

Planning Committee: 16 July 2019

Item Number: 14

Application No: [W 19 / 0691](#)

Town/Parish Council: Budbrooke
Case Officer: Lucy Hammond

Registration Date: 26/04/19
Expiry Date: 26/07/19

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Land off, Arras Boulevard, Hampton Magna, Budbrooke

Full planning application for a residential development of 130 units including associated access, landscaping, open space and drainage infrastructure (resubmission of W/18/1331). FOR Miller Homes Limited & Custodian of the King Henry VIII Trust

This application is being presented to Committee due to the number of objections having been received.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to secure the necessary financial contributions/obligations in relation to affordable housing, the provision of open space and SUD's, highways infrastructure and public transport, sustainable travel packs, health care, education, libraries, improvements to public rights of way, police, sport and leisure, air quality and biodiversity offsetting.

Planning Committee are also recommended to delegate authority to the Head of Development Services in consultation with the Chair of Planning Committee to finalise the terms of the Section 106 agreement including any revisions to its terms and requirements.

Should a satisfactory Section 106 Agreement not have been completed by 13 August 2019, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

This is a full, detailed planning application, for the erection of 130 dwellings, on an allocated site (H27) in the Local Plan. The primary access is proposed to be taken from Arras Boulevard, to the north of the site, while an emergency access is proposed to the west of the site, which would be taken off Daly Avenue.

The main elements to the proposed development are set out below:

- Residential development of 130 dwellings, of varying sizes
- 40% of the units would be affordable (equivalent of 52no. units)

- Vehicular access to be taken off Arras Boulevard with a second (emergency) access taken from Daly Avenue
- The green infrastructure/open space extends to 2.38ha (about 38% of the red line application site) – this includes amenity green space, natural areas (wet and meadow grassland), footpaths which are intended to connect to the existing public right of way through the site, structural planting, sustainable drainage features and other landscaping.
- Biodiversity enhancements are proposed
- A foul water pumping station is proposed.

It is noted that the red line application site area covers an area larger than that which is shown on the policy map for the allocated site (H27). The detailed layout plan submitted illustrates that a small rectilinear parcel of land to the south of the allocation boundary would be reserved for ecological enhancements. It is important to note that this area, outside the allocation, is not proposed for any built development, all of which is contained within the extent of the allocation boundary.

THE SITE AND ITS LOCATION

The application site extends to approximately 6.33 hectares (15.64 acres) on the south-eastern periphery of Hampton Magna. The site is an arable agricultural field bounded by mature hedgerows which are interspersed with hedgerow trees. The agricultural access to the field is from Arras Boulevard, approximately 70m west of the proposed site of the new access to serve the development.

The application site resembles an 'L-shape' with part of the northern boundary backing onto existing properties situated in Clinton Avenue and Curlieu Close and the far western boundary adjoining properties in Daly Avenue. The east and south boundaries adjoin other agricultural fields and are separated by field hedges.

There is a gradual downward slope running west to east as well as north to south across the site. Outside the site the land is slightly undulating to the south and east across adjoining fields.

Hampton Magna is identified in the Local Plan as one of the District's Growth Villages. It contains local facilities and services which meet the day to day needs of the local community including a convenience store, public house, medical centre, community hall, café and primary school. All these facilities are generally between 400 and 600 metres from the site. Access to both Warwick and Leamington Spa, where there are greater employment opportunities, can be achieved by cycle, bus and railway. Warwick Parkway rail station is approximately 850m from the site and the nearest bus stop is approximately 300 metres away.

The site makes up site allocation H27 in the Warwick District Local Plan 2011-2029. Policy DS11 identifies this as one of the Growth Villages allocations and it is anticipated it will be developed for 130 dwellings. The Inspector's Report (July 2017) on the Local Plan, in considering this site (and the adjacent allocated site H51), stated that development of this site would also involve an extension of the built up area into surrounding countryside, removing the current openness of the

land and significantly altering its character and appearance. However, the development would not extend further south or east than existing residential areas adjoining the site and would be seen in this context.

The Inspector's Report went on to say that the site allocation would extend the village but would not substantially undermine its overall form and character. The report concluded that there were exceptional circumstances which justified altering the Green Belt. To that end, and in order to facilitate development coming forward on this allocated site, the land within the identified site allocation boundary was removed from the West Midlands Green Belt. The surrounding land however, i.e. the adjoining land on the southern boundary, remains in the Green Belt.

There are 4no. TPO trees around the site's perimeter; 2no. oak trees in the north east corner and 2no. oak trees along the western boundary adjoining Daly Avenue. There are no heritage assets or other landscape designations relevant to the site or immediate surroundings.

PLANNING HISTORY

W/18/1331 - Full planning application for a residential development of 130 units including associated access, landscaping, open space and drainage infrastructure - Refused by the Planning Committee (28.03.2019)

In reference to the above, it is noted that the reason for refusal of the application related solely to one specific point regarding the distribution of affordable housing throughout the development. In this revised scheme, the applicant has therefore made amendments illustrating an alternative affordable housing layout which they consider addresses the reason for refusal.

