

Planning Committee: 10 October 2017

Item Number: 7

Application No: [W 17 / 0699](#)

Town/Parish Council: Warwick
Case Officer: Dan Charles

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Registration Date: 18/04/17

Expiry Date: 18/07/17

Land to the south of Gallows Hill, Warwick

Development of up to 260 dwellings, public open space, landscaping, access to Gallows Hill, sustainable urban drainage systems, footpaths/cycle ways, and associated infrastructure. All matters to be reserved except access into the site.
FOR William Davis Limited & Hallam Land Management Limited

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 is recommended to grant planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement.

Thereafter, Planning Committee is recommended to grant delegated authority to Officers to allow for the refusal planning permission should the Section 106 Agreement is not completed by 27 October 2017.

DETAILS OF THE DEVELOPMENT

The proposal is for an outline application with all matters reserved other than access for up to 260 dwellings.

It is proposed to have 40% as affordable units.

The remaining matters would be reserved for a separate submission.

THE SITE AND ITS LOCATION

The site is a roughly triangular parcel of land that is flanked on two sides by public highway – Gallows Hill and Banbury Road. The third side is an open, undelineated boundary that abuts the site owned by Gallagher's which has an existing, extant permission for residential development.

The site is open agricultural land with a single tree punctuating the open land within the site. The boundaries of the site are set to a combination of mature trees and hedges that have been supplemented with a dense buffer of young trees species.

The highest point of the land is where the site joins a neighbouring site to the East that has outline planning permission for residential development. The land has a plateau in this area then the land falls away quite significantly to the West towards Warwick Castle.

To the north of the site is the Warwick Technology Park that is served from Gallows Hill.

To the east of the site is an adjoining residential site as detailed above which is currently a continuation of the open field on the existing plateau.

To the south of the site is the Banbury Road and beyond this, the Castle Fields site which is a Registered Park and Garden and also forms the boundary of the Warwick Conservation Area.

The site forms part of the strategic allocation H46A for up to 630 dwellings. This allocation incorporates the adjacent site (in separate ownership) that benefits from outline planning permission for up to 450 dwellings.

PLANNING HISTORY

W/13/1434 - Outline planning application for the erection of up to 250 dwellings together with associated infrastructure, landscaping and open space (all matters reserved except access) – Withdrawn 05.12.2013.

RELEVANT POLICIES

- National Planning Policy Framework
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS4 - Spatial Strategy (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029)
- DS10 - Broad Location of Allocated Sites for Housing (Warwick District Local Plan 2011-2029)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029)
- DS15 - Comprehensive Development of Strategic Sites (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)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE2 - Developing Strategic Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029)
- TR3 - Transport Improvements (Warwick District Local Plan 2011-2029)
- TR4 - Parking (Warwick District Local Plan 2011-2029)

- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (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 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE4 - Protecting Historic Parks and Gardens (Warwick District Local Plan 2011-2029)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- W1 - Waste Core Strategy (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Warwickshire Landscape Guidelines SPG
- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- Draft Village Housing Options and Settlement Boundaries (November 2013)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Warwick Town Council wishes to object on the grounds of over development, effects on air pollution, traffic congestion, lack of infrastructure and concerns regarding flooding.

They are particularly concerned about health and education provision.

Bishop's Tachbrook Parish Council -Objection - more houses than the allocation permits, harm to the adjacent Castle Park with no public benefit to outweigh the harm, further traffic impact, additional air quality impact, the Environmental Statement does not reference new housing granted in air quality assessment, the scheme does not satisfactorily address the cumulative impact of developments.

WCC Fire and Rescue - Comments - No objection subject to condition.

Natural England - No specific comments - provision of standing advice for protected species.

WCC Public Health - No objection. Advice provided for good design for health and wellbeing.

Lead Local Flood Authority - No objection subject to conditions.

WCC Rights of Way - No objection. Request S106 contribution to improve local rights of way.

WCC Highways - Need updated modelling in transport assessment to reflect developments within the local area.

