

Planning Committee: 31 March 2015

Item Number: 7

Application No: [W 14 / 0967](#)

Town/Parish Council: Warwick
Case Officer: Rob Young

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Registration Date: 02/07/14

Expiry Date: 06/04/15

Land North of Gallows Hill, Warwick, CV34 6SJ

Development of up to 425 residential dwellings (Use Class C3), medical centre, community hall, formal and informal green spaces, sports and recreation provision, structural landscaping, new roads, footpaths and cycle ways, site access and ancillary works (outline application including details of access). FOR Warwickshire County Council

This application is being presented to Committee due to the number of objections that have been received from local residents and due to objections that have been received from the Town and Parish Councils.

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 6 April 2015, 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

This is an outline application with all matters reserved apart from access. The application proposes the erection of up to 425 dwellings together with a medical centre, community hall and public open space. The application also proposes that part of the site will be safeguarded for educational use and for a community stadium. However, these uses do not form part of the application. Further planning applications will be submitted in the future for these facilities.

Two vehicular accesses are proposed, one from Gallows Hill and one from Europa Way. The Gallows Hill access will be signal controlled and will serve the main spine road for the development. This will link up with the spine road for the approved development to the north. The Europa Way access will be left-in / left-out and will be a secondary means of access to the development.

A plan has been submitted indicating building heights. This shows 2 and 2.5 storey buildings across the majority of the site, with small groups of 3 storey buildings. The development would have a density of approximately 32 dwellings per hectare (based on the net residential area).

The education land, combined with a larger area of land included within the adjacent development to the north, is intended to accommodate a new education campus to include an enlarged secondary school and a primary school. This land

is situated alongside the existing site of Myton School and it is proposed that the new education campus would include the existing Myton School site and the additional land provided within the current application site and adjacent site.

The community stadium land is situated alongside Gallows Hill and the proposed spine road. It is intended that this will accommodate a new stadium for Leamington Football Club to include facilities that will also be available for community use.

The application proposes a reduced affordable housing provision of 35% to compensate for the loss of development value associated with the provision of the community stadium land. The provision of the community stadium land represents an additional cost that the owner / developer of the current site has to bear, over and above the costs that owners / developers of other nearby sites have been subject to.

A total of 6.6ha of public open space is proposed to be provided on site. This would include a range of typologies of open space including amenity green space, parks and gardens, natural areas, allotments and children's / youth play areas.

In terms of drainage, the application proposes that surface water run off from the site will be controlled via a range of Sustainable Urban Drainage System techniques, including permeable paving, swales and attenuation ponds.

The application was accompanied by extensive supporting documentation, including an Environmental Statement.

Negotiations are ongoing over the precise content of the Section 106 agreement. It is expected that this will secure the following:

- Preparation and agreement with the local planning authority of an Employment & Training Strategy to link local people with employment, training and contract opportunities arising from the development during its construction phase.
- Preparation and agreement with the local planning authority of the design, management and maintenance of SUDS, adoption of SUDS and payment of the management/maintenance fees for 13 years.
- Preparation and agreement with the local planning authority prior to the commencement of development of a Biodiversity Offsetting Scheme for off-site compensation to be identified in a Biodiversity Offsetting Report. The applicant would then deliver the agreed Scheme by funding the offsetting measures and their management/maintenance costs for at least 25 years.
- Preparation and agreement with the local planning authority of a Site Wide Infrastructure Design, Management and Maintenance Strategy for areas of public open space within the site which shall provide for public access to open spaces in perpetuity. Payment of the management/maintenance fees for 13 years.
- Requirement for children's play space to be provided in accordance with a scheme to be submitted for approval.
- A contribution of £6,000 per open market dwelling towards the cost of off-site highway improvement schemes.
- A contribution of £638 per dwelling towards the provision of a bus service to the site.

- A contribution of £4,455 towards the cost of improvements to public rights of way within a 1.5 mile radius of the site.
- A contribution of £75 per dwelling for sustainable welcome packs to help promote sustainable travel in the local area.
- A contribution of £8,007 per dwelling towards funding new primary, secondary, sixth form, early years and special needs school places.
- Provision of a 2.06ha site for education use.
- Provision of a 3ha site for a community stadium.
- Provision of a 0.25ha site for a community hall.
- Provision of a 0.25ha site for a GP surgery.
- A contribution of £420.64 per dwelling towards the capital costs of construction of a new 5 GP surgery as required by NHS Property Services.
- A contribution of £1,039.65 per dwelling towards funding a new ward block at Warwick Hospital and additional outpatient, diagnostic, treatment and inpatient facilities, including hubs for community health care teams at Warwick and Leamington hospital sites as required by the NHS Foundation Trust.
- A contribution of £106,682 to fund police infrastructure.
- A contribution of £21.89 per dwelling towards library facilities.
- A contribution of £768 per dwelling towards the provision of a country park.
- A contribution of £831.04 per dwelling to fund improvements to indoor sports halls and swimming pools within Warwick District.
- A contribution of £56.73 per dwelling to fund improvements to outdoor sports facilities within Warwick District.
- Provision of 35% affordable housing, to deliver a tenure mix of 60/25/15% social rent / affordable rent / shared ownership. The level of affordable rent would be restricted to the mid point between social rents and 80% of market rent levels.
- A contribution to fund the costs of the Council in monitoring the agreement (the lesser of £30,000 or 1% of the total of financial contribution).

THE SITE AND ITS LOCATION

The application site is situated adjacent to the edge of the urban area of Warwick. The site measures 24 hectares and is currently in agricultural use. The Agricultural Land Classification of the site is predominantly Grade 2, with small areas of Grade 3a and unclassified land.

The site forms part of housing allocation H01 "Land West of Europa Way" in the Draft Local Plan. This allocation includes health facilities, a local centre and other community facilities including a community hall and a community stadium. The north-western corner of the site is allocated for education use. The site is situated within an area designated as an Area of Restraint in the current Local Plan (1996-2011).

The northern boundary of the site adjoins further agricultural land that is also within the H01 housing allocation in the Draft Local Plan (for which planning permission was granted for residential development in December 2014). The eastern boundary is formed partly by Europa Way, with the Tachbrook Park employment area situated on the opposite side of Europa Way. The remainder of the eastern boundary adjoins a smaller triangle of agricultural land that is also within the H01 housing allocation. The southern boundary of the site adjoins Gallows Hill, with open countryside beyond. The western boundary of the site

adjoins Warwick Technology Park and the dwelling at Heathcote Hill Farmhouse, a Grade II Listed Building.