Although this was the only reason on which the decision to refuse planning permission was based, it should be noted that some other minor amendments to the layout plan have also been made. These follow on from discussions held between the applicant and adjoining residents who expressed concerns about the house types proposed and their proximity to existing residential properties. While this did not form part of the reason for refusal, an amendment has also been made to the plots in the north west corner where the site adjoins existing residential properties in Curlieu Close.

Previously, a run of 7no. properties along this boundary consisted of 4no. two storey and 3no. single storey properties. In response to the concerns expressed by residents of Curlieu Close, the applicant has revised this part of the site so it now consists of one less unit in total, now made up of just one pair of two storey semi-detached units in the far corner of the site which adjoins the playing field to the west, while the remaining four units are all single storey. This change was not an anticipated part of revising the scheme insofar as the reason for refusal stipulated, but has been offered by the applicant as a betterment to the previous layout which would have included a greater number of two storey units where the site backs onto bungalows. An assessment of the impact in this respect follows in the relevant section of this report.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029)
- DS15 - Comprehensive Development of Strategic Sites (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Open Space (Supplementary Planning Document - June 2009)
- Parking Standards (Supplementary Planning Document)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Garden Towns, Villages and Suburbs Design Guidance (2012)
- Neighbourhood Plan
- Budbrooke Neighbourhood Plan

SUMMARY OF REPRESENTATIONS

WCC Highways: No objection subject to conditions, notes and S.106 obligations

WCC Public Rights of Way: No objection subject to advisory notes and S.106 obligations

WCC Fire & Rescue: No objection subject to condition

WCC Ecology: No objection subject to conditions, notes and S.106 obligations

WCC Landscape: No objection

Natural England: No objection

Tree Officer: No objection subject to conditions

Ramblers Association: No objection

Open Space Team: No objection subject to condition and S.106 obligations

Lead Local Flood Authority: No objection subject to condition

Environmental Health: No objection subject to conditions

Waste Management: No objection

Housing Development and Strategy Manager: No objections subject to S.106 obligations

Sport & Leisure: No objection subject to S.106 obligations

Infrastructure Delivery Team (WCC Education etc): No objection subject to S.106 obligations

NHS Primary Care (Doctors): No objection subject to S.106 obligations

NHS Acute and Community Healthcare (Hospitals): No objection subject to S.106 obligations

Police (Place Partnership): No objection subject to S.106 obligations

Crime Officer: No objections

Public Response:

37 letters of objection (from 28 individuals) received raising the following points:

- Concern about traffic and highway safety
- Concern about impact on neighbouring properties and residential amenity
- Concern about relationship between proposed and existing dwellings, particularly where two storey is proposed
- Insufficient distance separation

- Loss of privacy
- Loss of light
- Outlook of overbearing structures
- Inappropriate density proposed
- Development does not accord with the Neighbourhood Development Plan
- Concern about noise
- Concern about public services including drainage and water supply
- Ecological concerns
- Concern about the cumulative impact of this and other development in Hampton Magna
- Development of previously undeveloped land
- Development is out of character with the surrounding area
- Insufficient services to support the development
- Insufficient parking proposed
- The size of dwellings proposed is not in keeping with the area
- Loss of hedgerows and trees
- Impact of construction traffic

2 neutral letters received, neither objecting nor supporting, but raising the following points:

- comments about traffic improvements that might arise from the development
- comments noting the tenure mix

Other comments received:

- St Michael's Church, which has a strong foundation in the community and has operated The Open Door as a cafe and hub for nearly 20 years, noted the comments in the previous committee report which set out that any opportunity for funding to provide enhancements would be better suited to CIL monies rather than S.106 funding;
- the partnership is willing to under-write a commitment to make the premises available as a hub for the community for a period of time (e.g. 10 years) which, if not honoured would mean having to repay the funds received;
- the question has therefore been raised again as to whether or not S.106 funding could be used for this purpose

Officer note - as with the previous application on the site, the above comments are acknowledged and the proposals are considered reasonable and if delivered, would facilitate a significant community benefit. In terms of the justification arising from this proposal, this is limited and following legal advice on the matter, it continues to be officers' opinion that S.106 would not be the appropriate mechanism through which to secure such improvements. Instead, given the scheme overall is CIL liable, there would be CIL monies, separate to any S.106 obligations, which may, in principle, be considered to achieve the proposals set out above. In particular, Budbrooke has a recently made Neighbourhood Plan which would ensure a significant CIL contribution. Concerns from the partnership about whether or not CIL monies are the appropriate source of funding are noted and are being considered outside of the scope of the planning application.

ASSESSMENT

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

- The principle of development;
- The impact on the character and appearance of the area, including impact on the Green Belt;
- The impact on the living conditions of neighbouring dwellings;
- The provision of an appropriate living environment for future occupants of the proposed development;
- Car parking and highway safety;
- Housing mix;
- Drainage and flood risk;
- Open space;
- Landscaping and impact on TPO trees;
- Ecological impact;
- Health and wellbeing; and
- Section 106 contributions / infrastructure.

