proposed development would be contrary to Policy RAP1 of the Warwick District Local Plan 1996-2011 in the absence of an identified local need.*

*2. By virtue of its elevated topography the application site would result in coalescence between the existing urban area and Bishop's Tachbrook to the visual detriment of a significant rural area south of Harbury Lane. The network of green infrastructure corridors identified will not provide sufficient or effective mitigation to overcome this visual harm. The proposed development is therefore contrary to Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011 and the aims and objectives of the National Planning Policy Framework 2012, in particular Paragraph 58.*

*3. The NPPF states that where significant development of agricultural land is necessary, local planning authorities should seek to use poorer quality land in preference to that higher quality. The proposed development is contrary to the aims and objectives of the National Planning Policy Framework (NPPF) 2012 as it will result in the loss of Grade 2 and 3a agricultural land, which Annex 2 of the NPPF identifies as the 'best and most versatile agricultural land'.*

*4. The proposed development would be contrary to Policies SC11, SC13 and SC14 of the Warwick District Local Plan 1996-2011, in that no mechanism has been provided to secure affordable housing, open space, ecological bio-diversity off-setting, County Council highway, library and education and health care contributions and therefore infrastructure needs generated by the development have not been satisfactorily secured."*

## **RELEVANT POLICIES**

- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)

- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- Affordable Housing (Supplementary Planning Document - January 2008)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Warwickshire Landscape Guidelines SPG
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
- National Planning Policy Framework
- SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)

## **SUMMARY OF REPRESENTATIONS**

**Bishops Tachbrook Parish Council:** Object on the following grounds:

- the Council should have exercised its powers to decline to determine this application because it is the same as the previous scheme that is the subject of an appeal;
- the further information submitted with the current application has not addressed the previous reasons for refusal;
- contrary to the NPPF;
- contrary to the current Local Plan, whose policies should continue to be given weight according to their degree of consistency with the NPPF;
- Local Plan policies for the rural area are consistent with the NPPF;
- decisions should be made in accordance with the Local Plan unless material considerations indicate otherwise and are of more weight;
- the proposal is submitted before the new Local Plan has been adopted, the site should not be considered in isolation until consultation on this is complete;
- housing will be very visible across the Tachbrook Valley from the south, being on a ridge line;
- the suggested country park would not hide this housing;
- the NPPF intends to conserve, protect and enhance landscape, such as this wonderful piece of Warwickshire;
- coalescence between Warwick / Leamington and Bishops Tachbrook;

- the boundary between Bishops Tachbrook, Whitnash and Warwick Gates has been Harbury Lane; if developments south of this were to go ahead the resulting separation between settlements will be too small and threatened by future development;
- the Inspector's comments who considered the current Local Plan remain relevant;
- there is no local need for these houses;
- loss of high quality agricultural land; and
- no mechanism has been provided to secure affordable housing, open space, ecological biodiversity offsetting or contributions towards highway infrastructure, libraries, education or healthcare facilities.

Further comments have been received from the Parish Council requesting that the following projects are included in any Section 106 requirements, should permission be granted:

- completion of the Safer Route to School from the Leopard public house to the school; and
- traffic calming measures along Oakley Wood Road through the village.

**Whitnash Town Council:** Object on the following grounds:

- the current local plan is still in force;
- significant traffic increases / road congestion;
- coalescence of all developments south of the river will result in urban sprawl and loss of identity to towns/villages;
- overdevelopment / not cohesive / adverse impact on infrastructure; and
- loss of agricultural land / impact upon air quality.

**Warwick Town Council:** Object on the following grounds:

- approval would prejudice consultation on the new local plan;
- land is not allocated for housing purposes;
- it is not accepted that WDC do not have sufficient land to meet development for the next five years with outstanding permissions for nearly 2,000 homes;
- proposed housing provision is greatly in excess of what is needed;
- air pollution concerns; and
- the reasons given for refusal of the previous application on this site are still pertinent.

