

Application No: W 14 / 0689

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

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Registration Date: 23/05/14

Expiry Date: 22/08/14

Land north of, Oakley Wood Road, Bishop's Tachbrook, CV33

Development of up to 150 dwellings, school drop off, open space, landscaping, sustainable drainage systems, access, footpaths and associated infrastructure.

FOR Bloor Homes Limited

This application is being presented to Committee due to the number of objections received and because it is recommended that planning permission is granted subject to a Section 106 agreement.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to conditions and subject to the completion of a satisfactory Section 106 agreement. Should a satisfactory Section 106 Agreement not have been completed by 22 August 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 the erection of up to 150 dwellings. This is an outline application with all matters reserved except for details of access.

The development will be served by a new access off Oakley Wood Road, with an emergency access off Holt Avenue. In addition, pedestrian and cycle access is indicated from The Lees, Holt Avenue and via a new footpath and cycleway through to the sports and social club car park. The density of the development will be approximately 35 dwellings per hectare (net). The Design and Access Statement proposes that the dwellings will be predominantly 2 storeys in height, with some 2.5 storey development.

The development also proposes to include the following:

- a new drop off and turning area for Bishops Tachbrook Primary School, including paths, fencing and other associated infrastructure within the school grounds;
- a new footpath link between the development and the sports and social club car park / recreation ground (across Parish Council land);

- a parking area for the existing allotments that adjoin the eastern boundary of the site; and
- provision of public open space within the site.

Negotiations are ongoing with the developer over a package of Section 106 measures to mitigate the impact of the development. This is expected to be finalised in time for Planning Committee on 19 August and full details will be included in the addendum report to Committee.

The following amendments have been made to the application:

- development framework plan amended to extend allotments along northern boundary and to provide a buffer area for great crested newts;
- confirmation that wildlife habitats will be created on land to the south of the application site to offset the loss of biodiversity on site;
- footpath link from the site to Oakley Wood deleted due to highway safety concerns; and
- heads of terms for Section 106 agreement amended.

THE SITE AND ITS LOCATION

The application relates to a field adjoining the southern edge of Bishops Tachbrook. The site currently forms part of the open countryside. The field is currently in agricultural use. There are hedgerows and trees along the edges of the site.

The site adjoins existing dwellings and Bishops Tachbrook Primary School to the north. The eastern boundary of the site adjoins allotments and a BMX track. Oakley Wood Road runs along the south-eastern boundary of the site, while further agricultural land is situated to the south-west and west of the site. The M40 motorway is situated approximately 520m to the south-west of the site. In terms of topography, the ground rises from Oakley Wood Road towards the north-western corner of the site.

A National Grid high pressure gas transmission pipeline runs approximately 120m to the south of the site.

RELEVANT POLICIES

- Warwickshire Landscape Guidelines SPG
- 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)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- National Planning Policy Framework
- 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)
 - Residential Design Guide (Supplementary Planning Guidance - April 2008)
 - Open Space (Supplementary Planning Document - June 2009)
 - Vehicle Parking Standards (Supplementary Planning Document)
 - Sustainable Buildings (Supplementary Planning Document - December 2008)
 - Affordable Housing (Supplementary Planning Document - January 2008)
 - DAP4 - Protection of Listed Buildings (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)
- Draft Village Housing Options and Settlement Boundaries (November 2013)
- - 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, HE2, HE6, NE2, NE3, NE4, NE5, W1, DM1.

SUMMARY OF REPRESENTATIONS

Parish Council: Support this application in principle, subject to a satisfactory Section 106 agreement and planning conditions to ensure the delivery of the community benefits described in the application and illustrated on the Development Framework Plan submitted in support of the application. These community benefits comprise:

- Access to rear of school for coach drop off, parking for parents dropping off rear entrance to school with CCTV monitoring and remote control of gate. Path from new school entrance to school buildings.

- Vehicle access and parking within the development site, for the existing allotments.
- Footpath to Oakley Wood.
- Public realm strategy for village centre re-designs.
- Improvement to Church Hill /Mallory Road junction.
- Improvements to play equipment and provision of parking on the Meadow.
- Contribution to community hall and other community facilities.
- Maintenance fund for proposed new play area.

