

Planning Committee: 19 August 2014

Item Number: 6

Application No: W 14 / 0661

Town/Parish Council: Warwick

Registration Date: 01/05/14

Case Officer: Penny Butler

Expiry Date: 29/08/14

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Land at Lower Heathcote Farm, Harbury Lane, Warwick, CV34 6SL

Residential development up to a maximum of 785 dwellings; Provision of three points of access - one from Europa Way and two access points onto Harbury Lane; A mixed use community hub/local centre to include retail development (Class A1 to A5 inclusive) and community buildings (Class D1); provision of a primary school; comprehensive green infrastructure including a country park, continuous open space network and multi-functional open space, including children's play space, open space for sport, informal open space and SUDS; provision of allotments; footpaths and cycle ways; Foul and surface water drainage infrastructure, including attenuation ponds; ancillary infrastructure and ground remodelling. (Outline application including details of access) FOR Gallager Estates Ltd

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission for the development subject to the receipt of a satisfactory Section 106 Agreement and subject to the conditions listed. Should a satisfactory Section 106 Agreement not have been received by 29 August 2014, Planning Committee are recommended to delegate authority to the Head of Development Services to refuse planning permission on the grounds that the proposals make inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

This application is one of two submitted concurrently by Gallagher's to develop land each side of Europa Way and to the south of Gallows Hill/Harbury Lane. Both applications are made in outline with all matters reserved apart from access.

The application site forms a substantial part of the strategic urban extension to the south of Warwick and Leamington, allocated in the Local Plan – Publication Draft (April 2014).

Three access points are proposed, one from Europa Way and two from Harbury Lane. The development proposes a major development to the southern side of

Heathcote/Warwick Gates and includes a range of uses including up to 785 dwellings, a mixed use community hub/local centre providing flexible space for community facilities and shops, financial/professional services, restaurants/cafes, drinking establishments and hot food takeaways (Class A1 to A5 inclusive) and community buildings (Class D1). Space for a two form primary school adjacent to the local centre on approximately 2.5ha. of land. A comprehensive range of green infrastructure is proposed including a country park, children's play space, amenity green space/informal open space, natural areas, Sustainable Urban Drainage Systems (SUDS), provision of sports pitches, and potential provision of allotments. Footpaths and cycle ways, foul and surface water drainage infrastructure, including attenuation ponds and other ancillary infrastructure and ground remodelling is also included.

The application is supported by extensive supporting documentation. This includes an Environmental Statement, report dealing with transportation matters, a Planning Statement, Design & Access Statement, and a masterplan provided for illustrative purposes only, (i.e. it is not to be determined as part of this application).

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

- Employment and training: 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.
- SUDS: Preparation and agreement with the local planning authority of the design, management and maintenance of SUDS, adoption of SUDS and payment of the management/maintenance fees for 13 years from the date on which planning permission is granted.
- Public open space strategy: Preparation and agreement with the local planning authority of a Site Wide Infrastructure Design, Management and Maintenance Strategy for areas of public open space within the site which shall provide for public access to open spaces in perpetuity. Payment of the management/maintenance fees for 13 years from the date on which planning permission was granted. Payment of play area commuted sum.
- Highways: Contribution of £6,000 per open market dwelling towards the cost of off-site highway improvement schemes as required by WCC Highways (Total £2,826,000)
- Welcome packs: Contribution of £75 per dwelling towards Sustainable Welcome Packs to promote sustainable living and deliver road safety education (Total £58,875).
- School buses: Contribution of £302 per dwelling for school buses (Total £237,070)
- Public Buses: Contribution of £638 per dwelling for public buses (Total £500,830) (Note: This request is being queried with the Highway's Authority, to confirm public bus contributions are not covered by the £6,000 Highways contribution per dwelling).

- Indoor Sports: Contribution of £784.61 per dwelling to fund improvements to indoor sports halls and swimming pools within Warwick District (Total £615,918.85).
- Outdoor Sports: Contribution of £56.73 per dwelling to fund improvements to outdoor sports facilities within Warwick District (Total £44,533.05).
- Country Park: Contribution of £768 per dwelling towards provision of a country park , plus the transfer of the country park land to WDC (Total cost £602,880 includes provision of public rights of way outside the site)
- Bowls facility: Contribution of between £38,429 and £53,824 towards providing a bowls facility (based on 2.5-3.5 people per dwelling when it should be 2.37 people).
- Affordable housing: Provision of 40% affordable housing.
- South Warwickshire NHS Foundation Trust: Contribution of £1,678 per dwelling towards the cost of providing a new ward block at Warwick Hospital and providing additional outpatient, diagnostic, treatment and inpatient facilities, including hubs for community health care teams at the Warwick and Leamington hospital sites (Total £1,317,230).
- GP Surgery: Contribution of £599,740 for GP surgery facilities, based upon £764 per dwelling.
- Police: A financial request (£293,859.55) has been received from the Police towards provide policing infrastructure to serve the development, but the Council's Solicitors have advised that further evidence is required to substantiate this request. The required evidence is being prepared by the Police and Planning Committee will be given an update at their meeting.
- Rights of Way: Contribution of £12,730 towards improvements to public rights of way within a 1.5 mile site radius.
- Legal costs and monitoring: Contribution to fund the legal costs of the local planning authority in monitoring the agreement (the lesser of £30,000 or 1% of total of financial contribution).
- Biodiversity: Contribution for providing biodiversity offsetting off site; a maximum of -8.52 units (£212,515);
- Education: Contribution of £6,285,495 (based upon £8,007 per dwelling) is anticipated towards education places and requirement to transfer land to WCC. (It should be noted that WCC have requested the lower figure of £5,458,507 following the publication by the Department of Education of an amended pupil cost multiplier; however the cost of extending Myton and Champion Schools to accommodate the housing growth in the Southern Development Area remains unchanged and therefore the level of contribution remains at a level that is related to these costs.
- Library facilities: Contribution towards library facilities (amount to be confirmed)

The total minimum Section 106 monies contribution identified to date based on 785 dwellings would therefore amount to approximately £13.7 million.