Principle of development

The consideration of the principle of development is twofold, given that the proposal extends, in part, beyond the boundary of the allocated site into the adjoining countryside which, unlike the allocation itself, has not been removed from the West Midlands Green Belt. These two primary matters of principle are considered in turn below.

The allocated site (H27)

The application site is one of the allocated sites (H27) set out in Policy DS11 of the Warwick District Local Plan 2011-2029. Site H27, identified on the Policies Map, relates to Hampton Magna with an estimated figure for the number of dwellings shown as 130. The policy states within the explanatory text (at 2.51) that for village allocations, the majority of the village housing allocations are located on the edge of the existing limits to the built up areas of the village.

The proposal seeks detailed permission for the construction of 130 dwellings, with the primary access to be taken off Arras Boulevard and an emergency access to be taken off Daly Avenue. The application includes the appropriate associated infrastructure, including areas of open space, SUD's features and ecological enhancements in an area to the south of the allocated site's boundary.

In accordance with the provisions of Policy DS11 and having regard to the fact that this is one of the District's allocated sites for housing development, the proposals are considered acceptable in principle subject to an assessment being made of the other relevant considerations which are set out below.

Whether the development constitutes appropriate development in the Green Belt

For the aspect of development which is proposed outside of the boundary of the allocated site, principally, the ecological enhancement to the south, these works are proposed on land which is still designated as Green Belt.

The use of this area of land for ecological enhancements directly linked to the development site, together with the creation of a small orchard is, arguably not operational development. That said, these works are proposed in this area as a direct result of the development to the north and for the purposes of the Green Belt assessment, it is considered to be an appropriate form of development which would preserve the openness of the Green Belt and not conflict with the purposes of including land within it.

Overall, having regard to the twofold principle of development as set out above, the overall conclusion is that the principle of residential development on this site is acceptable. This has particular regard to the fact the site is one of the Local Plan's allocated sites for housing and the area of land to the south of the allocation boundary in which ecological enhancements are proposed, represents appropriate development in the Green Belt. The conclusion on the principle of development is subject to an assessment being made of the other relevant material considerations which are set out below.

Impact on the character and appearance of the area including impact on the Green Belt

Policy BE1 of the Warwick District Local Plan 2011-2029 expects new development to positively contribute to the character and quality of its environment through good layout and design and specifies certain criteria to which any development proposal should have sufficient regard. Policy NE4 requires new development to positively contribute to landscape character, citing specific criteria to which any proposal must have regard.

This is a full application so details of the layout, house types, materials, boundary treatments and so on are all known at this stage. The proposed site layout illustrates how 130 dwellings can be accommodated within the site, at a density of 20dph and it is noted that there are areas of open space within the site as well as enhanced landscaping around the site's perimeter, particularly along the east and south boundaries. This provides an appropriate buffer, especially to the southern edge of the development which adjoins the neighbouring open countryside.

The layout demonstrates that across the development, the minimum separation distances required between dwellings is satisfied and in some cases, exceeded, ensuring that appropriate levels of amenity and privacy would be afforded to occupants of the new dwellings.

The layout plan shows the majority of parking positioned to the side of dwellings or driveways to the frontages of dwellings. This is therefore considered a suitable layout which would not be dominated by car parking, and it is considered that there is an overall sense of spaciousness across the development.

The proposed density, based on the layout plan, (and within the extent of the allocation boundary, i.e. not including the ecological enhancement area to the south) would be 20 dwellings per hectare. This is a low density but broadly comparable with adjacent development in the village.

Overall, it is considered that the layout plan demonstrates that a suitable form of built development would be accommodated within the site that would have regard to the key design principles against which development is assessed. The site would be well landscaped and the area proposed for ecological enhancement to the south is appropriate development in the Green Belt, which would result in no visual harm to the character of the surrounding area.

The development is therefore considered to harmonise with the existing settlement in terms of physical form, patterns of movement and land use; and accordingly the development is considered to comply with the provisions of Policies BE1 & NE4 of the Local Plan.

Impact on the living conditions of neighbouring dwellings

This is a detailed application, and therefore the siting and location of the dwellings and their relationship to existing residential development to the north and west boundaries can be fully assessed. During the course of the previous application, revisions were made to certain areas of the layout where the proposed dwellings would have caused a harmful impact on existing residential properties by reason of overbearing, overlooking or overshadowing. The result is there would no longer be any harm by reason of overbearing and overshadowing and with the reduction in the ridge height, there would no longer be a perception of overlooking, specifically in the north east corner of the site.

Following Planning Committee's resolution to refuse the previous application solely on the basis of the affordable housing distribution, some further amendments have been made in response to additional neighbour concerns which have been expressed. These relate particularly to the north west corner of the development where the site backs onto properties in Curlieu Close. A run of bungalows is now proposed along this boundary with a pair of two storey semi-detached dwellings at the far end where the site adjoins the playing field to the west. This change has been offered by the applicant as a betterment to the previous application which would have resulted in a greater number of two storey buildings where the site backs onto existing bungalows, albeit those bungalows sit at a higher level to the north. The minimum separation distances required at this point, where single and two storey properties share a back to back relationship, are in fact exceeded and to that end officers consider that there would be no conflict between the proposed dwellings and the existing properties and the amenity of existing occupiers would not be diminished as a result of the development.