WDC Green Space - Advice provided on type of green spaces to be incorporated. Further discussions to take place once detailed proposals are submitted.

Warwickshire Police - Recommend contribution be secured towards additional policing requirements as a result of the development.

Historic England - Concern regarding the impact on the adjacent Castle Park. Further justification/mitigation is required.

Conservation Advisory Forum - Would like development pulled back from boundaries and additional landscaping provided. Concern over whether one access is sufficient. Need more assessment of visual impact from Warwick Castle. Existing tree should be TPO'd. Traffic impact on Warwick Town Centre should be assessed.

WDC Environmental Sustainability - No objection subject to conditions on air quality, contamination, noise and submission of Construction Management Plan.

WCC Landscape - The design criteria appear to have moved away from the original intention to protect views from the higher parts of the Castle. Instead the emphasis appears to have become centred on the vista of the Castle from the site itself. The proposed masterplan does not achieve its own intention of providing significant tree belts which would serve to soften the effects of the development over time and prevent the new development being seen as a solid block.

The selection of appropriate tree species in the vicinity of these important historic sites is extremely important to the success of the overall scheme. Trees should be selected to provide natural form and good screening capacity, whilst at the same time being in keeping with a Feldon Parkland setting. This will require houses to be spaced further apart than normal to enable the establishment of significant tree belts and may result in a lower density of housing. This is considered to be necessary in order to safeguard important views from Warwick Castle Towers.

Public Response - A total of 35 letters of objection received on the following grounds;

Concerned about the amount of new housing in the area.
Increased congestion around the site and local highway network.
Will harm the historic town of Warwick.
The infrastructure cannot cope with additional housing in this area.
Loss of further green space that diminishes the green approach to Warwick.
Further harm to already high levels of air pollution in the area.
Harm to views from the Castle and Church.
Parking must meet parking standards.
There is no need for new housing in the area as the 5 year housing land supply has been met.

ASSESSMENT

Principle of development

The application site is identified within the Local Plan as a site for new housing development as part of the wider strategic urban extension to the south of Warwick and Leamington. The land forms part of the H46A allocation which is covered by two different land owners. The area of land immediately to the east of the site forms part of the allocation and has an existing and extant permission for up to 450 dwellings.

The current Local Plan has 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 overall allocation for new dwellings on the H46A Allocation within the Local Plan identified up to 630 dwellings. Taking into account the existing outline permission for 450 dwellings on the adjacent site, this scheme would result in the provision of up to 710 dwellings, 80 over the original allocation. The schemes identified on the indicative Masterplans submitted on both sites demonstrate that this number of dwellings could be accommodated onto the land without representing an overdevelopment of the site. The site is located in a sustainable area and the additional dwellings would not result in an overprovision that would be detrimental to the overall strategy of the plan.

Officers are satisfied that the principle of the proposed development is in accordance with the Local Plan.

Five Year Housing Land Supply

The most up to date Five Year Housing Land Supply (5YHLS) figures state that as of 1 April 2017, the District Planning Authority is able to demonstrate a 6.62 year Housing Land Supply.

National Planning Policy Framework

Paragraph 49 of the NPPF states that housing applications should be considered with a presumption in favour of sustainable development.

The site is identified within the Local Plan as forming part of a strategic allocation for new housing.

When assessing what is sustainable development in the context of the NPPF, there are three strands of assessment for sustainable development; An Economic Role, a Social Role and an Environmental Role.

The application site has been through the sustainability appraisal as part of the evidence base for the emerging Local Plan. This appraisal takes into consideration the three strands of sustainable development in its assessment and Officers are therefore satisfied that the site is a sustainable location for new residential development.

Conclusion on matters of principle

The Local Plan has now been formally adopted and the site is identified as a strategic housing allocation within this document.

Taking this into consideration with the presumption in favour of sustainable development as set out within the NPPF, the proposal is considered acceptable in principle.

Assessment of the proposed housing provision

Paragraph 50 of the NPPF states that local planning authorities should plan for a mix of housing, based on current and demographic trends, market trends and the needs of different groups in the community. It goes on to state that local planning authorities should identify the size, type, tenure and range of housing that is required in different locations.