THE SITE AND ITS LOCATION

The site lies to the south of Warwick and Whitnash and is currently predominantly open farm land. It covers a total of 85 hectares and includes Lower Heathcote Farm buildings, a caravan park and two fishing ponds. To the north, the site is bounded by Harbury Lane, to the west by Europa Way, the southern boundary follows the Tach Brook, whilst to the east the Heathcote Park mobile home site and an existing hedgerow form the boundary. About 1km away beyond the Tach Brook and further open countryside to the south lies the village of Bishops Tachbrook. To the west of this area is the Banbury Road beyond which lies the historic Castle Park. On the opposite side of Europa Way to the west is the site 'Land West of Europa Way' planning application site (W/14/0681), and on the opposite side of the western part of the site on Harbury Lane is the Land North of Harbury Lane site where outline and reserved matters permission has been granted for 220 dwellings (W/13/0607 and W/14/0407). The site to the north is a wholly residential site and beyond lies the Heathcote Industrial Estate, whilst Warwick Gates housing estate lies opposite the eastern side of the site on Harbury Lane. There is a small area of Flood Risk Zone 2 and 3 close to the line of the Tach Brook. Most of the site is Grade 2 (Very Good) agricultural land with the remainder Grade 3 (Good/Moderate). The site is within the Feldon Parklands local landscape character area.

The site is within the open countryside allocation of the current Local Plan where rural area policies apply. The site and land to the east is included in the Draft Local Plan as an allocated housing site for 1505 dwellings also requiring primary schools, a local centre, community facilities and a country park.

PLANNING HISTORY

An outline application for up to 720 dwellings including a local centre and school was withdrawn in July 2013 (W/13/0606). There have been a number of applications made relating to the dwelling, farm buildings and caravan park though these are not considered of significance to the determination of this application.

RELEVANT POLICIES

- The National Planning Policy Framework

The Current Local Plan

- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)

- SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- Draft Village Housing Options and Settlement Boundaries (November 2013)
- Warwick District Local Plan 2011-2029 Publication Draft - published April 2014. Relevant policies: DS2, DS3, DS5, DS6, DS7, DS10, DS11, DS15, HO, H1, H2, H4, SC0, BE1, BE2, BE3, TR1, TR2, TR3, TR4, HS1, HS4, HS5, HS6, HS7, CC1, CC2, CC3, FW2, FW3, FW4, HE1, HE2, HE4, HE6, NE2, NE3, NE4, NE5, W1, DM1.
- 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)

Guidance

- Warwickshire Landscape Guidelines SPG
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Affordable Housing (Supplementary Planning Document - January 2008)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Raise no objection but have grave concern about the effect of this development on the local infrastructure and trusts that the developer will work closely together with the District Council and County Council to ensure that suitable infrastructure is in place prior to commencement

Whitnash Town Council: Raise objection on the following grounds: No infrastructure; traffic issues – need roundabout; air pollution; lack of access on this development, accumulative effect on roads, schools, medical centres and air quality, need for bungalows. Potential “possible” very vague application, look at previous application.

Bishops Tachbrook Parish Council: Object on the following grounds:

- Consultation on the draft Local Plan: The site is contrary to the current Local Plan (Policy RAP1). The draft Local Plan should not include this site for development and the most recent housing projections demonstrate it is not required.
- Does not comply with the NPPF: Fails to satisfy the three dimensions of sustainable development as it would harm the natural and historic environment (Warwick Castle, Park and Conservation Area), will intrude on rural views from the village, result in loss of best and most versatile agricultural land, would be car dependent and therefore increase air pollution and emissions.
- The Secretary of State requires development to be sustainable which this site is not, and this should be decided in consultation with local people. There has been no change to the site since the 2006 Local Plan inquiry when the site was determined as unsuitable for development.
- There is currently a 6.44 year housing supply taking into account approvals to date
- There is no sustainable case to approve the application

Public response: 35 objections received from local residents are as follows:

- Applications should not be considered prior to the adoption of the Draft Local Plan
- The allocation of dwellings should be distributed across the District, not concentrated in the south. Development should be to the north of Leamington.
- Quantum of development in excess of local needs. Required housing can be accommodated on existing brown field land in the District.
- Increased noise and air pollution in nearby air quality management zones
- Harm to setting of Warwick Castle, Park and Conservation Area, which the site is visible from.
- Increased traffic congestion on major transport routes and on sensitive roads within Warwick Conservation Area. Proposed highway mitigation measures are insufficient. Layout would provide a rat run avoiding Europa Way roundabout.
- Excessive density of development. Insufficient plot sizes.
- Reduction of gap between Leamington/Warwick and Bishop's Tachbrook leading to potential coalescence of settlements
- Harm to character and quality of rural landscape and loss of green space.

