

**Application No:** [W 17 / 2371](#)

**Town/Parish Council:** Cubbington  
**Case Officer:** Dan Charles

**Registration Date:** 09/01/18

**Expiry Date:** 10/04/18

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**Land off Rugby Road and Coventry Road, Cubbington, CV32 7JN**

Revised Scheme for the development of 120 dwellings (including 48 affordable units), formation of single access point from Coventry Road and single access point from Rugby Road, highway works, landscaping, public open space and ancillary works. FOR Bellway Homes (South Midlands) Ltd

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

**RECOMMENDATION**

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to secure the necessary financial contributions/obligations in relation to affordable housing, sustainable drainage; biodiversity offsetting requirements; library improvements; highway improvements and sustainable travel packs; policing; health related improvements; indoor and outdoor sports provision; and public rights of way improvements.

Should a satisfactory Section 106 Agreement not have been completed by 12 October 2018, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

**DETAILS OF THE DEVELOPMENT**

This is a full planning application for the erection of 120 dwellings across allocations H25 and H26 in Cubbington. The overall site area is 5.41 hectares.

The proposal is for 72 open market dwellings and 48 affordable dwellings. It is a full planning application including all details to be approved. The proposal includes a range of properties sizes and types from 1 bedroom to 5 bedroom dwellings. Dwellings vary from single storey to 2 and a half storey dwellings in a mixture of brick and render finishes.

The proposal includes the creation of a vehicular access from Coventry Road and Rugby Road together with the retention and improvement of the existing public right of way that crosses the site. The proposal incorporates the provision of a pedestrian and cycle link between the two parcels of land which requires the removal of a short section of existing hedgerow that currently divides the land parcels. This element of hedgerow is to be mitigated for with additional planting.

All remaining boundary hedgerows are to be retained and strengthened where required.

The proposal also includes the provision of public open space areas within the site totalling 1.76 hectares of land area creating a green buffer to the western boundary of the site together with green fingers of development through the central area of the site. The site also incorporates two areas of SUDS ponds to the northern edge of the site.

An existing public right of way crosses the site from south east to north west. The scheme retains the public footpath through the site and creates a green corridor for footpath users.

The existing use of the southern area of site as allotments has been offset onto land to the north of the application site for a new area of allotments to serve Cubbington.

### **THE SITE AND ITS LOCATION**

The site is formed by two parcels of land allocated for housing in the Local Plan for a total of 100 dwellings. There are two distinct parcels of land; an old allotments site and a parcel of open agricultural land.

The allotment site is a typical, traditional allotment site with a variety of small horticultural parcels together with a wide variety of fencing and small buildings/structures throughout the site. The boundaries of this area are a combination of fencing to the residential property boundary with hedgerow to the field boundary.

The area of the site is flanked to the east and partially to the west by existing residential properties.

The existing agricultural field is open agricultural land delineated with hedgerow boundaries. A public right of way intersects the field from the south eastern corner to the north western corner of the land. Within the field there are no landscape features.

### **PLANNING HISTORY**

No previous planning history.

### **RELEVANT POLICIES**

- National Planning Policy Framework
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029)

- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS2 - Protecting Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS3 - Local Green Space (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)

#### Guidance Documents

- Parking Standards (Supplementary Planning Document)
- Distance Separation (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

### **SUMMARY OF REPRESENTATIONS**

**Cubbington Parish Council:** - Objection for the following reasons;

1. That the size of the development exceeds the guideline number of dwellings set down in the Warwick District Local Plan 2011-2029 by an appreciable amount.

- The development was for 65 and 35 dwellings. The proposed scheme is for 67 and 53 which is an appreciable increase over size envisaged.
- Estimated figures should be maximum for Cubbington due to limitations and the sensitive location of the settlement.

2. That the application has given insufficient regard to the acknowledged susceptibility of dwellings in the village of Cubbington to flooding resulting from surface water run-off.