In accordance with the above requirements, the Council has adopted guidance on the required mix of market housing (June 2013). This is based on the 2012 Strategic Housing Market Assessment for Warwick District and specifies a mix of 7% 1 bedroomed dwellings, 26% 2 bedroomed dwellings, 43% 3 bedroomed dwellings and 24% 4 bedroomed dwellings.

The applicant has confirmed that a comprehensive mix of unit types will be proposed ranging from one bedroomed houses to four bedroomed houses, which can be controlled by condition to ensure this is followed at reserved matters stage. An affordable housing allocation of 40% will be incorporated into the design also.

The affordable housing would be secured by a Section 106 agreement to accord with Policy H2.

Impact on the character of the surrounding area

The sloping nature of the land creates a natural plateau on the eastern side of the site that falls away towards the west quite significantly. The change in levels has been assessed within the application package and the indicative masterplan submitted demonstrates how the two areas of the site will be integrated into the landscape. A planting belt is proposed across the upper section of the site on the plateau to mitigate the impact of the dwellings concentrated in this area. Large swathes of open land are proposed on the sloping area of the site adjacent

to Gallows Hill where distance views are afforded from the Castle and St Marys Church.

Views from outside the site are mitigated by existing mature boundary planting that is proposed to be supplemented with additional planting. The existing boundary to the south of the site, where it is adjacent to the Castle Park has already been strengthened with significant tree planting that offers significant structural planting to this boundary of the site.

It is noted by Officers that the upper area of the site will be read against the backdrop of further residential development on the parcel of land to the immediate east of the application site and this is an important consideration when considering the visual impact of this development.

The scheme as identified on the indicative masterplan identifies large areas of open space forming an integral element of the overall proposal and the result is a development that seeks to significantly bolster the amount of tree planting within the site and retaining large areas of open green space within the development that give an overall feeling of a development site that is sensitive to the edge of the settlement and creates a more green and 'leafy' form of development that is appropriate for this location.

The Landscape Officer has raised concerns regarding the proposed layout of the scheme and would seek further planting schemes to be provided. At this stage, the masterplan drawing is indicative only and the overall landscaping strategy for the site will be provided at reserved matters stage. The applicants have been in negotiation with the Landscape Officer to agree a suitable solution for the treatment of the site and this will be submitted as part of the reserved matters application.

Overall, Officers acknowledge that the masterplan is indicative at this stage but consider that it defines the general intentions and aspirations of the application to create a site that forms a green buffer to this edge of settlement location. The proposed development is considered to be acceptable in terms of the impact on the character of the surrounding area.

Impact on the adjacent Registered Park and Garden and Warwick Conservation Area

Warwick District Local Plan Policy HE2 states that development will be required to preserve or enhance the special architectural and historic interest and appearance of Conservation areas and states development will be expected to respect the setting of conservation areas and important views both in and out of them.

Historic England has expressed concern regarding the proximity of the site to the Castle Park Registered Park and Garden. The applicants have considered the comments of Historic England and have provided a detailed Heritage Assessment of the proposed development. The scheme as shown on the indicative masterplan shows how the scheme takes elements of the adjacent Castle Park and reflects that through the proposed landscaping of the site to provide some visual cohesion between the areas in terms of landscaping.

It is noted by Officers that the site boundary adjacent to Castle Park and the Warwick Conservation Area boundary is delineated by mature landscaping that has been supplemented by additional tree planting to provide a significant buffer between the sites. Officers are satisfied that this planting provides a green buffer between the areas of land so that they do not compete visually and are not easily read together when viewed from ground level. The use of dense planting ensures that even in winter when the trees are not all in leaf, a sufficient buffer is provided between the sites to prevent any harm as a result of the residential development of the site having a detrimental impact on the Castle Park.