- Loss of high grade (mostly Grade 2) agricultural land, which was a reason for refusing W/13/0036.
- Harm to archaeology, local wildlife and ecology including the Tach Brook
- There are no bungalows proposed
- Pressure on local services, surgeries, hospitals and schools. Insufficient contribution proposed to local infrastructure. Proposed school should be nearer Europa Way roundabout.
- Proposed footpaths would pose a security risk to adjoining residents.
- Development close to flood plain. Increased flood risk.
- Insufficient capacity in existing sewer system
- Loss of light to adjoining residents from proposed 2.5 storey development and loss of privacy
- Not a sustainable development, the distance of the site from facilities would make residents completely car dependent
- Contrary to current Local Plan and Policy RAP1
- Contrary to Draft Local Plan
- Disturbance and disruption to residents during construction
- Not subject to proper local consultation or publicity
- Planning blight to adjoining residence at Heathcote House (southern side of Harbury Lane) and loss of property value

Heathcote Park Residents Association: Object. The proposals are contrary to the NPPF as building on brown field land should be prioritised over green field, and there is sufficient brown field land to accommodate the required housing. The Park was previously relocated from the Technology Park land to the current site to provide elderly residents with a rural setting with clean air. The only mitigation proposed is a hedge between the Park and development. Increased traffic congestion on overloaded roads and bridges leading to further delays for emergency services and motorists, damage to road bridges and air pollution. Will contribute to an excessive number of accesses onto Harbury Lane (9 in 1 mile). Traffic lights on Europa Way will further delay traffic. Inadequate funding for schools. Harm to ecology and biodiversity. The Richard Morrish landscape report recommended a 0.5 mile separation between housing development with a "green wedge park at least 1 mile wide.

English Heritage: The heritage assessment suggests that this site to the east of Europa Way will have relatively little direct impact on major heritage assets. However, there will be the cumulative impact on areas such as that around Castle Bridge and the town centre part of the Conservation Area mentioned in responses to other schemes in this area which will need to be addressed. It should also be noted that this area has not been allocated as a housing site in the draft Warwick Local Plan.

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

WDC Housing Strategy & Development: 40% of the proposed dwellings would be required to be affordable to meet Policy SC11, or 314 out of 785. The type,

tenure and location of the dwellings can be agreed at reserved matters stage, and should take account of the changing demand and the current housing needs survey results. The site should deliver a tenure mix of 60/25/15 social rent/affordable rent/shared ownership. The units should normally be grouped in small clusters throughout the site that are not visually distinguishable. Current policy on affordable rents levels is for levels to be set at the mid-point between social rent and 80% of market levels. Units should meet the standards set out in the SPD and will be allocated through the Homechoice scheme.

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

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

WCC Ecology: The site comprises a mixture of habitats including a farm, arable and grassland fields, hedgerows, fishing lakes, woodland and marshy grassland. Adjacent to the south is a LWS and one hedgerow on the site is potentially important under the Wildlife & Landscapes criteria of the Hedgerow Regulations 1997, and there are 4 TPO trees on site.

An estimated Biodiversity Impact Assessment calculation shows there will be a significant loss (of approximately 43 units using the basic information submitted) on site that should be compensated by an appropriate mitigation plan or biodiversity offsetting scheme secured by S106 undertaking.

A significant buffer should be provided to the woodland edge of at least 30m along with a scrub barrier to deter recreational impacts. 878m of hedgerow proposed for removal should be minimised, along with five trees.

Recommend conditions requiring a Construction and Environmental Management Plan (CEMP) to include protective measures to avoid harm during construction, further breeding bird surveys and mitigation, a Landscape and Ecological Management Plan to include details of habitat creation, new planting and maintenance, tree and habitat protection schemes, and a detailed lighting scheme.

Environment Agency: Object as insufficient water vole surveys have been carried out as there are historic records of these and the existing fishing lakes appear to provide suitable habitats. Their presence would inform detailed design of attenuation ponds/wetlands. Recommend conditions requiring development in accordance with the Flood Risk Assessment, further details of SUDS and their design to increase biodiversity, and improvements to the water quality of the Tach Brook.

NHS Property Services: The site is part of the planned urban extension to the south of Leamington Spa and as such a site has been secured for a new primary care facility on land at Myton. A contribution is required to fund the capital cost of this new facility as NHS England currently has no capital resources allocation to

fund capital developments and limited revenue finding to underpin the reimbursement of rent and rates associated with GP premises. A contribution of £170,905.92 is therefore requested as part of a S106 agreement.

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

Natural England: Refer to standing advice on protected species. Potential for biodiversity offsetting and landscape enhancements should be explored. Attention is drawn to the loss of 63.5ha. agricultural land including 49.7ha. 'best and most versatile land'. Policy DP3 requires a demonstration that such land is protected, and it is noted that the site is not included in the Draft Local Plan. Careful soil management of remaining land is required, and the proposals in the submitted Environmental Statement are appropriate. It is noted that the site would form part of the planned urban park for this area, the design of which should be subject to their consultation.

Warwickshire and West Mercia Police: Have assessed current housing applications submitted in the area and responded based on the cumulative impact. The proposed accesses would create a 'rat run' enabling vehicles to avoid the Europa Way roundabout, leading to increased highway danger with a consequent increase in policing required. Request consultation in any Road Safety Audit and also at detailed stage to achieve Secured by Design standards. A contribution of £293,859.55 is requested (based on 785 dwellings), towards meeting the costs of providing policing services to meet the cumulative needs of the development. The contribution is required to fund the setting up and equipment of staff, police vehicles, ANPR cameras and a Safer Neighbourhood Team office.

