

Planning Committee: 20 June 2023

Item Number: 6

Application No: [W 22 / 1877](#)

Town/Parish Council: Leek Wootton
Case Officer: Dan Charles

Registration Date: 28/11/22
Expiry Date: 27/02/23

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Land at Warwickshire Police HQ, Woodcote Lane, Leek Wootton CV35 7QA

Application for Outline Planning Permission for up to 83no. dwellings (including affordable housing), access, internal roads and footpaths, car parking, public open space, landscaping, drainage and other associated works and infrastructure (all matters reserved except for the vehicular access to the site). FOR Cala Homes (Cotswolds) Ltd

This application is being referred to Planning Committee due to an appeal Against the non-determination of the application within the statutory 13-week period being lodged with the Planning Inspectorate.

In this case, Members are not being asked to determine the application as this is now in the hands of the Planning Inspectorate. The proposal in front of Members is for consideration of the decision that would likely have been made by the LPA if it had been in a position to formally determine the application.

The decision made by Planning Committee will thereafter guide the submissions on the appeal and will form the basis of the Council’s case at the Public Inquiry scheduled for July 2023.

RECOMMENDATION

As this report relates to a non-determination appeal, the recommendation is multi-faceted. Planning Committee is asked to resolve as follows:

1. Should the applicants satisfactorily overcome all of the outstanding issues as set out within the body of this report by the date for submission of the Council’s Statement of Case, that no objection be made to the granting of permission, subject to conditions and the signing of a Section 106 Agreement to secure the financial and other obligations, as set out within this report.
2. Should the applicants not satisfactorily overcome any or all of the outstanding issues as set out within the body of this report by the date for submission of the Council’s Statement of Case, to object to defend the appeal for the reasons set out in this report.

DETAILS OF THE DEVELOPMENT

This is an outline application with all matters reserved except for access for the erection of up to 83 dwellings together with all ancillary works. The site is in two parts: the main area of land known as The Paddock together with a smaller parcel of land known as The Old Tennis Court.

Access into the development is proposed from a primary access from Woodcote Lane together with secondary accesses serving part of the site accessed from Woodcote Drive.

The overall site area is 3.8 hectares.

THE SITE AND ITS LOCATION

The main element of the site (the Paddock) is roughly triangular in shape. The area is formed of open grassland that previously formed part of the Warwickshire Police Headquarters. The site is bounded by mature hedgerows to all boundaries interspersed with a significant number of tree species. Further trees are located across the site.

Within the main "triangle" lies a substantial dwelling known as Broome House which sits on square plot to the southern edge of the land. In addition to this dwelling, an additional property known as East Lodge lies on the eastern edge of the site.

The smaller element of the land (The Old Tennis Court) has been used as an overflow parking area and dog training area associated with the use of the land as the Police HQ. The land is bounded by hedgerows and mature trees with an existing access from Woodcote Drive. The land is set to hardstanding and open grassland.

The site is not within the Green Belt and is not within a Conservation Area.

PLANNING HISTORY

W/22/0465: Erection of 83 dwellings (including affordable housing), access, internal roads and footpaths, car parking, public open space, landscaping, drainage and other associated works and infrastructure – PENDING CONSIDERATION.

RELEVANT POLICIES

- National Planning Policy Framework
- Leek Wootton and Guy's Cliffe Neighbourhood Plan (2018-2029)
- LW1 - Protecting and enhancing local landscape character.
- LW2 - Protecting and enhancing local wildlife.
- LW3 - Protecting and enhancing built heritage.
- LW4 - Design guidelines for Historic site of Woodcote
- LW5 - Former Police Headquarters Woodcote (115)
- LW8 - Housing in Hill Wootton
- LW10 - Minimising the impacts of Traffic from New Developments

- LW11 - Traffic Management and Transport Improvements
- LW12 - New Communications Technologies
- Warwick District Local Plan 2011-2029
- DS1 - Supporting Prosperity
- DS2 - Providing the Homes the District Needs
- DS5 - Presumption in Favour of Sustainable Development
- DS6 - Level of Housing Growth
- DS7 - Meeting the Housing Requirement
- DS10 - Broad Location of Allocated Sites for Housing
- DS11 - Allocated Housing Sites
- DS22 - Former Police HQ, Leek Wootton
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix of Housing
- H10 - Bringing forward Allocated Sites in the Growth Villages
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE2 - Developing Strategic Housing Sites
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities
- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- FW4 - Water Supply
- HE1 - Protection of Statutory Heritage Assets
- HE4 - Archaeology
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Affordable Housing (Supplementary Planning Document - June 2020)
- Developer Contributions (Supplementary Planning Document - July 2020)
- Open Space (Supplementary Planning Document - April 2019)

SUMMARY OF REPRESENTATIONS

Leek Wootton and Guys Cliffe Parish Council: Object, for the following reasons:

- Over-development of the site compared to the development proposed by Warwickshire Police and its draft masterplan and contrary to the objectives and adopted policies with the Neighbourhood Development Plan (NDP) and Warwick Local Plan.
- Number of properties for the site does not recognise, develop or complement the character of the site as required by Policy DS22 and Policies LW1, LW3, LW4 and LW5 of the NDP. Support comments from WCC Landscape that development on the edge of the village should be lower density.
- Rather than provide a small play area within the open space, it would aid integration of development into the community by supporting improvements in village as set out in Policy LW9 of the NDP.
- No information provided on the balance of the site not forming part of the application as required by Policy DS22.
- Cala Homes does not control the woodland area edged in blue. This is noted in the documents as providing for environmental improvements, offset and public open space. Lack of control of this land means that these objectives cannot be realised, contrary to Policies LW1 and LW2 of the NDP.
- Proposal seeks to remove significant numbers of trees and hedgerows which will alter the character of the site and approach to Leek Wootton Conservation Area. This is contrary to NDP Policies LW1 and LW2 and Local Plan Policy NE4.
- Overdevelopment of the site results in compact development with no opportunities for additional planting to soften the impact of the site.
- Do not consider that the Ecology reports submitted are acceptable.
- Support Natural England's comment that site is one of heritage, woodland and paddock and hence requires overriding reasons to develop in accordance with the NPPF.
- Few services within village that residents can walk to so will be reliant on car.
- No proposals to balance the needs of residents to park on Woodcote Lane.
- Transport Modelling Assessment is incorrect and unclear about how police traffic is taken into consideration.
- Visibility at Anchor junction between Woodcote Lane and Warwick Road is substandard and development will increase the level of traffic through the junction.
- Modal shift targets in travel plan are unrealistic.
- For the above highway reasons, application fails to comply with Policy LW10 of the NDP.

The Parish Council's comments have been supported by reports from a Planning Consultant, Transport Consultant and Ecology Consultant.

WDC Waste Management: No objection. Development will be served by 123+ Waste Collection system and will need to store 3 wheeling bins and food caddie at

each property. Access roads will need to be built to withstand the laden weight of collection vehicles and have sufficient turning space.

WDC Arboricultural Officer: No objection. The comprehensive Tree Survey Report and Arboricultural Impact Assessment from RPS, reference JSL4106_770 and dated 9 March 2022, provides a good analysis of the tree stock, as well as a detailed Arboricultural Method Statement and Tree Protection Plan overlaid upon the then current site layout. Should that layout change then there may be a need to change the tree protection measures that have been recommended.

WDC Conservation Officer: Comment that the proposal conflicts with Policy DS22 of the Local Plan which seeks to ensure that proposals protect and enhance the historic assets and their setting and secure the sustainable long-term future of Woodcote House as a Grade 2 listed building. The proposal is therefore contrary to this policy as no works are proposed to Woodcote House as part of the scheme. Whilst I appreciate that the latest submission is an Outline application, I am unable to support this proposal without having further indicative information. In terms of the proposed layout, I share the concerns raised by the Landscape Officer. There still appears to be a condensed arrangement of dwellings, contrary to the site's semi-rural setting at the edge of Leek Wootton.

WDC Environmental Protection Officer: No objection subject to Air Quality Mitigation Condition, Travel Plan implementation condition, Construction Management Plan Condition and contaminated land conditions.

