

Planning Committee: 25 February 2014

Item Number: 13

Application No: W 13 / 1688

Town/Parish Council: Bishops Tachbrook

Registration Date: 19/12/13

Case Officer:

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Expiry Date: 20/03/14

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Land to South of Mallory Road, Bishop's Tachbrook. Warwickshire

Residential development (Use Class C3) for up to 125 dwellings with construction of access from Mallory road, areas of public open space, landscaping and associated works (Outline planning application) FOR Barwood Development Ltd

This application is being presented to Committee due to the number of objections and an objection from the Parish Council having been received, and since the proposal is contrary to the Development Plan.

RECOMMENDATION

Planning Committee are recommended to REFUSE outline planning permission for the reasons listed below.

DETAILS OF THE DEVELOPMENT

The application is made in outline with all matters reserved apart from access. Vehicular access is proposed from Mallory Road near the western site boundary, between accesses opposite to Brickyard Cottage and Knob Hill. The proposed access arrangements have been amended since submission, following an objection by the Highway Authority to the original proposals. The amended proposals now include four houses fronting Mallory Road, with direct accesses leading to garages, the extension of a lit footway along the frontage with Mallory Road, and a widened footpath link with removable bollards (to provide emergency access) in the north-eastern corner of the site, adjacent to no.109 Mallory Road.

The development proposes an extension to the western side of Bishop's Tachbrook, a village of some 737 dwellings. The indicative layout shows 123 dwellings, 40% of which would be affordable. The development would achieve a density of 17 dwellings per hectare, taking into account a substantial amount of planned open space to be provided in excess of the standard requirement. The Design and Access Statement states that dwellings are proposed to be generally one to two storeys in height, whilst the Planning Statement states they would be a maximum height of 2.5 storeys. Planned green infrastructure would include a large area of community open space at the southern end of the site which could include a children's play area, footpaths and foul and surface water drainage infrastructure including an attenuation pond in the north-west corner of the site.

The application is supported by extensive documentation. This includes a Transport Assessment, a Planning Statement, Ecological and Archaeological Reports, Arboricultural Assessment, Flood Risk Assessment, Landscape and Visual Impact Assessment, and Design and Access Statement.

THE SITE AND ITS LOCATION

The application site comprises two arable fields bounded by field hedges. The site area is some 18 acres (7.3 ha.). It is sited to the west of the village, adjoining the rear boundaries of one and two storey dwellings on Holt Avenue and The Lees. The land rises by about 13m from its north-western to south-eastern boundaries, over a distance of 500m, forming a north facing slope which is visible from land to the south of Leamington Spa and Warwick Gates. Beyond the site, about 150m to the west, stands a Grade II Listed barn at Tachbrook Hill Farm. The Mallory Road frontage is marked by field hedging with some trees, with an intervening section of the frontage in separate ownership which is covered by a group of trees. The western and southern site boundaries are marked by field hedges, and there is a public right of way crossing the mid part of site which leads to Tachbrook Hill Farm.

In the current Local Plan, the application site is allocated as part of the rural area where rural area policies of the plan apply. The entire site is Grade 3 (Good to moderate) agricultural land. The site was included in the 2013 Village Housing Options and Settlement Boundaries Consultation document as a discounted option site.

PLANNING HISTORY

There is no planning history.

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)

SUMMARY OF REPRESENTATIONS

Bishops Tachbrook Parish Council: Raise objection on the following grounds:

1. The New Local Plan process has considered the housing needs of Bishop's Tachbrook in the Village Housing Options and Settlement Boundaries Consultation paper of November 2013. The application site was not favoured in the District Council Proposals set out in the consultation. As part of its consultation with the community on the Neighbourhood Plan, the Parish council held a special meeting on 18th January. Some 150 residents attended and the village housing options were discussed. The only site that received any support was the site to the south of the school. No one supported the site which is the subject of this application.
2. This site does not have the potential to deliver wider benefits to the whole wider parish as compared with the preferred site in the VHO consultation. The VHO-preferred site has the potential to deliver much better access to the school alleviating significant congestion and road safety issues on Kingsley Road. It can also potentially deliver access to Oakley Wood on foot, which would provide improved leisure and well-being opportunities to residents.
3. This site is remote from the village centre with the local shop being a 10 minute walk away. This site will not add to the sustainability of our local shop which struggles to survive or our Sports and Social Club.