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

WCC Definitive Map Team: Request a contribution of £12,730 towards improvements to rights of way within a 1.5 mile radius of the site (such as upgrading stiles to gates and path surface improvements), to mitigate the maintenance liability resulting from increased use of rights of way by residents of the development. Further consultation on a reserved matters scheme is required. Alternatively if new rights of way linking the development to existing are proposed, these could be included as a S106 obligation including a financial contribution towards the WCC costs for creating and maintaining these. Further details of the rights of way would be required before the amount of contribution could be confirmed, and in the event such a link does not prove possible (such as if landowners refuse) then the fall back would be that the contribution can be spent on improvements to the right of way network.

Ramblers Association: If this site is to be developed, it needs to include (a) an off-site footpath link to the public footpath to the south (as was done at Hatton Park) and (b) a link into the south side of the Retail Park as this is becoming more essential with the amount of housing on this side and the on-site car parking becomes more inadequate.

WCC Archaeology: Recommend a condition requiring an archaeological scheme of works prior to the submission of any reserved matters application.

Health & Community Protection (Environmental Health): Recommend conditions requiring a noise mitigation scheme to protect residents from traffic noise, a contaminated land investigation and remediation, a Construction Management Plan to include measures to control noise, dust and light emissions, and consideration of WDC Air Quality Planning Policy Guidance to minimise and/or offset emissions from the development. Also no A3 to A5 units within the local centre to be used without an odour abatement and noise mitigation scheme, and a detailed lighting scheme.

Stagecoach Midlands: Support the principle of development but object to the details of access points and road layouts. A 5th arm should be provided off the Earl Rivers Ave/Harbury Lane roundabout with a realigned internal spine road. Bus stops are required on Harbury Lane east of Earl Rivers Ave, with at least two more within the development. A direct bus route should be protected through to the sewage works site to the east in case this site is developed.

Highways Agency: It appears that the impact of development traffic on M40 Junctions 13 and 14 will be of a relatively low magnitude, and will not be a cause for concern for the safe and efficient operation of the motorway junctions. Nevertheless, the Transport Assessment does highlight the benefits of a modest improvement to one of the slip roads at Junction 14, which is currently under consideration by both WCC and the Agency. This mitigation is required to limit the impact on the strategic road network of the proposals. The Framework Travel Plan would benefit from more detail and explanation of how it will be progressed. Therefore it is directed that conditions to be attached to any permission granted requiring no occupation of development prior to the junction improvements and submission of a detailed travel plan in accordance with the submitted Framework Travel Plan.

WCC Highways: Following the withdrawal of the previous application, further discussions have taken place between WCC and the developer's transport consultant, regarding the modelling work. This was to include the committed development north of Harbury Lane and to report the predicted queuing on Europa Way in an agreed format. Alterations to the signalised access(es) have been carried out to address concerns of WCC, to include a maintenance lay by and indicative parking restrictions in the vicinity of the junction. The applicant has demonstrated that with mitigation, the impact of the development is acceptable. The mitigation schemes are either similar to or a simpler version of those proposed by WCC in the strategic transport assessment which forms part of the evidence base for the

proposed local plan. Therefore, as larger improvement works are likely to be required at the highlighted junctions to accommodate the further planned growth, contributions would be secured to deliver the larger schemes in lieu of those proposed by the developer. This level of contribution is currently £6,000 per open market dwelling.

No objection is therefore raised subject to conditions requiring access from Europa Way in accordance with submitted plans (but if application W/14/0661 gains permission then delivery of an alternative plan), accesses from Harbury Lane in accordance with submitted plans, and a scheme for the provision of bus stops on Harbury Lane prior to occupation. Also request contributions of £6,000 per open market dwelling towards strategic highway infrastructure and measures to improve walking and cycling within the Leamington, Warwick and Whitnash areas (payments required upon occupation of 25%, 50%, 75% and 100% of the open market dwellings), £75 per dwelling for sustainable welcome packs, £302 per dwelling to provide school bus services (for those pupils living on the development and to serve the local area as a consequence of the development) and £638 per dwelling towards public transport service improvements connecting the site to Leamington and Warwick (this equates to £500,830 to be split and paid on occupation of 100 dwellings and four subsequent annual payments on the anniversary of the 1st payment date).

Sport England: The additional population will place demand on existing sports facilities. Sport England is working with WDC in a facilities audit of swimming pools and sports halls and a playing pitch strategy, so WDC should provide costs for and require a contribution towards sports pitches. However, a desire/need for an indoor bowls facility has recently been identified to complement the outdoor bowls facilities in the District. The development would generate a demand for 0.13 indoor bowling rinks, equating to a contribution of £36,451 (based on 2.37 persons/dwelling).

Cultural Services (Green Space): Request contributions towards play equipment and the maintenance of open spaces, would need to approve the design of open spaces, and the transfer of open space to WDC. Also request a contribution of £564,920.24 (£1,027,841 across the three developments) towards improvements to swimming pools and sports halls (£784.61 per dwelling).

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

Green Space Team: The application does not reference the Open Space Supplementary Planning Document and there are no area measurements provided of proposed open space. Therefore it is impossible to say whether this application has met the required open space provision standards, however at a glance there does appear to be a shortfall. If the provision standards are not met on site then an offsite contribution should be sought for any deficiencies. It's not clear how this

development and its green space link to the neighbouring recreational ground, either by footpath or cycle link. Commuted sums for open space maintenance should be sought if it is transferred to another.