WDC Green Space Officer: Given that this is an Outline application, it is likely that the exact schedule of accommodation, will be determined through Reserved Matters applications. However, it is important for the applicant to factor into their scheme the requirement for public open space provision as required by Local Plan Policy HS4 and its associated Public Open Space SPD. The preference is that all open space is provided on-site. It should be noted that where it is demonstrated that it is impractical or inappropriate to provide the open space physically on site or if it is not feasible to provide the overall quantum required on site, then WDC may consider seeking a financial contribution from the developer as a means of providing improvements to existing sites. The applicant has suggested in their submission that this may be an option that they would like to discuss further, which the Green Spaces Team will discuss at the appropriate Reserved Matters stage.

WCC Archaeology: In first submission, recommended scheme of trial trenching. A Written Scheme of Investigation for trial trenching has been submitted to survey the site and satisfied that this will provide suitable assessment of the site.

WCC Ecology: Holding Objection - Majority of information is acceptable and can be controlled by conditions. Require more information relating to Bats and Trees, Badgers, Nesting Birds, SUDs and Biodiversity Offsetting.

WCC Flood Risk Management: Holding Objection – Details of surface water drainage are insufficient. Require additional information.

WCC Highways Authority: Following a request for additional information on the full application, this has now been received and reviewed. Assessment of proposal concluded that Warwick Road/ Woodcote Lane would operate very close to capacity as a result of the development. As it is within capacity, an objection on severe residual cumulative impacts in line with Para 111 of the NPPF could not be sustained. Concern has been raised by the Safety Engineers that the safe operation of the junction could be compromised by being near capacity. The safety engineer has requested that additional safety measures be explored at this junction. Currently therefore the proposal is contrary to paragraph 110 (b) of the NPPF in that safe and suitable access to the site for all users has not been satisfactorily demonstrated. The submitted Transport Assessment contains a Pedestrian Route Audit which assesses the existing pedestrian facilities serving the development site. The Audit highlights that the existing routes are substandard in places and suggests appropriate improvements where necessary. The Highway Authority is however concerned that no details of these improvements appear to have been submitted for assessment therefore this also remains contrary to paragraph 110(b) above and also paragraph 112 (a), (b) and (c) in that priority is not given to pedestrians and cyclists, the needs of people with disabilities have not been addressed and a safe, secure and attractive development proposal has not been created.

WCC Landscape: The Illustrative Layout submitted with this application suggests some revisions to the proposed layout of the previous application. Note layout will be dealt with as a reserved matter. Need to see updated tree details. Note that the density of the housing still appears too great in relation to its surroundings with houses crammed close together with less garden space than the existing areas of the village abutting it. Development sits on the edge of the village so the housing density should be lower, acting as a transition from the more built-up areas of the village to the grounds of Woodcote House and the wider countryside beyond. The proposed houses on the tennis court site do not relate well to the existing houses on Woodcote Drive, both in terms of layout and density.

WCC Rights of Way: No objection. Footpath W179a runs around boundary of site. Application for a Definitive Map Modification Order has been submitted to add a footpath to the Definitive Map. If successful, this will become a Right of Way which conflicts with the applicant's proposed SUDs pond. Consideration should be given to accommodating the route of the proposed path at this stage. Recommend conditions and notes.

Warwickshire Police Designing Out Crime Officer: No objection to the scheme. Pleased to see that developers have incorporated the principles of Secured by Design Homes 2019.

Warwickshire Fire and Rescue: No objection, subject to the imposition of a fire hydrant condition.

CPRE Warwickshire: Objects to this application. Although higher density housing is something to aim for in more urban areas, this should not be at the expense of vital biodiversity or in places which do not have the correct infrastructure to support this kind of development. Ultimately, the application does not propose

what is best for this piece of Warwickshire countryside and does not meet the Policy DS22 special requirements that allowed it to be removed from its original designation as Green Belt land.

Section 106 Requests

WDC Sport and Leisure: Request S106 Contribution totalling £168,956 (£5,956 for outdoor sport, £69,547 for indoor sport and £93,453 for grass pitches) to mitigate for increased use of facilities by additional residents of this development.

WCC Infrastructure Team: Make the following service area Section 106 Requests on behalf of Warwickshire County Council to mitigate for increased use of facilities by additional residents of this development.

- Libraries - £1,817.
- Road Safety - £4,150.
- Sustainable Travel Promotion - £830
- Monitoring - £500 + (5 hours x £40 Officer Time x Number of Triggers)

South Warwickshire NHS Foundation Trust: Request Section 106 Contribution of £74,487.02 to mitigate the impact on new housing on the delivery of healthcare services within the area.

Public Response: A total of 201 comments received as follows:

Support Comment – 1 comment received.

- Support, but no commentary provided.

General Comment – 1 comment received.

- Preferred the plans for the tennis court area from first scheme as they allowed housing to back onto the golf course and were not all crushed together.

Objection Comments – 199 comments received.

- No need for more housing as this is being addressed elsewhere in the district.
- Housing land supply is over 5 years.
- Insufficient infrastructure to support new housing.
- No meaningful facilities within village to serve the needs of the additional dwellings.
- No economic benefits.
- Lack of Community Engagement from applicant.
- No regard given to design and setting of Listed Building.
- Loss of privacy to Broome House and East Lodge.
- Increased noise and air pollution.
- Significant light pollution to residents of existing properties.
- Development not in keeping with the village and its Conservation Area.

- As police are not leaving Woodcote House, there is no need for this development, and it should revert to Green Belt.
- No Masterplan for the entire site as required by Policy DS22.
- Totally disregards the plan agreed years ago.
- Traffic data is flawed.
- New access point is dangerous to users of the road.
- Cannot take increased traffic from development. Junction with Warwick Road is already dangerous.
- Parking is already at breaking point.
- Loss of tennis court area will displace police parking.
- No regular bus service in Leek Wootton.
- Harm to Green Belt.
- Should have more allowance for open and leisure space.
- Will result in ecological damage.
- Ecology reports considered insufficient, skewed by methodology and benefits outlined in conclusion are entirely based on supposition and wishful thinking.
- Separate survey work carried out identifies significantly more species than identified in the submitted Ecology Reports.
- Recommend a thorough scientific survey is undertaken in consultation with Warwickshire Wildlife Trust.
- Site is covered by a blanket TPO to protect trees.
- Loss of many trees and hedgerows.
- Drainage provision will result in additional trees being lost.
- Felling trees and hedgerows reduces ability to absorb CO2.
- Impossible to replace mature trees.
- Will affect wildlife within the site.
- Will disrupt ecosystems and interlinks between habitats.
- Use of adjacent woodland to offset open space is not appropriate.
- Modern style of housing not appropriate for village.
- Will not be carbon neutral.
- Air Quality Mitigation proposal is poor and insufficient.
- Official recommendation was for 30 dwellings per hectare, but scheme is 36.
- Lack of community engagement through process.
- Density of housing is too high and not in keeping with village.
- Contrary to Neighbourhood Plan, Local Plan and NPPF.
- Impact to neighbouring amenity by reason of loss of privacy.
- The Cala layout differs to the boundary layout shown on neighbouring property deeds.
- There is a lack of parking places for the proposed development and insufficient visitor parking.
- Concern regarding the impacts of both construction and the development itself on drainage systems, in particular sewage system at the site.
- Woodcote Drive is narrow with no footpath and traffic is already bad leading to concerns about the development and its construction.
- Development will lead to the destruction of a diverse range of wildlife.
- The destruction of green spaces should be reconsidered in light of the current climate crisis.

- The impacts cannot be fully considered when only an outline application is proposed with all matters reserved.
- With so much recent development one thing that has remained constant is the village of Leek Wootton, which has remained a village; the proposal would amount to overdevelopment of the village which has no major infrastructure and facilities.
- Footpaths are already constrained, and the development will lead to additional traffic, the dangers of which outweigh any positive characteristics associated with walking to school.
- Concern the school cannot accommodate increased pupil numbers.
- The house and parkland are indivisible and while the police remain on site there is no longer any need for housing.
- The proposals substantially harm the long-term use and conservation of the Grade II listed Woodcote House.
- This would set a dangerous precedent if loss of open space is accepted.
- Concerns regarding the long-term management of the woodland.
- Submitted plans are inaccurate, e.g., the full extent of tree/hedge removal is not shown.
- There are other preferred locations considered more suitable for housing.
- The loss of the tennis courts 50 parking spaces will necessitate the need for the PCC to apply for additional hardstanding.
- Villagers feel as though local democracy has been violated.
- There is no open area for children to play on.