- Cubbington is recognised as a sensitive development area in the Strategic Flood Risk Assessment carried out on behalf of WDC.
- The submitted FRA does not acknowledge the above report.
- The proposal does not address how the potential for proposed additional flooding has been addressed.

Also, the Parish Council request that a proportion of the affordable housing should be retained for people with a local connection.

**WDC Private Sector Housing:** No objection.

**WDC Waste Management:** No objection.

**WDC Arboricultural Officer:** Recommend more street trees be provided. Hedge and Tree protection should be installed prior to development.

**Warwickshire Fire and Rescue:** No objection subject to fire hydrant condition.

**Flood Risk Management:** No objection subject to surface water drainage condition.

**WCC Highways:** No objection subject to conditions and financial contribution to local highway improvements.

**WCC Ecology:** No objection subject to Biodiversity Offsetting Contribution within the S106 Agreement.

**WCC Archaeology:** Recommend further survey work carried out.

**Public Response:** 8 letters of objection received with the following comments;

- Loss of visual amenity
- Increased traffic resulting in harm to highway safety.
- Increased light and noise pollution.
- Harm to ecology and protected species.
- Loss of Greenfield land.
- Overlooking of existing properties.
- Insufficient drainage to cope with more housing.
- School does not have additional capacity.
- Lack of infrastructure to cope with additional housing.
- Loss of allotments harmful to community. New allotments site too far away for some residents.

## **ASSESSMENT**

### **Principle of Development**

*NPPF*

Paragraph 11 of the NPPF states that applications should be considered with a presumption in favour of sustainable development.

When assessing what is sustainable development in the context of the NPPF, Paragraph 8 identifies 3 overarching objectives that are interdependent and need to be pursued in mutually supportive ways. These objectives are an Economic Objective, a Social Objective and an Environmental Objective.

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 type and size of market and affordable housing to meet identified local needs. The proposal would provide 40% affordable housing on the site which will be secured through a Section 106 agreement.

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 new footpath links. The site is sustainably located within the built up area of Cubbington and will be closely integrated into the existing settlement. It is therefore concluded that in overall terms the development represents sustainable development by satisfying the three objectives.

#### *Warwick District Local Plan*

The adopted Local Plan is the most up to date evidence base for the allocation of new housing land and this site forms part of the strategic expansion of Warwick and Leamington as defined within Policy H1.

The application site is identified within the Warwick District Local Plan 2011-2029 as a site suitable for new housing development within the growth village envelope of Cubbington. The land is defined as two housing allocations; the H25 and H26 allocations which are formed of two different land parcels separated by a hedgerow running from east to west across the site.

The allocations identified 35 dwellings on the H25 allocation and 65 on the H26 Allocation giving a total of 100 dwellings across the two sites. The scheme brought forwards has a total of 120 dwellings across the two sites; 52 on H25 and 68 on H26), exceeding the overall allocation by 20 units or 20%.

The explanatory text to DS11 states that the sites were assessed against a number of criteria and an estimated figure for the number of dwellings for each site is identified. That explanatory text also sets out that at the detailed planning application stage that figure may vary. Paragraph 368 of the Inspectors report into the Local Plan stated that the Council's estimate of capacity is based on 50% of the site area being developed which would allow for substantial landscaping to create a strong edge to built development which is shown on the submitted plans despite the increase in numbers.

When considering the additional numbers above the allocation, Officers note that Strategic Policies DS2 and DS3 of the Warwick District Local Plan seek to support

the provision of homes that are required within the District as identified within the Objectively Assessed Housing Need. These policies also require development schemes to provide an appropriate level of affordable housing and a mix of new homes of all tenures.

The above policies are based upon the Government objective of significantly boosting housing supply. Furthermore, Policy DS6 identifies a minimum of 16,776 new dwellings during the local plan period of 2011 to 2029. Current rates of new development require the provision of 1,098 dwellings per year for the remaining Local Plan period until 2029.

