Planning Committee: 09 December 2014 **Item Number: 5**

Application No: W 14 / 1340

Registration Date: 15/09/14
Town/Parish Council: Stoneleigh **Expiry Date:** 15/12/14
Case Officer: Jo Hogarth
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Land north of Common Lane Kenilworth (Crackley Triangle)
Erection of up to 93 dwellings together with open space, drainage infrastructure and access from Common Lane (outline application including details of access) (Resubmission of W/14/0618). FOR Bloor Homes Ltd & Bluemark Projects Ltd

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission for the development subject to the receipt of a satisfactory Section 106 Agreement and subject to the conditions listed. Should a satisfactory Section 106 Agreement not have been received by 15 December 2014, Planning Committee are recommended to delegate authority to the Head of Development Services to refuse planning permission on the grounds that the proposals make inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

This application is a resubmission of a previously refused application (reference W/14/0618) for outline planning permission with all matters apart from access reserved. It is for a development of up to 93 dwellings, open space and drainage infrastructure.

The applicants have sought to demonstrate that this current application addresses the reasons for the previous refusal through detailed explanation of how the access onto Common Lane would work and through the provision of additional material in the form of visual images which include a landscaped 'mock up' view from the Green Way.

The proposed site access would operate by way of a three-arm junction through which traffic from only one arm of the junction would move at any one time. To achieve the access it is proposed to construct a new bridge structure on the bank of the railway cutting which will have a curved retaining wall on the Greenway side that will adjoin the existing bridge.

Public open space of 0.32 hectares is proposed, which includes landscaped areas each side of the site access and a central area including a children's play area and potential attenuation pond. At the north-eastern corner of the site is an attenuation pond which stands beyond the main development area of the site, within the adjoining arable field. A noise mitigation barrier is proposed along the eastern boundary of the site which would rise from 1m above ground at the southern end of the site to 2.5m above ground at the northern end of the site. Dwellings would be mainly 2 storeys with some 2.5 storeys.

The application is accompanied by extensive supporting documentation. This includes an Environmental Statement report dealing with transportation matters, a Planning Statement and Design & Access Statement which indicated that:

"The proposed development will create housing choice and new amenity spaces for the existing and new community whilst improving public access across the site and to the wider pedestrian network. It will respect the local character, create integrated residential communities and provide a wide range of dwelling sizes, types and tenures which offer an accessible choice of lifestyles."

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

- Preparation and agreement with the local planning authority of an Employment & Training Strategy to link local people with employment, training and contract opportunities arising from the development during its construction phase.
- Preparation and agreement with the local planning authority of a Site Wide Infrastructure Design, Management and Maintenance Strategy for areas of public open space within the site which shall provide for public access to open spaces in perpetuity. Payment of the management/maintenance fees for 13 years from the date on which planning permission was granted. Payment of play area commuted sum.
- Requirement for payment of £157,258 for offsite provision of recreational/sport/play types of open space.
- Contribution of £6,000 per open market dwelling towards the cost of off-site highway improvement schemes as required by WCC Highways (Total £336,000)
- Contribution of £75 per dwelling towards Sustainable Welcome Packs to promote sustainable living and deliver road safety education (Total £6,975).
- Contribution of £784.61 per dwelling to fund improvements to indoor sports halls and swimming pools within Warwick District (Total £72,968.73).
- Contribution of £56.73 per dwelling to fund improvements to outdoor sports facilities within Warwick District (Total £5,275.89).
- Provision of 40% affordable housing.
- Contribution of £34,587.00 towards Warwickshire Police
- Contributions of £618,033.00 towards school places
- Contribution to fund the legal costs of the local planning authority in monitoring the agreement (the lesser of £30,000 or 1% of total of financial contribution).

- Contribution for providing biodiversity offsetting off site (amount yet to be determined).
- Contribution for providing library facilities (amount yet to be determined*).*

THE SITE AND ITS LOCATION

The site was taken out of the Green Belt on 15 December 2008 by the High Court following a successful legal challenge to its inclusion. There is a thin long slither of land which is in the Green Belt and this runs along the eastern boundary of the site and the railway.