In the absence of the delivery of these community benefits the Parish Council would be unable to support the application as it would not represent sustainable development and be in conflict with emerging Policy H10 for Rural Housing in the Publication Draft Local Plan (due to be submitted to the Secretary of State for Examination later this year) and the emerging Bishop's Tachbrook Neighbourhood Plan. The Parish Council support is also conditional upon further full consultation with the community and Parish Council at Reserved Matters stage.

The Parish Council also make detailed comments in relation to housing mix, phasing, highway improvements on Oakley Wood Road, the provision of a public footpath from the site through to the sports and social club car park and securing a contribution towards improving / replacing the existing children's play equipment in the village in lieu of new provision on the application site.

The Parish Council emphasise that the Section 106 should not focus on District-wide contributions at the expense of securing community benefits within the village.

Public response: 12 objections have been received, raising the following concerns:

- there is no need for this level of housing growth;
- harm to the rural landscape and the setting of the village;
- loss of agricultural land;
- harm to the character and appearance of the area;
- loss of privacy;
- increased pollution;
- increased noise and disturbance;
- harm to Great Crested Newts;
- allotments should be located alongside existing dwellings to provide a buffer from the development;
- increased traffic congestion;
- the development will create significant additional traffic along Oakley Wood Road through the village, but the strategic highway improvements that form part of the Draft Local Plan do not include any mitigation measures in this location;
- increased traffic along Oakley Wood Road without any mitigation will harm community cohesion by severing the houses to the east of that road from the remainder of the village;

- there is no mention of a link between the development and the existing shared footpath / cycleway between the village and Leamington;
- loss of views;
- the development would be isolated from the rest of the village, with a single access point from Oakley Wood Road;
- existing social infrastructure cannot cope with this amount of development;
- there is no capacity at the existing primary school to cater for the proposed development;
- there are existing surface water problems;
- the drainage details are inadequate;
- the site is at higher risk of flooding than is suggested by the applicant;
- increased crime and disorder;
- the site is remote from public transport links through the village;
- the site is remote from existing facilities within the village; and
- 2.5 storey dwellings would not be in keeping with the character of the village, which does not currently have any buildings of this height.

9 representations in support and 5 neutral comments have been received, making the following points:

- the development will improve the mix of housing in the village;
- more 4+ bedroom houses should be included in the development to balance the housing mix of the village, which is currently skewed towards 2 and 3 bedroom properties;
- the development will provide improved amenities for the village;
- the development will improve access to the school which will address existing traffic issues on Kingsley Road;
- the development will provide highway improvements to the centre of the village;
- the footpath link to Oakley Wood would be a significant benefit;
- this is the preferred site for new housing in the village, in accordance with the Draft Local Plan and the feedback on the consultation on the Neighbourhood Plan;
- the site is at the heart of the village, close to existing facilities;
- the development would have good connectivity to existing facilities which would enable good community integration; and
- some residents supporting the scheme or raising no objection caveat their comments with concerns that the number of houses is too high.

Natural England: No objection. Refer to standing advice on protected species.

Environment Agency: No specific comments. Provide generic advice to be applied to all developments.

Highways Agency: No objection, subject to a condition to require the implementation of accident remedial works at Junction 13 of the M40.

Health and Safety Executive: Do not advise against.

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

Warwickshire Police: Request a contribution of £60,463.91 towards police infrastructure.

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.

NHS Property Services (Primary Care): Comments awaited.

Ramblers Association: The new public footpath should be dedicated as a public right of way.

National Grid: No objection.

WCC Highways: Comments awaited.

WCC Archaeology: No objection, subject to a condition to require a programme of archaeological works.

WCC Education: Comments awaited.

WCC Libraries: Comments awaited.

WCC Rights of Way: Request a contribution of £3,481 towards improvements to public rights of way within a 1.5 mile radius of the development site. However, advise that this may not be necessary if the development provides a new footpath link to Oakley Wood. The developer would have to contribute towards the future maintenance of the new public right of way.