Policy DS7 sets out the methodology for the provision of new housing over the plan period. The figures set out that the plan period has a significant number of site completions, extant permissions, existing commitments and new dwellings proposed through the sites that are allocated within the plan.

In addition to the identified sites, an additional 1010 dwellings have been earmarked within the Local Plan housing figures that would potentially come forward through windfall sites.

In essence, the additional housing proposed on this site could be considered as a windfall insofar as they would be additional dwellings not identified within the allocation but capable of being satisfactorily assimilated onto the site which is located within a sustainable area.

The potential opportunities for seeking that level of windfall provision across the District on smaller sites is considered to be limited and would in all likelihood result in small, sporadic developments, a significant number of which may relate to sites of 10 or less units. Unlike the current proposals, in such circumstances, there would be no requirement for the provision of 40% of the units to be affordable housing. Therefore in circumstances such as that presented by the current application, there is an opportunity to provide an increased number of dwellings within a high quality scheme whilst also ensuring the provision of affordable housing at an appropriate level.

The proposals seek permission for the construction of 120 dwellings, associated open space and green infrastructure. In accordance with the provisions of Policy DS11 and having regard to the fact this is one of the District's allocated sites for housing, officers consider that the site is capable of delivering a high quality scheme notwithstanding the proposed increase in numbers. This conclusion has been drawn having regard to the above and taking into account the comments of the Inspector in his final report.

Other benefits are capable of accruing as a result of the increased number of dwellings proposed relative to those estimated at the time of the allocation. Within the context of the Government objective to significantly boost housing supply, the provision of addition dwellings in a sustainable manner within a high quality development is considered to be a positive outcome which as set out above increases opportunities for the provision of affordable housing and a wider tenure mix in a manner which may not otherwise be the case and in accordance with the relevant policies to suit the housing requirements of a variety of people.

## **Housing Mix**

The proposed mix of market housing is broadly in line with the Council's guidance albeit that the proportion of 1 bed dwellings is lower than might have been anticipated and that of 4+ bed dwellings slightly higher.

Officers have however been in discussion with the applicant and the current proposals represent a significant move towards the mix set out in the guidance relative to those originally submitted and are considered to be acceptable in overall terms.

The mix of affordable housing proposed is the result of discussions between the applicant and the Council's Housing Strategy Officer and are considered to be acceptable.

In that respect, Officers are satisfied that the proposed development is in accordance with the Warwick District Local Plan 2011-2029.

### **Impact on visual amenity and the character of surrounding area**

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

Since this is a full planning application, comprehensive details have been provided in respect of the layout and visual appearance of the proposed dwellings.

The site remains as two distinct parcels but is being delivered as one development. The existing hedgerow remains that currently separates the two sites with the creation of a pedestrian and cycle link between the sites. No vehicular link is provided between the two areas of land, firstly to prevent the site being used as a "rat-run" for motorists and secondly to reduce the need for the loss of hedgerow. This does necessitate a small loss of the hedgerow but the remaining hedgerow is to be strengthened so the visual appearance will improve.

The dwellings on the southern element of the site (H25) are set back from the proposed access to the Rugby Road behind a green frontage that flanks the road. This setback retains the green space that is currently enjoyed from the access to the allotment site and the appearance of an open aspect remains between the existing dwellings fronting Rugby Road.

Within the site, a wide main access road serves the dwellings with a single spur road serving additional dwellings. Parking areas are a mixture of side driveways and where required, frontage parking. Green areas to the front of the plots mitigates where necessary the frontage parking to create a pleasant green frontage to the development. The area of the site has a more dense appearance that reflects the local character in the vicinity of the site.

The northern parcel (H26) is currently an open, agricultural field. In the Inspectors report into the Local Plan it was noted that the development of this area of land would diminish the openness of the site and for that reason, it was removed from the Green Belt. Therefore, the proposed layout has provided a lower density form of development with large areas of open space around the

dwellings to create a more open aspect to the area as identified in the Inspectors Report.