As the application is outline only, detailed matters such as landscaping and appearance of the development are not being considered at this stage. However, the indicative masterplan submitted provides an appropriate framework for the form of any future development on the site as a basis for securing the high quality planting and form of development that ensures the scheme does not create any significant detrimental harm to the character of the Castle Park RPG or the wider Warwick Conservation Area.

Impact on the character and setting of Listed Buildings including Warwick Castle and St Marys Church

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Warwick District Local Plan Policy HE1 (protection of statutory heritage assets) states that permission will not be granted to alter or extend a listed building where those works will adversely affect its special architectural or historic interest, integrity, or setting.

Whilst the immediate setting of Warwick Castle and St Marys Church are not directly affected by the proposal, key views from both of these buildings are available across the site.

The adjacent site has a specific site line of the Castle and Church incorporated into the Design Code for the future development of the site that allows an uninterrupted vista through the site. The masterplan submitted for this site continues the open vista through the top section of the site where the land lies on the plateau. The area of open space as the land falls away is also contained within this vista ensuring that the views of the castle and church are maintained as well as minimising the amount of built form in prominent areas of the site where visible from the castle and church.

The applicants have provided visualisations of the views from the castle to demonstrate that the harm to this very important view would be minimised. It is also noted that the site will be viewed against the backdrop of the adjacent

development site that shares the allocation so there will be an element of built form visible from the important views from the castle and church. Officers are satisfied that the development put forwards on the illustrative masterplan has had significant regard to these important views and can be integrated into the landscape satisfactorily with additional planting being provided to significantly soften the impact of the development.

The site also lies adjacent to The Toll House on the Banbury Road which is also a Grade II Listed Building. Officers are satisfied that the layout of the scheme preserves the setting of this building by providing a deep, green buffer between the built form on the application site and the setting of the building.

Impact on adjacent properties

There are no near residential properties to the site that would be directly affected by the residential development of the site.

The site is well screened from the surrounding premises by mature planting to the boundaries and these boundaries are to be strengthened as part of the application process. Officers are satisfied that there would be no significant harmful impact to the amenity of neighbours as a result of the development proposed.

The ample landscaping and public open space shown on indicative plans will assist in ensuring the new development provides a high quality residential environment. Such details will be considered in greater detail at the reserved matters stage.

As the application is outline only, no assessment is made of the potential future living conditions for occupants of the proposed dwellings and this will be considered at reserved matters stage.

Access and Parking

The applicants have been in discussion with the County Highways Department regarding the access to the proposed development. The general siting of the access has been discussed with the County Highways Department and considered to be generally acceptable. The submission indicates that the site is proposed to be served by a single access point forming a cross roads with the existing access into the Technology Park.

An emergency access is proposed to the site within the north western corner of the site to provide access for emergency vehicles only. The access will allow for pedestrians and cycles to access and egress the site. It has been suggested that this could form a secondary access to the site to alleviate the potential pressure on the main site access. In considering this, Officers are mindful that this has the potential to create a 'rat-run' through the site in times of peak traffic with vehicles queuing on the main road. The provision of a formal secondary access would also diminish significantly the open vista that has been specifically designed into the scheme and this would undermine the overall design ethos of the site.

As the application is outline only, no specific details of parking have been provided for the plots. However, it would be expected that any future detailed design will meet the appropriate parking standards for the size of the plots.

Taking the above into account, Officers are satisfied that the impact on highway safety and traffic is acceptable.

Climate Change

Policy CC1 of the Local Plan requires all developments to include measures to incorporate design features to be resilient to and mitigate for the future impacts of climate change through a range of measures including sustainable construction techniques and materials together with efficiency measures to reduce use of resources. As the application is in outline form, no statement has been submitted in support of this application. However, when a detailed scheme is submitted, appropriate measures can be satisfactorily be incorporated into the scheme. Officers are satisfied that appropriate measures would be feasible for this development and consider it appropriate to attach a condition requiring these details to be submitted.

Other Matters

Air Pollution

Concern has been raised regarding the high levels of air pollution already experienced within Warwick and the concern that this proposal will further exacerbate the level of pollution experienced within the town.