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

WCC Housing with Care Programme: An element of extra care housing should be included in the development.

WCC Ecology: No objection, following the receipt of revised proposals for safeguarding great crested newts and further details of proposals to off-set the ecological impact of the development. Recommend various conditions.

WDC Housing Strategy: Set out requirements for affordable housing. Request some minor changes to the size and type of affordable housing that is proposed in the application.

WDC Health & Community Protection: No objection, subject to conditions.

WDC Environmental Health: No objection, subject to conditions.

WDC Green Infrastructure Manager: No objection.

WDC Tree Officer: The vehicular access should be relocated to enable the adjacent ash tree to be retained, if possible.

PLANNING HISTORY

There have been no previous planning applications relating to the application site.

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;
- landscape impact;
- impact on trees and hedgerows;
- heritage impacts;
- 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 village, 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. Between April 2013 and December 2013 a total of 1,252 dwellings received permission along with 92 office to residential conversions. Not all of these permissions will be built out in 5 years, particularly those on large sites, so this still leaves a shortfall in relation to the housing requirement but the position is slightly improved from 2.8 years.

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 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. 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 2029. 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 accord with the affordable housing needs of the District in accordance with the current SHMA (60% social rented; 25% affordable rented; 15% 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. A condition would normally be imposed at outline stage to require any reserved matters application to accord with the Development Management Guidance on Achieving a Mix of Market Housing. However, strict compliance with this Guidance is not appropriate in Bishops Tachbrook. This is because the Guidance seeks to restrict the proportion of 4+ bedroom dwellings in favour of predominantly 3 bedroom dwellings, whereas the village already has a significantly lower proportion of 4+ bedroom dwellings than the District average (12% compared to 25%). Therefore insisting upon compliance with the Guidance would exacerbate the existing imbalance of housing stock within this particular village. This is also a concern of the Parish Council. Therefore it is considered that in this particular case a different mix would be appropriate. The applicant has agreed a mix of 20% 2 bedroom, 20% 3 bedroom and 60% 4 bedroom dwellings. This is considered to strike an appropriate balance between meeting the housing needs of the District as a whole (as identified in the Housing Mix Guidance) and recognising the existing imbalance in the housing stock in Bishops Tachbrook.

The proposed mix of affordable housing units has been agreed with the Council's Housing Strategy team. Therefore it is considered that the proposals comply with Local Plan Policy SC1, which requires a range of sizes and types of dwelling and Policy 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 application site is situated alongside a number of existing dwellings in Holt Avenue, The Lees and Commander Close. The site currently provides a rural outlook for many of those dwellings. However, protecting the views of existing dwellings is not a material consideration in assessing a planning application. As this is an outline application, the detailed layout is not known at this stage. However, the size of the site is such that there is scope to design a detailed layout that would provide an acceptable relationship with neighbouring dwellings that would not cause unacceptable loss of light, loss of outlook or loss of privacy.

The impacts on nearby dwellings in terms of noise and air quality are discussed under separate headings below.

Noise

The application was accompanied by a Noise Assessment. This concludes that the maximum increase in noise that existing residents are likely to experience as a result of increased traffic from the proposed development is 0.6dB. This is considered to be a negligible impact, given that an increase of less than 3dB is deemed to be indiscernible.

In terms of construction noise, the applicant proposes to prepare a Construction Environment Management Plan and this would include measures to control construction noise. This could be secured by condition. Environmental Health have raised no objection to the application and therefore it is considered that the proposals would not cause an unacceptable increase in noise for any existing dwellings.

In terms of noise that will affect the proposed dwellings, the main source would be traffic on Oakley Wood Road. The Noise Report concludes that, subject to suitable mitigation measures for the dwellings closest to Oakley Wood Road, noise does not pose a significant constraint to the development of the site. Proposed mitigation measures include standard thermal double glazing, trickle vents and restrictions on the orientation of dwellings and the position of lounge and bedroom windows in relation to Oakley Wood Road. 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.

For the above reasons it is considered that the noise impact of the proposals would be acceptable, both in terms of the noise experienced by existing dwellings and the noise experienced by the proposed dwellings.