There are two existing cottages within the site, adjacent to the western boundary. Overhead power lines cross the site, running from north to south through the centre of the site.

PLANNING HISTORY

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

RELEVANT POLICIES

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- 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)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS10 - Broad Location of Allocated Sites for Housing (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS12 - Allocation of Land for Education (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS13 - Allocation of Land for a Country Park (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS14 - Allocation of Land for Community Hub (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS15 - Comprehensive Development of Strategic Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE2 - Developing Strategic Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR3 - Transport Improvements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS5 - Directing Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE4 - Landscape (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- W1 - Waste Core Strategy (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DM2 - Assessing Viability (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Object on the following grounds:

- 1) The recent ONS population projections and household density levels have demonstrated that the Draft Local Plan is unsound and that the number of dwellings necessary to meet local needs is grossly inflated, based upon the JSHMA, which forecasts a population growth of some 30% above the National ONS figures. Based upon the 15,313 ONS population projections and household density at 2011 census levels the number of dwellings required in a Local Plan would be less than 7,000.
- 2) The ONS population and household density levels demonstrates clearly that the District has sufficient land to meet a five year housing demand and consequently the application should be refused.
- 3) The grant of planning permission for this development and other similar applications effectively delivers an unsound Draft Local Plan by default.
- 4) Notwithstanding the above, the development would contribute to a higher level of vehicle movements and would worsen the existing high levels of nitrogen dioxide pollution in Warwick Town Centre.
- 5) There is no evidence that the development would not generate vehicle movements harmful to highway safety, and be accommodated by infrastructure to meet highway needs, which would arise from the development.
- 6) The Draft Local Plan has not demonstrated that the development of this site would impact on the levels of infrastructure within the Town, which could support the development and in particular relating to schools and health care needs.

Bishops Tachbrook Parish Council: Object on the grounds that the latest ONS projected population figures state that these houses are no longer required.

Public response: 46 objections have been received, raising the following concerns:

- Warwick District does not need 12,300 new homes;
- contrary to the Local Plan;
- this is an Area of Restraint;
- this would merge Warwick and Leamington together;
- approving this development would be premature in advance of the new Local Plan;
- new development should be spread more evenly around the District;
- more brownfield land should be developed first;
- harm to the historic character and setting of Warwick;
- extra traffic will damage the Castle Bridge;
- harm to the rural landscape and the setting of Warwick Castle;
- loss of high grade agricultural land;
- loss of ecology;
- loss of green space;
- access should be via Europa Way only;
- traffic congestion;
- harm to highway safety;

- good public transport links should be provided;
- this would be an unsustainable form of development, remote from local services;
- insufficient parking;
- employees of Warwick Technology Park will cause parking problems within the new development;
- noise and air pollution;
- loss of privacy;
- pressure on local infrastructure and services;
- increased flood risk; and
- loss of archaeology.

One neighbour has submitted comments in support of the application on the grounds that the proposals for residential development across the site were more appropriate than the Local Plan allocations for employment use and a sports stadium. These comments were submitted prior to the application being amended to reserve land for a community stadium.

Gallagher Estates and Mrs Moreton: Request that a condition is imposed to require access to be provided to their site alongside Europa Way. This is necessary to ensure the comprehensive development and delivery of the whole housing allocation.

Myton School: Do not object to the residential developments in this area in principle and indeed welcome the allocation of housing sites as an opportunity to provide a better education offer in this area. Many of the school buildings at Myton are around 60 years old and their replacement would provide a better, modern educational environment. Accordingly Myton School does not object to the principle of development provided that, through obligations and conditions, the developers are required to make a significant contribution to the delivery of better education in the area.

However, Myton School are concerned that the delivery of better education will only be achieved if there is a comprehensive strategy to link the grant of planning permission to achieving the timely provision of classrooms and other education facilities. A delivery strategy has yet to be produced.

Myton School are also concerned about any proposals to reduce the education contribution below the £8,007 per dwelling that has been secured on other sites. Myton School also request that the education land is transferred directly to them, rather than the County Council.

Advise that construction access will be required via the spine road no later than April 2016. Also make comments regarding cycle routes and the ability to link up to future routes through the school grounds.

Conservation Advisory Forum: It was pointed out that this was contrary to the local plan use for this land which is not actually employment. Fundamental objection in conservation terms was felt to be the increase in traffic to both Warwick and Leamington Conservation Areas. Historically it was felt that this was a green wedge, an area of restraint. It was felt that development on this site would lead to coalescence between the two towns of Warwick and Leamington. It was felt that there would still be some impact on the setting of Castle Park as once hedges were removed there would be views across the Banbury Road to the

top of Gallows Hill, which is on rising ground and possible development on the site in question. It was felt that much of the comments on the previous Gallows Hill site to the south could be repeated here. It was strongly felt that there was a loss of green corridor between the two towns by this development.

Natural England: No objection. Make detailed comments in relation to agricultural land quality, green infrastructure, protected species and biodiversity enhancements.

Environment Agency: No objection, subject to conditions.

Highways Agency: No objection, subject to a condition to require a Travel Plan.

Sport England: Object, unless the applicant can provide suitable proposals for playing pitches together with a contribution towards built sports facilities.

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

Stagecoach: Object. Raise a variety of concerns about the wider planning of new developments to the south of Warwick and Leamington and the associated transport infrastructure requirements from a bus / sustainable transport perspective. This development and adjoining sites should include comprehensive proposals for a high quality bus corridor linking a suitable virtual park and ride facility on land to the south through the site and on to Leamington Town Centre and the pump-priming of high quality bus services. The absence of any such comprehensive proposals would adversely affect the ability to provide a suitable bus service to the site.

Stagecoach make the following specific requests in relation to the current development:

- the access onto Gallows Hill should align with the access to the site on the southern side of Gallows Hill where the Council refused planning permission;
- peak-only bus gates should be incorporated on the spine road;
- sufficient drop-off facilities should be provided for the schools; and
- a pedestrian link should be provided through to the Technology Park.

Western Power Distribution: No objection.

English Heritage: Initially raised concerns about the impact on the wider setting of Warwick Castle Park and about traffic generated by the scheme. Subsequently submitted further comments to clarify these concerns advising that, subject to suitable mitigation, the impacts are likely to be considerably less than first thought. Refer to Paragraph 32 of the NPPF in relation to dealing with the traffic consequences of development. Advise that the impact of increased traffic on heritage assets including the Castle Bridge and the wider historic town and Conservation Area needs to be considered for each scheme which is being proposed in the area.