Leek Wootton Focus Group

- Contrary to Policy DS22 as no Masterplan for whole site agreed.
- Proposal does not protect or enhance the historic assets or their setting which is contrary to Policy DS22(a). Applicant also accepts this harm.
- Proposal does not make provision for future management/maintenance of the balance of the site which is contrary to Policy DS22(g).
- Applicant has not entered into agreement or agreed mechanism with the Council to provide certainty that both the new build (greenfield) housing elements of the allocation and Woodcote House conversion and restoration of its setting are delivered simultaneously or within an agreed timescale, contrary to Policy DS22(h).
- In the absence of the benefits from the restoration of the heritage asset, the harm is not outweighed, and planning permission should be refused.
- Benefits of 50 market houses and 33 affordable homes is not significant and economic benefits are also limited. Citing public open space provision and biodiversity enhancements is not a benefit as they are a requirement of the planning permission.
- No material considerations outweigh the harm so planning permission should be refused.
- WDC has a 5.08-year housing land supply so this site is not critical for the delivery of housing.
- No evidence that sale proceeds have been used or earmarked for restoration of Woodcote House and have been advised that funds have been used for new IT equipment.

- Many enhancement opportunities have been lost due to police remaining such as removal of insensitive 60's extension to main building, removal of unsympathetic extensions to former stables range and replacement of parking within formal kitchen garden and appropriate renovation works.
- Contrary to Neighbourhood Plan with regards to layout and density.
- Not developing Plots 1 and 2 would retain important wildlife corridor between woodlands.
- Loss of brownfield land to Plot 4 for housing, landscaping and leisure pursuits.
- Unacceptable impact on highway safety, the residual cumulative impact on the road network will be severe.
- Will create light pollution onto an intrinsically dark landscape and affect the natural wildlife habitat.
- Cala Homes have failed to engage with the community.
- Cala Homes have failed to protect and enhance the valued landscapes and biodiversity of the site which will not be mitigated elsewhere.
- Development will result in the loss or deterioration of irreplaceable habitats (such as veteran trees) and to date, LWFG notes that 71 trees and 10 hedgerows will be lost as a result of the development with no exceptional reasons offered.
- Development would remove 1/3 of the historic open landscape and would cause harm to heritage asset.
- LWFG have carried out their own tree survey and wholly disagree with the findings in the submitted tree surveys.
- Actual loss of trees is much higher than stated in submitted reports.
- Off-site enhancement of the woodland area outside application site boundary so not considered to be on-site.
- No evidence in place which demonstrates how woodland will be managed.
- Tree/Hedgerow removal has been based around the layout rather than viewed as a constraint when designing the layout.
- LWFG have sought expertise from community and an ecology report has been produced that finds the submitted survey work by Cala Homes to be incomplete compared to the findings.
- Ecology results are skewed by methodology and habitats identified are based on supposition and wishful thinking.
- LWFG report identifies significantly more species than submitted reports including a barn owl nesting in one of the trees which is absent from Cala Homes' reports.
- Views within the submitted LVIA are different to those within the Neighbourhood Plan.
- Harm to heritage asset is contrary to Local Plan and national guidance on protection of heritage assets.
- Justification for removal of site from the Green Belt no longer applies.
- Density of housing is of great concern together with lack of visitor parking spaces.
- Will result in the loss of parking for vehicles associated with the Police site.
- Little thought given to future maintenance of trees.
- Open Space areas inadequate and purely a tick box exercise.

ASSESSMENT

Principle of Development

The application site falls within the settlement boundary of Leek Wootton which is identified within the Local Plan as a growth village. Within the boundary of a growth village, housing development is generally acceptable in accordance with Local Plan Policies H1 and H10.

In addition, the site also falls under allocation DS22 which is a specific allocation for the Warwickshire Police Headquarters. The application site forms part of the wider allocation identified under DS22.

The housing allocation was deemed appropriate and included in the Local Plan as it provided development in this Growth Village at the least obtrusive location available at Leek Wootton. Other, more environmentally unacceptable options for development were considered and discounted in favour of this allocation. This allocation also served to secure the future of Woodcote House (a Listed Building) for residential use as the Police Force were intending to vacate the building as part of their proposed merger with West Mercia Police.

The overriding aim of Policy DS22 was to ensure the comprehensive development of the entirety of the allocation. Policy DS22 introduced eight specific policy criteria that development proposals would need to address to secure planning permission.

In 2019 it was announced that the merger of the two Police forces was not to continue, and that Warwickshire Police would be returning to utilise the entirety of Woodcote House as their headquarters building.

This had ramifications for Policy DS22. Woodcote House would not be converted to residential use and for operational purposes, and land that would have been made available for the new residents and the enjoyment of the wider community of Leek Wootton would not be available as additional open space.

Due to the retention of part of the site by Warwickshire Police, it was apparent that the range of requirements set out in policy DS22 could not be all be realised following the decision of the Police to remain at Woodcote House.

In considering this change in circumstances, a Legal opinion was sought on the proposal. The opinion stated that it is not at all unusual for development plan policies to be superseded by events after the adoption of such policies. It went on to stipulate that the change in circumstances at this location did NOT mean that planning applications to develop the site which do not wholly comply with Policy DS22 should automatically be refused and that there is no obligation on Local Planning Authorities to "slavishly adhere" to the development plan if material considerations indicate that the departure from those policies is considered, on balance, to be acceptable.

The change in circumstances brought about by the failed police merger and the inability of the whole site to come forward for comprehensive development are

viewed as material considerations in determining the application. Considering the need for some residential development to be realised to assist in meeting the overall numbers of dwellings identified in the Development Plan and the five-year supply position, it is Officers' opinion that the application should be adjudged positively, provided that the form and details of the proposed layout and the other items referenced earlier in this document are deemed acceptable.

A further, specific point of clarification from a general policy perspective relates to the question of the overall numbers of dwellings proposed. The Local Plan specified 115 dwellings as a guide to what the total allocation could deliver. It should be noted that these indicative, overall numbers are derived to give some order of what should be acceptable. They are not derived with the benefit of reference to exact planning layouts and being able to gauge the exact amount of land available for houses after deductions for such things as open space, play areas, roads, landscaping etc.

There have been many instances since the Local Plan was adopted where planning applications have been approved on allocations with housing numbers at levels above the guidance numbers set out in the Local Plan. These have been approved only where all other policy considerations such as open space, play areas and the like have been satisfactorily incorporated into the development and the final housing numbers can still be achieved without prejudicing a good quality, functional development.

It should also be noted that one of the requirements of DS22 was the submission, and approval of a masterplan. The draft masterplan submitted to the Local Plan Examination in Public was a very detailed document that referenced possible layout scenarios and the distribution of the associated component parts of the allocation across the entirety of the site. The intervening 'change in circumstances' brought about by the decision not to merge the police forces has meant that some of the aspects set out in that initial draft masterplan will not be attainable. Whilst it is natural that this is a disappointment to residents in the locality, I believe the revised masterplans submitted with the current CALA planning applications are appropriate for the purposes of identifying the revised situation and relationship of various parts of the allocation.

In summary, the principle of residential development at this location has been established through the Local Plan process. Circumstances have changed that have meant that it is now impossible to rigidly adhere to all the exact criteria-based issues that were set out in Local Plan Policy DS22 and realise the full package of potential benefits across the allocation detailed in the draft masterplan at the time of the Local Plan Examination in Public. However, one of the key aims of Policy DS22 was to maintain and secure the future of the Heritage Asset on the site to ensure that it did not fall into a state of disrepair by actively ensuring that it formed part of the wider redevelopment of the site. With Warwickshire Police now maintaining ownership of the Heritage Asset, this will ensure the practical stewardship and ongoing maintenance and use of the building.

In considering the 'planning balance' and the benefits of helping to assist the Local Plan's overall housing numbers and five-year supply situation, it is deemed

appropriate to support the proposals and the development of this site from a policy perspective.

Subject to an assessment of site-specific matters, the proposal is considered acceptable in principle.

Assessment of the Proposed Housing Numbers

The scheme seeks outline permission for up to 83 dwellings. Based on the submitted parameters plan of the developable area identified across the two sites, this equates to approximately 35 dwellings per hectare.

Concerns over the density of the development have been raised by consultees. As the scheme is in outline form, there are no finalised plans which are being assessed beyond a parameters plan and an illustrative layout. The illustrative layout sets out the scheme with 83 dwellings identified. This layout shows that adequate space is provided for the plots in terms of garden sizes and parking. Areas of open space are also identified within the site for future occupiers.