Air quality

WDC Environmental Health consider that the additional traffic generated by the proposed development will inevitably lead to an increase in vehicle emissions in the area. Environmental Health have recently published the 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 a low emission strategy should be produced for the development, which should include measures to mitigate the impact of the development on air quality. This can be required by condition. The approval of a suitable low emission strategy would ensure that the development does not have an unacceptable impact on air quality.

Landscape impact

In terms of existing landscape character, the Warwickshire Landscape Guidelines include the application site within the Feldon character area and the Feldon Parklands landscape type. The Guidelines advise that this landscape type is characterised by rolling topography, woodland and scattered farmsteads.

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 greenfield site. The site is visible from the adjoining residential development to the north and from the open countryside to the south and east. The local topography and vegetation limits views from open countryside to the west.

In order to inform the assessment of potential residential development sites around the District, the Council commissioned Warwickshire County Council to undertake a Landscape Sensitivity and Ecological and Geological Study which was published in November 2013. This includes a detailed assessment of the land around various villages and settlements that have been identified for potential housing growth. All of the land parcels identified around Bishops Tachbrook were assessed as being of high sensitivity to housing development, except for the northern section of parcel BT05, which broadly corresponds with the current application site. This area was assessed as being of high/medium sensitivity. It can be concluded from this that, if residential development is to take place on the edge of Bishops Tachbrook, then the current application is the least harmful location in terms of landscape impact.

The current planning application was accompanied by a Landscape and Visual Appraisal. This concludes that the general landscape sensitivity to development on the site is low to medium, based on the extent of the sites visibility, its relationship with the existing urban form (and the surrounding countryside) and its ability to accommodate appropriate mitigation within the layout. No viewpoints were assessed as being of high sensitivity to development on the site.

Objectors have raised concerns about the inclusion of some 2.5 storey buildings within the development. The Design and Access Statement indicates that the development will be predominantly 2 storeys in height, with some 2.5 storey development. Given that 2.5 storey buildings are not significantly different in scale to 2 storey buildings, it is not considered that the inclusion of some buildings of this scale would adversely affect the character and appearance of the area. The development as a whole is proposed to be predominantly 2 storey and this would be in keeping with the established character of the village.

The Landscape and Visual Appraisal proposes a mitigation strategy to include:

- retention of many of the landscape features around the edges of the site, in particular the majority of the hedgerows and existing trees along Oakley Wood Road;
- planting new trees and woodland on rising ground to enhance the wooded character of the surrounding landscape;
- limiting development on the upper slopes; and
- development edge arranged to face out on to the countryside in an informal arrangement, with building heights limited to 2 storey with muted colours towards the edge of the development.

The above mitigation measures would be required to form part of any reserved matters submission.

Notwithstanding the mitigating factors outlined above, the development of this greenfield site would have a degree of adverse landscape impact. However, this needs to be balanced against the housing needs of the District. The benefits of securing 150 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 current application site would be the least harmful option in landscape terms compared with other options for the expansion of Bishops Tachbrook.

Impact on trees and hedgerows

There are a number of trees and hedgerows on the application site, although these are confined to the boundaries of the site. As this is an outline application, the precise impact on these trees and hedgerows will not be known until reserved matters stage. The exception to this is the impact of the access works, which are proposed in detail at this stage. A Common Ash (T3) will have to be coppiced to allow the construction of the vehicular access to the site. However, these works are considered to be appropriate because there is evidence that this tree has been coppiced in the past.

The Council's Tree Officer has advised that the access should be relocated to enable the tree to be retained, if possible. However, the access is in the optimum position from a highway safety point of view. Therefore, considering the fact that the tree has been coppiced in the past, the highway safety benefits of having the access in this particular location outweigh any harm to this particular tree.

The full impact on the other trees and hedgerows will be considered in the assessment of any subsequent reserved matters submission. There is scope for the layout to be designed around the important trees and hedgerows. With the trees and hedgerows being confined to the boundaries of the site, they are unlikely to impose any significant constraints on the layout.