The site is accessed via a new junction from the Coventry Road that leads onto a short access road which leads to a junction with an additional central road running at 90 degrees to the access drive. Immediately opposite the main junction is a wide area of green space with footpath link running to the boundary of the site. This creates the experience of a wide, open and green aspect through the site when entering through the main access road. This is further complimented by the green space running alongside the central avenue that follows the line of the existing public right of way that runs from south east to north west.

When taken alongside the green spaces that flank the boundaries to the west and north, the experience of the area is of a green and pleasant development. Officers are satisfied that this form of development is an appropriate treatment for the parcel of land.

The site has a large area of open space to the boundary of the site with the open countryside. This gives a significant soft edge to the development where it meets the open countryside and all existing hedgerows are retained to delineate the existing boundary of the site. The dwellings fronting these areas have an outward facing aspect giving a pleasant outlook for the future occupiers.

Overall, the site has been well designed to reflect the character of the setting. The southern element of the site where constrained by existing built development, the character reflects the surrounding building densities of Cubbington. Within the northern element of the site, the character is defined by lower density development with larger areas of green space forming a natural transition into the open countryside by providing a soft edge to the development.

Officers are satisfied that the development is a high quality scheme within a well landscaped setting that has been sensitively designed to reflect the character of the wider area.

### **Impact on adjacent properties**

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

All of the proposed dwellings are set away from the boundaries of the site which creates a substantial separation distance between existing and proposed properties. All separation distances between the existing and proposed dwellings exceed the required standards.

### **Amenity of future occupiers**

All of the properties within the site have been provided with separation distances that meet or exceed the required standards. Officers are satisfied that the relationship between the proposed properties is acceptable in accordance with the Residential Design Guide. Where properties share a front to front relationship, consideration has been given to the fact that such dwellings would be positioned on opposite sides of a road or pedestrian route running through the



development and accordingly regard is had to the more 'public' frontage these properties would have, from which views, certainly into ground floor windows, would be facilitated by pedestrians, cyclists and other passers-by. Overall, having regard to the relevant guidance, the proposals are compliant and the development is acceptable in this regard.

All dwellings have a private garden that is of an appropriate size in accordance with the required standards set out in the residential design guide. Many of the properties also benefit from further space to the frontage to enhance the setting for the occupiers.

Throughout the site there are high levels of open green space that further enhance the setting for future occupiers with areas of formal and informal space to enhance the overall landscape of the scheme.

Overall, having regard to the above, the development is considered to provide appropriate living environments for future occupants, which is further enhanced by the extent of the public open spaces proposed as part of the development.

### **Highway Safety**

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The County Highways Officer originally raised objection to the proposal on the basis of potential traffic impact as a result of the development together with the impact on highway safety with the creation of multiple accesses to the site from the Coventry Road.

The scheme has been amended to reduce the number of accesses to one serving the development from the Coventry Road which is considered acceptable. No objection was raised to the Rugby Road access point.

Concern was raised by the County Highways Officer regarding the impact of the development on the safe operation of the Coventry Road/Rugby Road roundabout. In order to overcome this concern, the applicants Transport Consultant provided technical traffic data to demonstrate that the impact can be mitigated with some improvements to the layout of the island and the carriageway layout. The junction works have also been subject to a Road Safety Audit that has been submitted for assessment with the County Highways Officer.

The County Highways Officer has considered the submitted Traffic Statement and associated technical data including the Road Safety Audit and raises no objection to the proposal subject to conditions and the provision of a contribution within the Section 106 Agreement for the proposed highway works. The extent of the requirements and final contribution amount is to be confirmed and will be presented within the update report.

### **Impact on Ecology/Protected Species**

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The application was submitted with detailed ecological surveys of the site and surrounding area. These reports have been assessed by the County Ecologist who has recommended conditions to secure works appropriate to the protection of existing landscape features and potential impact on protected species.