Warwickshire Police: No objection, but make recommendations for security measures to be incorporated into any reserved matters application. Request a contribution of £106,682 towards police infrastructure.

South Warwickshire NHS Trust (Acute and Community Healthcare):

Request a contribution of £1,039.65 per dwelling 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): Request a contribution of £420.64 per dwelling and a 0.25ha site for a new GP surgery.

WCC Highways: No objection, subject to conditions and Section 106 contributions.

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

WCC Education: Request a financial contribution together with the provision of land for primary and secondary education provision.

WCC Libraries: Request a contribution of £21.89 per dwelling towards library facilities.

WCC Ecology: Initially objected on the grounds of biodiversity loss and impact on badgers. Subsequently the applicant has submitted further information to demonstrate that the biodiversity loss can be offset by compensatory works off-site and to demonstrate that the detailed layout can provide suitable habitat for badgers. This can be secured by conditions and in the Section 106 agreement.

Recommend conditions to require a Protected Species Contingency Plan, a Construction and Environmental Management Plan and a Landscape and Ecological Management Plan. Also recommend conditions regarding tree and hedgerow protection and lighting details.

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

WCC Rights of Way: Request a contribution of £4,455 towards improvements to public rights of way within a 1.5 mile radius of the application site.

WDC Housing Strategy: 40% affordable housing should be provided (comments made prior to the application being amended to reduce the affordable housing provision to 35% to account for the provision of land for a community stadium).

WDC Environmental Health: Recommend conditions to require a Low Emissions Strategy, a Contamination Assessment, a Construction Management Plan and details of noise insulation measures in relation to road noise. Also require measures to mitigate the impact of the development on air quality.

WDC Tree Officer: No objection in principle. The detailed layout can be designed to mitigate the impact on important trees and hedgerows.

WDC Community Protection: No objection, subject to conditions. Advise that further drainage / flood risk information will have to be submitted at the detailed design stage.

WDC Greenspace Development Manager: The proposed green space for this development exceeds the requirements of the Council's Open Space Standards in terms of both overall area and when broken down by each typology of open space. Make various detailed comments regarding the design, layout, maintenance and access to the proposed open space within the site.

WDC Waste Management. No objection. Make detailed comments about the requirements for refuse and recycling storage and collection.

WDC CCTV Manager: No objection, but requests a contribution of £40,000 plus a contribution to fund ongoing maintenance for two new CCTV cameras to cover the development.

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;
- affordable housing;
- the impact on local services;
- the ecological impact of the proposals;
- provision of open space;
- drainage and flood risk;
- loss of agricultural land;
- health and well-being; and
- provision of access to the adjacent housing site.

The principle of development

Five year housing supply / Current policy position

The site is within open countryside adjoining the edge of the urban area of Royal Leamington Spa and Warwick, where the current Local Plan Policy in relation to residential development is RAP1 - 'Directing New Housing'. 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.

In terms of the most recent evidence of housing need, the Council are now able to demonstrate a five year supply and it is therefore considered that Policy RAP1 should no longer be considered as out-of-date. Whilst greater weight can be attributed to Policy RAP1 it must also be recognised that the current Local Plan covered the period from 1996-2011 and therefore makes no provision for the

future housing needs of the District. The weight afforded to Policy RAP1 must therefore be carefully considered when assessing this particular application site, as it is clearly contrary to the direction of travel for the District's emerging policies relating to the strategic urban extensions.

The NPPF seeks to significantly boost the supply of housing and whether relevant policies for the supply of housing are up-to-date or not the NPPF is clear that housing applications should be considered in the context of presumption in favour of sustainable development. The NPPF is a material consideration that is afforded significant weight.

Furthermore the application site forms part of Greenfield Site H01 – Land West of Europa Way, which is allocated for housing development within Policy DS11 of the emerging Draft Local Plan, which is also gaining weight as a policy document. The site has been specifically identified through the Local Plan process to meet the future housing needs of the District and is considered to be within a sustainable location and compatible with the policies within the NPPF when taken as a whole.

The scheme will contribute towards helping the Council meet and maintain its five year requirement and granting outline permission for this site would increase the supply of land for housing, which carries significant weight in the assessment of this application. With potential challenges over the calculation for the five year supply the approval of this development (which is on an allocated housing site) will strengthen the District's ability to demonstrate a robust 5 year supply, at a sensitive stage where there are outstanding Planning Appeals on wholly inappropriate development sites. It will further strengthen the case regarding the ability of the emerging Local Plan proposals to meet the District's housing requirement and to maintain a 5 year supply throughout the plan period.

It has been estimated that the site could contribute some 200 dwellings within the 5 year plan period to 2020. Beyond that it will continue to contribute to a rolling 5 year supply through the period covered by the Local Plan.

Prematurity

The development site forms part of the allocated housing site H01, which has several different land owners who will be developing different parts of the site separately. The District Council have commissioned the "Draft Design Guidance for the Strategic Urban Extension South of Royal Leamington Spa and Warwick - March 2015", which seeks to ensure that the development in the areas of the strategic urban extension come forward in accordance with the garden suburb ambitions for the area. The document will also establish a strategic framework that extends across all areas to ensure that each component that comes forward has due regard to its part in the comprehensive whole.

The development of the application site would not prevent any other adjoining development sites identified in the emerging 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. It is not therefore considered that permission should be refused on the grounds of prematurity.

Impact on the living conditions of nearby dwellings

The application site adjoins one residential property at Heathcote Hill Farmhouse. There are also two dwellings within the site that are proposed to be retained. The site currently provides a rural outlook for 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 these existing dwellings that would not cause unacceptable loss of light, loss of outlook or loss of privacy.

In reaching this conclusion it is important to note that the proposals for a community stadium and an education campus are not part of the development proposed by this application. As and when these developments come forward in the future they will be the subject of separate planning applications when the impact of those proposals can be assessed.

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

Noise

The proposals would result in increased traffic along surrounding roads and this would have implications in terms of noise. However, the Environmental Statement submitted with the application concludes that there would only be a limited increase in road traffic noise attributable to the proposed development and that this will not result in significant effects. The conclusions of the Environmental Statement have been accepted by Environmental Health.

In terms of construction noise, the applicant proposes to prepare a Construction Environment Management Plan and this would include measures to control construction noise. A condition is recommended to secure this. All construction traffic is proposed to access the site via Gallows Hill, enabling this to be routed away from sensitive receptors.