Heritage impacts

The nearest Listed Building is situated approximately 280m to the west of the site at Tachbrook Hill Farm. The proposed development would not be any closer to that Listed Building than the existing dwellings in Bishops Tachbrook already are. Given the distance, it is not considered that the proposals would harm the setting of this Listed Building.

The site is 300m from the boundary of the Bishops Tachbrook Conservation Area. This is far enough to ensure that the development will not have any impact on the setting of the Conservation Area.

In terms of the archaeological impact of the proposals, there has been no objection from WCC Archaeology, subject to a condition to require a programme of archaeological works to be carried out. It is considered that this will ensure that any archaeological remains are adequately protected and / or recorded.

Traffic impact / highway safety

The proposed development would increase traffic on the local highway network. However, the Transport Assessment submitted by the applicant considers that this increase in traffic will not exceed the theoretical capacity of any roads or junctions. Therefore the Transport Assessment concludes that the local road network will largely not be materially affected by the proposed development. The formal comments of the Highway Authority are awaited and these will be included in the addendum report to Committee. As a result, the conclusions of the Transport Assessment have yet to be verified.

In terms of provision for pedestrians and cyclists, the Masterplan that has been submitted with the application shows links through to The Lees, Holt Avenue and through to the sports and social club and the recreation ground. The footpath / cycleway through to the sports and social club car park goes across Parish Council land and will be secured within the Section 106 agreement. These links would provide a suitable degree of connectivity between the proposed development and the existing village. Detailed provision for walking and cycling within the site would be a matter to be considered as part of any reserved matters submission.

It is proposed that the site layout will include a drop off and pick up point for buses and cars at the rear of Bishops Tachbrook First School. This will help to reduce traffic elsewhere within the village, and particularly around the Kingsley Road area. This should be considered as a benefit of the proposed development and would be secured within the Section 106 agreement.

The application initially proposed to create a new footway along Oakley Wood Road to the south of the site. This would have linked up with existing footpaths on the opposite side of the M40 to provide a continuous path between the village and Oakley Woods. However, the Highway Authority have raised concerns about these proposals from a highway safety point of view and consequently this has been deleted from the application.

Issues relating to the detailed internal road layout and car parking would be considered as part of any reserved matters approval.

The Highways Agency have raised no objection to the proposals, subject to a condition to require the implementation of accident remedial works at Junction 13 of the M40. Therefore it is considered that the proposals would have an acceptable impact on the trunk road network, and in particular the nearby Junction 13 of the M40.

An objector has raised concerns about the application not providing a link between the development and the footpath / cycleway along Oakley Wood Road to the north of the village. In response, the applicant has advised that they do not consider a dedicated cycle path to be necessary, given the residential nature of Kingsley Road and Church Hill which link to the cycle path, and the low levels of traffic movements and speed on these roads. This is accepted.

Impact on local services

Negotiations are ongoing with the developer over a package of Section 106 measures to mitigate the impact of the development on local services. This is expected to be finalised in time for Planning Committee on 19 August and full details will be included in the addendum report to Committee. It is expected that measures will be agreed to satisfactorily mitigate the impact of the development on local services.

Ecological impact

The development will result in the loss of existing wildlife habitats. However, this loss of biodiversity can be offset by creating new wildlife habitat on site or on land within the applicant's control immediately to the south of the application site. WCC Ecology have accepted that this would satisfactorily mitigate any loss of biodiversity, subject to suitable detailed offsetting proposals. Full details of the biodiversity offsetting proposals would be secured in the Section 106 agreement.

WCC Ecology have carried out a detailed assessment of the impact on protected and other notable species. The application has been amended to address concerns that WCC Ecology raised about the impact on a great crested newt dispersal route that has been identified alongside the northern boundary of the site. This area is now proposed to be allotments and will include a buffer consisting of a hedgerow and a 2m wide rough grassland margin. WCC Ecology are satisfied that these revised proposals will adequately protect Great Crested Newts.

WCC Ecology have advised that the development would be acceptable in all 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.