It is noted that the level of housing is identified as up to 83 units. Officers would assess any proposal submitted for reserved matters when final details of housing mix, layout and design are submitted and, in such case, if it cannot be demonstrated that the scheme meets all of the required standards then it would be appropriate to revisit the housing numbers to ensure that a scheme on the site would be acceptable. In identifying "up to" 83 dwellings, there is a certain level of flexibility retained by the Local Planning Authority and the application in assessing a subsequent reserved matters proposal and ensuring that the housing numbers proposed can be satisfactorily delivered on the site.

Design and impact on visual amenity and the character of surrounding area

Section 12 of the National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

Policy BE1 of the Local Plan reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The Residential Design Guide SPD sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

As this proposal is an outline planning application, no detailed plans have been submitted at this stage and the final detail would be assessed through a future reserved matters submission. The reserved matters submission would deal with the final detail of the layout, house types, detailed landscaping and location of features such as open space, roads, paths etc.

The application has included an indicative layout and parameters plan to demonstrate how the site could be laid out with the provision of up to 83 dwellings.

The indicative site layout sets out the potential location of the dwellings on the site, together with roads and open space areas, including SUDS. The proposal indicates that the landscaping features will be retained along the Woodcote Lane boundary to retain the green edge to the development that currently exists.

A number of trees are proposed to be removed as set out within the Arboricultural Method Statement and their removal has been justified. Where trees are to be removed, Officers would always expect these to be replaced with new planting to mitigate for the loss. This would be secured by condition.

The proposed access point to the Paddock site is located in a position where there is a natural gap in the hedgerow already which minimises the amount of roadside hedge removal required to facilitate access.

As this is an outline application with all matters reserved apart from access, the final design and appearance of the scheme is not for assessment at this stage. Officers consider it appropriate to incorporate a condition for a design code that sets out the design rationale behind any scheme submitted for reserved matters to demonstrate how the scheme has been designed to reflect and respect the character and appearance of the local and surrounding area.

Subject to the imposition of conditions to secure appropriate design criteria, Officers consider that the proposal is acceptable.

Impact on the character and setting of Heritage Assets

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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Paragraph 199 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. In addition, the policy states that development will be expected to respect the setting of conservation areas and important views both in and out of them.

The nearest Listed Building to the site is Woodcote House that lies to the west of the application site. This building forms the primary element of the wider police site and was one of the driving factors of the DS22 allocation.

The Conservation Officer has considered the proposal and notes that the scheme is not compliant with DS22 as the scheme does not incorporate a masterplan for the protection of Woodcote House. The key element of DS22 was to secure the future of this heritage asset by ensuring that it formed an integral part of a masterplan and was actively incorporated into any redevelopment of the whole site.

As the circumstances around this development have now changed and the Police are retaining the building for their purposes, the long-term stewardship of the listed building is secured. On this basis, the Conservation Officer has raised no objection to the principle of development on this land but has raised some concern over the potential heights of buildings, design and materials that could potentially affect the setting of the Heritage Assets as identified on the full application being considered under application W/22/0465.

As the current application is in outline form, the overall building heights are not included within the scheme and would be subject to later approval. The Conservation Officer also raised concern regarding the density of the development and further information would need to be submitted before the scheme could be supported.

The indicative layout identifies that along the boundary of the site with the retained police land that the scheme is for larger detached units that naturally are more widely spaced and therefore typically less dense than semi-detached or terraced units. This reduces the overall built form to the boundary with the land associated with the Heritage Asset of Woodcote House. In addition, any reserved matters submission would also require detailed landscaping to be submitted which would allow for further mitigation by providing an appropriate treatment of the boundary to soften the development from the land retained by Warwickshire Police.

As the proposal is in outline form, these parameters are not yet set out. As stated within the section above, Officers consider it appropriate to secure a design code by condition that sets out the parameters of any development coming forward. This would be requested prior to the submission of any reserved matters so that it can inform any future layout and design submitted.

The design and appearance would thereafter be informed by an approved design code that would set the parameters for height and scale and this would be agreed in consultation with the Conservation Officer to address the concerns identified at this outline stage.

Subject to the inclusion of the above condition together with further conditions relating to the submission of architectural detailing and details of proposed materials etc, Officers are satisfied that the scheme would not result in harm to the setting of the Heritage Assets.

Impact on Residential Amenity

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 and provides an acceptable level of amenity for future occupiers of the development.

Impact on existing properties

The development is submitted in outline form only. The application has been submitted with an indicative layout plan that provides some idea of a potential development layout of the site. Whilst this has been used as a guide to consider the impact on existing residents, it is noted that this plan does not form the final layout of the scheme.

The main paddock element of the site is on a parcel of land where it is set away from the existing dwellings by the existing road network. This leads to significant separation distances, well in excess of the required standards, and also has intervening landscape features such as trees and hedgerows that further mitigates any potential harm to the amenity of existing properties.

There are two dwellings located immediately adjacent to the boundaries of the Paddock area of the site: Broome House and East Lodge.

Broome House is flanked on three sides by the development site. The proposal would seek to retain the existing boundary features to the property to maintain an appropriate level landscaping to afford natural separation between the existing property and the proposed development site. The indicative layout identifies that housing would back onto the site on the three shared boundaries and be separated from the boundary of the property by the back garden areas.

Whilst the dwelling would lose the open aspect from these boundaries, it is noted that the proposed dwellings backing onto the existing property would lead to larger separation distances between the existing house and the proposed dwellings. As previously stated, the layout identified is not the final design of the scheme and the final relationship between properties would be assessed through a detailed reserved matters submission.

East Lodge is located adjacent to the eastern tip of the application site near to the junction of Woodcote Lane and Woodcote Drive. In terms of impact on this property, it is noted that the dwellinghouse is located a significant distance from the boundary with the application site and is separated by a large garden area. Due to the limitations of the shape of the site, it is unlikely that any proposed development within that area of the site would result in any demonstrable harm to the amenity of the occupiers of East Lodge.

Overall, whilst the indicative layout plan does not form the final layout of the scheme, it does satisfactorily demonstrate that appropriate separation distances can be provided between the development site and existing dwellings to provide an appropriate level of amenity for the occupiers of existing dwellings adjacent to the site and no impact as a result of the development would occur that would result in demonstrable harm to existing properties.

Provision of an appropriate living environment for future occupants of the proposed development

The development provides a high-quality environment which achieves the Council's design guidelines.

The indicative layout demonstrates that the site can deliver the number of dwellings together with open space and the landscaping across the development. Officers are satisfied that the indicative plan demonstrates that the scheme can create an overall sense of spaciousness which would enhance the sense of place and overall amenity value for future residents.

The scheme would be further assessed at reserved matters stage to ensure that the final layout of the scheme provides an appropriate living environment for future occupiers.

In conclusion, the landscaping and public open space shown on indicative plans will assist in ensuring the new development provides an acceptable residential environment. Such details will be considered in greater detail at the reserved matters stage.

Officers are satisfied that the development is acceptable having regard to Policy BE3 of the Local Plan.

Open Space Provision

Given that this is an Outline application, it is likely that the exact schedule of accommodation, will be determined through Reserved Matters applications. However, it is important for the applicant to factor into their scheme the requirement for public open space provision as required by Local Policy HS4 and its associated Public Open Space SPD.

In relation to the adopted Public Open Space SPD (2019) the Council, would require five open space typologies to be provided onsite in the first instance. These five typologies should comprise, Amenity Green Space, Parks and Gardens, Natural Areas including Urban Woodland Allotments, Community Gardens and Urban Farm sand Children/Youth Areas.

The Green Space Officer has noted that where it is demonstrated that it is impractical or inappropriate to provide the open space physically onsite or if it is not feasible to provide the overall quantum required onsite, then they may consider seeking a financial contribution from the developer as a means of providing improvements to existing sites.

The applicant has suggested in their submission that this may be an option that they would like to discuss further, which the Green Space Officer would be happy to discuss at the appropriate Reserved Matters stage. In any forthcoming Reserved Matters application regarding Open Space, the applicant would be required to consult the Open Space SPD, which provides details on the design and features within the open space, and also includes specifications for street furniture such as bins, benches etc.

In addition, the Green Space Officer considers that this site should seek to complement the wider landscape setting, and that green infrastructure and interconnectivity between this site and the wider village is essential.

The final detail and quantum of Open Space would be considered through the Reserved Matters submission and the scheme and layout would be assessed for acceptability at that stage.