Proposed dwellings on the far west side of the site would be located to the rear of properties in Daly Avenue. Separation distances here are again either satisfied, or exceeded, so officers are of the opinion there would be no harmful impacts resulting to the amenity of these occupiers.

No objections have been raised by Environmental Health (EHO) and conditions have been recommended to mitigate against any impacts arising from the construction of the development.

Overall, officers are satisfied there would be no adverse harm to the amenity of existing residential properties caused by reason of overbearing, overlooking, overshadowing or noise, construction impacts and general disturbance.

For the above reasons the proposals are considered to be acceptable in respect of the living conditions of neighbouring dwellings and accordingly the development complies with Policy BE3 of the Local Plan.

Provision of appropriate living environment for future occupiers of the proposed development

The layout plan submitted illustrates a form of development which includes satisfactory distance separation between dwellings, and in some cases, distances in excess of the separation distance guidance. Furthermore each new dwelling has its own private rear garden which either satisfies or exceeds the minimum size requirements set out in the Residential Design Guide.

A noise report was submitted with the application which the Environmental Health officer (EHO) has considered and on the basis of which has raised no objection subject to recommended conditions securing the appropriate mitigation in respect of ground contamination, road traffic noise, air quality and construction impacts.

In terms of possible benefits of the scheme, the layout plan illustrates areas of open space along the east and southern boundaries of the site, which is easily accessible for all occupants of the development. These would provide good opportunities for enhanced public amenity and areas of open space for the enjoyment of future occupants.

With respect to the affordable units, specific changes have been made to their position and distribution across the development given this was the sole reason why the earlier application was refused. The largest single cluster comprises twelve units, which is in line with the applicant's chosen housing provider's advice on how they would prefer to manage the affordable units, but the rest of the clusters are less than this, ranging between three and ten. In particular, the plots of primary concern (92-107) have been re-distributed throughout the site, smaller groupings of affordable units have been re-distributed more sparsely, in particular plots 50-56 and 73-76. The affordable housing is spread across all parts of the site and it is officers' opinion that the revised distribution of affordable housing has addressed the previous reason for refusal and would no longer give rise to concerns about appropriate integration and social cohesion.

Overall, the proposed layout would provide appropriate standards of living environment for future occupiers and therefore the development complies with Policy BE3 of the Local Plan.

Access, highway safety and car parking

The development proposals include a new vehicular access off Arras Boulevard to the north of the site. This would be a 5.5m wide priority T-junction access which is intended as the primary point of access and egress to and from the development. The internal road layout has been revised a number of times

during the course of the application in line with the comments and recommendations of the Highways Authority and now illustrates an internal road layout which accords with their technical requirements and relevant design principles.

The Highways Authority require a secondary or emergency access to serve developments where more than 150 dwellings in total would be served from a single point of access. While the proposal itself is for 130 dwellings, i.e. less than 150, regard has been had to the existing cul-de-sac network surrounding the site, which cumulatively serves more than 100 units already from a single access point. Accordingly, another access is required for this development otherwise the maximum number of units permitted off a single access would be exceeded. An appropriate emergency access is proposed onto Daly Avenue to the west.

It is important to acknowledge that, in terms of highway safety and impacts on the wider surrounding infrastructure, this application has not been considered in isolation. The Highways Authority has considered this application in the wider context of the adjacent allocated site as well as other relevant development sites, and a cumulative assessment has been made to determine the acceptability of the proposals in highway safety terms. A Transport Statement was submitted with the application but over the course of the determination period, this has been subject to further review, addendums and ongoing discussion with the Highways Authority. They initially accepted the majority of the content, but did raise a particular concern with the results of the junction impact assessment at the Old Budbrooke Road/Warwick Parkway Station/Car Park Overspill four-arm signalised junction.

Following further submissions from the applicant in respect of transport information, the Highways Authority now considers the junction impact assessments to be acceptable and has advised that the development proposals will not have a detrimental impact on the operation or the capacity of the wider highway network. Furthermore, it is noted that the assessments have been based on Warwickshire County Council's vehicle trip rates which are considered to be robust.

In terms of car parking, each dwelling is proposed with allocated off-street parking spaces, the majority of which are located to the sides or private drives to the fronts of properties. There is a small proportion of frontage parking where spaces are arranged in groups of no more than two or three, broken up with landscaping features. Across the development there is sufficient parking for the number of dwellings proposed which accords with the adopted Parking Standards. In this respect, the development is considered to accord with Policies TR3 and BE1.

In terms of the vehicle access and the wider impacts on highway safety, no objection is raised to the development which is considered to accord with Policy TR1 of the Local Plan.