Provision of open space

The application proposes to include 2.25ha of public open space within the site. In terms of size, this area of public open space is in accordance with the requirements of the Council's Open Space Supplementary Planning Document (SPD). The applicant has confirmed that the open space standards will be met on site for all typologies of open space. Consequently there is no need for any off-site contribution for open space provision. In terms of play areas, the applicant has agreed to make a contribution of £440 per dwelling towards improvements to the existing children's play equipment in the village. This has all been agreed by the Council's Greenspace Development Manager and therefore the proposals are considered to be in accordance with Local Plan Policy SC13.

Drainage and flood risk

The site is situated within Flood Zone 1 (i.e. land at lowest risk of flooding). Therefore the site is considered to be suitable for residential development from a flood risk point of view.

There has been no objection from the Severn Trent Water or the Council's Community Protection team. 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 Environment Agency have declined to comment.

The detailed drainage proposals will include Sustainable Urban Drainage Systems. WDC Community Protection would require these features to be adopted and this would be included in any Section 106 agreement, together with a requirement for a contribution towards the costs of future maintenance.

Loss of agricultural land

In terms of Agricultural Land Classification, 11% of the site is Grade 2, 40% is Grade 3a and 49% is Grade 3b. Consequently half of the site is classified as the best and most versatile agricultural land as defined in the NPPF. However, it is considered that the need to provide new homes in a sustainable location overrides any concerns about the loss of productive 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 areas and villages in the District 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

Details of how 10% of the predicted energy requirements of the development will be produced from renewable energy technologies will be provided at reserved matters stage. A condition is recommended to deal with this issue.

WCC Housing with Care have suggested that the applicant should be required to include a proportion of extra care housing within the development. However, the Council does not have a policy requiring this type of housing to be provided. In any case, such a requirement would be hard to justify at present because of the number of such units that are currently under construction or with planning permission in South Leamington / Warwick (e.g. the 178 unit affordable extra care development on Queensway and the 180 unit retirement village at Earl Rivers Avenue). Furthermore, Housing Strategy have confirmed that 30% of the affordable dwellings will be required to be to Lifetime Homes Standard and in addition to this there would be a reasonable sized complex of bungalows within the affordable housing provision. Therefore a requirement to provide an element of extra care housing as part of this development would not be justified.

A National Grid high pressure gas transmission pipeline runs approximately 120m to the south of the site. The southern corner of the application site is within the middle and outer consultation zones for this pipeline. However, the advice from the Health and Safety Executive's consultation system is "Do not advise against". Furthermore, National Grid have raised no objection to the proposals. Therefore it is considered that the proposals would have an acceptable relationship with the pipeline.

In relation to health and wellbeing, the proposed development, there are not considered to be any significant adverse impacts arising from the proposal.

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 village 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.

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 access hereby permitted shall be constructed in strict accordance with the details shown on the site location plan and approved access drawing 10255-HL-07, and specification contained therein, submitted on 9 May 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.

- 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 has been 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; measures to limit noise and disturbance; 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 Prior to the submission of any Reserved Matters applications for any phase of development:

(a) 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;

(b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken;

(c) a report detailing the results of this fieldwork shall be submitted to and approved in writing by the local planning authority; and

(d) an Archaeological Mitigation Strategy document shall be submitted to and approved in writing by the local planning authority. This should detail a strategy to mitigate the archaeological impact of the proposed development. Dependent upon the results of the trial trenching, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits worthy of conservation.

No development shall take place until all fieldwork detailed in the approved Archaeological Mitigation Strategy has been completed in strict accordance with the approved details. The post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the approved Archaeological Mitigation Strategy.

REASON: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.

- 20 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.

- 21 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.
- 22 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those 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.
- 23 The mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the following proportions: 20% 2 bedroom dwellings; 20% 3 bedroom dwellings; and 60% 4+ bedroom dwellings. **REASON:** To ensure that the housing meets the needs of the village and the District as required by Local Plan Policy SC1 and the NPPF.
- 24 The development shall be predominantly 2 storey with a small element of 2.5 storey buildings as indicated in the Design and Access Statement submitted on 9 May 2014. **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.