**Royal Leamington Spa Town Council:** No objection. Trust that the developer will work closely with the District Council and the County Council to ensure suitable infrastructure. Concern expressed at possible problems with traffic and would press for a strategic cycle route.

**Public response:** 164 objections have been received (including one from the "Save Warwick Group"), raising the following concerns:

- Warwick District does not need 12,300 new homes;
- there are 1,400 empty / derelict homes in the District;

- WDC should not cave in to Government demands but listen to public protest;
- contrary to the Local Plan;
- the Inspector's Report in relation to the previous Local Plan Inquiry stated that this land should not be allocated for housing development within the Plan period or be identified for longer term development;
- coalescence between Warwick / Leamington and Bishops Tachbrook;
- approving this development would be premature in advance of the new Local Plan and Neighbourhood Plans;
- new development should be spread more evenly around the District;
- more brownfield land should be developed first;
- NPPF should not be considered out of date;
- these new housing sites should be considered as a whole rather than as individual applications;
- lack of consultation on alternative options for housing growth;
- contrary to the Neighbourhood Plans that are being drawn up;
- no reference to phasing over the next 17 years;
- few houses are affordable, present homeowners cannot afford to upsize;
- harm to heritage assets;
- harm to the rural landscape;
- loss of rural views;
- increased urban sprawl;
- Harbury Lane currently provides a natural barrier to further sprawl and this should not be breached;
- loss of high grade agricultural land;
- loss of ecology;
- loss of green space;
- traffic congestion;
- poor access by emergency services to this side of the urban area;
- harm to highway safety;
- insufficient parking;
- no investment proposed for public footpaths to connect the estate through to amenities such as Oakley Wood;
- no cycle paths shown;
- noise and air pollution;
- loss of privacy;
- pressure on local infrastructure and services;
- the development will not fund the construction of the school and therefore this may never be built;
- suggestions on the location for a community centre / local retail facilities; and
- nothing has changed since the previous refusal to indicate that the proposals should now be approved.

A number of comments have been raised with the name of the site 'Harbury Gardens', however this is not material to the consideration of the application.

**Campaign to Protect Rural England:** Object on the following grounds:

- contrary to Policy RAP1;
- no local need has been shown;
- urban sprawl;

- coalescence between the urban area and Bishops Tachbrook;
- the landscape mitigation measures will not work;
- the Council's own recent Villages consultation document did not proposed development north of Bishops Tachbrook on the grounds of landscape sensitivity – the same considerations would apply to the current application site; and
- there is no need for the scale of housing development proposed in the Revised Development Strategy.

**Highways Agency:** No objection.

**Environment Agency:** No objection, subject to conditions.

**English Heritage:** The impact of the scheme on the significance of Warwick Castle Park and on other heritage assets would appear to be low. However, measures need to be taken to ensure the conservation of the Castle Bridge and its setting. Inevitably the Council will need to take wider planning matters into consideration in determining the application, but from a heritage view point the impact may be judged as less than substantial harm.

**Severn Trent Water:** No objection, subject to a condition to require drainage details.

**Natural England:** No objection.

**Warwickshire Police:** No objection, but make recommendations for security measures to be incorporated into any reserved matters application.

**NHS Property Services:** Request a contribution of £772.86 per dwelling towards primary care facilities.

**South Warwickshire NHS Trust (Acute and Community Healthcare):** Request a contribution of £1,678 per dwelling from all residential developments in Warwick / Stratford Districts towards 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.

**WCC Highways:** No objection. Require contributions of £6,000 per open market dwelling towards strategic highway infrastructure, £50 per dwelling for sustainable welcome packs and £302 per dwelling to provide school bus services for those pupils living on the development.

**WCC Archaeology:** A geophysical survey and archaeological trial trenching have been undertaken across the site. This did not identify any significant archaeological features. Given the results of this fieldwork, it is not considered that the proposed development will have a significant archaeological impact.