In assessing the proposal, the County Ecologist has identified a net loss in biodiversity as a result of the residential development. In light of this, it is recommended to secure a financial contribution towards Bio-Diversity Offsetting projects in the local area to mitigate the proposed residential development. This figure is still being calculated following detailed survey work and will be reported within the update sheet to Committee.

## **Other Matters**

### Trees/Hedgerows

The site is bounded by trees and hedges to the boundaries of the site. It is proposed that all boundary features are retained to maintain the soft edge to the development. Due to the offset of the housing from the boundaries, Officers are satisfied that the development works will not have a detrimental impact on the boundary treatments. However, in order to protect the integrity of these important features, it is appropriate to secure appropriate tree and hedgerow protections through the use of appropriate conditions.

The proposal requires the creation of a pedestrian and cycle link between the two land parcels which necessitates the loss of a small section of the existing hedgerow. The hedgerow in this location is of modest quality and the loss of a small section can be more than adequately mitigated for elsewhere on the site. This can be secured by condition.

### Archaeology

Policy HE4 resists development that would result in significant harm to archaeological deposits. The policy requires schemes that have the potential to impact on archaeological features to be subject to an agreed scheme of archaeological works to be carried out.

As part of the consultation process, an archaeological survey was requested. The applicants provided a geo-physical survey of the site and it is recommended that additional trial trenching is carried out across the site. This can be secured by condition to secure of a Written Scheme of Investigation to require archaeological investigation works to be carried out and any mitigation measures to be identified and implemented.

Subject to a condition securing the works, Officers are satisfied that the scheme is in accordance with Policy HE4 of the Local Plan.

### Open Space

The areas of open space around the site equate to approximately 1.76 hectares of land which equates to approximately 33% of the overall site area. This has been considered by the Open Space team who are satisfied that the on-site public open space is acceptable and the various typologies have been met on-site, other than allotments that have been provided for separately by the applicants in advance of the application on the adjacent land as detailed below.

### Allotments

The current site of H25 is formed of allotments. In order to mitigate the loss of the allotments area, a new site has been established adjacent to H26 to create a total of 20,100 square metres of allotment space (a total of 67 individual 30m x 10m plots) plus additional space between the plots for access.

### Impact on local services

The proposed development of 120 dwellings would create additional demand for local services and to mitigate this, contributions towards community facilities would be required.

Negotiations into the levels of contributions are still ongoing and must be resolved to the satisfaction of the Local Planning Authority before a decision can be issued.

Having considered the available evidence, the contributions are considered to be in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. A development of 120 dwellings on this site would have a material impact on or need for affordable housing, education, open space, health care, sports facilities, drainage, monitoring costs, and rights of way, employment/training for local people and highway matters.

This is 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 are currently seeking to identify specific projects and locations where this money would be spent. Therefore it is considered that appropriate contributions are necessary to make the development acceptable in planning terms and subject to being directly related to the development, are fairly and reasonably related in scale and kind to the development (as required by Regulation 122).

The necessary contributions identified would be secured through an appropriate Section 106 Legal Agreement. At the time of writing, the following requests have been received;

- 40% Affordable Housing.
- Sustainable Drainage (SUDS) Maintenance.
- Biodiversity Offsetting Requirements (figure to be confirmed).
- £451,146 towards Education Improvements.
- £2,235 towards library improvements.
- £75 per dwelling for sustainable travel packs.
- £32,035 towards Warwickshire Police improvements.
- £138,102.16 towards NHS Hospitals Improvements.
- £120,960 towards NHS Doctors Surgeries.

- £100,143 towards improved indoor sports facilities.
- £8,571 towards improved outdoor sports provision.

At the time of writing, requests are still outstanding regarding public rights of way improvements. Any additional requests or amendments to the list above will be reported on the update sheet.

The update sheet will also include details of the County Highways request for local road improvements.