The site adjoins the north-eastern side of Kenilworth and forms a triangular piece of land between the railway cutting to the east and Kenilworth Greenway to the west. The Greenway is a linear country park, permissive bridleway, and Sustrans route 52. The site access currently consists of a farm gate set back from Common Lane, which is bridged at this point to pass over the railway line and Greenway.

The application site consists of agricultural land and is within the open countryside designation in the Local Plan. It covers a total of 3.22 ha. The field immediately to the north is which is separated by a hedge line containing two TPO oak trees is within the Green Belt, and there are strips of Green Belt land each side of the southern tip of the site. This boundary is also the Parish boundary between Kenilworth and Stoneleigh. The application site includes a parcel of land within this field measuring approximately 120m by 60m (0.72ha.). The western and eastern boundaries generally consist of dense tree lines.

On the opposite side of the railway are dwellings on Highland Road, and on the opposite side of the Greenway are dwellings on Woodland Road. The application site adjoins the residential curtilage of one dwelling on Redthorne Grove where there are TPO oak and horse chestnut trees close to the site boundary.

The entire site is within Flood Risk Zone 1. The site slopes in a north easterly direction from the south, from 92m AOD to 79m AOD towards the Canley Brook. Most of the site is Grade 2 (Very Good) agricultural land with the remainder Grade 3 (Good/Moderate). The site is within the Feldon Parklands local landscape character area.

The site is within the open countryside allocation of the current Local Plan where rural area policies apply. The site is included in the Draft Local Plan as an allocated housing site for 90 dwellings (map 5 in the Warwick District Policies Map). The safeguarding route of HS2 lies 320m to the north-east.

PLANNING HISTORY

Planning permission was refused in 2003 (W/03/1255) for a 20m high telecommunications mast due to adverse visual impact.

The previous application (ref: W/14/0618) was refused at Planning Committee on grounds that the development created a contrived vehicular access, disrupt the free flow of traffic, especially emergency vehicles and cause unacceptable loss of visual amenity in particularly when viewed from the Greenway.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- Warwick District Local Plan 2011-2029 Publication Draft - published April 2014. Relevant policies: DS2, DS3, DS5, DS6, DS7, DS10, DS11, HO, H1, H2, H4, SC0, BE1, BE2, BE3, TR1, TR2, TR3, TR4, HS1, HS4, HS5, HS6, HS7, CC1, CC2, CC3, FW2, FW3, FW4, HE6, NE2, NE3, NE4, NE5, W1, DM1.

Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Affordable Housing (Supplementary Planning Document - January 2008)

- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- Warwickshire Landscape Guidelines SPG
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Members could see no material difference or change from the previous application to which this Council objected and the Committee refused. Members maintained their objection and requested an explanation of why the application has been accepted. Members further noted that there is still no comment from County Highways on this application.

Stoneleigh & Ashow Parish Council: Objection:

This site is currently in Green Belt but it is identified for Green Belt release in the draft local plan. The Parish Council object to this application on the basis of the transport assessment, the traffic light configuration leading to standing traffic at peak times; impact on the rural nature of Common Lane; lack of parking, visual amenity as the site is elevated and suffers problems through flooding.

Kenilworth Society: The developers proposals for traffic light control and platooning of traffic are likely to hinder the emergency services and delay and limit this busy bus route. The site is 250m from the proposed HS2 route and engineering works are still not fully development and these are going to impact upon drainage and stream diversions.

Ramblers Association: The site is in a prominent location and if developed, then housing will be seen from long distance views as intruding into the skyline. However if consent is given a proposed footpath link onto the Green Way should be provided.

Warwickshire Police: Request contributions to the amount of £34,587 to mitigate the additional impacts of the application development because the existing infrastructures do not have the capacity to meet these.

Natural England: Refer to standing advice on protected species. Raise no objection.

Cycleways: Object as there is a lack of provision for cycling.

WCC Archaeology: No objection subject to conditions on written scheme of investigation and mitigation strategy.

WCC Highways: The applicants have submitted a Transport Assessment; it conforms to the Guidance on Transport Assessments and based on the Highways Authority's assessment it is considered that the document provides a robust assessment of the impact of the development upon the operation of the highway network within the vicinity. In conclusion it is considered that the proposed development will have a minimal impact. No objection subject is raised subject to conditions on a Construction Management Plan and access laid out in accordance with the plans. Request contributions of £6975.00 for sustainable travel packs (equating to £75.00 per household).