Housing mix

With regard to the market housing, the proposed mix is set out in the table below:-

Dwelling size	No. of units	% proposed	WDC requirement	Difference (+/-)
1 bedroom	3	3.8%	5.9%	- 2.1%
2 bedroom	20	25.6%	29.4%	- 3.8%
3 bedroom	34	43.6%	41.1%	+ 2.5%
4+ bedroom	21	26.9%	23.7%	+ 3.2%
Totals	78	100%	100%	

The above mix has not changed since the last application and this was previously considered by officers, and Members, to be acceptable.

With regard to the affordable housing element, the Housing Strategy and Development Manager has confirmed there are no objections to the tenure mix proposed, the requisite number of affordable units are proposed (52no.) and bungalows have been introduced in line with relevant advice and the Budbrooke HNS and Neighbourhood Development Plan. The development is therefore acceptable in this regard.

Overall, it is considered that the appropriate housing mix for both market and affordable units can be delivered by this development and appropriate obligations included in the S.106 will ensure that this is secured.

Drainage and flood risk

Although the site is in Flood Zone 1, where there is the lowest risk of flooding, a Flood Risk Assessment has been submitted with the application. SUD's are proposed towards the southern boundary within the larger areas of open space and where the ground levels are at their lowest, which would deal with surface water, while foul water would be managed by a pumping station in the southern section of the site adjacent to the SUD's pond.

The Lead Local Flood Authority (LLFA) has raised no objection and recommended conditions. Subject to such conditions being imposed on any forthcoming permission, there is no objection from a drainage and flood risk point of view and the development is therefore considered to be acceptable in this regard.

Overall, the development is considered to be acceptable in accordance with Policies FW1 and FW2.

Open space

The layout plan illustrates that a swathe of open space would be located along the southern and eastern edges of the site, incorporating a SUD's pond. Open space and landscaping drawings have been modified in line with advice from the Open Space officer and the overall scheme is deemed acceptable in this respect.

There are some off-site contributions that have been agreed in lieu of certain typologies being provided on site. Specifically, while allotments would normally be expected to be provided on site, there are a number of additional constraints on the site that prohibit the ability to deliver the full amount of allotment provision that would be required for a development of this scale. For example, the area to the south (outside the allocation boundary) would have been an ideal

place in principle to locate the allotments however, this is the lowest part of the site, the southern half of the land is marshy in nature and not suitable for allotment provision and the drainage implications of doing so would mean there would be a substantially lesser amount of allotment provision than required. Added to this, there is an easement running diagonally through the parcel of land restricting development to not take place 5m either side. Providing less in terms of the allotments would not be worthwhile and it is therefore considered preferable on this occasion to secure a financial contribution towards the provision of off-site allotments. In the first instance it is envisaged this would be offered to the Parish Council to develop allotments in Hampton Magna, and if this is not possible within five years, would thereafter transfer to Warwick Town Council to improve theirs.

Subject to the additional, and standard clauses within the S.106 regarding the areas of open space and the SUD's, their transfer and management, it is considered that the development is acceptable in this regard.

Landscaping and impact on TPO trees

Detailed hard and soft landscaping plans have been submitted as part of the application which illustrate significant enhancements to the structural perimeter landscaping around the site. The County Landscape Officer raised no objection to the development and made some recommendations in terms of specific types of planting and species that would be preferable. Some revisions have been made to the landscaping plans to reflect the advice and the development, in terms of both hard and soft landscaping, is considered to be acceptable.

There is a total of 4no. oak trees covered by a TPO, located on the periphery of the site; two in the north east corner and the remaining two towards the western edge. An arboricultural survey and impact assessment has been submitted with the application which the Tree Officer has concluded is a very thorough and comprehensive piece of work. One of the four trees (T2 on the plans) is categorised as not worthy of retention due to its condition at the time of assessment, exhibiting a poor arboricultural form, structural condition and an apparent severely reduced vigor. Notwithstanding some uncertainties as to the ownership of the tree in question, it is recommended that the tree be removed over concerns for its safety.

The other TPO trees identified are in the north east corner. One, labelled T8 on the plans, is included in the assessment, but the other (TPO reference T2 but not marked on the plans) was not surveyed as part of this assessment as it was considered to be far enough off site not to be considered as a constraint or to be affected by the proposed development.

Overall, there are no objections to the development in this respect and the proposed protection and mitigation measures set out in the supporting information are considered acceptable and should be conditioned accordingly.

Ecological impacts

Ecological appraisals and other technical supporting documents have been submitted with the application in respect of protected species and other

ecological features. During the course of the application, additional supporting information has been submitted in response to comments received by the County Ecologist and the layout has been modified to incorporate ecological enhancement areas. The additional parcel of land to the south of the site (outside the site allocation) is proposed solely for ecological enhancements and this area would also incorporate an area of orchard planting.

In light of the proposals and the modifications made in response to the advice received by the County Ecologist, there are no objections to the development in this regard subject to the imposition of standard conditions requiring the submission of further information prior to the commencement of any works on site.

The S.106 agreement will include relevant provisions to ensure that the necessary biodiversity offsetting for the creation of 3.75 units is secured accordingly, or alternatively, a financial contribution.