**WCC Ecology:** Confirm that they are satisfied with the Biodiversity Impact Assessment and Biodiversity Offsetting proposals. There is scope for any loss of



biodiversity to be compensated for on site if the correct measures are carried out. Measures to compensate for the loss of biodiversity should be secured through a habitat management plan for the site to ensure there is no net loss of biodiversity as a result of the development (to be secured by a Section 106 agreement). WCC Ecology raise no objections to other matters, subject to conditions.

**WCC Libraries:** Request a contribution of £34,138 to enable the library service to flex services to meet the needs of new and emerging communities.

**WCC Education:** Request a contribution of £8,007 per dwelling for education provision together with a site for a primary school.

**WCC Fire & Rescue:** No objection, subject to a condition to require details of water supplies and fire hydrants.

**WCC Rights of Way:** Request a contribution of £3,740 towards improvements to public rights of way within a 1.5 mile radius of the development site.

**WDC Environmental Health:** No objection, subject to conditions.

**WDC Green Infrastructure Manager:** No objection.

**WDC Housing Strategy:** No objection. The site is of sufficient size to engage 40% affordable housing, which is recognised in the applicant's Planning Statement.

**WDC Community Protection:** No objection, subject to conditions.

**WDC Waste Management:** No objection, but make recommendations in relation to minimum requirements regarding refuse and recycling.

## **ASSESSMENT**

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

- the principle of development;
- traffic impact / highway safety;
- landscape impact;
- provision of public open space;
- heritage impacts;
- ecological impact;
- the impact on the living conditions of nearby dwellings;
- air quality;
- drainage and flood risk;
- the impact on local services; and
- loss of agricultural land.

## **The 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 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 site was not included in the Local Plan Preferred Options report in 2012, but was included in the Revised Development Strategy (RDS) that was consulted upon between June and July 2013. Little weight is attached to the 2012 Preferred Options as these have been superseded by the Council's preferred options in the 2013 Revised Development Strategy (RDS) and have not therefore been carried forward. Significant weight cannot be attached to the 2013 RDS. However, this does represent the Council's current preference for development based on the

most up to date evidence base. It is also of note that the application site has been included as an allocation in the Draft Local Plan that will be considered by Full Council on 23 April 2014.

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 RDS.

The RDS (paras. 5.2.23-5.2.28) contains justification for the development of the application site and the other sites south of Warwick and Whitnash, as it will not be possible to provide land for the 12,300 new homes needed between 2011 and 2029 within the existing urban area. This was the interim level of growth adopted by the Council based on available evidence at that time, 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 Strategic Housing Market Assessment and this included Warwick District Council. The Joint SHMA was published in November 2013 and identified a housing need for Warwick District of 720 homes per annum between 2011 and 2013, which would amount to 12,960 homes over the period 2011-2029.

The RDS states that as it is not possible to provide for 12,300 homes (or the higher Joint SHMA requirement) within the existing urban areas, it will be necessary to allocate new development on green field and Green Belt sites. In comparison with other possible green field sites, this area has significant advantages which justify its inclusion in the RDS. This includes the fact that the landowners are willing, that the location at the edge of the existing urban area is sustainable, that the land is not Green Belt, and the 5 year housing supply position.

#### Prematurity

The site is in close proximity to a number of the other strategic development sites in the RDS and shares a boundary with further land earmarked for the development to the south. However, the development of the application site would not prevent the development of any of those other strategic development sites. Furthermore, as the adjacent sites are neither dependent on, nor incompatible with, the application site in terms of principle or layout, 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 accord with the affordable housing needs of the District in accordance with the current SHMA (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, which would have to meet the requirements of the Housing Strategy Officer.

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.

#### Change in circumstances since previous decision

In terms of changes in circumstances since the refusal of the previous application, the Joint SHMA was published in November 2013. This confirms the pressing need for housing land within the District and in fact indicates that the need is slightly greater than previously thought.

#### **Traffic impact / highway safety**

The Transport Assessment (TA) submitted with the application has assessed the transport implications arising from the proposed development. The assessments within the report have been undertaken in accordance with parameters agreed with the Highway Authority.