4. The use of this site for housing will significantly add to driver frustration and further accidents at the junction of Mallory Road and the Banbury Road. This is a dangerous intersection and a new junction designed for safety and to discourage through village traffic, would be required. It will also add significantly to traffic volumes on Mallory Road, which will already see an increase of 40% as a result of housing proposed as part of the New Local Plan. Therefore a signalled crossing point on Mallory Road between Kingsley Road and Holt Avenue would be required to ensure that residents can cross the road safely.
5. This visual impact of this proposal will be significant. The development will be located in an elevated location close to Mallory Road and will be highly visible to all entering or leaving the village area, removing the rural buffer that currently exists. Also for residents on Holt Avenue the development will have a severe visual impact, because currently they overlook open farmland but these new homes will be located in close proximity.
6. A number of existing homes on Holt Avenue currently suffer from flooding issues due to water run-off from the proposed site. It is feared that the housing and hard landscaping associated with this site will make the problem far worse.
7. The site is currently outside the village envelope and as such the 2007 Local Plan rural area policies apply. This development does not comply with RAP1, RAP 4 and RAP5.

Public response: 92 objections received raising the following concerns:

- Quantum of housing is not required, exceeds local needs and is contrary to Policies RAP1, RAP4 and RAP5.
- Visual impact, harm to rural agricultural character and setting of village. Highly visible site in an elevated position, clearly visible on approaches to the village.
- Harm to highway safety from proposed access and increases in traffic. Children will not be able to cross Mallory Road. Houses directly fronting Mallory Road will cause more traffic congestion and danger. Queuing onto the dangerous A452 junction will be significantly increased.
- Noise, air, dust and light pollution, especially during construction. Reduction to the speed limit and traffic calming on Mallory Road will exacerbate existing safety and capacity issues.
- Harm to residential amenity of dwellings adjoining the site whose main living windows face the application site. Loss of view and privacy.
- Loss of productive agricultural land.
- Unsustainable layout, remote from village facilities. Public footpath link is of insufficient width to provide adequate, safe or attractive access to the village. Proposed open space is poorly sited, and no other facilities proposed.
- Increased demand on inadequate local facilities. Existing residents currently have to travel outside the village to access schools, health care and other facilities.
- Not the preferred option for development of the village.
- Increased flood risk. The application site is flooded for long periods.

- Harm to ecology and wildlife.
- Loss of hedge to Mallory Road due to direct frontages.
- Insufficient existing water pressure will be exacerbated.
- The requirement for emergency access via a route with removable bollards suggests the site is of poor layout and not suitable for the scale of development proposed.
- There has been no meaningful engagement or consultation with residents.

WCC Highways: Following an initial objection, the applicant has been in discussion with the Highway Authority and submitted amended plans addressing previous concerns. These demonstrate that enhancement works will be carried out to enforce the extension of the 30mph speed limit on Mallory Road, to the proposed site access. A footway extension with street lighting, will connect the proposed site access to the existing footway adjacent to no.109 Mallory Road. Frontage activity will also be promoted with the inclusion of private access drives directly off Mallory Road. The amended plan also provides a 3 metre wide emergency access to the north-east corner of the site, utilising the proposed footpath.

To improve the existing junction of Mallory Road and the A425, the developer is proposing to implement minor widening to deliver separate left and right turn lanes on Mallory Road. WCC support this proposal as it will assist traffic wanting to travel south along the B4100 and M40, due to right turning traffic being in its own lane. This will be an improvement for existing and proposed development traffic. The submitted junction capacity assessment demonstrates that this proposed improvement is not required to mitigate the impact of the development and therefore, should be seen as a benefit of the proposed development. On this basis there is no objection to the amended access arrangements, subject to conditions requiring the footway extension, street lighting, speed management and access proposals to be implemented prior to commencement of the development, the Banbury Rd/Mallory Rd junction improvements prior to occupation of the development, and visibility splays. The developer will be required to pay £50 per dwelling for sustainable welcome packs, £18,000 to implement the TRO, relocate the existing gateway features, install a vehicle activated sign to enforce the speed limit and associated lining and signage.

Highways Agency: No objection.

Environment Agency: No objection subject to a condition requiring a surface water drainage scheme based on SUDS principles, following results of a hydrological and hydro-geological assessment.