25 The proposed off-site accident remedial works at M40 Junction 13 illustrated on Brookbanks Consulting Ltd Drawing Number 10255-HL-12-Rev A submitted in support of the planning application shall be installed to the satisfaction of the Highways Agency prior to occupation of the 35th dwelling. **REASON :** To enable the M40 motorway to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10 (2) of the Highways Act 1980 and to protect the interests of road safety.

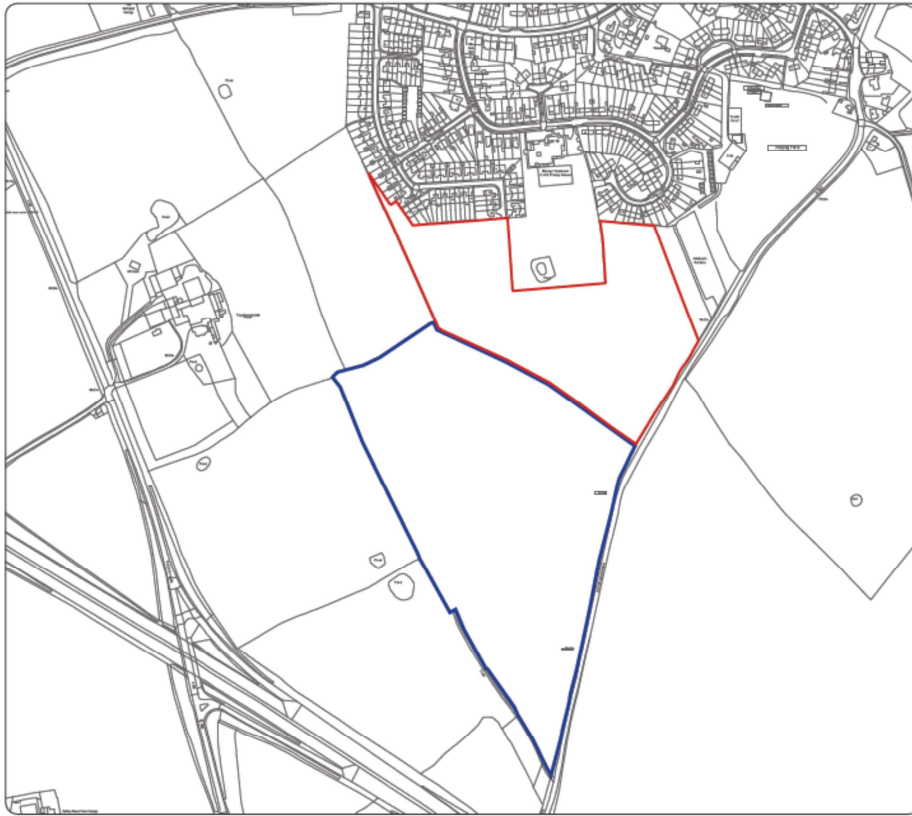
26 None of the dwellings hereby permitted shall be occupied unless and until:

(a) details of a parking area within the application site to serve the existing allotments adjacent to the eastern boundary of the site have been submitted to and approved in writing by the local planning authority; and

(b) the parking area approved under (a) has been provided in strict accordance with the approved details.

The parking area shall be retained and kept available for the parking of vehicles associated with the allotments at all times thereafter.

REASON : To ensure an acceptable relationship with the adjacent allotments.



Legend

-  Site Boundary
-  Other land under the control of the applicants



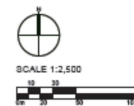
C Rev
136_001 Dwg No
Bloor Homes Client
Oakley Wood Road, Bishops Cleeve Project
Red Line Plan Title
14,000 @ A3 Scale



DEFINE

LEGEND

- Site boundary
- Residential development
- Public open space
- Indicative drainage feature
- Allotments
- Existing vegetation
- Proposed vegetation
- Wildlife link
- Children's play area
- Primary access road
- Secondary access road
- Shared surface/private drive
- Footpath link
- Footpath link to Oakley Wood
- Footpath link into settlement
- Footpath/Emergency Access
- School drop-off and access



126_002 B Dwg No
 Bloor Homes Client
 Bishop's Tachbrook Project
 Development Framework Title
 1:2,500 Scale