WCC Physical Assets: Request contributions of £618,033.00 towards the provision of school places.

South Warwickshire NHS: Request contributions to the sum of £100,921.84 towards the maintenance of care and to accommodate population growth.

Fire Officer: No objection subject to conditions on provision of adequate water supplies and fire hydrants.

WDC Environmental Health: Comment and suggest conditions on noise mitigation; a Construction Management Plan and conditions of land contamination.

WDC Community Protection: No objection on grounds of flooding, suggest conditions relating to SUDs drainage systems, plans to show drainage systems and catchment areas.

WDC Contract Services: No objection, comment on the issuing of wheelie bins.

WDC Housing Strategy: 40% of the proposed dwellings would be required to be affordable to meet Policy SC11, or 37 out of 93 and the affordable mix would be in accordance with the affordable housing need previously identified and discussions with the applicant are on going.

Public response(s): 32 Letters of objection on grounds that the use of traffic lights will in convenience road users, cause light and air pollution. There are drainage issues within this area and flooding; the additional houses will exacerbate this. There will be issues regarding drivers wishing to exit their driveways with queuing traffic jams. Impact on wildlife as this is a very environmentally sensitive area. There are no immediate facilities such as schools, shops.

ASSESSMENT

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

- the principle of development;

- the impact on the living conditions of nearby dwellings;
- noise;
- air quality;
- Green Belt impact;
- landscape impact;
- impact on trees and hedgerows;
- traffic impact / highway safety;
- the impact on local services;
- the ecological impact of the proposals;
- drainage and flood risk
- Loss of agricultural land
- Health and Wellbeing
- Other matters

The Principle of the Development

Five year housing supply

The site is within open countryside adjoining the edge of the urban area, where the relevant Local Plan Policy in relation to residential development is RAP1 - 'Directing New Housing. The proposals would be contrary to Policy RAP1. However, the National Planning Policy Framework (NPPF) 2012 states (para. 49) that relevant policies for the supply of housing should *not* be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement. Whilst the Council can demonstrate a five year supply against the requirements of the revoked Regional Spatial Strategy 2008, these requirements do not reflect the most up-to-date evidence in terms of objectively assessed housing need. In terms of the most recent evidence of housing need, the Council cannot demonstrate a five year supply.

The latest Five Year Housing Land Assessment (July 2013) indicates that the housing land supply is 2.8 years.
However, the latest assessment (November 2014) indicates this figure to now be 4.5 years as large housing schemes have been recently granted. Nonetheless, this still leaves a shortfall in relation to the five year requirement. Accordingly Policy RAP1 is clearly out of date and in these circumstances the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. That means granting planning permission unless either:

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

The parts of the application site that are within the Green Belt are subject to the more stringent tests under paragraph 87 of the NPPF, which states that inappropriate development is by definition harmful to the Green Belt, and should not be approved except in very special circumstances. This is a specific policy in the

NPPF that indicates development should be restricted, therefore, for those parts of the site that are within the Green Belt, this policy carries more weight than the test required under paragraph 14 and provides the decision making context. The areas of Green Belt consist of a slither along the western boundary with the Greenway containing part of the access, and a marginally wider strip along the eastern boundary that extends to the rear of gardens on Highland Road, and the area containing the attenuation pond at the northern boundary. The attenuation pond and access, as engineering operations preserves the openness and do not conflict with the purposes of including land in the Green Belt, and are therefore not inappropriate (full details would be required under a reserved matters application).

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

Current policy position

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

This site is allocated for residential development in the Draft Local Plan and the proposals accord with Draft Policy DS11. The site allocation includes the land within the Green Belt on the eastern side of the site. Some weight is attached to the Draft Local Plan due to its early stage in the planning process and this represents the Council's current preference for development based on the most up to date evidence base.

The Joint Strategic Housing Market Assessment (2013) established the Objectively Assessed Housing Need in the Housing Market Area which includes Warwick District. The need for Warwick District is for 12,860 homes or 720 homes per annum between 2011 and 2013. The interim level of growth previously adopted was 12,300, based on previous available evidence including the 2012 Strategic Housing Market Assessment (SHMA). However, the Inspector considering Coventry's Core Strategy requested that Coventry City Council withdraw their Core Strategy in order to work with other councils in the sub-region in preparing a joint SHMA.