WCC Education: Request a contribution of £1,024,664 towards Nursery, Primary, Secondary, Sixth form and Primary and Secondary SEN education provision within the area. There is no surplus pre school capacity in the area. The priority area primary school (Bishops Tachbrook) is forecast to fill from existing pupils in the area therefore a request is made towards provision for an additional 33 pupils. The local priority area Secondary School, Myton, is forecast to have some spare capacity, however, there are other significant applications pending that will impact directly. A number of local primary schools have been recently

expanded to cope with growing demand for places as a result of population growth; WCC believes it is necessary for all new development to contribute proportionately to the creation of secondary school places. For SEN places, the figures have been rounded to one pupil at Primary and one pupil at Secondary level, therefore a request will be made towards SEN provision as there is no surplus capacity at schools in this area.

WCC Ecology: The Extended Phase 1 survey work undertaken is appropriate. The site comprises improved grassland with a water body, small area of scattered scrub and bounded by hedgerows, a number of which are species-rich. Some trees are also present, predominantly along the sites boundaries. The site is mainly surrounded by improved grassland fields, arable land with a network of water bodies and a residential area.

A Biodiversity Impact Assessment has been carried out and it is considered there will still be a biodiversity loss on site without appropriate compensation provided on site. Unless some of the areas set aside as POS can incorporate areas of high quality grassland which is protected from public, it appears unlikely sufficient habitat creation can be provided on site. A draft habitat mitigation plan is required prior to determination, or a biodiversity offsetting agreement to be secured by Section 106.

Recommend conditions requiring a Construction and Environmental Management Plan (CEMP), to include pre-commencement checks for protected species with subsequent mitigation and monitoring, a Landscape and Ecological Management Plan to include details of habitat creation, new planting and maintenance, a tree protection scheme, and a detailed lighting scheme. Reptile and biodiversity offsetting notes are also recommended.

WCC Archaeology: No comments available at time of writing report. Comments will be reported directly to Planning Committee.

Tree Preservation Officer: Recommends a final layout is amended to remove dwellings from the root protection areas of trees along the site frontage.

Green Space Officer: The open space areas combined meet the provision standards as set out in the Open Space SPD, though they may differ when broken down by type. Any deficiency in area by type of open spaces should be compensated by an offsite contribution, if it can be demonstrated that there is a need for this offsite contribution (to be confirmed by the Parish Council). Since this development exceeds 100 dwellings, an allocation of land for allotments should have been included within the scheme, and this should be referred to the Parish Council who may have recommendations for provision. The proposed play area meets standards, is well laid out and links nicely to the community open space provided. Recommendations are also made for planting and ecological mitigation. A future management and maintenance plan should be secured for the open space, along with commuted sums for maintenance of open space and SUDS. Due to its rural location it would not be preferable for the land to be transferred to Warwick District Council for operational reasons.

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

Health and Community Protection: No comments available at time of writing report. Comments will be reported directly to Planning Committee.

Environmental Health: An air quality assessment is not required at this time, although a draft policy document is being produced to require these for major schemes, so the developer is encouraged to produce a low emission strategy. Recommend conditions requiring further investigation for contaminated land, a scheme to protect future residents from traffic noise, and a Construction Management Plan to limit potential for loss of amenity to local residents from noise or dust during construction.

Housing Strategy: 50 of the proposed 125 would be required to be affordable in order to meet Policy SC11. The type, tenure and location of the dwellings can be agreed at reserved matters stage, and should take account of the changing demand and the current housing needs survey results. The site should deliver a tenure mix of 50/30/20 social rent/affordable rent/shared ownership. The element of affordable rent should be restricted to the mid-point between social rent and 80% of open market rent. Units should be arranged in small clusters throughout the site, should meet the standards set out in the SPD and will be allocated through the Homechoice scheme.

Waste Services: No objection. Consideration should be given with any reserved matters application to maximum distances for refuse collection points and refuse storage space.

NHS Property Services: Have reviewed the existing primary medical care infrastructure capacity and have no concerns about the impact of the planning application, therefore do not request any contributions towards primary medical care facilities.

South Warwickshire NHS Foundation Trust: Request a contribution of £1,678 per open market dwelling (£209,750 for 125 dwellings) towards Acute and Community health care facilities to provide local infrastructure to support the health care needs of this residential development. Data supplied to Stratford on Avon District Council evidences that existing Acute and Community facilities are at full capacity and are unable to accommodate increased patient demand from population growth.

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

Warwickshire Police: No objection subject to recommendations for reducing crime being incorporated into a detailed scheme.