Highway Safety

Policy TR1 of the Warwick District Local Plan requires all developments to 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.

As this is an outline application, the detail of the internal layout is not for consideration. The elements considered within this proposal are the main access points to the site and the wider impact on the local highway network.

The proposal has been assessed by Warwickshire County Highways and no objection has been raised to the proposed access points into the site.

Having considered the wider implications of the proposal, the Highways Authority has concluded that the Warwick Road/Woodcote Lane junction will operate very close to capacity during the final assessment year.

The Highways Officer advises that, although being close to capacity, the junction is still within capacity and therefore an objection under paragraph 111 of the revised NPPF (July 2021) that there is a severe residual cumulative impact on the road network cannot be sustained.

However, concern was raised by the Safety Engineer that the safe operation of the junction could be compromised by it being near capacity and has requested that the introduction of safety measures, such as traffic signals, be explored at the junction.

Currently therefore the proposal is contrary to paragraph 110 (b) of the NPPF in that safe and suitable access to the site for all users has not been satisfactorily demonstrated.

The submitted Transport Assessment contains a Pedestrian Route Audit which assesses the existing pedestrian facilities serving the development site. The Audit highlights that the existing routes are substandard in places and suggests appropriate improvements where necessary. The Highway Authority is however concerned that no details of these improvements appear to have been submitted for assessment therefore this also remains contrary to paragraph 110(b) above and also paragraph 112 (a), (b) and (c) in that priority is not given to pedestrians and cyclists, the needs of people with disabilities has not been addressed and a safe, secure and attractive development proposal has not been created.

In light of the above reasons, the Highways Authority has raised an objection to the scheme.

At the time of writing, Officers from the County Highways Authority have met with the applicant's Transport Consultant and have discussed a potential solution to potentially overcome the above objection.

Under normal circumstances, Officers would not submit an application to Committee where fundamental issues such as this are still outstanding. In this case, as the application relates to a non-determination appeal, Officers need to obtain a Committee recommendation to present the Council's case at the appeal and this recommendation needs to be considered at the June Committee meeting in order to meet the deadline set by the Planning Inspectorate for the submission of the Council's Statement of Case.

Taking into account the above, Officers recommend that Members recommend that should additional information be forthcoming to overcome the objection in advance of the appeal deadline, then no objection would be raised to the appeal on the basis of the impact on highway safety.

Should no additional information be forthcoming by the required deadline, Officers would recommend that Members support the current objection and agree it as a reason for refusal as part of the recommendation on the case and that this would form part of the Council's case at the planning appeal.

Impact on Ecology/Protected Species/Biodiversity

Ecology/Protected Species

Policy NE2 of the Warwick District Local Plan states that any development proposals that are likely to impact upon features of nature conservation value and scientific value of sites and their contribution to wider biodiversity objectives shall be subject to ecological assessment to consider the impact of the proposal and identify mitigation or compensatory measures.

In addition, Policy NE3 of the 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 a detailed Ecological Appraisal of the application site that assessed the application site. The submitted report has been assessed by the Warwickshire County Ecology Team who have made a detailed assessment of the proposal based upon the submitted information as well as their own records.

The Ecologist has recommended that in terms of priority and other notable habitats including the lunch and Cattle Brook Local Wildlife Site, the level of survey works carried out is sufficient and they recommend that the imposition of conditions to secure a detailed Construction and Environmental Management Plan (CEMP) that will provide further protection for these features during the construction phase of any development of the site to prevent any harm.

In terms of protected species, bat surveys of the site and existing trees to be removed have been carried out including activity surveys. The Ecologist is satisfied that the survey work carried out is sufficient to demonstrate that the development would not result in harm to bats. Due to the transient nature of bats, the Ecologist has recommended that further survey works are carried out immediately prior to any on-site activity that may have a harmful impact on bats is secured through an appropriately worded condition. This will ensure that any activity not picked up at the time of the survey can be adequately assessed and mitigated for.

The Ecologist notes that reptiles have not been recorded on site during the initial walkovers of the site or during the survey work carried out and agrees that potential exists on site due to suitable habitat in the form of tussocky grassland, hedgerows and tree-line links surrounding the site.

The Ecologist has recommended a precautionary approach on site is taken as the presence of reptiles cannot be completely ruled out as ideally, additional survey work should have been carried out. It is therefore recommended that appropriate measures are proposed that detail reasonable avoidance measures which can be undertaken pre-construction and during the construction works which will minimise and prevent harm to any common reptiles that might be present. These measures can be secured as part of the recommended CEMP condition.

The Ecologist advises that the habitat on site does provide some terrestrial opportunities for amphibians that are known to be in the surrounding area. Whilst specific Great Crested Newt surveys have not been carried out, the Ecologist agrees that the species would be a constraint to the proposed scheme. Notwithstanding this, it is clearly noted that potential does remain for amphibians to be on site and as a precautionary approach, measures should be included within the CEMP to safeguard these species during construction.

It is not clear if the proposed SUDs area is intended to be a permanently wet area or dry and as this is an outline application, the final detail is not yet determined. The Ecologist recommends that the SUDs area is maximized to provide opportunities for amphibians, in addition to a range of additional species, through it being a permanent waterbody.

In terms of amphibians in general, a range of amphibian friendly features are recommended to be installed on-site. The installation of amphibian-friendly measures could be easily implemented through the submission of a Landscape and Ecological Management Plan (LEMP) to be secured by condition.

The LEMP is also recommended to cover the enhancement of invertebrate features such as log piles and additional habitat enhancement.

Nesting Bird Surveys were carried out during April, May and June 2022 and a number of birds were noted at the time of the surveys.

The Ecologist has noted that there are some discrepancies within the submitted reports in terms of the number of species recorded and the accuracy of plotting on the associated plan. The Ecologist has sought clarification on this issue which is currently outstanding.

The Ecologist notes that generally, what is proposed at present is considered appropriate for the more common and widespread species and has stated that further comments may be made dependant on the outcome of the full species records and further detail on the proposed woodland enhancement when clarified by the applicants Ecologist.

The land, hedgerows, scrub and trees provide numerous opportunities to support birds. The habitat requirement for species such as Linnet, are dependent on weeds of open country and waste ground. The Ecologist considers that there is possibly scope within the areas to be retained to mitigate for this species. Any such proposals should be carefully considered and further detail in supplied in the associated LEMP.

In addition to the clarification of the survey results, the Ecologist has recommended that any unavoidable removal of trees/shrubs/scrub/hedgerow is carried out outside the bird nesting season and if this is unfeasible, they should be checked for nesting birds by a suitably qualified ecologist immediately prior to removal. This detail can be secured through the recommended CEMP and the LEMP.

In terms of the badger survey work carried out, the Ecologist has assessed the submitted information and has requested further information to be submitted to demonstrate that the proposal has adequately assessed the impact on badgers.

Overall, the Ecologist has requested some additional information relating to Bat, Trees, Badgers, Nesting birds and SUDs and has submitted a holding objection until this information is received and satisfactorily addressed.

Biodiversity

Planning policy changes promoted within the National Planning Policy Framework (NPPF) include the guiding principle that all developments should result in a biodiversity gain. The way to measure biodiversity impact is the Defra Biodiversity Offsetting metrics. Defra have recently published a new metric, however at present

the WCC metric is still accepted. The Warwickshire Biodiversity Impact Assessment (BIA) Calculator v19.1 has been utilised by the applicant's Ecologist, so this version has also been used by the County Ecologist for their assessment.

In the Biodiversity Net Gain Assessment Report submitted, it is acknowledged that at the time of completing the BIA a few assumptions were made with regards to the proposed planting. The County Ecologist has utilised the illustrated landscaping plan produced so far from the applicant, and it is noted that additional detail would be provided at the reserved matters stage through the detailed landscaping details, although it should not differ significantly unless positive habitat alterations are made to reduce the biodiversity impact score calculated at this stage.

In assessing the Biodiversity Impact the Ecologist has made some assumptions based on the descriptions within the submitted report.

The assessment carried out by the County Ecologist is based on all the information available at present and they have calculated a loss on site of 7.15 biodiversity units loss, which is a net biodiversity loss and contrary to the NPPF. This is in comparison to the survey work submitted by the applicant that calculated a 0.89 net gain for the site. There are a number of factors that result in these differences and the Ecologist recommends that the layout and the landscape plan is reviewed to see if biodiversity loss can be reduced within the remaining habitat on site.