The Environmental Sustainability Officer has made an assessment of the proposal and raised no objection subject to a condition requiring the submission of a detailed Low Emission Strategy in accordance with the Low Emission Strategy Guidance. This guidance establishes the principle of Warwick District as an 'Emission Reduction Area' and requires developers to use 'reasonable endeavours' to minimise emissions and, where necessary, offset the impact of development on the environment.

Under the guidance the development is classified as a Major scheme because it required an Environmental Impact Assessment, as such the developer is required to calculate the costs of the proposed scheme to enable the assessment of the scale and kind of mitigation or compensation that is required to make the scheme acceptable.

As a major scheme the mitigation required should include aspects of Type 1, 2 and 3 mitigation from the guidance. As explained in the guidance, electric vehicle (EV) recharging provision for each house with dedicated parking is expected. The guidance sets out a range of locally specific measures to be used to minimise and/or offset the emissions from new development, however these are suggestions and other innovative ideas are encouraged.

Officers are satisfied that the details can be secured by condition.

Health and wellbeing

Warwickshire Police have raised no objection to the outline scheme subject to a financial contribution towards additional policing requirements for the area as a result of the additional dwellings.

In general terms it is proposed to ensure that the development follows Secured by Design principles through the imposition of an appropriate condition. This will assist in minimising the potential for crime and improve community safety for future residents.

Drainage and Flood Risk

In terms of surface water drainage, the site is within Flood Zone 1, and it is proposed to install balancing ponds within the limits of the site to ensure run-off does not exceed existing green field rates plus allowance for climate change. The Lead Local Flood Authority has raised no objection to the scheme, subject to detailed design to be secured by condition.

In terms of foul sewage, it is indicated that the dwellings are proposed to connect to the mains sewers in the local area. Severn Trent have assessed the proposal and raised no objection to the scheme subject to a detailed drainage condition.

Trees and Hedgerows

The site is currently an open field with a single tree located within the site area other than on the boundaries. The site has already been the subject of significant planting to the southern boundary to strengthen the boundary and increase the depth of separation with the adjacent highway. It also provides a significant buffer zone to the adjacent Castle Park.

A significant part of the proposal is to enhance the tree planting on the site as part of the development to create a softening effect to mitigate the impact on views from the Castle and Church. This has the added benefit of significantly increasing the level of tree planting within the site and this is to be welcomed from both an aesthetic view point as well as a biodiversity view point.

The specific types of tree and final landscaping design will be subject to a further submission through the reserved matters but at this stage, the indicative masterplan submitted shows significant additional tree planting which is appropriate for this land.

Ecology

The County Ecologist has assessed the submitted ecological survey work and has undertaken a Biodiversity Impact Assessment (BIA). The biodiversity impact score varies between the applicant and County Ecologist, who has calculated a net biodiversity loss, which is contrary to NPPF.

The County Ecologist considers that the differences in calculations are mainly due to the identification and assessment of the areas of the site of existing and

proposed habitats and the type and form of proposed habitats. In terms of habitat creation and restoration for the site, the Ecologist considers that the time taken to create a good quality, fully functioning and established habitat also needs to be taken into consideration.

The Ecologist notes that a robust habitat management plan for the site, including details of habitat creation and any restoration, should be produced to accompany any subsequent reserved matters application to ensure proposed measures are achievable.

The County Ecologist considers the loss of Bio-diversity can potentially be offset through the design of the scheme at Reserved Matters stage subject to assurances that this will be implemented. If the subsequent reserved matters scheme satisfactorily mitigates the potentially loss, the County Ecologist does not oppose the development.

The Ecologist has also suggested a number of conditions to safeguard protected species and secure a suitable Construction and Environmental Management Plan; a Landscaping and Ecological Management Plan; tree protection measures; and a lighting scheme.

Impact on local services

The proposed development of up to 260 dwellings would create significant 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 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 260 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 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 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 current time, the following contributions requests have been received;

Sustainable Travel Packs - £19,500.
Libraries - £5,691.
Education and Learning - £2,209,322.
Police - £64,473.