For these reasons, the development is considered to be acceptable in this regard and therefore in accordance with the provisions of Policy NE2 of the Local Plan.

Health and Wellbeing

The proposals would provide housing to meet the housing needs of the district, including an element of affordable housing for people in housing need. This is a benefit that contributes to health and well-being. Additionally, the provision of open space would be seen as a positive benefit that adds to the effective layout of the scheme and provides an enhanced environment in which to live for future occupiers. The proposals for the new cycle link, as requested by County Highways, which would provide much improved cycle and footpath provisions linking the site and connecting it to Warwick would be a significant benefit for existing occupants of the village and future occupants of the development. This is considered in more detail below.

Section 106 contributions

The S.106 obligations and contributions have been considered alongside other nearby schemes, including the adjacent allocated site. The applicant has agreed, in principle, to enter into a section 106 agreement to secure the following:

- provision of 40% of the total units proposed as affordable housing;
- the appropriate provision of open space and SUD's together with associated adoption/management. It is noted that it is the Council's preference to adopt the POS with a commuted sum that would be payable in line with a standard formula;
- details of a Local Labour Agreement;
- a biodiversity offsetting scheme for the creation of 3.75 units locally, OR, a contribution of £151,930 towards off-site biodiversity enhancements;
- a contribution (final figure to be confirmed in the updates sheet) towards the construction of the cycleway linking the site to Warwick town centre;
- a contribution of £224,000 towards the cost of enhancing the Service 16 bus route, extending/diverting the route to serve the new development and the provision of a new bus stop along Arras Boulevard;

- a contribution of £8,400 towards the improvement of existing bus stops nearest the development (Field Barn Way near the junction of Blandford Way);
- a contribution of £9,750 towards sustainability packs;
- a contribution of £238,140 towards education, broken down as follows: £196,725 for Primary School, £19,365 for Primary SEN and £22,050 for Secondary and Post 16 SEN;
- a contribution of £51,173 towards the improvement and/or extension of Budbrooke Medical Centre;
- a contribution of £175,776.79 towards acute and community healthcare (hospitals);
- a contribution of £107,785 towards indoor sports facilities;
- a contribution of £9,238 towards outdoor sports facilities;
- a contribution of £10,865.11 towards the development of allotments in Hampton Magna, or if not within 5 years, towards the improvement of allotments in Warwick;
- a contribution of £9,977 towards off-site play equipment;
- a contribution of £32,237 towards the enhancement of police infrastructure;
- a contribution of £6,094 towards improvements to public rights of way within a 1.5 mile radius of the site;
- a contribution of £2,542 towards libraries;
- S.106 monitoring fee of £30,000 or 1% of the total contributions (whichever is the lesser)

The proposed financial contributions are in accordance with the requests from the various consultees in relation to the relevant services. It is considered that these contributions will ensure that all relevant services and infrastructure can be provided to serve the level of development proposed at the site in an appropriate manner.

Other matters

County Highways request for cycleway linking the site to Hampton Road

The County Highways Authority is keen to promote cycling infrastructure and the provision of a link to connect Hampton Magna to Warwick Town Centre.

Following the recent appeal decision for the adjacent allocated site (H51) where the Planning Inspector did not include a contribution for cycle improvements, the joint project that would have been shared between the two sites can no longer be delivered, however, an alternative cycle link/improvement scheme has been identified which would be specific to this application and as such would make the development acceptable in planning terms. Discussions are ongoing between the County Council Highways officer and Transport Planning team in liaison with the applicant and it is anticipated that the detail of what this scheme would entail will be reported to Members via the updates sheet ahead of the committee date.

Budbrooke Neighbourhood Development Plan

Budbrooke's NDP was made in April 2018 and as such forms part of the Development Plan. It therefore carries full weight in the decision making process. In considering this development proposal, particular regard has been had to Policy BNDP5 'Development Principles - Housing Allocations H27 and H51'. The former site refers to the application site before Members. The purpose of this policy in the NDP is to support proposals for the allocated site where they

address specified design principles in a sensitive fashion. The considerations set out within the policy relate to density, traffic, layout, design, affordable housing and self-build.

Density has been considered earlier in this report and at approximately 21 dwellings per hectare this is considered low and broadly comparable with surrounding densities and built development. Traffic implications have been considered in detail above and there are no objections from the County Highways Authority. Similarly the internal road layout has been amended in accordance with the feedback and consultation responses from the Highways Authority and is now considered to be acceptable.

The provision of affordable housing will be secured through the S.106 agreement and in terms of self-build, the NDP states that proposals for self-build will be supported. It is not a policy requirement for the allocated site to incorporate or deliver self-build units; rather for a mix of house types and sizes to be required across the site to meet an identified range of housing needs including the provision of bungalows and self or custom build homes as evidenced by up to date housing needs surveys (HNS)/information. It is noted that the latest HNS is dated 2014 and does not contain a specific requirement for self-build homes.

Overall, officers are satisfied that the proposals have had suitable regard to the NDP and the development is not considered to be contrary to the relevant provisions contained therein. The development is therefore acceptable in this regard.