The Ecologist considers that on the basis of the submitted, indicative layout the loss is unlikely to be reduced unless additional good quality habitat can be incorporated into the scheme. At this stage, without this information, the loss can only be calculated on the basis of the information that has been submitted. The associated indicative financial Biodiversity Offsetting contribution to address this loss is calculated at £233,190.00. As the development proposals result in a net loss to biodiversity, in line with the NPPF, a biodiversity offsetting scheme must be secured via a Section 106 agreement.

Following the securing of an obligation for the Section 106 Agreement, a revised BIA will then be required at the detailed design stage along with further details of on-site habitat creation, any enhancement and management plans to demonstrate that the detailed proposal either reduces the biodiversity impact or does not result in any additional harm above that already identified at this stage.

Subject to the additional information being submitted and approved by WCC Ecology, there would be no objection to the development in terms of biodiversity impact. At the time of writing, the additional information set out within the section above is still outstanding and therefore the objection still stands on the basis of a lack of information relating to Ecological Matters.

Under normal circumstances, Officers would not submit an application to Committee where fundamental issues such as this are still outstanding. In this case, as the application relates to a non-determination appeal, Officers need to obtain a Committee recommendation to present the Council's case at the appeal and this recommendation needs to be considered at the June Committee meeting

in order to meet the deadline set by the Planning Inspectorate for the submission of the Council's Statement of Case.

Taking into account the above, Officers recommend that Members recommend that should additional information be forthcoming to overcome the objection in advance of the appeal deadline, then no objection would be raised to the appeal on the basis of the impact on Ecology Matters.

Should no additional information be forthcoming by the required deadline, Officers would recommend that Members support the lack of information as a reason for refusal as part of the recommendation on the case and that this would form part of the Council's case at the planning appeal.

Water/Drainage

Surface Water Drainage

Policy FW2 of the Warwick District Local Plan states that all new major developments must incorporate SuDS that provide biodiversity, water quality and amenity benefits and be in accordance with the Warwickshire Surface Water Management Plan. There will be a presumption against underground storage of water, and it should support the delivery of green infrastructure. In addition, SuDS schemes must be located outside the floodplain; ideally this should be within the development site or close to the site as part of a masterplanned drainage scheme. Priority should be given to SuDS that incorporate green infrastructure, including green roofs, walls and rain gardens.

The proposed scheme would utilise SuDS methodology for all on-site surface water drainage in accordance with the requirements of Policy FW2.

The drainage strategy submitted setting out the methodology has been assessed by the County Lead Local Flood Authority who have raised an objection to the scheme in its current form and have stated that at the 'outline' planning stage the Surface Water Drainage Strategy should be developed to inform the masterplan or indicative site layout. This should be based on SuDS principles and provide opportunity to attenuate surface water runoff, improve water quality and provide amenity and biodiversity. This should be supported by suitable high-level calculations demonstrating the performance of the attenuation and that adequate space is provided.

The LLFA have requested additional information to demonstrate that the proposed strategy is acceptable. This includes overland flow routing identified on a plan with details of all proposed mitigation measures together with further information relating to sustainable source control methods within the site together with landowner permission to discharge into the existing brook.

Subject to the additional information being submitted and approved by the LLFA, there would be no objection to the development in terms of surface water drainage. At the time of writing, this information is still outstanding and therefore the

objection still stands on the basis of a lack of information relating to surface water drainage.

Under normal circumstances, Officers would not submit an application to Committee where fundamental issues such as this are still outstanding. In this case, as the application relates to a non-determination appeal, Officers need to obtain a committee recommendation to present the Council's case at the appeal and this recommendation needs to be considered at the June Committee meeting in order to meet the deadline set by the Planning Inspectorate for the submission of the Council's Statement of Case.

Taking into account the above, Officers recommend that Members recommend that should additional information be forthcoming to overcome the objection in advance of the appeal deadline, then no objection would be raised to the appeal on the basis of the impact on surface water drainage.

Should no additional information be forthcoming by the required deadline, Officers would recommend that Members support the lack of information as a reason for refusal as part of the recommendation on the case and that this would form part of the Council's case at the planning appeal.

Foul Drainage

Policy BE1 requires new development to incorporate necessary services and drainage infrastructure without causing unacceptable harm to retained features including incorporating sustainable water management features.

Foul drainage is proposed to be connected to the mains sewerage within the village and this is considered an acceptable solution. This would be subject to separate approvals with Severn Trent. Final details of the drainage layout would be secured by condition.

Water Efficiency

Policy FW3 requires all new development to meet a water efficiency standard of 110 litres per person, per day to create a sustainable form of development that minimises water usage and waste.

Officers consider that this can be secured through an appropriately worded condition.

Sustainability

The Council has declared a climate emergency. As part of this declaration, the Council is taking steps to becoming a net-zero carbon organisation. In addition, all efforts are to be made to reduce overall carbon emissions across the district to as close to zero as possible by 2030.

Policy CC1 of the Local Plan states that all development is required to be designed to be resilient to, and adapt to the future impacts of, climate change through the inclusion of adaptation measures such as:

- a) using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures.
- b) optimising the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading, in accordance with Policy NE1.
- c) incorporating water efficiency measures, encouraging the use of grey water and rainwater recycling, in accordance with Policy FW3.
- d) minimising vulnerability to flood risk by locating development in areas of low flood risk and including mitigation measures including SuDS in accordance with Policy FW2.

Applicants will be required to set out how the requirements of the policy have been complied with including justification for why the above measures have not been incorporated.

In addition, Policy CC3 requires major allocated sites to consider the potential for the use of large-scale decentralised district heating networks.

The dwellings proposed within the current application are outline in nature and as such, no detailed plans have been submitted. The Masterplan submitted is also indicative so does not represent the final design or layout of the scheme. On this basis, it is not possible to provide a detailed scheme for sustainable energy measures at this stage as these can be reliant on the final form of not just the scheme but also the design of the proposed dwellings.

It is also noted that the delivery of the new homes may potentially be after the adoption of the new updated Building Regulations that will set a much higher requirement for sustainability in new homes. All new homes would have to achieve this standard.

In line with Policy CC3, the Sustainability Statement has considered the use of a District Heating System or Combined Heat and Power Source. Officers consider that a further assessment of the energy provision on the site can be secured by condition and further assessment of District Heating would be considered at that stage.

Overall, it is considered appropriate to require the submission of details of energy and sustainability matters through conditions attached to the permission to allow further consideration of additional energy saving measures once a detailed layout has been determined to ensure that the final development helps to achieve the District Councils climate change objectives.

Air Pollution

Air Quality is a critical issue that forms part of the District Councils Climate Change objectives. The existing Air Quality SPD sets out a framework of requirements to

mitigate and where relevant, improve local Air Quality whilst contributing to wider Air Quality management objectives.

The Environmental Sustainability Officer has made an assessment of the proposal and raised no objection subject to conditions seeking the submission of a Low Emission Strategy identifying appropriate air quality improvement measures including under the District Councils Air Quality Action Plan and Low Emission Strategy Guidance as necessary. 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.

Appropriate mitigation measures such as electric vehicle (EV) recharging provision and other locally specific measures to be used to minimise and/or offset any emissions from new development can be secured by conditions.

Officers are satisfied that these are technical matters, and the specific details can be secured by the requested condition so as to make the proposed development acceptable.

Waste Storage

As this is an outline application, the final layout of the scheme is unknown at this stage. The indicative layout plan submitted is considered to adequately demonstrate that all properties are provided with adequate storage areas for refuse and recycling bins. Any reserved matters submission would need to demonstrate that these facilities are available for all plots and that the site can be adequately serviced by refuse vehicles.

Open Space

The site in its entirety proposes areas of open space. The proposal has been assessed by the Green Space Officer who has considered the indicative layout plan. Whilst some concerns have been raised to this plan, the plan is purely indicative, and the final design of the scheme is not yet set. It is considered appropriate to condition that appropriate open space provision is provided within the site in line with the adopted Supplementary Planning Document and if any shortfall is identified then a requirement for an off-site contribution be secured through the Section 106 Agreement. Should no shortfall be apparent, this obligation would naturally fall away.

Previous discussions have been carried out where it was considered more appropriate to provide a financial contribution towards improvements to the existing main village play area rather than provide an on-site, smaller play area. In light of the considerations set out above, it is considered appropriate to incorporate the provision for this to be included within the Section 106 Agreement through an appropriately worded obligation. Obviously, the final detail of the scheme will be the element that sets the baseline for any financial contribution.