At the time of writing, further requests are currently outstanding regarding health care and sporting facilities. These will be provided within the update sheet.

Provision of Allotments

The indicative Masterplan submitted shows an area of allotments to be provided to meet the requirements of the Local Plan together with advice provided by the District Council Open Space team. Following discussions with the Landscape Officer, the provision of allotments on the site would be considered to not be an appropriate landscape feature.

At the time of writing, the applicants are negotiating with the Open Space team to provide a contribution to the improvement of existing allotment areas within the vicinity of the site. The outcome of these discussions will be provided within the update sheet.

Conclusion

The Local Plan was adopted on the 20 September which identifies the site as part of the strategic allocation for new housing development. The development is considered to comply with other current Local Plan policies and with the policies of the NPPF as a whole.

It has been concluded that the matters 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.

It is therefore concluded that the development should be granted subject to the signing a Section 106 Agreement.

CONDITIONS

- 1 Details of the means of access to the building(s) and site, appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in strict accordance with these reserved matters as approved. **REASON:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (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 No part of the development hereby permitted shall be commenced until a detailed access plan including details of the proposed alterations to the highway has been submitted to and approved in writing by the Local Planning Authority in consultation with the County Highways Department. Thereafter, the approved access shall be carried out in general accordance with the approved details prior to the first occupation of any dwellings constructed on the site. **REASON:** In the interest of highway safety and to ensure appropriate access is available for the future occupiers of the dwellings.
- 5 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.
 - 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 strict 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 that appropriate measures are taken in relation to protected species in accordance with Policies BE3, NE2, NE4 and NE5 of the Warwick District Local Plan 2011-2029.
- 6 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied

until all the works within the approved 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.

REASON: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy CC2 in the Warwick District Local Plan 2011-2029.

- 7 The development hereby permitted 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 and subsequent mitigation as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife 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 Policy NE2 of the Warwick District Local Plan 2011-2029.
- 8 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 the pond, wildflower grasslands; provision of habitat for protected species. The plan should also include details on soil management to make best use of the high quality soils on site -detailed guidance to inform this matter is available in Defra '*Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*'. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net biodiversity gain in accordance with NPPF.
- 9 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District 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: 2005, 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 grounds levels be altered or any excavation take place without the prior consent in writing of the District 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:** To protect trees and other features on site during construction in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029

- 10 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 in strict accordance with the approved scheme. **REASON:** In the interests of fire safety.
- 11 The development hereby permitted shall not commence until: -
- 1(a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This must be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:
 - A risk assessment to be undertaken relating to human health;
 - A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected;
 - An appropriate gas risk assessment to be undertaken;
 - Refinement of the conceptual model;
 - 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 NE4 and NE5 of the Warwick District Local Plan 2011-2029.

- 12 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority demonstrating that surface water runoff does not exceed runoff from the undeveloped site and does not increase the risk of flooding off-site. Post development runoff volumes and peak flow rates will be limited to the Greenfield discharge rate for all rainfall return periods up to and including the 100 year plus 30% (for climate change) as outlined within the Flood Risk Assessment. On-Site surface water attenuation will be provided to the 1:100 Climate change (30%) standard using Sustainable Urban Drainage Systems. The site drainage strategy will demonstrate the appropriate assessment and adoption of SUDS techniques. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details. **REASON:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies FW1, FW2 and NE4 of the Warwick District Local Plan 2011-2029.
- 13 The development hereby permitted shall be carried out in strict accordance with 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 FW2 of the Warwick District Local Plan 2011-2029.
- 14 Any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition one shall be completed in all respects, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of 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 BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 15 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 trees and shrubs 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 BE1 and NE4 of the Warwick District Local Plan 2011-2029.