WCC Infrastructure Delivery Team: Request a contribution of £5,458,507 as indicated earlier in the report.

ASSESSMENT

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

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

The principle of development

A planned approach

Given the size of this site and the fact it is within the area designated in the Local Plan – Publication Draft (April 2014) for a strategic urban extension, it has very significant potential to contribute towards accommodating WDC’s housing growth in a well-planned way, to include the delivery of community infrastructure, and a design vision that supports the principles presented in: ‘Garden Towns, Villages, and Suburbs : A prospectus for Warwick District Council, May 2012’.

In order to achieve this vision it is considered essential to pursue a comprehensive rather than a piecemeal approach to the development of the sites that make up the strategic urban extension, (as required in Draft Local Plan Policy DS15, ‘Comprehensive Development of Strategic Sites’). To achieve this objective, WDC is working with the applicant, and the other landowners and developers in the Southern Development Area, together with ATLAS, (the Advisory Team for Large Applications at the Government’s Homes and Communities Agency), to produce an overarching spatial framework that will ensure alignment between the various site masterplans, and alignment with the Council’s vision presented in Garden Towns, Villages and Suburbs.

To ensure the delivery of a comprehensive and collaborative approach across the strategic urban extension, together with delivery of appropriate infrastructure, it is considered essential to include a condition on this outline application to require the production of a detailed masterplan and design codes that will reflect the objectives to be set out in an overarching spatial framework. This condition will also help to ensure the new development satisfies the requirement for high quality urban design as specified in Policy DP1 (Layout and Design) in the adopted Warwick District Local Plan (1996-2011), and Policy SC0 (sustainable communities) and BE1 (layout and design) in the Draft Local Plan.

Five year housing supply

The site is within open countryside where the relevant Local Plan Policy in relation to residential development is RAP1 - 'Directing New Housing'. The proposals would be contrary to Policy RAP1. However, the National Planning Policy Framework (NPPF) 2012 states (para. 49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement. In terms of the most recent evidence of housing need, the Council cannot demonstrate a five year supply.

The latest Five Year Housing Land Assessment (July 2013) indicates that the housing land supply is 2.8 years. The five year requirement (2013-2018) is 4,550 dwellings with 2,575 already provided, leaving 1,975 to be provided. Between April 2013 and December 2013 a total of 1,252 dwellings received permission along with 92 office to residential conversions. Not all of these permissions will be built out in 5 years, particularly those on large sites, so this still leaves a shortfall in relation to the housing requirement but the position is slightly improved from 2.8 years.

A review of the 5 year housing land supply position is currently being undertaken. Members will be provided with an updated position as a late item or verbally at Planning Committee.

Accordingly Policy RAP1 is clearly out of date and in these circumstances the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. That means granting planning permission unless either:

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

The concurrent application by Gallagher's for land on the opposite side of Europa Way was concluded to cause material harm to heritage assets. This application was therefore considered in the context of paragraph 134 of the NPPF which requires

less than substantial harm to heritage assets to be weighed against the public benefits of the proposal. This is a specific policy in the NPPF that indicates development should be restricted, therefore, this policy carries more weight than the test required under paragraph 14 and provided the decision making context for that application. The application under consideration is not concluded to cause material harm to heritage assets, and therefore the appropriate decision making context for this application remains paragraph 14 as set out above.

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

Current policy position

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

This site is allocated for residential development in the Draft Local Plan and the proposals accord with Draft Policy DS11. Some weight is attached to the Draft Local Plan due to its early stage in the planning process and this represent the Council's current preference for development based on the most up to date evidence base.

The Joint Strategic Housing Market Assessment (2013) established the Objectively Assessed Housing Need in the Housing Market Area which includes Warwick District. As a result, the Publication Draft Local Plan (2014) established the need for Warwick District for 12,860 homes or 714 homes per annum between 2011 and 2029.

In 2014 the Office for National Statistics published the latest national population projections. As a result of this, the findings of the 2013 Joint Strategic Housing Market Assessment are being reviewed. This is likely to show an increased housing need for the Coventry and Warwickshire as a whole, though may indicate a revised distribution between the Districts. At present this review of the Joint SHMA has not been published, nor have Duty to Cooperate discussion regarding the potential implications been concluded. The housing requirement set out in the Publication Draft Local Plan (May 2014) therefore remains the most up to date position for Warwick District.

The Draft Local Plan contains justification for the development of land within/ adjoining settlements, as it will not be possible to provide sufficient land for the

new housing growth within the existing urban area, so it will be necessary to allocate new development on green field and Green Belt sites.

Prematurity

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

Assessment of the proposed housing provision

In terms of the type of housing being provided, 40% would be affordable and the affordable mix would be required to accord with the affordable housing needs of the District in accordance with the current SHMA. The size and type of the affordable dwellings would be subject to further consideration under a reserved matters application, which would have to meet current requirements at such time.

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

Complying with these requirements in terms of the affordable and market housing mix, sizes and house types, would comply with Policy SC1 which requires a range of sizes and types of dwelling and SC11 which requires 40% affordable housing and provision in accordance with local needs. The NPPF (para.50) sets out the need to “plan for a mix of housing based on current and demographic trends, market trends and the needs of different groups in the community”. The granting of outline consent would significantly increase the supply of land for meeting the unmet market and affordable housing needs of the District and would therefore represent a key benefit of the scheme.