In terms of the impact of noise on the proposed dwellings, the main source would be traffic on Europa Way and Gallows Hill. The Environmental Statement advises that the installation of standard double glazing will provide sufficient noise attenuation across the majority of the development, with higher specification glazing potentially required for those properties facing Europa Way and Gallows Hill. The process of designing the detailed layout will also provide the opportunity to position and orientate the proposed dwellings to minimise noise. Environmental Health have raised no objection on these grounds, subject to a condition to require a scheme to be submitted to protect residents of the development from traffic noise.

Air quality

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 and Dunsmore character area and the Feldon Parklands landscape type. The Guidelines advise that this landscape type is characterised by rolling topography, woodland and scatter farmsteads.

The entire site is located within a wider Area of Restraint defined in the current Local Plan and subject to Policy DAP2. This seeks to protect these areas from proposals that could alter their predominantly open character. The supporting text to Policy DAP2 notes that the value of the Areas of Restraint lies in their contribution to the structure and character of the urban area, providing open areas around towns. The development proposal would therefore be contrary to Policy DAP2 since it would harm the open nature of the area. However, the Draft Local Plan removes the Area of Restraint designation for the application site and allocates the site for housing. In drawing up the Draft Local Plan it was decided that the Area of Restraint designation for this particular site conflicted with the need to identify sufficient land to meet the housing needs of the District in sustainable locations.

Objectors have raised concerns about development in this particular part of the Area of Restraint contributing to the coalescence of the towns of Warwick and Leamington. In this regard, it is notable that the supporting text to Local Plan Policy DAP2 does not specify this as a purpose of the Policy; the only comments about coalescence refer to preventing surrounding villages merging into the towns, rather than the towns merging together. In any case, the merging of Warwick and Leamington has already taken place to a large extent, including the development around Saumur Way and Aragon Drive immediately to the north of the H01 housing allocation that the current application site forms part of. Furthermore, the H01 housing allocation is arguably the most sustainable area for an urban extension south of Warwick and Leamington and therefore it is considered that the sustainability benefits of developing this site rather than other more remote sites would outweigh any concerns about further coalescence of the two towns.

The development of this site will have an adverse visual impact on the rural area by introducing large scale built development on a greenfield site. The site is visible from the adjoining residential development site to the north, from commercial development to the east and west and from the countryside to the south.

In order to inform the assessment of potential residential development sites, the Council commissioned a Landscape Consultant (Richard Morrish Associates) in 2009 to carry out a Landscape Character Assessment of land to the south of Warwick and Leamington, including the current application site. The conclusions for the application site (and adjoining land to the north) were: *"Although this wedge of undeveloped land has been a strategic break between Warwick and Leamington, we feel its value to the setting of the towns has been greatly*

diminished by surrounding land use. We feel that carefully considered development here could enhance the setting of the towns and provide a better transition from rural to urban land”.

The site was considered within a further 2012 assessment by the same consultants: “Options for Future Urban Expansion in Warwick District Considerations for Sustainable Landscape Planning”. This report assessed the cumulative impact of development on the application site and further development sites to south of Harbury Lane. This did not raise any objections in principle to development on the application site.

In accordance with the Landscape Consultant's recommendations, it is considered that the landscape impact of development on the application site would be acceptable and could be mitigated to minimise the impact on the rural landscape. In terms of the impact on the wider rural landscape, development on this site would have considerably less impact than development on the other sites included in the Draft Local Plan. Out of all of the potential urban extension sites, the application site has arguably the most urban setting at present, being adjoined by the existing urban area to the east and west as well as a further proposed development site to the north. Consequently, in the context of the scale of growth that is likely to take place on nearby sites, there would be little impact on the wider rural landscape as a result of development on the application site.

The detailed layouts and heights of buildings, and the detailed landscape mitigation and open space layout will be subject to the consideration of a reserved matters application. However, in principle, it is considered that the development of this site could be mitigated to an appropriate standard to avoid serious and unacceptable visual harm to the rural landscape or to the setting of Warwick and Leamington.

The illustrative material submitted with the application indicates that there would be a mix of 2, 2.5 and 3 storey buildings. The detailed heights and size of building would be considered at reserved matters stage, but this mix of building heights is considered to be acceptable in this location.

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 425 new dwellings to contribute towards housing needs in the District are considered to outweigh the limited landscape harm that has been identified.

This is in accordance with the conclusions of the Council in relation to the remainder of housing allocation H01, for which planning permission was granted in December 2014 (Ref. W14/1076).

Impact on trees and hedgerows

There are a number of trees and hedgerows across the application site. As this is an outline application, the impact on these trees and hedgerows will not be known until reserved matters stage. The exception to this would be any trees and hedgerows affected by the access works, which are proposed in detail at this stage. There are no trees in the vicinity of the proposed accesses to the site from Gallows Hill or Europa Way. Short sections of the boundary hedgerows would

have to be removed to make way for these accesses. These works are considered to be acceptable because they relate to very small sections of hedgerow.

In order to accommodate a detailed residential layout it is likely that other less important trees and hedgerows will have to be removed. However, the appropriateness of this would 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.

Heritage impacts

The closest designated heritage asset to the application site is the Grade II Listed Heathcote Hill Farmhouse. This is situated close to the western boundary of the site. The proposed development would not have any physical impact on the farmhouse, but it would impact on its setting. However, whilst the site would originally have formed part of the agricultural holding associated with the farmhouse, this relationship was lost some time ago and there has not been any agricultural land associated with the farmhouse for some time. Nevertheless, the land does still contribute to the setting of the farmhouse, even though it is in different ownership. However, the farmhouse has already lost much of its rural / agricultural setting due to the construction of Warwick Technology Park alongside its western boundary. Furthermore, the illustrative masterplan indicates that elements of the public open space for the development could be provided alongside the farmhouse, preserving some degree of its open setting. This would be a matter to be considered as part of any reserved matters submission. All things considered, it is concluded that the impact on the setting of Heathcote Hill Farmhouse will not be significant.

The scale of the development is such that there may also be potential impacts on designated heritage assets further afield. The potential impacts on each of these assets is considered below.

Looking first at the Castle Park (a Grade I Registered Park and Garden), the application site is located approximately 430m from the eastern boundary of the Park. The site is separated from the Park by Warwick Technology Park. Therefore the proposed development will not bring the urban area any closer to the Park. Furthermore, the proposed development would not be readily visible from within the Park due to the screening provided by existing trees within the Park, the local topography and the presence of Warwick Technology Park on the intervening land. Therefore it is not considered that the proposals would have a significant impact on the setting of the Castle Park.