- 16 An application for the approval of a construction phasing plan of the development shall be submitted before the expiry of three years from the date of this permission. The development shall hereafter be carried out in strict accordance with the phases established in the phasing plan as approved by the local planning authority. **REASON:** To ensure the proper phasing of the development.
- 17 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 mixed open space facilities will be incorporated into the development, to include informal open space, appropriate children's play facilities, outdoor sport facilities and allotment gardens. The scheme shall be implemented in strict accordance with the approved details and shall be retained thereafter. **REASON:** To ensure appropriate open space and recreational facilities are provided to serve the development in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029.
- 18 The mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the "Development Management Policy Guidance : Achieving Mix of Market Housing on new Development Sites". **REASON:** To ensure that the housing meets the needs of the District as required by Local Plan Policy H4 of the Warwick District Local Plan 2011-2029 and the NPPF.
- 19 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 strict 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 BE3 & NE5 of the Warwick District Local Plan 2011-2029.
- 20 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:

1. An appropriate site access provision for construction traffic.
2. The parking of vehicles of site operatives and visitors;
3. The loading and unloading of plant and materials;
4. The storage of plant and materials used in constructing the development;
5. The erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate;
6. 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;
7. Measures to control the emission of dust and dirt during construction;
8. A scheme for recycling / disposing of waste resulting from demolition and construction works.

The measures indicated within the Construction Management Plan shall be implemented prior to the commencement of the development and maintained for the duration of the 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 BE3, TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029.

- 21 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 NE5 of the Warwick District Local Plan 2011-2029 and the aims and objectives of national guidance within the NPPF 2012.
- 22 Prior to the submission of any Reserved Matters applications for any phase of development:
 - a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work across this site shall be submitted to and approved in writing by the Local Planning Authority.
 - the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI is to be undertaken. A report detailing the results of this fieldwork is to be submitted to the Local

planning authority.

· An Archaeological Mitigation Strategy document shall be submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development. Dependent upon the results of the trial trenching, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits worthy of conservation. Unless otherwise agreed with the Local Planning Authority, no development shall take place until any fieldwork detailed in the approved Archaeological Mitigation Strategy document has been completed to the satisfaction of the Local Planning Authority. The post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the approved Mitigation Strategy document. REASON: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy HE6 of the Warwick District Local Plan 2011-2029.

23 No reserved matters application for any phase of the development shall be submitted until there has been submitted to and approved in writing by the Local Planning Authority a Site Wide Masterplan for the approved development, which shall substantially be in accordance with the approved plans and documents listed above in condition 4 and the principles set out within the Council's approved document 'Garden Towns, Villages and Suburb: A Prospectus for Warwick District Council, May 2012' (and any subsequent revision and/or approved plans/strategy available at the time), and which shall also accord with the principles set out in the approved Site Wide Design Code. The Site Wide Master Plan shall include the following:

- Illustrative details of how the proposed layout of development has been designed with due regard to the surrounding urban and rural context
- Land form topography as existing and proposed
- Land use plan and character areas (including densities and building heights)
- Movement corridors within the site (including principal roads, public transport corridors, footpaths, cycleways and green corridors) and demonstrating how these relate to existing movement networks in the wider area
- Location of any areas for off-street car parking areas and courts
- Key infrastructure (including SUDs, significant utility provision,

schools, district/local centres)

- Landscape corridors and open space network
- Public open space
- Housing mix including tenure and size of dwelling
- Location of affordable housing
- Street tree planting and other structural planting landscape areas
- Hard and soft landscaping treatments
- Street lighting arrangements and any other lighting to public space
- A phasing plan including triggers for delivery of key elements of supporting infrastructure
- A statement establishing how the development proposals accord with the principles set out in the Site Wide Design Code.

REASON: In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029

- 24 No reserved matters application for any phase of the development shall be submitted until there has been submitted to and approved in writing by the Local Planning Authority a Site Wide Design Code for the approved development. This Design Code shall be in accordance with the principles and parameters as set out within the DAS, the plans and documents listed in condition 4 above and "Garden Towns, Villages and Suburbs: A Prospectus for Warwick District Council, May 2012" (and any subsequent revision and/or approved plans/strategy available at the time).

The Design Code shall include the following matters:

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

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

The Design Code shall then be used to inform the subsequent reserved matters applications.

REASON: In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029.