The Draft Local Plan contains justification for the development of land within/ adjoining settlements, as it will not be possible to provide sufficient land for the new housing growth within the existing urban area, so it will be necessary to allocate new development on green field and Green Belt sites.

Prematurity

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

Assessment of the proposed housing provision

In terms of the type of housing being provided, 40% would be affordable and the affordable mix would be in accordance with the affordable housing need previously identified by the Housing Strategy Officer (50% social rented; 30% affordable rented; 20% intermediate tenure/shared ownership). The size and type of the affordable dwellings would be subject to further consideration under a reserved matters application, but the indicative mix of housing types also meets the requirements.

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

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

Impact on the living conditions of nearby dwellings

The proposed development would be situated to the west and east of dwellings on Woodland Road and Highland Road, and to the south-east of dwellings in Redthorne Grove. Houses in Woodland Road are separated from the site by the Greenway, and those in Highland Road are separated by the railway line, both of which have substantial hedges and trees along side. These nearby dwellings also have a variety of trees and hedges within their own boundaries. The nearest dwelling to the site is 5 Redthorne Grove which is a large modern detached house with substantial protected trees near its rear boundary. The indicative layout would be subject to separate assessment under a reserved matters application, but this shows dwellings

positioned in this rear corner of the site with rear gardens abutting the shared boundary. Such a layout would comply with the Council's Distance Separation Standards SPD and which would ensure an acceptable standard of amenity. A scheme to incorporate suitable protection measures for the TPO trees will also be required, along with suitable landscaping between the site and this neighbour, and also to the Greenway. The provision of new dwellings alongside existing dwellings would not lead to unacceptable standards of amenity, subject to the approval of detailed layouts and design, and loss of view is not a planning matter.

The Environmental Health Officer recommends a condition for a construction management plan to minimise disturbance to surrounding residents.

Noise

The application was accompanied by a Noise Assessment. This identifies the railway line as the main source of noise. The Noise Assessment concludes that noise mitigations measures will be required to ensure that the site is suitable for development. This will vary across the site, but includes a noise barrier of variable height along the eastern boundary of the site (1m to 2.5m high) and acoustic glazing and ventilation to certain properties. These measures will adequately mitigate any noise for future occupiers and take into account the predicted increases in rail traffic over the next decade (32%). Environmental Health have not raised an objection on these grounds, subject to a condition to require a scheme to be submitted to protect residents of the development from traffic noise.

Air quality

Environmental Health consider that the attraction of additional vehicles to the application site will inevitably lead to an increase in vehicle emissions in the area. Environmental Health have recently published the WDC Air Quality Planning Policy Guidance which recognises the impact of road transport emissions creep due to the aggregated impact of development schemes. The policy requires developers to use 'reasonable endeavours to minimise emissions and, where necessary, offset the impact of development on the environment'. This assessment is currently being undertaken and Members will be updated at the planning committee meeting. This assessment will then be conditioned.

Green Belt impact

The indicative layout shows there may be some rear gardens serving the proposed dwellings within the narrow strip of Green Belt land on the eastern side of the site. The applicant submits that these will not harm openness or the function of the wider Green Belt land to the north of the site, and it is considered that, these matters, along with the circumstances that lead to this small area being removed from the Green Belt, constitute very special circumstances to justify the proposal for this small area of development. This is the only potential housing site adjoining Kenilworth and is therefore an allocation in the Draft Plan. As such it is considered

that these matters constitute very special circumstances sufficient to outweigh any harm to the openness of the Green Belt.

Landscape impact

In terms of existing landscape character, the Warwickshire Landscape Guidelines include the application site within the Arden character area and the Arden Parklands landscape type. The Guidelines advise that this landscape type is characterised by an enclosed, gently rolling landscape defined by woodland edges, parkland and belts of trees.

The site is visible from the adjoining residential development and open countryside to the north where levels rise. The local topography, vegetation and existing urban development visually contain the site and limit views of the site from the south, west and east, although there are close up views of the site through gaps in the boundary vegetation along the adjacent greenway to the west. The site is also visible from the bridge that takes the Greenway over the A429 and therefore it is recognised that there will be some impact on the landscape.