### **The number of dwellings proposed relative to the allocation**

This application proposes up to 120 dwellings which equates to a 20% increase over the estimated number for the allocation in the Local Plan.

No objections have been received from the key infrastructure providers in this respect and in light of the responses received from the Highways Authority, Education and Healthcare services, all of whom have requested financial contributions, officers are satisfied that the level of development can be comfortably accommodated within the site and an appropriate level of infrastructure provided in an acceptable manner.

The layout positively demonstrates that even with the additional numbers, a high quality development within a landscaped setting can be achieved that would provide desirable living environments in which future occupiers will live.

Other benefits are capable of accruing as a result of the increased number of dwellings proposed relative to those estimated at the time of the allocation. Within the context of the Government objective to significantly boost housing supply, the provision of additional dwellings in a sustainable manner within a high quality development is considered to be a positive outcome which as set out above increases opportunities for the provision of affordable housing and a wider tenure mix in a manner which may not otherwise be the case and in accordance with the relevant policies to suit the housing requirements of a variety of people.

By providing additional dwellings on this site, the requirement to find additional small scale sites to provide new housing is lessened. In addition, by providing additional dwellings on this key allocation, the proportionate amount of affordable units are secured together with appropriate infrastructure contributions that may not result from smaller windfall sites of 10 or less dwellings. The additional provision on this site therefore has a significant benefit to the District in terms of infrastructure and affordable housing provision.

The overall housing mix to provide between 1 bed and 5 bed properties which reflects the policy requirements of Policy H4 and is applicable to Cublington as well as responding to the wider District's needs.

### **Conclusion**

The development of these allocated sites (H25 and H26) for the construction of 120 dwellings together with the necessary infrastructure and associated works, including the provision of open spaces and SUD's is considered to be acceptable in principle in accordance with Local Plan Policy DS11.

Officers are satisfied that the proposals would provide high levels of amenity for neighbouring dwellings whilst also providing positive and suitable living conditions for future occupants in a well-designed and landscaped setting.

The proposals would have a positive impact on the character and appearance of the area and are considered to be acceptable in terms of car parking and highway safety. Furthermore the proposals are considered to be acceptable in ecological terms subject to conditions and S.106 contributions thus ensuring that any possible impacts of the development are adequately mitigated.

Officers are satisfied that the site layout demonstrates that the land is capable of being developed for this number of dwellings without causing material harm to neighbouring amenity or the general character of the surrounding area and still provides a high quality setting for future occupiers.

Appropriate contributions to offset the potential impact on infrastructure can be secured through an appropriate Section 106 agreement and detailed matters can be secured by condition.

Overall, the development is considered to accord with all relevant provisions of the Development Plan and for these reasons, it is therefore recommended that planning permission be granted.

## **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) **\*\*\*TO BE CONFIRMED\*\*\***, and specification contained therein, submitted on **\*\*\***. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 4 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. The construction method statement shall also adhere to the following restrictions;

### **Noise**

**1.** Work which is likely to give rise to noise off-site is restricted to the following hours: -

Mon-Fri 8 am - 5pm,

Sat 8am -1pm,

No working Sundays or Bank Holidays.

**2.** Delivery vehicles are not allowed to arrive on site;

Mon – Fri before 8am or after 4.30 pm

Sat before 8am or after 1 pm

No deliveries on Sundays or Bank Holidays.

**3.** Delivery vehicles are not be permitted to wait outside the construction site before the site is open for working.

**4.** Best practicable means” shall be employed at all times to control noise. The Contractor shall employ the best practicable means to reduce to a minimum the noise produced by his operations and shall comply with the general recommendations in BS 5228: 1984 ‘Noise Control on Construction and Open Sites’.

Without prejudice to the generality of the Contractor’s obligations imposed by the above statement, the following shall apply:-

**5.** All vehicles, mechanical plant and machinery used for the purpose of the works associated with the Contract shall be fitted with proper and effective silencers and shall be maintained in good and efficient working order.