The TA notes that Harbury Lane is a single carriageway road that runs along the southern fringe of the urban area connecting with the strategic road network to the west (A452) and subsequently links direct to Warwick and Leamington Spa to the north. The TA notes that there are a number of existing bus services that run in close proximity to the site and an extensive network of footways and cycleways throughout the adjoining residential area to the north of Harbury Lane. The TA also notes that there is a considerable number of local facilities and services within walking and cycling distance of the site.

The proposed access would be gained via a new junction with Harbury Lane that will incorporate Cicero Approach. The site access will comprise a new traffic signal crossroads with Harbury Lane and Cicero Approach. The junction will incorporate crossing facilities on the site access arm with a dedicated crossing facility on Harbury Lane, operating on a demand basis with a dedicated phase in the signal cycle. The existing farm access is located some 80 metres to the east.

The Highway Authority have commented that they are aware that there are local concerns regarding the traffic impact of the proposed development. The developer has carried out their assessment following an agreed scope of work and carrying out traffic counts at locations to enable a baseline position be reached for assessing the impact of the development. The levels of impact of the proposed development are not considered to be unacceptable with the junction modelling showing that the junctions analysed will still operate within capacity. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual impacts of development are severe. Based on the evidence that has been submitted, the Highway Authority do not consider this is the case for the proposed development.

However, there will be a cumulative impact on the wider highway network when considering the further growth currently being planned for in the District. Therefore, it is considered necessary for the development to contribute towards strategic transport interventions required to support this planned growth (£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).

Following numerous iterations to the layout of the site access's, the Highway Authority have accepted the signal controlled crossroads that is now proposed. The addition of a new short right turn lane on the exit to the site is the primary alteration which resolves a potential issue of blocking vehicles exiting the site should a vehicle look to turn right out of the site.

Further information has been submitted to address the fact that the Woodside Farm development has been approved since the proposed development on the application site was previously considered. This further information has been accepted by the Highway Authority, who have advised that the only further requirements to address this additional impact would be the installation of two CCTV cameras to help to improve the operation of the site access junction on Harbury Lane and the junction between Harbury Lane and Tachbrook Road. These would be secured as part of the Section 278 highway works and therefore do not need to be included in any Section 106 agreement.

Taking the above matters into account, the Highway Authority have advised that the impact of the proposed development on the highway network will be acceptable. The applicant will be required to enter into a suitably worded S106 agreement to secure contributions of £6,000 per open market dwelling towards strategic highway infrastructure and £302 per dwelling to provide school bus services for those pupils living on the development. Furthermore a condition is recommended to require occupants of the dwellings to be provided with sustainable welcome packs.

Bishops Tachbrook Parish Council have requested Section 106 contributions towards the Safer Route to School from the Leopard Public House to the school and for traffic calming along Oakley Wood Road through the village. The applicant has suggested that this would be covered by the £6,000 per open market dwelling contribution towards strategic highway infrastructure and that it

is up to the Highway Authority how they choose to spend this. The Highway Authority have advised that the development is predicted to generate 10 outbound movements from the site south towards Bishops Tachbrook and 4 inbound in the morning peak and 6 outbound and 9 inbound in the afternoon / evening peak. This would represent a 1.5% increase in traffic in the morning peak and 1.6% increase in traffic in the afternoon / evening peak. Therefore the Highway Authority do not consider that it would be either necessary or reasonable to require the developer to fund the measures requested by the Parish Council.

## **Landscape impact**

Although the plans that have been submitted are indicative only, the Design and Access Statement provides detailed design objectives and a concept to accord with garden suburb principles. The site slopes gently down from Harbury Lane to the south-southeast with some inevitable views of the development from the south. The Design and Access Statement indicates appropriate 2 storey and 2.5 storey development on the site, and there will be a strong landscape edge to the development to part screen and soften the development. It would be appropriate to condition the building heights that have been indicated to set a clear limit for the assessment of the scale and appearance of buildings at reserved matters stage.