The site would be visible from the Castle itself (a Grade I Listed Building and Scheduled Ancient Monument). However, this would be at a distance of 1.5km, with the site separated from the Castle by Warwick Technology Park. Furthermore, the site is viewed in amongst the existing urban form of Warwick and Leamington, including large scale buildings to the east (Tachbrook Park) and west (Warwick Technology Park). Furthermore, planning permission has already been granted for residential development on land to the north. Therefore residential development on the application site would not impact on any notable rural outlook from the Castle. Development on the application site will also not impact on the relationship between the Castle and the Castle Park. Therefore it is

not considered that the proposals would have a significant impact on the setting of the Castle.

With regard to the impact on the Castle Bridge (a Grade II* Listed Building and Scheduled Ancient Monument), there are no proposals to make any changes to this structure to mitigate the traffic impacts of the proposed development. On-going maintenance of the structure is the responsibility of the Highway Authority.

The Conservation Advisory Forum and local residents have raised concerns about increased traffic congestion and pollution in the Leamington Spa and Warwick Conservation Areas. However, there has been no objection from English Heritage or the Council's Conservation Architect.

English Heritage have advised that the scheme needs to be carefully considered in the light of its likely impact on traffic generation with respect to the Castle Bridge and the Warwick Conservation Area. However, they have stopped short of stating that the proposals would cause harm to these designated heritage assets.

In assessing whether the proposed development would have a harmful impact in this respect, it is important to bear in mind that significant traffic congestion already occurs within these Conservation Areas and on Castle Bridge. Therefore it is considered that additional traffic from the proposed development would not have a material impact in Conservation terms. Furthermore, any residential development within or on the edge of the towns is likely to have a similar impact within the Conservation Areas, but such development is essential to meet the need for new housing within the District.

If there is any harm to designated heritage assets, this is limited harm. It therefore falls to be considered under Paragraph 134 of the NPPF, which requires the Council to weigh the public benefits of the proposed development against any less than substantial harm to designated heritage assets. In terms of public benefits, the proposals would provide a significant number of new dwellings in a sustainable location to meet housing needs within the District. Therefore, if there is some limited harm to the designated heritage assets referred to above, it is considered that this is outweighed by the public benefits of the scheme.

In terms of non-designated heritage assets, the two existing cottages on the site are proposed to be retained. Therefore the proposals would not cause any harm in this respect.

The applicant has carried out an archaeological evaluation and this concludes that there are archaeological remains within the site. The County Archaeologist has advised that the loss of these remains can be appropriately mitigated by a programme of archaeological works and a condition is recommended accordingly.

Taking all of the above matters into account, it is considered that the proposals would have an acceptable impact on heritage assets.

Traffic impact / highway safety

The proposed development would increase traffic on the local highway network. The Transport Assessment submitted by the applicant considers the traffic impacts of the proposed development and concludes that no specific measures are required to mitigate the highway impact of the proposals as a standalone

development. However, the Transport Assessment accepts that more extensive mitigation works will be required to the local highway network when the cumulative impact of other proposals within the Draft Local Plan are taken into account. It is proposed that this would be secured via an off-site contribution.

The Highway Authority have accepted the conclusions of the Transport Assessment and have raised no objection to the proposals. They have requested contributions towards bus services, strategic highway infrastructure and sustainable welcome packs. It is expected that the Section 106 agreement will secure these contributions. There has also been no objection from the Highways Agency in relation to the impact of the development on the strategic highway network (the M40 and A46). Therefore the proposals are considered to be acceptable in terms of traffic impact and highway safety.

In terms of provision for pedestrians and cyclists, the Framework Travel Plan submitted with the application indicates that an extensive network of both shared use and segregated walking and cycling routes will be created within the site and these will connect to the existing external network. Detailed provision for walking and cycling within the site would be a matter to be considered as part of any reserved matters submission.

In general sustainability terms this site (together with land to the north) is arguably one of the most sustainable locations for an urban extension to Warwick or Leamington. It is situated in close proximity to a wide range of shops, services and employment opportunities and is as close to Warwick and Leamington Town Centres as an urban extension could be. Therefore, subject to the provision of appropriate local services and sustainable transport infrastructure to serve the development, there can be no objection in principle on sustainability grounds.

In terms of provision for bus services, the concerns of Stagecoach were forwarded to the Highway Authority to enable these comments to inform their assessment of the application. As the Highway Authority have not objected to the application, they clearly do not share Stagecoach's concerns. It is expected that a bus service will be routed through the site, along the spine road. The applicant has agreed to make a contribution towards funding this bus service, which will be operated by Stagecoach or another bus operator. Most of the proposed dwellings would be within 400m of a bus route. The bus service contribution and the strategic transport contribution will provide the Highway Authority with the resources to implement whatever bus priority measures that they consider appropriate. The Highway Authority will decide on the most suitable bus priority measures in the context of wider proposals for modifying nearby roads and junctions to cope with the cumulative level of housing growth in the Southern Development Area. Therefore it is considered that these outline proposals are acceptable in terms of provision for buses.

The indicative layout would allow for a rear entrance to be created into the expanded Myton School. This could help to alleviate existing problems associated with school traffic on Myton Road and should be considered as a benefit of the proposed development.

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

Affordable housing

The affordable housing requirement for this site has been reduced to 35% to compensate the applicant for providing land for the community stadium. The amount that the affordable housing requirement has been reduced by has been calculated as being equal to the development value that will be lost from the current site, compared with nearby residential development sites that have not been required to provide land for a stadium. Therefore this reduction in affordable housing is considered to be an appropriate and proportionate means of securing this important piece of infrastructure.

Unlike the site to the north, no further reduction in the affordable housing requirement is justified on the basis of the provision of land for the education campus. This is because the amount of education land provided on the current site (2.06 ha) is commensurate with the amount of land that is required for education purposes just to meet the needs of this particular development. Consequently this does not amount to a provision over and above the minimum necessary to mitigate the impacts of the development, which is different to the proposals on land to the north which contributed a much larger area of land for education purposes (7.12ha).

The affordable housing will comply with the requirements of the Council's Housing Strategy team in terms of tenure split and the level of affordable rents. Therefore the proposals are considered to be acceptable in terms of affordable housing provision.

Impact on local services

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

In terms of schools provision, Warwickshire County Council have indicated that a financial contribution of £8,007 per dwelling will be required for education provision. There is also a requirement for land to be reserved within the site for a new primary school and an expanded secondary school.

In terms of hospitals, South Warwickshire NHS Trust have requested a contribution of £1,039.65 per dwelling towards the cost of providing a new ward block at Warwick Hospital and providing additional outpatient, diagnostic, treatment and inpatient facilities, including hubs for community health care teams at the Warwick and Leamington hospital sites.