**6.** All compressors shall be “noise reduced” models fitted with properly lined and sealed acoustic covers which shall be kept closed whenever the machines are in use and all ancillary pneumatic percussion tools shall be fitted with mufflers or silencers of the type recommended by the manufacturers.

**7.** Whenever possible only electrically-powered plant and equipment shall be used.

**8.** Acoustic screens shall be used to protect any noise sensitive development where deemed necessary by the Head of Health and Community Protection for Warwick District Council or his representative.

**9.** All plant and machinery in intermittent use shall be shut down in the intervening periods between work.

### **Dust**

**10.** Unloading shall only take place within the site itself.

**11.** Regular sweeping of access roads to the site must be carried out where mud is likely to affect residents and/or highway safety. In dry

conditions damping down of road surfaces should be carried out to control dust. a vehicle wheel wash will be provided to minimize carry-over to the highway.

**12.** On-site dust shall be controlled by use of "best practicable means" to prevent dust arising from road surfaces, wind whipping of stock piles, handling of dusty materials, crushing, compacting and cutting and grinding operations.

### **Smoke**

**13.** There shall be no burning on site

### **Light**

**15.** External work lighting, flood lighting, security lights must not cause light nuisance to neighboring occupiers. Particular attention must be paid to the siting and orientation of lights to avoid glare.

Other measures may be necessary to prevent nuisance subject to the nature of the construction work and site location, Further advice can be obtained from [ehpollution@warwickdc.gov.uk](mailto:ehpollution@warwickdc.gov.uk)

**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 BE3, TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029.

- 5 No part of the development hereby permitted shall be commenced until a detailed soft landscaping works in the approved application documents. Details of hard landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The details shall include updated landscaping details to include local species appropriate for the site location, including full details of all works to enhance existing boundaries. All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally 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 BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 6 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted and approved in writing by the Local Planning Authority (LPA) in consultation with Warwickshire County Council (WCC). The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- a. Infiltration testing, in accordance with BRE Digest 365 Soakaway Design guidance, to be completed and results submitted to demonstrate suitability (or otherwise) of the use of infiltration Sustainable Drainage Systems (SuDS).
- b. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753 The SuDS Manual.
- c. Evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm has been limited to the QBAR runoff rates for all return periods.
- d. Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storms durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- e. If discharging to a drainage system maintained/operated by other authorities (internal drainage board, highway authority, sewerage undertaker), evidence of consultation and the acceptability of any discharge to their system is presented for consideration.
- f. Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.
- g. Provide a Maintenance Plan to the LPA giving details on how the entire surface water system shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details, for the maintenance of all features within the communal areas onsite (outside of individual plot boundaries) shall be provided to the LPA.

**Reason:** To ensure appropriate drainage solutions are provided on site in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029.

- 7 The development hereby permitted shall not commence 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 in strict accordance with the approved details. **REASON:** In the interests of fire safety.
- 8 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.



- 9 No part of the development hereby permitted shall be commenced until a scheme for the provision of suitable nesting boxes for swallows to be erected on new buildings within the site has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the platform(s)/box(es) shall be installed and maintained in perpetuity. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029
- 10 The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the District Planning Authority expects lighting to be restricted on the eastern and southern boundaries and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:
- Lighting should be directed away from vegetated areas
  - Lighting should be shielded to avoid spillage onto vegetated areas
  - The brightness of lights should be as low as legally possible;
  - Lighting should be timed to provide some dark periods;
  - Connections to areas important for foraging should contain unlit stretches.
- Reason:** In accordance with NPPF, ODPM Circular 2005/06 and Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029
- 11 No works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of species planting and habitat enhancements. The agreed scheme to be fully implemented before/during development of the site as appropriate. **Reason:** In accordance with NPPF, ODPM Circular 2005/06 and Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029
- 12 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be

attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

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