Impact on local services

The proposed development of up to 83 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 ongoing between the applicants and the Local Planning Authority. A draft Section 106 Agreement is required for submission as part of the Public Inquiry procedure.

Having considered the available evidence, the contributions are considered to be in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. New 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.

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 financial contribution requests have been received.

- Outdoor Sporting Contribution £5,956
- Indoor Sporting Contribution £69,547
- Grass Pitch Contribution £93,453
- Doctors Surgeries £tbc
- Hospitals £74,487.02
- Education £tbc
- Libraries £830
- Road Safety £4,150
- Biodiversity Offsetting £233,190
- Monitoring (County) £500
- Monitoring (WDC) £tbc

Any additional figures received following the writing of this report will be reported within the update sheet.

Additionally, the Section 106 Agreement will also secure the following.

- 40% Affordable Housing
- Appropriate mechanism for securing Biodiversity Offsetting Payments.
- Provision and Adoption of Open Space Areas including any commuted sums.
- Adoption of SUDS.

- Local Labour Agreement.

Trees/ Hedgerows

As part of the application submission, a tree survey was submitted identifying all trees on site with details of trees to be removed as well as all trees to be retained. The content of this report was assessed and considered acceptable by tree officer.

However, in order to minimise the loss of trees and hedgerows across the site, Officers consider that it is appropriate to require the submission of an updated tree survey, prior to the submission of any reserved matters that will thereafter inform the proposed layout of the reserved matters whilst seeking to retain as many trees as possible across the site.

As part of this requirement, Officers would also seek to ensure that all retained trees and hedgerows are adequately protected, and these measures should be included within the report and laid out on site prior to any works commencing.

Archaeology

The County Archaeologist considered the submitted information which included a geophysical survey of the site.

Conclusion

This proposed development is subject to an appeal against non-determination and Officers have to present the item to Members to obtain a resolution of how to proceed with the application.

The principle of development has been considered acceptable as the site forms part of a wider allocation where circumstances have now changed that would preclude bringing the whole site forwards for a comprehensive re-development. As the parcels of land associated with this development are separate entities, Officers are satisfied that some housing can be realised on these land parcels and the balance of the allocated site area will remain within the control of Warwickshire Police who will maintain the existing Heritage Asset of Woodcote House which was a driving factor behind the requirement for a comprehensive redevelopment project.

Members will note that in certain areas, information is still outstanding and therefore, Officers have recommended that should these matters not be satisfactorily addressed by the due date for the submission of the Council's Statement of Case, then the Council will utilise this information to form the basis of its defence of the appeal. In such a case, the reasons for refusal are set out below.

Should the outstanding information be submitted to the satisfaction of the relevant consultees, Officers recommend that the Council's Statement of Case would recommend no objection to the proposed development the subject of the appeal

and would recommend the conditions listed at the bottom of the report together with the completion of a Section 106 Agreement to secure the required obligations.

CONDITIONS

1 Implementation

The development hereby permitted in detail (i.e. the means of access and the detailed first phase of 98 no. dwellings, landscaping, SUD’s and open space) must be begun not later than the expiration of three years from the date of this permission.

The development hereby permitted in outline must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 Submission of Reserved Matters

With the exception of the detailed first phase of 98 no. dwellings and associated access, servicing, highway works, parking, footpaths, cycleways, public realm and other related works, this permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 as amended, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced on each subsequent phase of development:-

- Appearance
- Landscaping (other than the structural landscaping hereby approved)
- Layout
- Scale

REASON: To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

3 Submission of Reserved Matters Time Limit

In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars must be made to the Local Planning Authority, for each phase of the development,

not later than the expiration of three years beginning with the date of this permission.

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

4 **Foul Drainage Scheme**

Notwithstanding details contained within the approved documents, prior to commencement of each phase of development hereby approved, a Foul Drainage scheme to include.

- a) A drainage strategy for the disposal of foul sewage; and
- b) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented in accordance with the approved details prior to the first occupation of the relevant phase of development.

REASON: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies BE1, FW2 and NE5 of the Warwick District Local Plan 2011-2029.

5 **Construction Management Plan**

The development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; site working hours and delivery times; 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, together with any details in relation to noise and vibration; and a scheme for recycling/disposing of waste resulting from demolition and construction works.

A model CMP can be found on the Warwick District Council website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP.

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 and NE5 of the Warwick District Local Plan 2011-2029.

6 **Construction Environmental Management Plan**

No phase of development hereby permitted shall commence until a Construction and Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the District Planning Authority. The CEMP needs to be compliant with the British Standard on Biodiversity BS 42020:2013 published in August 2013. In discharging this condition, the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition, appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

REASON: To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF) and Policy NE2 of the Warwick District Local Plan 2011-2029.

7 **Protected Species Contingency Plan**

Prior to the submission of any reserved matters, a Protected Species Contingency Plan shall be submitted to and approved in writing by the planning authority. The plan shall include:

- a) Further bat survey of the trees (if final plans show trees to be removed or significant period lapses) in accordance with BCT Bat Surveys – Good Practice Guidelines, has been carried out and if appropriate a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.
- b) A pre-commencement badger survey carried out by a suitably qualified badger consultant and has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation plan shall thereafter be implemented in full.

Note: The outcomes of the surveys are likely to have implications for the design and/or layout of the Development.

REASON: To ensure that protected species are not harmed by the development.

8 **Landscape and Ecological Management Plan**

No phase of development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan (LEMP) for that phase has been submitted to and approved in writing by the District 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 water bodies, native species planting, wildflower grassland, woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full.

REASON: To ensure a net biodiversity gain in accordance with NPPF and Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029.

9 **Tree and Hedgerow Protection**

Prior to the commencement of the development hereby approved (including all preparatory work), the Tree Survey Report and Arboricultural Impact Assessment from RPS, reference JSL4106_770 and dated 9 March 2022 (as amended to take account of any changes in site layout), including the Arboricultural Method Statement and Tree Protection Plan, together referred to as the scheme of protection, shall be adopted.

The development thereafter shall be implemented in strict accordance with the approved scheme of protection, which shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

REASON: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011 2029.

10 **Details of Lighting Scheme**

No phase of development hereby permitted shall commence until a detailed lighting scheme for that phase has been submitted and agreed between the applicant and the local planning authority. In discharging this condition, the District Planning Authority expects lighting to be restricted around the boundary edges, along hedgerows, around known bat roosts and badger setts, 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) Lighting should be directed away from vegetated areas.
- a) Lighting should be shielded to avoid spillage onto vegetated areas.
- 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

The agreed scheme to be fully implemented before/during development of the site as appropriate.

REASON: To ensure that protected species and habitats to be retained are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029, the National Planning Policy Framework (NPPF) and ODPM Circular 06/2005.

11 **Contaminated Land Assessment**

No phase of development hereby permitted shall commence until: -

1. (a) A site investigation for that phase has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:
 - e) 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 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 planning authority. The method statement shall include details of how the remediation works will be validated upon completion.
This should be approved in writing by the 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 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 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 BE3 and NE5 of the Warwick District Local Plan 2011-2029.

12 **Fire Hydrants**

No phase of development hereby permitted shall commence until a scheme for the provision of adequate water supplies and fire hydrants for that phase, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority".

REASON: In the interests of Public Safety from fire, and the protection of Emergency Fire Fighters.

13 **Scheme of Open Space to be Submitted**

Notwithstanding details contained within the approved documents, prior to commencement of development under each reserved matters consent, a scheme of open space for that reserved matters consent to include details of;

- a) How mixed open space facilities will be incorporated into the development
- b) Informal open space;
- c) Appropriate children's play facilities;
- d) Outdoor sport facilities
- e) Allotment gardens;
- f) Management arrangements; and
- g) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and 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.

14 **Site Wide Masterplan to be Submitted**

Notwithstanding details contained within the approved documents, prior to the submission of reserved matters application for any phase of the development hereby approved, a Site Wide Masterplan to include;

- a) Illustrative details of how the proposed layout of development has been designed with due regard to the surrounding context;
- b) Land form topography as existing and proposed;
- c) Land use plan and character areas (including densities and building heights);
- d) Movement corridors within the site (including principal roads, footpaths, cycleways and green corridors) and demonstrating how these relate to existing movement networks in the wider area;
- e) Key infrastructure (including SUDs, significant utility provision);
- f) Landscape corridors and open space network;
- g) Public open space;
- h) Structural planting landscape areas;
- i) Street lighting arrangements and any other lighting to public space;
- j) A phasing plan including triggers for delivery of key elements of supporting infrastructure; and
- k) A statement establishing how the development proposals accord with the principles set out in the Site Wide Design Code.