The applicant has added further information in the landscape chapter of the Environmental Statement in response to the previous reason for refusal relating to coalescence. This includes long section drawings between the proposed development and viewpoints on the edge of Bishops Tachbrook and a concept drawing to indicate the landscaping treatment for the greenway / combined cycle footway along the southern boundary of the site.

The applicant argues that the application site does not have an elevated topography when compared to its surroundings. They note that the northern edge of Bishops Tachbrook and public footpath W105 are at a similar level to that of the application site. However, they also note that the Tach Brook valley located between Bishops Tachbrook and the site is an area of lower topography.

The applicant notes that the nearest edge of the development would be over 1km away from the edge of Bishops Tachbrook and therefore it is considered that the visual separation between the two settlements will remain. The applicant points out that the houses and landscaping of Warwick Gates currently forms the horizon in views from Bishops Tachbrook and the proposed development would move this boundary approximately 225 metres south towards the village. The applicant suggests that the greenway proposed for the southern boundary of the site would replicate the existing planting on the southern boundary of Warwick Gates, therefore representing only a minor change in view.

The applicant advises that the greenway would comprise a 15m wide landscape buffer including hedge, tree and shrub planting appropriate to the scale of the development. The applicant considers that trees and shrubs located in the greenway as visual screen planting will provide maximum mitigation benefit

because they will be located at a similar level to that from where the view is seen from, as illustrated on the long sections.

The further information submitted by the applicant has been assessed and it is considered that this has addressed the previous reason for refusal relating to landscape / coalescence issues. Therefore it is concluded that the proposals would have an acceptable landscape impact and would not result in harmful coalescence between Warwick / Leamington / Whitnash and Bishops Tachbrook.

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

The Council's Green Infrastructure Manager states that the proposed 3.2 hectares of open space within the site (plus 0.23 hectares allotment space) meets the requirements of the Council's Open Space Supplementary Planning Document. A number of questions have been raised regarding play space, play equipment, the relevant age groups for such equipment along with footpath/cycle linkages. As the plans are indicative such detailing can be successfully agreed at reserved matters stage. The development will also contribute towards the cost of the proposed country park to the south.

### **Heritage impacts**

English Heritage have advised that the impact on Warwick Castle Park and on other heritage assets would be low. However, they have advised that measures need to be taken to ensure the conservation of the Castle Bridge, a Grade II\* Listed Building and Scheduled Ancient Monument. Whilst this is some distance from the site, it would be impacted on by increased traffic. However, from a heritage point of view, English Heritage advise that this impact may be judged to be less than substantial harm. Therefore, in accordance with Paragraph 134 of the NPPF, this less than substantial harm should be weighed against the public benefits of the proposals.

Looking at the impact on the Castle Bridge, there are no proposals to make any changes to this structure to mitigate the traffic impacts of the proposed development. Consequently there are no physical alterations required that would harm the character and appearance of the structure. On-going maintenance of the structure is the responsibility of the Highway Authority.

In terms of public benefits, the proposals would provide a significant number of new dwellings to meet housing needs within the District. This is considered to be a significant public benefit given the lack of a 5 year supply of housing land. Therefore, if there is some limited harm to the designated heritage assets referred to above, it is considered that this is outweighed by the public benefits of the scheme.

With regard to archaeological impact, a geophysical survey and archaeological trial trenching have been undertaken across the site. These investigations did not identify any significant archaeological features. Given the results of this fieldwork, WCC Archaeology do not consider that the proposed development will have a significant archaeological impact.

## **Ecological impact**

The development will result in the loss of existing wildlife habitats. However, a Biodiversity Impact Assessment (BIA) has been carried out and this identifies proposals for offsetting this loss of biodiversity. WCC Ecology have accepted the conclusions of the BIA and have confirmed that the loss of biodiversity can be offset by ecological enhancements on site. Full details of the biodiversity offsetting proposals would be secured in a Section 106 agreement.

WCC Ecology have advised that the development would be acceptable in other respects, subject to various conditions, including a requirement for a Construction and Environmental Management Plan to be produced. This would include measures for the protection of all notable and protected species that have been identified on site.