NHS Property Services have requested a contribution of £420.64 per dwelling to fund the construction of a new doctor's surgery. They have also requested the provision of 0.25ha of land within the current application site for the doctor's surgery.

WCC Libraries have requested a contribution of £21.89 per dwelling towards library services.

The County's Rights of Way team have requested a contribution of £4,455 towards rights of way improvements within 1.5 miles of the application site.

Warwickshire Police have requested a contribution of £106,682 towards police infrastructure.

There are also requirements for contributions of £831.04 per dwelling towards indoor sports facilities and £56.73 per dwelling towards outdoor sports facilities. These contributions will address the issues raised by Sport England.

The Council's Greenspace Development Manager has advised that, if the open space land is to be transferred to WDC, then a commuted sum for maintenance would be required, including a sum for maintaining the proposed attenuation basin. A contribution of £768 per dwelling is also required for the creation / future maintenance of the proposed country park, which will be located to the south of the nearby residential development sites on Harbury Lane.

The proposed development includes a 0.25ha site for a community hall.

The application proposes to reserve a 3ha site for a community stadium.

Negotiations are ongoing regarding the precise details of the Section 106 agreement but it is expected that it will secure all of the above contributions. It is considered that this package of Section 106 contributions will provide adequate mitigation for the impact of the development on local services.

The ecological impact of the proposals

The development will result in the loss of existing wildlife habitats and has the potential to increase contaminated surface water run-off into watercourses. A number of protected species have been recorded on site, including great crested newts, bats and badgers.

WCC Ecology have carried out a Biodiversity Impact Assessment calculation to quantify the extent of biodiversity loss. It is expected that the Section 106 agreement will include provisions to secure a scheme to off-set this biodiversity loss. This will ensure that there is no net loss of biodiversity as a result of the proposed development. WCC Ecology have therefore now raised no objection to the application.

With regard to protected species, there are 4 badger setts on site. Separate consent would be required from Natural England if the setts are to be closed. If Natural England were to grant this consent, there would be a requirement for the badgers to be relocated to new setts within the site and this would require sufficient foraging habitat to be retained to support the new setts. As this is an outline application, with the detailed layout to be agreed at reserved matters stage, there is scope for the layout to be designed around any new setts, including provision of suitable foraging habitat. Therefore WCC Ecology advise that this matter can be satisfactorily addressed by the imposition of a condition to require the submission of a detailed badger mitigation plan.

There is a population of great crested newts in a pond on the site to the north. These newts may use the application site. There are proposals for the great crested newts to be relocated as part of the development of the land to the north. WCC Ecology have recommended that a condition be imposed to require the submission of a Construction and Environmental Management Plan to secure mitigation measures for all protected and notable species and this will be

sufficient to ensure that great crested newts are adequately protected (in combination with the relocation proposals that are to be agreed in relation to the development to the north). Natural England have raised no objection to the proposals on this basis.

The bat surveys carried out by the applicant identified various species of bats foraging on site. However, no bat roosts were identified. Therefore bats can be adequately protected by the conditions recommended by WCC Ecology.

Taking all of the above matters into account, subject to the mitigation measures that are to be secured by conditions and in the Section 106 agreement, it is considered that the proposals will have an acceptable ecological impact.

Provision of public open space

The application proposes to include 6.6ha of public open space within the site. The open space provision is in accordance with the requirements of the Council's Open Space Supplementary Planning Document (SPD) in terms of overall size and in terms of the proportions of the various types of public open space. The Council's Greenspace Development Manager has confirmed that the open space provision is appropriate.

It is also expected that the Section 106 agreement will secure a contribution of £768 per dwelling towards the new country park to the south of the nearby development sites on Harbury Lane.

Drainage and flood risk

The majority of the site is situated within Flood Zone 1 (i.e. land at lowest risk of flooding). The Myton Brook, a small tributary of the River Avon, passes along a small section of the site boundary. The area immediately adjacent to this watercourse is situated within Flood Zones 2 and 3. However, the illustrative masterplan shows the area either side of this brook designated as public open space. The proposed development plots could be accommodated on the parts of the site within Flood Zone 1 and 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 Environment Agency, Severn Trent Water or the Council's Community Protection team. All of these consultees are satisfied that the drainage and flood risk information that has been submitted with the application is sufficiently detailed for these outline proposals. Conditions are recommended to require further details as part of any reserved matters submission.

The 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

A number of objectors have raised concerns about the loss of productive agricultural land. The Agricultural Land Classification of the site is predominantly Grade 2, with small areas of Grade 3a and unclassified land. The detailed

breakdown is as follows: 22.6ha of Grade 2, 0.4ha of Grade 3a and 1.9ha unclassified. Consequently the majority of the site is classified as the best and most versatile agricultural land as defined in the NPPF.

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 housing needs of the District over the period covered by the Draft Local Plan. The housing needs of the District will not be met without developing significant areas of agricultural land.

Turning to the requirement for local planning authorities to seek to use areas of poorer quality land in preference to that of a higher quality, it must first be acknowledged that much of the agricultural land adjoining the urban area of Warwick and Leamington is classified as the best and most versatile agricultural and / or is situated within the Green Belt. Meeting the housing needs of the District and complying with Green Belt restrictions will inevitably require development on areas of the best and most versatile agricultural land.

A further factor of relevance to this issue in the current case is that this particular site (together with the land to the north) is probably the most sustainable site for an urban extension to Warwick and Leamington. Of all of the potential urban extension sites, this is the closest to Warwick and Leamington Town Centres. It is also in close proximity to other facilities and employment opportunities within the towns. Therefore, it is considered that the need to provide new homes in a sustainable location overrides any concerns about the loss of productive agricultural land.

Health and Well-being

The proposals would provide a significant amount of housing as well as public open space, a doctor's surgery and a community hall. The proposals also safeguard land for a community stadium and education use. These would be significant benefits of the scheme that would contribute to health and well-being.

Provision of access to the adjacent housing site

The comments from Gallagher Estates and Mrs Moreton relate to a triangle of land alongside the eastern boundary of the site, fronting Europa Way. They have requested a condition to require access to be provided through the application site to serve residential development on their land. No application has yet been submitted in relation to their site, but it does form part of the H01 housing allocation in the Draft Local Plan. The key issue here is whether the condition is necessary to secure an appropriate comprehensive development in accordance with the Draft Local Plan.