Land contamination

With regard to contamination, a desk study assessment of the site was submitted with the application, with subsequent surveys and reports submitted which Environmental Health have considered and raise no objection to, subject to conditions requiring the development to be carried out in accordance with the detail and mitigation contained therein. Overall, the proposals are considered to be acceptable from a contamination point of view.

Air quality

In respect of air pollution, discussions are still ongoing between Environmental Health and the applicant as to what is required in relation to Type 3 mitigation. It is anticipated that ahead of the committee date there will be an update in this regard. Overall, the proposals are considered to be acceptable from an air quality point of view.

Archaeology

A programme of archaeological evaluation, comprising geophysical survey and archaeological trial trenching, has been undertaken across this site. Reports detailing the results of that work have been submitted in support of this application. The evaluation did not identify any significant archaeological features across the site. Given the results of the evaluation, officers do not consider that it would be appropriate to require any further archaeological work be undertaken in advance of, or during, the proposed development. To that end the development is acceptable in this regard and accords with Policy HE4 of the Local Plan.

Public rights of way

There is a public footpath that follows the southern edge of the allocation boundary and travels west to east. There are opportunities for the development to provide links through to this to promote improved circulation and ease of access through/to the site for future occupiers and a financial contribution has been requested by the County Footpaths division to ensure improvements are made to public rights of way in the immediate vicinity of the site.

CIL

The proposals are CIL liable and the amount to be paid would be calculated following the determination of the application in the event permission were forthcoming.

SUMMARY/CONCLUSION

The development of this allocated site (H27) for the construction of 130 dwellings including a primary access off Arras Boulevard and an emergency access off Daly Avenue, together with the necessary infrastructure and associated works, (provision of open spaces and SUD's) is considered to be acceptable in principle in accordance with Local Plan Policy DS11. The provision of additional open space primarily for ecological enhancements beyond the boundary of the allocated site to the south, which itself is still within the West Midlands Green Belt, does not in itself constitute operational development, but for the purposes of assessing the impact on the Green Belt is considered to be appropriate and would not result in harm to the openness or conflict with the purposes of including land within it.

Based on the detailed layout of the development, which, in accordance with statutory consultees' advice has been subject to a number of amendments during the course of the application, officers are satisfied that the site can accommodate the proposed scale of development within a suitable layout which accords with the relevant design principles and other supplementary guidance and which provides the required housing mix. The development would not result in demonstrable harm to the amenity of existing neighbouring dwellings, or the amenity of future occupants of the development itself.

No objections are raised from a highway safety perspective and it is considered that the main access from Arras Boulevard together with the emergency access proposed off Daly Avenue are suitable and would result in no detriment to highway safety.

Ecological matters have been suitably addressed through modifications to the layout and the addition of the parcel of land to the south which is proposed for ecological enhancements and there are no objections in respect of landscaping, open space, drainage, environmental health concerns and archaeology.

A S.106 agreement would secure the necessary obligations and financial contributions to mitigate the impacts of the development and the content of the agreement has been determined in liaison with the relevant statutory consultees and agreed in principle by the applicant.

All relevant infrastructure needs have been considered within the context of other nearby large scale development sites.

For the aforementioned reasons it is recommended that planning permission be approved subject to the conditions listed at the end of this report and subject to the necessary obligations and financial contributions to be secured in the S.106 agreement.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and the following approved drawings:

HM/POS/01 A – POS Areas Plan, HM/LP/01 – Land Use Plan, HTP/HM/01 Dec18 – House Type Pack Plan, 4B & 5B – Refuse Tracking Layout, 6B & 7B – Visibility Splays Layout, HM/PEA/01 – Emergency Access Plan, HM/LP/01 B – Location Plan, HM/PL/01 E – Detailed Planning Layout, HM/PL/02 E – Revision D/E Layout Comparison, HM/MAT/01 D – Materials Plan, HM/AFF/01 D – Affordable Housing Plan, HM/ECP/01 – External Charging Points Plan, 3C – Proposed Slab Levels, 8236-A-03 C – Tree Retention Plan, 8236-A-04 B & 8236-A-05 B – Tree Protection Plans, and specification contained therein, submitted on 26 April 2019;

8236-L-05 C, 8236-L-06 C, 8236-L-07 C & 8236-L-08 C – Soft Landscaping Plans On Plot, and specification contained therein, submitted on 30 April 2019;

8236-L-01 E & 8236-L-02 E – Soft Landscaping Plans POS, 8236-L-03 F & 8236-L-04 F – Hard Landscaping Plans, and specification contained therein, submitted on 18 June 2019;

REASON: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 3 No part of the development hereby permitted shall commence unless and until drainage plans for the disposal of foul sewage have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

- 4 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted and approved in writing by the Local Planning Authority (LPA) in consultation with Warwickshire County Council (WCC). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- Include infiltration testing, in accordance with BRE Digest 365 Soakaway Design guidance, to be completed and results submitted to demonstrate suitability (or otherwise) of the use of infiltration Sustainable Drainage Systems (SuDS)
 - Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753 The SuDS Manual.
 - a. Evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm has been limited to the QBAR runoff rates for all return periods.
 - b. Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storms durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - c. Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.
 - d. Provide a Maintenance Plan to the LPA giving details on how the entire surface water system shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details, for the maintenance of all features within the communal areas onsite (outside of individual plot boundaries) shall be provided to the LPA.