## **Impact on the living conditions of nearby dwellings**

The plans are indicative only, however it is considered that the proposed site can accommodate 200 houses and a school building while meeting necessary separation distances within the site and to surrounding properties. The residential use will be compatible with the adjoining residential uses and associated noise and comings and goings are unlikely to be so significant as to warrant refusal of the application.

A condition is recommended to require the submission of a Construction Management Plan, in accordance with the comments of Environmental Health.

With regard to traffic noise affecting residents of the proposed dwellings, Environmental Health have recommended a condition to require details of a scheme to protect residents of the development from excessive noise to be submitted for approval.

## **Air quality**

Despite the conclusion of the air quality assessment that the impact of the operation of the proposed development on vehicle emissions would be negligible, 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 are currently finalising a draft air quality planning policy which recognises the impact of road transport emissions creep due to the aggregated impact of development schemes. The policy will require 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. A condition has been recommended accordingly.



## **Drainage and flood risk**

The site is situated within Flood Zone 1. The supporting Flood Risk Assessment considers that the site is not at risk from flooding but recognises that the use of sustainable urban drainage systems (SUDS) are desirable on new development sites and proposes an attenuation basin to the south east at the lowest point of the site. Soakaways are not viable on the site and surface water disposal will be to the watercourse as per the drainage of the existing site. Foul sewerage will be passed to Severn Trent Water for connection to the existing adopted network.

The Environment Agency, Severn Trent Water and WDC Community Protection have raised no objection to the proposed scheme, subject to conditions to agree detailed plans. Therefore the proposals are considered to be acceptable in terms of flood risk and drainage.

## **Impact on local services**

There is significant concern from local residents with regard to the scheme resulting in further pressure on public services, and in particular schools, doctors and hospitals.

In terms of schools provision, Warwickshire County Council have indicated that a financial contribution of £8,007 per dwelling will be required for schools provision to upgrade pupil capacity. There would also be a requirement for land to be reserved within the site for a primary school.

In terms of hospitals, South Warwickshire NHS Trust have requested a 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.

NHS Property Services have requested a contribution of £772.86 per dwelling towards primary healthcare facilities.

WDC Housing Strategy supports the proposed 40% affordable housing provision and expects the site to deliver a tenure mix of 50% social rented, 30% affordable rented and 20% shared ownership, with the level of affordable rent to be restricted to the mid-point between social rent and 80% of open market rent. The size and type of property have been suggested, however Housing Strategy acknowledged that these may need to be revisited and adjusted as the scheme progresses to take account of changing demand.

WCC Libraries have requested a contribution of £34,138 to enable the library service to flex services to meet the needs of new and emerging communities.

The County's Rights of Way team have requested a contribution of £3,740 towards rights of way improvements within 1.5 miles of the application site.

There are also requirements for contributions of £784.61 per dwelling towards indoor sports facilities and £56.73 per dwelling towards outdoor sports facilities.

The Green Space Manager has advised that, if open space land is to be transferred to WDC, then a commuted sum for maintenance would be required, including a sum for maintaining the proposed attenuation basin. A contribution of £768 per dwelling will also be required for the creation / future maintenance of the proposed country park, which will be located to the south of the application site running from Oakley Wood Road to Europa Way.

The applicant has agreed to all of the above Section 106 contributions. This addresses the fourth reason for refusal of the previous planning application.

### **Loss of agricultural land**

The third reason for refusal of the previous application related to the loss of agricultural land. In response to this, the applicant has commissioned consultants to investigate the Agricultural Land Classification and soil resources of the site. This confirms that 3 hectares of the site is classified as Grade 2 and 7 hectares of the site is classified as Grade 3a. Therefore the whole of the site meets the definition of the best and most versatile agricultural land as set out in the NPPF. The proposals would therefore result in the permanent loss of 10 hectares of the 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.

Therefore, in conclusion on this issue, it is considered that the need to provide new homes in a sustainable location overrides any concerns about the loss of productive agricultural land.