The illustrative masterplan submitted with the current application shows that an access to this adjacent site can be incorporated into the proposed layout. However, the applicant considers that there is no justification for the imposition

of a condition to require them to provide this access. They consider that this is a matter that should be dealt with by a commercial agreement between adjacent landowners. The applicant also points out that no such restriction was imposed on Gallagher's proposed development at Lower Heathcote Farm, which had a similar relationship with the adjacent Severn Trent site (Ref. W14/0661).

The land in question does have a frontage to Europa Way and so a key consideration is whether or not the Highway Authority would object to a separate access from that road. The Highway Authority have advised that, whilst not the optimum solution in highway terms, they could not object to a new access onto Europa Way to serve the Gallagher / Moreton land. Therefore, all things considered, it has to be concluded that the condition requested by Gallaghers and Mrs Moreton is not justified, unless evidence is provided to demonstrate that an access cannot be achieved onto Europa Way. An update on this issue will be provided in the addendum report if necessary.

Other matters

Details of 10% renewable energy production or energy efficiency measures will be provided at reserved matters stage. A condition is recommended to deal with this issue.

A condition is recommended to require any reserved matters submissions to comply with the Council's Development Management Guidance on Market Housing Mix. This will ensure that the mix of market housing provided on the site will meet the market housing needs of the District as identified in the Strategic Housing Market Assessment.

The Council's CCTV Manager has requested a contribution towards the costs of installing and running two CCTV cameras to cover the site. However, no such contribution has been paid in respect of any of the other nearby residential development sites. There is no evidence to suggest that crime would be a particular issue on this site and therefore it is not considered that this contribution is justified under the CIL regulations.

It has been suggested that a pedestrian access should be provided between the site and Warwick Technology Park. This is not possible because it would require land in third party ownership.

The applicant has requested an 8 year time limit for the submission of reserved matters. This is to allow time for the submission of reserved matters following the expiry of the 5 year safeguarding period for the community stadium land, should that not be required for that purpose. This is considered to be reasonable and an extended time limit is recommended accordingly.

SUMMARY/CONCLUSION

This site is allocated for residential development in the Draft Local Plan. It will make an important contribution to meeting and maintaining the Council's five year supply of housing land over the Plan period.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. 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, the provision of a doctor's surgery, the provision of a community hall and improvements to shared infrastructure, including the provision of land for education use and a community stadium. Environmental benefits would arise from measures to increase biodiversity, sustainable transport improvements, more efficient use of land, provision of open spaces, sustainable drainage measures and improved footpath/cycle way links. The site is in a sustainable location adjacent to the urban area and will be integrated into the existing settlement by sustainable transport links. It is therefore concluded that the development represents sustainable development by satisfying the three dimensions identified in the NPPF.

It has been concluded that any issues of concern that have been raised can be satisfactorily addressed through the assessment of reserved matters applications, the provision of new facilities and / or the provision of new infrastructure by way of financial contributions. The development would have an adverse impact on the surrounding landscape in terms of loss of openness and harm to rural character. However these impacts need to be balanced against the wider benefits of the development listed above.

Drawing these matters together, it is not considered that the adverse impacts on the landscape and rural area outweigh the benefits of the development. In addition, this scheme is of particular importance for the wider area because it provides land to for facilities to serve the whole Southern Development Area, including land for education, a doctor's surgery and a community hall. 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 eight years from the date of this permission. **REASON:** To comply with Section 92 of the Town and

Country Planning Act 1990 (as amended).

- 3 The development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later.
REASON: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 4 The development hereby permitted shall be carried out substantially in accordance with the details described in the Design and Access Statement and as shown on the building heights plan 32662-LEA149b, and specification contained therein, submitted on 20 June 2014 and 20 February 2015. For the avoidance of doubt, drawing nos. 32662-LEA146c & 32662-LEA146d (illustrative masterplans) have been considered as being for illustrative purposes only and therefore are not approved.
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. The application is in outline with all matters (save access) reserved and the local planning authority wishes to ensure that those details that have not yet been submitted are appropriate for the locality in terms of visual and residential amenity and reflect the scale and nature of the development assessed in the submitted Environmental Statement.
- 5 The vehicular access from Europa Way shall be constructed in strict accordance with drawing no. 32662-LEA122b, submitted on 20 June 2014. The vehicular access from Gallows Hill shall be constructed in strict accordance with drawing no. 32662-LEA139, submitted on 20 June 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.
- 6 No reserved matters application for any phase of the development shall be submitted until there has been submitted to and approved in writing by the Local Planning Authority a Site Wide Design Code for the approved development. This Design Code shall be in accordance with the principles and parameters as set out within the Design and Access Statement and plans referred to in condition 4 above and the Council's guidance entitled "Garden Towns, Villages and Suburbs: A Prospectus for Warwick District Council, May 2012" (and any subsequent revision and/or approved plans/strategy available at the time).

The Design Code shall include the following matters:

- a hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas);
- development blocks including built form and massing and relationship with adjoining development areas/blocks including areas of transition between development parcels (including the relationship between built form and adjoining open space);

- building types;
- building heights;
- the means to accommodate the parking of vehicles and cycles;
- sustainable Urban Drainage features;
- key spaces, open spaces and green features;
- architectural language and detailing;
- design principles for street tree planting and other structural landscaped areas;
- design principles for hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long term management;
- design principles for waste disposal and recycling;
- design principles for the colour and texture of external materials and facing finishes for roofing and walls of buildings and structures;
- design principles for street lighting and any other lighting to public space (including parking areas);
- a regulating plan on an ordnance survey base at a scale no greater than 1:1250; and
- a mechanism for periodic review and refinement if necessary of the approved Design Code.

All reserved matters applications shall accord with the approved Design Code.

REASON: In the interests of good urban design and a comprehensively planned development in accordance with the NPPF, Policies DP1, DP14 & DP15 of the Warwick District Local Plan 1996-2011 and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029 (Publication Draft 2014).

7 No reserved matters application shall be submitted until a Site-wide Masterplan has been submitted to and approved in writing by the local planning authority. The Site-wide Masterplan shall be in accordance with all of the following:

- the approved Design & Access Statement and building heights plan referred to in condition 4;
- the principles set out in the Council's guidance entitled "Garden Towns, Villages and Suburbs: A Prospectus for Warwick District Council, May 2012" (or any subsequent revision and/or approved plans/strategy available at the time); and
- the Site-wide Design Code to be approved under condition 6.