Shall be submitted to and approved in writing by the Local Planning Authority.

The Site Wide Masterplan shall be used in the assessment of future applications unless otherwise agreed in writing by the Local Planning Authority.

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.

15 **Site Wide Design Code to be Submitted**

Notwithstanding details contained within the approved documents, prior to the submission of a reserved matters application for each phase of the development hereby approved, a Site Wide Design Code to include;

- a) Hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas);
- b) 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);
- c) Building types;
 - d) Building heights;
 - e) The means to accommodate the parking of vehicles and cycles;
 - f) Sustainable Urban Drainage features;
 - g) Key spaces, open spaces and green features;
 - h) Architectural language and detailing;
 - i) A scheme of strategic landscaping (including site sections, site visuals, site levels, structural landscaping and hedgerow retention)
 - j) Design principles for street tree planting and other structural planting landscaping areas;
 - k) Design principles on hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long-term management;
 - l) Design principles on waste disposal and recycling;
 - m) Design principles on the colour and texture of external materials and facing finishes for roofing and walls of buildings and structures;
 - n) Design principles for street lighting and any other lighting to public space (including parking areas);
 - o) The principles shall include a regulating plan on an ordnance survey base at a scale no greater than 1:1250;
 - p) A mechanism for periodic review and refinement if necessary, of the approved Design Code

Shall be submitted to and approved in writing by the Local Planning Authority. The Site Wide Design Code shall be used in the assessment of future applications unless otherwise agreed in writing by the Local Planning Authority.

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.

16 **Sustainability Statement**

Notwithstanding details contained within the approved documents, prior to commencement of development within its relevant phase, a Sustainability Statement including an energy hierarchy scheme for that phase and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;

- a) How the development will reduce carbon emissions and utilise renewable energy;
- b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
- c) How proposals will de-carbonise major development;

- d) Details of the building envelope (including U/R values and air tightness);
- e) How the proposed materials respond in terms of embodied carbon;
- f) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised;
- g) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

No dwellings shall be first occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

No further development phases shall be inhibited from shared heating/cooling systems unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019).

17 **Site Levels/Finished Floor Levels**

No development other than site clearance and preparation works shall take place on any phase of the development until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on that phase and the relationship with the surrounding area have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments.

REASON: To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

18 **Air quality Mitigation**

Prior to the submission of any reserved matters application an appropriate scheme of mitigation in accordance with Warwick District Council's Air Quality Supplementary Planning Document (January 2019) shall be submitted to and approved by the local planning authority. The approved scheme shall then be implemented in full prior to the first occupation of the development and shall not be altered in any way thereafter without expressed written consent from the local planning authority.

REASON: To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

19 **Materials**

No development shall be carried out above slab level unless and 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.

20 **Large Scale Details**

No development shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details.

REASON: To ensure a high standard of design and appearance in accordance with Policies HE1 and BE1 of the Warwick District Local Plan 2011-2029.

21 **Estate Roads laid out to satisfaction of the Highways Authority**

No dwelling shall be occupied until the estate roads [including footways and cycleways] serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

22 **Provision of Cycle Parking**

The development shall not be occupied until details of cycle parking facilities in accordance with the Warwick District Council Parking Standards 2018 have been submitted to the Local Planning Authority.

REASON: In the interests of sustainable transport opportunities and to assist with mitigation against air quality impacts associated with the

proposed development in accordance with Policies TR1 and NE5 of the Warwick District Local Plan.

23 **Low Emission Strategy**

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.

24 **Water Efficiency**

Notwithstanding details contained within the approved documents, prior to construction of each phase of residential development a scheme for that phase demonstrating how water efficiency measures have been incorporated into the development and shall demonstrate how, consideration has been given to the incorporation of grey water and rainwater recycling measures, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved measures have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with the any relevant manufacturer's specifications.

REASON: To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policies FW3 and CC1 of the Warwick District Local Plan 2011-2029.

25 **Pedestrian and Cycle Links**

The reserved matters to be submitted pursuant to condition 1 shall include full details of how the development will ensure pedestrian and cycle connectivity both within the site and to adjoining land uses is delivered.

REASON: In the interests of encouraging sustainable modes of travel in accordance with Policies HS1, HS6, BE1 and TR1 of the Warwick District Local Plan 2011-2029.

26 **Estate Roads Layout**

The layout of the estate roads serving the development [including footways, cycleways, verges, footpaths and private drives] shall not be designed other than in accordance with the principles and guidance as

set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001'.

REASON: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

27 **Construction of Estate Roads**

The construction of the estate roads serving the development [including footways, cycleways, verges and footpaths] shall not be other than in accordance with the standard specification of the Highway Authority.

REASON: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

28 **Landscaping Standards**

Notwithstanding details contained within the approved documents, the landscaping scheme(s) approved under any subsequent reserved matters application(s) shall be;

- a) Carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation;
- b) 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;
- c) 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 and to protect and enhance the amenities of the area, in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.

29 **Landscape Replacement Planting**

Any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition 1 shall be completed in all respects, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first occupation of dwellings within that phase and within the first planting season following the first occupation of the new school, and the tree(s) and shrub(s) shall be planted within six months of that first occupation. -

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.

30 **Protection of Habitat**

No work shall start on site until adequate measures have been taken to protect existing habitat associated with the Wood Pasture and Parkland Priority Habitat and the Lunch and Cattle Brook Local Wildlife Site near to the site during development. Sufficient measures should form a site protection plan from direct and indirect impacts. A barrier, such as a wire fence, should be erected before works start. This fenced area should include a sufficient buffer zone between the development / associated works and the boundary of the LWS. It is important NOT to allow access, or storage of materials within this buffer zone, otherwise soil compaction is likely to occur, with subsequent damage to the ground flora.

REASON: To ensure the protection of important habitats during development.

31 **Housing Mix**

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 Strategic Housing Market Assessment at the point of submission of the reserved matters unless an alternative strategy is agreed in writing by the Local Planning Authority.

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.

32 **Footpath Maintenance Condition**

No site security fencing may be erected on or within 1m of public right of way W179a. Should any damage occur to the surface or route of Footpath W179a, the applicant must make good any damage to the surface of public right of way immediately and to the satisfaction of the Warwickshire County Council Rights of Way Team.

REASON: To ensure sustainable modes of travel are maintained in accordance with Policies HS1, HS6, BE1 and TR1 of the Warwick District Local Plan 2011-2029.

REASONS FOR REFUSAL

- 1 Policy TR1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted that provides safe, suitable and attractive access routes for pedestrians, cyclists, public transport users, emergency vehicles, delivery vehicles, refuse vehicles and other users of motor vehicles, as appropriate.

In the opinion of the Local Planning Authority, insufficient information has been submitted to demonstrate that the development would not result in harm to highway safety on the local highway network. In addition, the submitted information does not include information to demonstrate that appropriate consideration has been given to the provision and improvement of footpaths and cycle paths into the application site to facilitate the practical use of sustainable transport options. The proposed scheme does not provide a safe route for pedestrians and cyclists to access the highway footpath.

The development is thereby considered to be contrary to the aforementioned policy.

- 2 Policy NE2 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to wider biodiversity objectives and connectivity.

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.

Circular 06/2005 sets out the statutory obligations for considering protected species within the planning system and sets out a range of criteria for ensuring protected species are not harmed by development.

In the opinion of the Local Planning Authority, insufficient information has been submitted to demonstrate that protected species will not be harmed as a result of the development or that appropriate mitigation can be provided to overcome any identified harm.

Therefore, in the opinion of the Local Planning Authority the proposed development would cause unacceptable harm to protected species. The

development is thereby considered to be contrary to the
aforementioned policies and associated Government Guidance.

- 3 Policy FW2 of the Warwick District Local Plan 2011-2029 states that all new major developments must incorporate SuDS that provide biodiversity, water quality and amenity benefits and be in accordance with the Warwickshire Surface Water Management Plan.

In the opinion of the Local Planning Authority, insufficient information has been submitted to demonstrate the proposed drainage scheme is acceptable and would not result in increased flood risk elsewhere.

The development is thereby considered to be contrary to the
aforementioned policies.