## **Other Matters**

A condition is required to ensure reserved matters applications accord with current Local Plan Policies DP12 and DP13 in respect of generating 10% of the energy needs of the proposed development from renewable sources.

There are ongoing discussions with the applicant regarding the equalisation of land values in conjunction with the developers of other land earmarked for development to the south of Warwick / Leamington. As the application site provides land for a primary school, this may result in some loss of land value to the applicant which needs to be addressed through an equalisation agreement with the other developers. Whilst this does not impact on the determination of the current planning application, it is likely to form part of a separate agreement.

## **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, rural character and ridge and furrow, however these impacts need to be balanced against the wider benefits of the development listed above.

In the particular circumstances of this application, it is not considered that the 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 fact that the site is identified as a preferred option in the RDS needs to be given serious consideration due to its stage in the plan process, but the evidence base that lead to the inclusion of the site in the RDS 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 of 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 permission or within two years of the final approval of the reserved matters, whichever is the later. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 4 The access hereby permitted shall be constructed in strict accordance with the details shown on the site location plan and approved access drawing(s) ITB8073-GA-004 Rev C, and specification contained therein, submitted on 25 February 2014. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011.

- 5 An application for the approval of a construction phasing plan for the development shall be submitted before the expiry of three years from the date of this permission. The development shall thereafter be carried out in accordance with the phases established in the phasing plan as approved by the local planning authority. **REASON:** To ensure the proper phasing of the development.
- 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 No phase of the development shall take place under any reserved matters consent until a scheme for that reserved matters consent and phase of development showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the local planning authority. That phase of 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. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON :** To ensure that adequate provision is made for the generation of energy from renewable energy resources 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 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of outdoor sports facilities within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

**REASON:** To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.

- 11 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.

- 12 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).

- 13 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.

- 14 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.
- 15 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.
- 16 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in



constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.

- 17 No development shall take place unless and until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012.
- 18 The development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.
- 19 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority demonstrating that surface water runoff does not exceed runoff from the undeveloped site and does not increase the risk of flooding off-site. Post development runoff volumes and peak flow rates will be limited to the Greenfield discharge rate for all rainfall return periods up to and including the 100 year plus 30% (for climate change) as outlined within the Flood Risk Assessment. On-Site surface water attenuation will be provided to the 1:100 Climate change (30%) standard using Sustainable Urban Drainage Systems. The site drainage strategy will demonstrate the appropriate assessment and adoption of SUDS techniques. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details. **REASON:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011.

- 20 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.
- 21 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.
- 22 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.
- 23 The building heights shall not exceed 2 storey or 2.5 storey for landmark buildings as indicated within the submitted RPS Design and Access Statement dated November 2012. **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.

- 24 None of the dwellings hereby permitted shall be occupied unless and until a sustainable welcome pack has been provided to help promote sustainable travel in the local area in accordance with details that shall have been first agreed in writing with the local planning authority.

**REASON:** In the interests of highway safety and to meet the requirements of policy DP6 of the Warwick District Local Plan 1996-2011.

- 25 Prior to first occupation each of the dwellings hereby permitted, the first occupiers of the dwelling shall be provided with a sustainable welcome pack to help promote sustainable travel in the local area in accordance with details that shall have been first agreed in writing by the local planning authority. **REASON:** In the interests of promoting sustainable travel, in accordance with Policy SC12 of the Warwick District Local Plan 1996-2011.
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For guinea-pigs, current sticks off his chewing

120-0	700 mm	600 mm	500 mm	400 mm	300 mm
100-0	mm	2m	3m	4m	5m
120-0		1m		2m	
100-0		100mm		200mm	
1	1	1	1	1	1

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Client:	A C Lloyd		
Project:	Harbury Gardens, Warwick		
Type:	Location Plan		
Scale:	1:1000	Drawn:	XXX
Drawn:	JE	Date:	Dec 12
Drawn by:		Drawn:	113636

Job No: AAH5093 Proj No: 05  
Architects Engineers Surveyors  
Landscape Architects Service Consultants