The Site-wide Master Plan shall include the following:

- illustrative details of how the proposed layout of development has been designed with due regard to the surrounding urban and rural context;
- landform topography as existing and proposed;
- a land use plan and character areas (including densities and building heights);
- movement corridors within the site (including principal roads, public

transport corridors, footpaths, cycleways and green corridors) including a demonstration of how these relate to existing movement networks in the wider area;

- location of any areas for off-street car parking courts;
- key infrastructure (including SUDs, significant utility provision, schools, district/local centres);
- landscape corridors and open space networks;
- public open space;
- housing mix including tenure and size of dwelling;
- location of affordable housing;
- street tree planting and other structural landscape areas;
- hard and soft landscaping treatments;
- street lighting arrangements and any other lighting to public space;
- a phasing plan including triggers for delivery of key elements of supporting infrastructure; and
- a statement explaining how the development proposals accord with the principles set out in the Site-wide Design Code.

REASON: In the interests of good urban design and a comprehensively planned development in accordance with the NPPF, Policies DP1, DP14 & DP15 of the Warwick District Local Plan 1996-2011 and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029 (Publication Draft 2014).

- 8 No development shall commence until a construction phasing plan has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the phases established in this approved phasing plan.

REASON: To ensure the proper phasing of the development.

- 9 No phase of development shall commence under any reserved matters consent 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 energy LED lighting 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.

- 10 No development shall take place until a Protected Species Contingency Plan has been submitted to and approved in writing by the local planning authority. The Plan shall include a detailed badger strategy (including mitigation, compensation and monitoring as deemed appropriate) by a suitably qualified badger consultant. The Protected Species Contingency Plan shall include timescales for the works and proposals for on-going monitoring. The approved Protected Species Contingency Plan shall be implemented in strict accordance with the approved details and timescales. **REASON :** To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan.
- 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 local planning authority 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 Policy DAP3 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 must include details of planting and maintenance of all new planting. Details of species used and sourcing of plants must be included. The plan must also include details of habitat enhancement/creation measures and management, such as ponds, wildflower grasslands and provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON:** To meet the requirements of the NPPF in terms of biodiversity impact.
- 13 No phase of development shall take place under any reserved matters consent until a scheme showing how either a). at least 10% of the predicted energy requirement of the development within that phase will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development within that phase and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. No dwelling within that phase shall be occupied until all the works within the approved scheme in relation to that dwelling have been

completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

- 14 No phase of development shall commence under any reserved matters consent until a scheme for that phase 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.
- 15 No phase of development shall commence on any reserved matters consent until a Tree Retention and Removal Plan identifying existing trees, shrubs and hedgerows to be retained has been submitted to and approved in writing by the local planning authority. The existing trees, shrubs and hedgerows shown to be retained on this plan shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any trees, shrubs or hedgerows 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 trees, shrubs or hedgerows of such size and species details of which must be submitted to and approved by the local planning authority. All trees, shrubs and hedgerows 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.
- 16 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.

- 17 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 must 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 an addendum to the method statement, detailing how the unsuspected contamination shall be dealt with, has been submitted to and approved in writing by the local planning authority). 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.

- 18 No phase of development shall commence under any reserved matters consent until a scheme for that phase 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.
- 19 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which shall have 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: a construction phasing plan; the anticipated movements of vehicles; the routing of delivery vehicles; 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; 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. **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.
- 20 No phase of development shall commence under any reserved matters consent until a Low Emission Strategy for that phase 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.
- 21 No phase of development shall commence under any reserved matters consent until a scheme for that phase 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.

- 22 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.

- 23 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.
- 24 No phase of development shall commence under any reserved matters consent until a scheme for that phase 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. The scheme shall include the following:
- proposals to limit post-development runoff volumes and peak flow rates to the Greenfield discharge rate for all rainfall return periods up to and including a 1 in 100 year plus 30% (for climate change)

- event;
- attenuation designed to accommodate a 1 in 100 year plus 30% (for climate change) event;
- further detail on the implementation of SUDS; and
- a demonstration that there will be no above ground flooding up to and including the 1 in 30 year rainfall event.

The approved drainage systems shall thereafter be installed in strict accordance with the approved details and timescales. The approved drainage systems shall be retained at all times thereafter 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.

- 25 No development shall commence until details of a dedicated cycle path along the spine road to connect with the proposed cycle path along the spine road for the development to the north have been submitted to and approved in writing by the local planning authority. The dedicated cycle path shall thereafter be constructed with the spine road in strict accordance with the approved details. **REASON :** To ensure adequate provision for cycling, in accordance with Policies DP6 & SC4 of the Warwick District Local Plan.
- 26 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.
- 27 The mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the "Development Management Policy Guidance : Achieving Mix of Market Housing on new Development Sites". **REASON:** To ensure that the housing meets the needs of the District as required by Local Plan Policy SC1 and the NPPF.

- 28 The development hereby permitted shall only be carried out in accordance with the Flood Risk Assessment by AMEC dated May 2014 and submitted on 20 June 2014, and the proposed flood mitigation measures contained therein. **REASON :** To reduce flood risk, in accordance with the NPPF.
- 29 Within two years of the first occupation of any of the dwellings hereby permitted, design and construction details of the main spine road through the development (annotated as "3. Primary Road" on drawing no. 32662-LEA147e), together with a safeguarded access into Myton School, shall be submitted to and approved in writing by the local planning authority. Within five years of the first occupation of any of the dwellings or prior to occupation of 65% of the dwellings, whichever is the sooner, the spine road shall be completed in strict accordance with the approved details to provide a continuous unrestricted vehicular, cycle and pedestrian link from the site's principal access off Gallows Hill to the site's northern boundary. **REASON:** To ensure that a continuous unrestricted vehicular, cycle and pedestrian link is provided from the site access on Gallows Hill to link up with any spine road to be constructed on the adjacent site to the north (identified as "Land between Myton Road and Europa Way" on planning permission no. W14/1076). This is necessary in the interests of good urban design and a comprehensively planned development, in accordance with the NPPF, Policy DP1 of the Warwick District Local Plan 1996-2011 and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029 (Publication Draft 2014).

30 No dwelling hereby permitted shall be occupied unless and until:

(a) a scheme for rainwater harvesting has been submitted to and approved in writing by the local planning authority; and

(b) all parts of the scheme approved under (a) have been implemented in strict accordance with the approved plans for that particular dwelling.

The rainwater harvesting scheme shall be retained and maintained in strict accordance with the approved details at all times thereafter.

REASON : To ensure that the development is designed to be resilient to, and adapt to the future impacts of, climate change, in accordance with Draft Local Plan Policy CC1.