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

WCC Libraries: Request a contribution of £21,337 towards the provision of library services.

WCC Rights of Way: No objection subject to the public footpath not being obstructed. Request a contribution of £2,819 towards the improvement of public footpaths and stiles within a 1.5 mile radius of the site.

Ramblers: No objection as the existing public footpath is shown retained through the development.

ASSESSMENT

The main considerations in determining this application are as follows:

- Whether the proposal accords with national and Local Plan policies with regard to the principle of residential development in this location;
- design and sustainability;
- the impact on visual amenity and heritage assets;
- the impact on the amenity of residents;
- the impact on highway safety;
- the impact on the natural environment;
- the impact on local services;
- whether the proposed housing mix accords with national and Local Plan policies;
- flood risk and drainage matters;
- and any other matters.

Principle of development

The proposed development is contrary to Policy RAP1 of the Local Plan by virtue of its nature and location. However, the NPPF 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. 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 assessed housing need. In terms of the most recent evidence of housing need, the Council cannot demonstrate a five year supply. Accordingly, only limited weight can be afforded to Policy RAP1, and in these circumstances 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

The NPPF also states (at para 54) that in rural areas local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing. The latest adopted local housing need survey (2009) indicated a need for 14 new homes within the Parish.

Last year the Council consulted on a Revised Development Strategy (June 2013) in which it is proposed that housing growth in villages should be proportional in scale to the growth forecast for the District as a whole. This allocates 100-150 dwellings for Bishops Tachbrook. This figure is supported by work carried out to establish a settlement hierarchy contained within the 'Draft Settlement Hierarchy Report' 2013, whose overall strategy is to focus limited new housing development on the more sustainable villages. It is recognised that only limited weight can be attached to this emerging Local Plan document due to the early stage in the process. However, the available evidence indicates that 100-150 dwellings is an appropriate level of housing growth for Bishop's Tachbrook over the plan period, which is based on a robust and justifiable approach to calculating housing need in the District. Also consulted upon were Sites for Gypsies and Travellers (June 2013), which included a site at Tachbrook Hill Farm that adjoins the western site boundary.

Furthermore, the Council has recently carried out a public consultation on specific site allocations within villages (Village Housing Options and Settlement Boundaries Consultation - November 2013). The results of the June 2013 and November 2013 consultations will inform the new Local Plan. The Village Housing Options document contains a preferred development site for Bishop's Tachbrook which is sited to the south of the school and would provide 150 dwellings. This preferred site for development adjoins the application site on its western side. The application site was discounted as the preferred option due to its larger scale and lower potential regenerative benefits for the village. However, the weight that can be attached to this document is very limited due to its stage in the planning process.

The current proposal for up to 125 dwellings is within the maximum 100-150 dwelling level of required housing growth for Bishop's Tachbrook that is indicated in the Revised Development Strategy.

Design and sustainability

The NPPF sets out the presumption in favour of sustainable development, to which there are three dimensions: economic, social and environmental. The social dimension gives rise to the need for planning to support strong, vibrant and healthy communities and to create high quality built environments with accessible local services that reflect the community's needs and support its health social and cultural well-being. It also includes high quality of design as a core planning principle (para.17), and reiterates that good design is of great importance and a key aspect of sustainable development (para.56). Section 7 of the NPPF expands on the requirement for good design, stating it is important to plan positively for high quality and inclusive design (para.57), and to ensure decisions address the connections between people and places and the integration of new development into the built environment (para.61).

Policy DP1 only permits development which contributes positively to the character and quality of its environment through good layout and design. Development proposals are expected to demonstrate that they harmonise with,

or enhance, the existing settlement in terms of physical form, patterns of movement and land use, reinforce or enhance the established urban character of streets, and integrate with existing paths and streets.

The proposed development has its sole point of vehicular access off Mallory Road, over 200m outside the existing boundary of the village, with no vehicular access provided through the existing housing to the east. There is a single existing public footpath which crosses the site and will be retained through the centre of the development, which leads off Holt Avenue via a narrow alley way between two dwellings. The development makes substantial provision for public open space at the southern end of its site, which would be accessed from the village via the path leading off Holt Avenue, and a new path leading off Mallory Road.