Traffic impact / highway safety

The Transport Assessment submitted with the application has assessed the transport implications arising from the proposed development, and the Highway Authority are content that the impact on the highway network would not be severe. In these circumstances the NPPF states that permission should not be refused on highway grounds.

The proposed access would be gained via an access off Europa Way and two accesses off Harbury Lane, which can achieve the visibility splays required by the Highway Authority. Also required would be improvements to the M40 J14 slipway (already scheduled to be undertaken by WCC in October 2014) and planned local strategic highway improvements. The development would contribute towards a cumulative increase in activity on the wider highway network, along with the further growth currently planned for in the District. Therefore, it is considered necessary for the development to contribute towards strategic transport interventions required to support the development which equates to £6,000 per open market dwelling. These measures have been identified by the Highway Authority in their Strategic Transport Assessment (a document that provides part of the evidence base for the new Local Plan). A suitably worded S.106 agreement would secure the contribution of £6,000 per open market dwelling towards strategic highway infrastructure and £75 per dwelling for occupants of the dwellings to be provided with Sustainable Welcome Packs. A contribution to provide school and public bus services would also be required in the interest of encouraging sustainable modes of transport, of £302 plus £638 per dwelling.

The suggestion from Stagecoach to provide a fifth arm off the Earl Rivers roundabout would not be acceptable in terms of highway safety or capacity and is therefore not required. Bus stops are to be required by condition on Harbury Lane, and then within the development once this is built.

The impact on landscape and heritage assets

The development of this site will have a significant visual impact on the rural setting by introducing wide scale built development on a green field site, bounded by two major roads which presently provide a rural approach to Warwick. The site is visible from the towers of the Warwick Castle but it is not considered that development on this site would directly harm the setting of the Castle, its Park or the Conservation Area, as the site is a sufficient distance away and viewed in the context of surrounding development.

It should be noted that a Sustainable Landscape Planning report produced by Richard Morrish Associates (2009 and 2012), concluded that this site is on a ridge of higher ground that is prominent in some views from the south, however with appropriate mitigation it would be reasonably easy to integrate it with existing development.

The Grade II* and Ancient Monument Castle Bridge would be impacted by increased traffic arising from the development, including proposed widening of the road and introduction of signalling. English Heritage consider that this requires further assessment. However, it is considered that the potential for harm is low given the scale of highway works proposed in this location and the opportunity for WCC to require a sensitive scheme.

The gap between Warwick/Leamington and Bishop's Tachbrook would inevitably be reduced by the development of this land, and carefully designed and managed

landscape areas would be essential to mitigate the potential landscape and visual impacts. The Tach Brook is utilised as a natural boundary to the development, and no further land to the south is allocated for development, therefore it is considered that the provision of the country park along the southern edge of the site alongside the Brook would prevent the coalescence of Warwick and Bishops Tachbrook, as a substantial landscaped gap would be retained. This proposal is broadly in accordance with the Strategic Green Infrastructure Delivery Assessment 2012

It is considered that the landscape impact could be mitigated to minimise the impact on the rural character, and the indicative master plan shows wide set backs from the roads which will permit the retention of boundary hedges. The detailed layout and heights of buildings, and the proposed landscape mitigation and open space will be subject to the consideration of a reserved matters application, but in principle, it is considered that the development of this site could be mitigated to an appropriate standard that would avoid serious and unacceptable visual harm to this rural landscape. It is also considered that this impact would not be so significant, that it would outweigh the public benefits of the development, and that the development would therefore not conflict with the NPPF. However, the visual impact would represent an adverse impact of the development.

WCC Archaeology has advised that the development could proceed with a condition to require further archaeological investigation.

Ecological impact

The development will result in the loss of existing wildlife habitats, however, the developer is willing to enter into a S106 to secure biodiversity offsetting, which would accord with the NPPF requiring all developments to result in a net biodiversity gain. WCC Ecology have advised that the development would be acceptable, subject to various conditions, including a requirement for a Construction and Environmental Management Plan to be produced, which would include measures for the protection of all notable and protected species that have been identified on site. It is noted that the Environment Agency have objected due to a lack of sufficient water vole surveys but WCC Ecology have visited the site and are content that further work is not required at this stage, and can be secured by condition which would also inform required mitigation. Given that they have visited the site and are satisfied with the work undertaken, this is considered an appropriate course of action.

Impact on the living conditions of nearby dwellings

The proposed development would be situated to the south and south-west of the dwellings on the northern side of Harbury Lane in Tamora Close, Capulet Drive, Tressel Croft, Hawkes Farm and Long Acre. The indicative layout shows separation distances between the proposed dwellings and those existing dwellings in excess of the minimum required by the Council's Distance Separation Standards. Two storey dwellings on Tamora Close face the site over Harbury Lane and are set back behind their access road, a separate foot path and a mature hedgerow. These dwellings would lose their current views over agricultural land but loss of view is not a

planning matter. Hawkes Farm has a more open frontage whilst Long Acre is enclosed by mature hedges. Given the distances, even taking into account the rising levels of the application site, it is considered that the proposals would not cause unacceptable loss of light, loss of outlook or loss of privacy for neighbouring dwellings. Long Acre would be opposite the proposed local centre, which has the potential to create further noise and odour nuisance from the range of potential uses proposed (retail, hot food take away, restaurant/café, public house and community uses). However, given the distance involved, and the conditions recommended by the Environmental Health Officer, it is considered that nuisance would not occur.