REASON: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

- 5 The development hereby permitted (including any works of demolition) shall not commence unless and until a construction method statement has been submitted to and approved in writing by the local planning authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for: any temporary measures required to manage traffic during construction; plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction; dust management and suppression measures - level of mitigation determined using IAQM guidance; wheel washing; noise assessment and mitigation method statements for the construction activities - in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites Part 1 and 2;

concrete crusher if required or alternative procedure; delivery times and site working hours; site lighting; access and protection arrangements around the site for pedestrians, cyclists and other road users; restrictions on burning and details of all temporary contractors buildings; plant and storage of materials associated with the development process; external safety and information signing notices; complaints procedures, including complaints response procedures and dedicated points of contact; and a scheme for recycling / disposing of waste resulting from demolition and construction works.

Best practicable means shall be employed at all times to control noise and dust on the site including:

- e. Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 07:30 - 17:00, Sat 07:30 - 13:00. No working Sundays or Bank Holidays.
- f. Delivery vehicles should not be allowed to arrive on site before 08:00 or after 16:30 Mon-Fri, 08:00 - 13:00 Sat and not on Sundays or Bank Holidays.

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 The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted on the **site boundary vegetation** and to be kept to a minimum at night across all open spaces in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:

- Lighting should be directed away from vegetated areas
- Lighting should be shielded to avoid spillage onto vegetated areas
- The brightness of lights should be as low as legally possible;
- Lighting should be timed to provide some dark periods;
- Connections to areas important for foraging should contain unlit stretches.

REASON: To ensure protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

- 7 The development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning precommencement checks for birds, bats and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

- 8 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless and until a detailed and site-specific arboricultural method statement for the construction of Plots 50 and 51 (within the RPA of the retained tree T1) have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details. **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.
- 9 Notwithstanding the details submitted on approved drawings 8236-L-03 F & 8236-L-04 F, prior to the occupation of Plots 109-114 (inclusive) and Plots 1 and 9-11 (inclusive) further details of boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and maintained as such thereafter. **REASON:** To safeguard the residential amenity of neighbouring residential properties in Curlieu Close and Clinton Avenue in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 10 The hard and soft landscaping of the development hereby permitted shall be carried out strictly in accordance with approved drawings 8236-L-07C & 8236-L-08C, submitted on 30 April 2019 and 8236-L-01E & 8236-L-02E, 8236-L-03F & 8236-L-04F, submitted on 18 June 2019. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 11 The arboricultural control measures that are described and illustrated in the Arboricultural Assessment from fpcr dated April 2019 (Rev.E), and the Tree Protection Plans 8236-A-04 B and 05 B should be fully

implemented in a timely fashion and properly maintained throughout the duration of the development.

The integrity of the arboricultural control measures should be monitored by a competent arboriculturist throughout the development to ensure their compliance with the arboricultural assessment, and the reports submitted to the local planning authority for verification.

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.

- 12 The development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details. **REASON:** In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029.
- 13 The development hereby permitted shall not be occupied unless and until the scheme of mitigation set out within the Noise Assessment report prepared by Wardell Armstrong and dated April 2019 (ref: GM10202 R.002 V0.1) has been implemented in full. The approved scheme of mitigation shall be retained in full thereafter. **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.
- 14 The development hereby permitted shall be carried out in full accordance with the recommendations of the approved remediation strategy (Travis Baker Geo-Environmental Ltd (dated 3rd April 2019, Revision 02). Upon completion of the works detailed in the remediation strategy a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved remediation strategy. Any 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.

If during development contamination not previously identified is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority as an addendum to the approved remediation strategy). Any addendum to the remediation strategy must detail how this unsuspected contamination shall be dealt with and shall be submitted to the local planning authority for written approval.

REASON: To safeguard health, safety and the environment in

accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

- 15 The development shall not be occupied until the vehicular access and emergency vehicular access into the application site have been provided, in accordance with Drawing Number HM/PL/01 Revision E (Detailed Planning Layout), and constructed to the standard specification of the Local Highway Authority, for land within the existing limits of the adopted public highway. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 16 The development hereby permitted shall not be occupied unless and until the estate roads (including footways, verges and footpaths) serving it have been laid out and substantially constructed 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.
- 17 No dwelling hereby permitted shall be occupied unless and until the car parking provision for that dwelling has been constructed or laid out, and made available for use by the occupants and / or visitors to the dwelling and thereafter those spaces shall be retained for parking purposes at all times. **REASON:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies BE1 and TR3 of the Warwick District Local Plan 2011-2029.
- 18 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) 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.
- 19 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted . Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted . All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To

protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