The narrow width of the Holt Avenue path does not permit use by pushchairs, wheelchairs, or mobility scooters and it is difficult for pedestrians to pass each other. In addition, the narrowness of the path means it is not overlooked. These characteristics mean the route would not be attractive to pedestrians due to access and safety concerns, therefore it is considered unlikely that future occupiers of the development would use this route to access village facilities, and unlikely that existing villagers would use the route to access the planned open space within the site, so the benefit to the village of this is diminished.

The proposed pedestrian access in the north-east corner of the site, adjacent to the current edge of the village, would therefore be the only accessible pedestrian route to the village. However, due to the linear layout of the site, this is a significant distance from the houses at the southern end of the development (280m) and the planned open space. It is therefore considered unlikely that existing villagers would walk through the development to the planned open space, at a distance of 300m from the outer edge of the village. It is also considered unlikely that residents of the development would walk to village facilities, given that they would have to walk north to Mallory Road and then south along Holt Avenue to access the school which is a doubling back, and residents are also likely to travel to work or other facilities outside the village by car due to the limited public transport serving the village. This means they are likely to combine trips to village facilities with other trips by car which increases congestion within the village, or even bypass village facilities altogether. Future residents are therefore less likely to support village facilities, apart from the school, which it is likely would be accessed by car, adding to existing traffic problems in this area.

The access implications associated with developing this linear site on the edge of the village, which would not have satisfactory pedestrian links to the village, are that the development would fail to integrate with the existing settlement both physically and socially, would not be inclusive or of a high quality design, and would be likely to lead to unsustainable patterns of movement. For these reasons it is considered the development would not constitute a sustainable form of development, and would fail to comply with the aforementioned parts of the NPPF. The development would also fail to comply with Policy DP1 since it would not achieve good layout or design and would therefore negatively impact on the character and quality of the village.

It is considered that the failure of the site to integrate itself into the settlement, with the implications this has for travel movements, represents poor design and an unsustainable form of development, and this would represent a significant adverse impact of the development. This adverse impact is considered to significantly and demonstrably outweigh the benefit that would arise from the provision of housing in this location, and is therefore recommended as a reason for refusal.

The only option for further integration of the site into the village is via the end of The Lees at the southern end of the site, adjacent to the planned open space, but the small portion of intervening land is not under the applicant's control which prevents access.

Impact on visual amenity and heritage assets

The visual impact of development on the site upon the wider landscape was considered independently by Warwickshire County Council in their "Landscape Sensitivity and Ecological & Geological Study", as part of the supporting evidence base for the Council's Village Options. This assessed the landscape sensitivity to housing development as High, stating that the existing settlement edge is very prominent and further development would exacerbate this and erode the rural character of the zone and setting of the Tachbrook Hill Farm Listed Building. Development on higher ground would be particularly visible and should be avoided, and tree belts/hedge lines should be improved.

Due to surrounding topography, the site is visible at long distance from the south of Leamington/Whitnash, on the opposite side of the intervening agricultural landscape, and as such development of the site would visibly extend the village westwards, towards the Banbury Road and M40. This extension to the village would be clearly apparent from a large urban area, and would represent a significant encroachment into the countryside. Views from the south are limited by the ridge of land lying at the southern end of the site, and from the west by vegetation alongside the Banbury Road. Views from within the village would be limited to glimpses through existing housing, whereas currently there is a backdrop of agricultural land to the village.

The development of the site would represent an adverse impact of the development that would be contrary to Policy DP1, since the development would not positively contribute to the character or quality of its environment, and to Policy DP3 by failing to protect and enhance the landscape character of the area.

The setting of the Listed Building at Tachbrook Hill Farm would be affected by the proposal, as the development would erode its rural setting, and this would also represent an adverse impact of the development, but is not considered of so significant that it would form a separate reason for refusal.

Impact on the amenity of residents

The indicative layout of the development meets the Council's Distance Separation Guidelines SPG in relation to all surrounding existing dwellings. The layout could be easily amended to achieve the required distances between dwellings within the site, and would be subject to consideration under a detailed application. Therefore it is considered that the proposals would not cause unacceptable loss of light, loss of outlook or loss of privacy for neighbouring or proposed dwellings. The proposed access routes within the site would achieve a suitable buffer for landscaping between the proposed roads and garden boundaries of houses backing onto the site to avoid any significant impact from vehicle movements. Concerns raised by adjoining neighbours relating to loss of privacy are not sufficient grounds for refusal, given that distance separation standards between houses could easily be achieved, and there is sufficient space for meaningful landscaping. Loss of view is not a planning matter.