On the southern side of Harbury Lane, the proposed development is situated to the west of mobile homes in Willow Court and Birch Court and the west and south of no.s 1 and 2 Harbury Lane and Heathcote House. Heathcote House is midway along the Harbury Lane frontage and is therefore surrounded by the site at the rear and sides. The indicative layout shows the rear gardens of dwellings surrounding this neighbouring dwelling, and it would be possible to ensure that any formal layout submitted under a reserved matters application meets the required separation standards. Alongside the eastern boundary is a proposed area of landscaping and a foot path. Again separation standards between dwellings could be addressed. The provision of new housing alongside these existing dwellings would not lead to unacceptable standards of amenity, subject to the approval of detailed layouts and design, and again loss of view is not a planning matter.

The Environmental Health Officer recommends conditions for a scheme to mitigate traffic noise for residents, and a construction management plan to minimise disturbance.

Air quality

Environmental Health consider that the attraction of additional vehicles to the application site will inevitably lead to an increase in vehicle emissions in the area in the short term. (The air quality report commissioned for the Local Plan showed that over time air quality would improve even with more traffic as vehicle engines become cleaner). Environmental Health have recently published the WDC Air Quality Planning Policy Guidance which recognises the impact of road transport emissions creep due to the aggregated impact of development schemes. The policy requires developers to use 'reasonable endeavours to minimise emissions and, where necessary, offset the impact of development on the environment'. Environmental Health have advised that the developer should be invited to consider producing a low emission strategy for the development, which could be required by condition.

Drainage and flood risk

There has also been no objection from WDC Community Protection. The scheme will implement Sustainable Urban Drainage (SUDS) techniques to assist in reducing flood risk, and these measures are acceptable.

Impact on local services and infrastructure

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

Having considered the available evidence, the requested contributions are considered to be in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. A development of 785 dwellings on this site would have a material impact on the need for affordable housing, education, health care, open space, policing, rights of way, drainage, sports facilities, monitoring costs, employment/training for locals and highway matters. This a particular issue given the cumulative impact that is expected from the substantial level of housing growth proposed across the District. It is reasonable to expect a development of this size to contribute towards the additional costs associated with meeting these increased demands. The relevant consultees have identified specific projects and locations where this money would be spent. Therefore it is considered that all of the contributions listed above are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development (as required by Regulation 122).

Loss of agricultural land

The site will result in the loss of 49.7 ha. of best and most versatile agricultural land.

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

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

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

sufficient in itself to justify refusal. However, it is an adverse impact of the development.

Other Matters

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

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

SUMMARY/CONCLUSION

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

There are three dimensions to sustainable development: economic, social and environmental. The development would deliver economic benefits through the generation of employment during the construction phase, and from the increased population which would contribute towards increased expenditure in the local area and dependence on local facilities. Social benefits would include the provision of a mix of types and sizes of market and affordable housing to meet identified local needs, the provision of open space and footpaths, and improvements to shared infrastructure, including contributions towards major extensions at Myton and Campion Secondary Schools. Environmental benefits would arise from measures to increase biodiversity, sustainable transport improvements, more efficient use of land, provision of open spaces, and footpath links. The site is in a sustainable location adjacent to the town where residents can access a range of services. It is therefore concluded that the development represents sustainable development by satisfying the three dimensions identified in the NPPF.

It has been concluded that any issues of concern that have been raised can be satisfactorily addressed through the assessment of reserved matters applications, the provision of new facilities, and the provision of new infrastructure by way of financial contributions. The development would have an adverse impact on the

surrounding landscape in terms of the loss of openness and rural character, however, these impacts need to be balanced against the wider benefits of the development listed above.

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

CONDITIONS

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

REASON : To comply with Section 92 of the Town and Country Planning Act 1990 as amended.

- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 The development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 4 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (BIR.436_02A-2 I submitted on 8 July 2014. 11050943/SK031 RevH and 11050943/SK037 RevB submitted on 4 July 2014) and specification contained therein. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 5 The access to the site from Europa Way shall be located and laid out in general accordance with drawing 11050943/SK031 Rev H. **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 The access to the site from Gallows Hill shall be located and laid out in general accordance with drawing 11050943/SK035 Rev B. **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.

- 7 Prior to commencement of the development, the applicant is required to submit a scheme detailing the form and location of bus stops to be provided on Gallows Hill. These stops shall then be implemented in full prior to occupation of the first dwelling on the site. **REASON**: In the interests of securing sustainable transport improvements in accordance with the NPPF and Policy SC12 of the Warwick District Local Plan 1996-2011.

- 8 Prior to the submission of any Reserved Matters in respect of the development hereby permitted a Master Plan and Design Codes shall be submitted to and approved in writing by the Local Planning Authority which shall include:
 1. A statement on how the Masterplan and Design Codes accord with the principles set out 'Garden Towns, Villages and Suburb: A Prospectus for Warwick District Council, May 2012', and any overarching spatial framework approved by Warwick District Council
 2. A Land Use Plan
 3. A Building Heights Plan
 4. Character Areas
 5. A Density Plan
 6. Development block types and design principles
 7. A plan showing how legibility will be achieved to assist way