Impact on highway safety

The Highway Authority initially objected to the proposed access arrangements and in response the developers provided amended proposals. The final comments of the Highway Authority will be reported directly to Planning Committee. Subject to them raising no objection subject to conditions and a contribution towards strategic highway improvements, the impact on highway safety and traffic generation would be considered acceptable. The development would be required to make a contribution towards strategic highway improvements in the District as a result of the cumulative impact of the development on the wider network, which could be secured under Section 106.

Concerns regarding traffic generation are noted, however the additional comings and goings generated by the proposed development are not considered to be so significant as to raise any highway safety concerns or warrant refusal of the scheme. The provision of sufficient parking and satisfactory internal road layouts can be controlled by a reserved matters application to ensure compliance with the relevant policies.

Impact on the natural environment

The applicant has completed an assessment using the Biodiversity Impact Assessment Calculator at the request of WCC Ecology. The results demonstrate that there would be a net loss of biodiversity from the site, therefore the development should either provide compensation on site, or secure biodiversity offsetting off site secured by Section 106. This would ensure that there is no net loss of biodiversity as a result of the proposed development. Appropriate wildlife and habitat surveys have been undertaken and Ecology have suggested a suite of conditions that could be required to ensure the development is acceptable in landscaping and ecology terms. Since the impact on ecological matters can be addressed this would not represent a negative impact of the scheme, and the proposal would accord with Local Plan Policy DP3.

Comments on the archaeological fieldwork undertaken will be reported directly to Planning Committee, and it is understood this matter could be addressed by suitable conditions.

Impact on local services

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

- £1,678 per dwelling towards acute and community health care facilities (Total £209,750);
- £784.61 per dwelling towards improvements to indoor sports halls and swimming pools (Total £98,077);
- £56.73 per dwelling towards improvements to outdoor sports facilities (Total £7,091);
- a monitoring fee of £30,000 or 1% of the total financial contributions (whichever is the lesser);
- £6,000 per open market dwelling towards strategic highway improvements (Total £750,000); and
- £2,819 towards improvements to public rights of way within a 1.5 mile radius of the development site.
- £8197 per dwelling towards education places (Total £1,024,664)
- £21,337 towards library facilities

The total estimated Section 106 monies contribution based on 125 dwellings would amount to £2,143,738.

Also required under S106 would be the provision of public open space in accordance with the SPD, contribution towards a play area if not provided by the developer, payment of maintenance and a contribution towards off-site provision of any deficiencies in the type of space provided. A further requirement under S106 would be for the adoption of SUDS and maintenance payments, biodiversity offsetting, sustainable welcome packs, the TRO contribution, and a local employment and training strategy for construction works.

Having considered the available evidence, the above contributions are considered to be in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. A development of 125 dwellings on this site would have a material impact on health care facilities, education facilities, indoor and outdoor sports facilities, strategic highway infrastructure, public rights of way, libraries and open space. This a particular issue given the cumulative impact that is expected from the substantial level of housing growth proposed across the District. It is reasonable to expect a development of this size to contribute towards the additional costs associated with meeting these increased demands. The relevant consultees have identified specific projects and locations where this money would be spent. Therefore it is considered that all of the contributions listed above are necessary to make the development acceptable in planning

terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development (as required by Regulation 122).

The local planning authority have not sought to secure these contributions through a legal agreement due to the issues with the principle with the scheme. The failure to provide these contributions would therefore form a separate refusal reason under Policies SC11, SC13 and SC14 of the local plan. Improvements secured by S106 would represent a benefit of the development.

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. If this had been a recommendation for approval it would have been expected that the affordable housing would have been secured by a S106 agreement.

Flood risk and drainage matters

The site is within Flood Zone 1. The scheme will implement Sustainable Urban Drainage (SUDS) techniques to assist in reducing flood risk if the underlying ground conditions are suitable, or other techniques in accordance with guidelines if not. It is proposed to install a balancing pond at the western end of the site and this SUD will improve water quality and increase biodiversity, whilst any drainage solution would be required to provide no worse, if not better, surface water discharge from the site than its current state. Therefore, it is considered that the proposals would be acceptable in terms of flood risk and would not increase the risk of flooding elsewhere. A S106 would require the SUDS systems to be adopted and the maintenance costs to be provided for the first 13 years.

Other Matters

In terms of sustainability, the scheme includes an Energy Statement identifying the two most suitable solutions as solar thermal or photovoltaics, ensuring the 10% energy target set in SPD is met. These schemes could be successfully implemented through condition in accordance with Policy DP13 of the Warwick District Local Plan 1996-2011 and the associated SPD.

The loss of productive agricultural land is a negative impact of the development but this land is not the best and most versatile so is not an overriding reason for refusal.

The application includes the provision of a substantial 2.5 hectares of public open space on site. A S106 agreement would have been expected to secure this if this had been a recommendation for approval, and would have met the requirements of the Council's Open Space Supplementary Planning Document. However, the location of the open space is remote from the only viable site access, as noted above, therefore it is not located a part of the site that would encourage use by existing residents of the village, therefore the benefit of this is diminished.

The impact of the proposed development on light pollution could be controlled through suitable conditions in accordance with Policy DP9. The impact on trees can also be controlled by suitable protection conditions, and negotiation on any reserved matters layout, in accordance with Policy DP3.

Objectors have raised concerns in relation to the impact of noise and disturbance on existing residents, and the impact on air quality as a result of increased traffic. However, given the level of traffic that will be generated by the development, any additional noise or pollution caused by vehicular traffic is considered to be limited and therefore would not be of such significance as to give rise to harm to sensitive receptors.

The Environmental Health Officer does not object to the principle of development, subject to suitable conditions requiring further schemes to mitigate traffic noise, construction disturbance, and contamination, therefore the proposal would comply with Policies DP2 and DP9

SUMMARY/CONCLUSION

As the Council cannot demonstrate a five year supply of deliverable sites for housing, the NPPF requires a balancing exercise be carried out to establish whether the harmful impacts of the scheme are so great as to significantly and demonstrably outweigh the benefits of the scheme. In addition, the NPPF places great weight on the conservation of heritage assets, although it has been concluded that such harm in this case is limited.

The public benefits of the scheme consist of the provision of market and affordable housing which would increase choice, meet local needs, and increase

housing supply in the District, the provision of employment during construction, and the provision of open space, whilst improvements to sports facilities, rights of way, health care and schools would be provided to meet the needs of the development. However, the proposed site layout and design, and the proposed means of access to the site would not provide a sustainable development and would not enable integration into the village. There would be an adverse impact on the surrounding landscape resulting from encroachment, and on views of the village from the north.

It is considered that these adverse impacts of the development would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole, and that the development would not therefore constitute sustainable development. In addition, the development would conflict with Local Plan Policy DAP1 since it would not achieve good layout or design and would harm the character and setting of the village.

Since no S106 has been secured to make adequate provision for affordable housing, public open space, community facilities and infrastructure this should form a separate reason for refusal.

REFUSAL REASONS

- 1 The NPPF sets out the presumption in favour of sustainable development, and includes high quality of design as a core planning principle. It requires planning authorities to plan positively for high quality and inclusive design, and to ensure decisions address the connections between people and places, and the integration of new development into the built environment. Warwick District Local Plan 1996-2011 Policy DP1 only permits development which contributes positively to the character and quality of its environment through good layout and design. Development proposals are expected to demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use, reinforce or enhance the established urban character of streets, and integrate with existing paths and streets.
It is considered that the proposed development fails to integrate into the existing settlement, achieves poor layout and design, and represents an unsustainable form of development. In addition, the development would have an adverse impact on the visual amenity of rural area. These adverse impacts are considered to significantly and demonstrably outweigh any benefits of the development, and the development is not considered a sustainable form of development, and the development is therefore contrary to the National Planning Policy Framework. The development would also be contrary to Local Plan Policy DP1 since it would not achieve good layout or design, and would harm the character and setting of the rural area and village.
- 2 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, public open space, ecological bio-diversity off-setting, or improvements to highways, libraries, education or health care, and therefore the infrastructure needs generated by the development have not been satisfactorily secured.



<p>THE ENVIRONMENTAL DIMENSION PARTNERSHIP 111th Barn, Barnsley Park Estate, Barnsley, Cheltenham, Gloucestershire, GL7 5EG 01285 740437 01285 740848 info@edp.co.uk www.edp.co.uk</p>		client Barwood Development Securities Ltd	drawing title Plan EDP 4: Landscape Masterplan
		project title Land at Mallory Road, Bishop's Tachbrook	date 29 JANUARY 2014 drawing number EDP 105420C scale Refer to Scale Bar

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