finding and orientation for people moving through the site

8. Proposed site levels
9. Building types and uses
10. Design principles regarding building design, materials, and elevational detailing
11. Security principles including details on how crime prevention matters will be addressed
12. A Non-Vehicular Movement Plan
13. A Vehicular Movement Plan (including principal roads, public transport corridors, greenway, and demonstrating how permeability will be achieved in respect of the new development and established neighbourhoods abutting the site)
14. Design principles for street types and functions, to include the principal dimensions of streets and boundary treatments including sight lines (visibility splays)
15. Junctions and types of traffic calming, and public transport links
16. Bus penetration to assist in making a modal shift from private car use to bus use
17. Details of pedestrian and cycle links including appropriate crossing facilities
18. Location and standards for on and off-street parking, including cycle parking car parks and parking courts, and related specifications
19. Principles in respect of disabled access throughout the development and to/from buildings
20. Street furniture specifications and locations
21. Key infrastructure design details, including drainage and rainwater run-off system, SUDs, flood mitigation, and routing of public utilities, and decommissioning
22. An Open Space Network Plan including provision of wildlife habitat
23. Specifications of hard landscaping materials and soft landscaping species including location of trees and planting adjacent the highway, and their long term maintenance arrangements
24. Identification of those trees to be retained or removed as part of the development and the number and location of new trees to be provided as compensation
25. Design details of feature spaces (including public squares, parks and equipped areas for play)
26. Locations for public art
27. Street lighting specifications using white light and including a locations plan and including details of lighting schemes for public spaces to create a safe and pleasant night time ambience
28. Arrangements for maintenance and servicing including recycling and refuse collection/bin storage
29. A mechanism for periodic review and if necessary revision of the Design Code

The condition should also state that any subsequent Reserved Matters

applications shall accord with the Master Plan and Design Code approved in writing by the Local Planning Authority; and that for the avoidance of doubt the illustrative masterplan, the parameters plan, and other illustrative material submitted with the outline application are not approved. **REASON:** In the interests of urban design and a comprehensively planned development in accordance with Policies DP1, DP14, DP15 and SC15 of the Warwick District Local Plan 1996-2011; and DS7, DS15, BE2 of the Warwick District Local Plan - Publication Draft 2014.

- 9 No development shall take place under any relevant phase of development until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

- (a) low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps;
- (b) the brightness of lights should be as low as legally possible;
- (c) lighting should be timed to provide some dark periods; and
- (d) connections to areas important for foraging should contain unlit stretches.

Such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.

REASON: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3, DP9 and DAP3 of the Warwick District Local Plan 1996-2011.

- 10 No phase of the development shall take place under any reserved matters consent until a scheme for that reserved matters consent and phase of development showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the local planning authority. That phase of development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's

specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

- 11 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. **REASON:** To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan.
- 12 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.
- 13 The development hereby permitted (including demolition) shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF),

ODPM Circular 06/2005 and Saved Policy DAP 3 of the Warwick District Local Plan.

14 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the local planning authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as pond, wildflower grasslands, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure a net bio-diversity gain in accordance with the National Planning Policy Framework (NPPF).

15 The development hereby permitted shall not commence until: -

(1) (a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken relating to human health;
- a risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected;
- an appropriate gas risk assessment to be undertaken;
- refinement of the conceptual model; and
- the development of a method statement detailing the remediation requirements.

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

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

(2) All development of the site shall accord with the approved method statement.

(3) If during development, contamination not previously identified, is

found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be deal 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.

- 16 The development hereby permitted shall not commence until a scheme detailing arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 17 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority. **REASON:** In the interests of fire safety.
- 18 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a

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

- 19 No development shall take place unless and until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012.
- 19 The development hereby permitted shall be carried out in strict accordance with details of a scheme for the design and construction of the means of disposal of surface water from the development and associated SUD's facilities, that shall have been submitted to and approved in writing by the local planning authority. These details shall include large scale plans and cross and longitudinal sections, showing design, layout to include finished floor levels, construction of the surface water drainage systems to outfall and to include condition surveys to outfall ditch development. The development hereby permitted shall not be brought into use until a report detailing the future maintenance of all drainage systems on site, which must be accompanied with a risk assessment, has been submitted to and approved in writing by the local planning authority. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details. **REASON:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011.
- 20 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.

- 21 The development hereby permitted (including vegetation clearance) shall not commence until further breeding bird surveys of the site have been carried out and a detailed mitigation plan including schedule of works and timings has been submitted to and approved in writing by the local planning authority. Such approved mitigation plan shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy DAP 3 of the Warwick District Local Plan.
- 22 No works to start on site until adequate measures have been taken to protect Local Wildlife Site, Tach Brook with associated habitat and areas of woodland, during development. A barrier, such as a wire fence should be erected before work starts. This fenced area should include a buffer zone between the development and the boundary of the LWS and woodland. It is important NOT to allow access, or storage of materials within this buffer zone, otherwise soil compaction is likely to occur, with subsequent damage to ground flora. **REASON:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy DAP 3 of the Warwick District Local Plan.
- 23 No units hereby permitted shall be used for Use Class A3 to A5 purposes unless:
- (a) an odour assessment has been undertaken to assess the impact of odour arising from cooking and any proposed fume extraction system that is required to serve that unit;
 - (b) the results of the odour assessments carried out to comply with criterion (a), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority; and
 - (c) any necessary mitigation measures approved under (b) have been implemented in full accordance with the approved details.
- The mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority.
1. A noise assessment has been undertaken to assess the impact of noise arising from any plant, fume extraction, air conditioning or refrigeration equipment that is required to serve that unit.
 2. Any plant or equipment installed at that unit shall comply with the following criteria: Noise arising from any plant or equipment at these premises, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)) [if the

noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.]

REASON: To protect residents of the development from the adverse effects of noise and fumes from commercial activities within the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 24 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.
- 25 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 26 The mix of type and size of market dwellings submitted as part of any