The planning application was accompanied by a Landscape and Visual Appraisal. This proposes a landscape and visual strategy for the site which includes locating an area of open space in the southern part of the site and the enhancement of the creation of landscape buffers along the northern and eastern boundaries of the site. These measures have been developed to take account of the fact that the main views of the site are from the countryside to the north and the fact that there is a view corridor from the north in which the southern part of the site can clearly be seen. Proposed landscape mitigation is in the form of a landscape buffer along the north-eastern boundary which will enhance the existing hedgerow and trees, along with a buffer along the railway boundary to the east, all of which would utilise indigenous species. These mitigation measures would be required to form part of any reserved matters submission.

Taking into account the proposed mitigation measures and the housing needs of the District it is considered that the benefits of securing 93 new dwellings to contribute towards housing needs in the District are considered to outweigh the limited landscape harm that has been identified. Furthermore, development on the application site presents the only opportunity for Kenilworth to be enlarged.

Impact on trees and hedgerows

The proposed site access would require the removal of a 14m sycamore tree, a 12m poplar and part of the mixed group of 5-10m high planting on the Greenway embankment. Further 14-16m trees and 8m high hedging would be removed on the eastern boundary, where it is proposed to provide replacement buffer planting at the end of rear gardens. This is also where the acoustic fence is proposed. All remaining trees would be protected during construction. Given the substantial amount of tree cover that surrounds the site generally, it is considered that the proposals including mitigation would not lead to unacceptable loss of trees.

Traffic impact / highway safety

The proposed access would be gained off Common Lane where it should be noted that an access to the land already exists at this location in the form of a dropped kerb and gate. The access arrangements proposed the implementation of a signalised junction to enable traffic to safely and efficiently enter and exit the development site whilst minimising the impact upon the operation of the highway network.

The movement of traffic would operate through the junction as follows:

- From the west arm (Coventry Road end)

On the green signal, traffic moves from the traffic light stop line in an easterly direction and then either accesses the site by way of a left-hand turn, or continues straight on past the bend in the road and in a south-easterly direction towards Dalehouse Lane.

- From the northern arm (site entrance)

The traffic light stop line is set back into the site and on the green signal, traffic moves in a southerly direction towards the junction and then turns either left or right onto Common Lane. If no cars are waiting to leave the site then traffic flows on Common Lane will be maintained in an alternate south east/west direction. Traffic flows on Common Lane will only again be interrupted when there is a vehicle waiting to exit the site.

- From the south-east arm (Dalehouse Lane end)

On the green signal, traffic moves form the traffic light stop line in a north-west direction past the bend in the road and then either accesses the site by way of a right hand turn or continues straight along Common Lane.

In response to this arrangement, the Highways Authority comment that the operation of the traffic signalised access will only allow traffic to travel in one direction; this will remove the existing two way traffic flow which currently exists which raises significant safety concerns, especially with larger vehicles which utilise both sides of the carriageway at this location. The stop lines will be set back as far as possible to remove the pinch points created by the bridge. Highways acknowledge that the applicant and their consultants have undertaken robust modelling which demonstrates that the junction will operate adequately and not lead to detrimental impact to highway safety or introduce unacceptable delay to the highway network.

Local fears have been raised regarding the impact that the proposed arrangements would have on traffic flows; however, unless the residual cumulative impact of the development is severe, the NPPF advises that planning permission should not be refused on highway grounds (para. 32).

With respect to emergency vehicles accessing the site should it become obstructed, for example through a broken down car, Highways have commented that an

agreement has been made with the developer to ensure that the footway be constructed to a width of 2.2 metres and to be built to a standard which would allow emergency vehicles to utilise the footway without damaging the surface.

Impact on local services and infrastructure

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

Having considered the available evidence, the requested contributions are considered to be in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. A development of 93 dwellings on this site would have a material impact on / or need for affordable housing, education, health care, open space, rights of way, sports facilities, monitoring costs, employment/training for locals and highway matters. This a particular issue given the cumulative impact that is expected from the substantial level of housing growth proposed across the District. It is reasonable to expect a development of this size to contribute towards the additional costs associated with meeting these increased demands. The relevant consultees have identified specific projects and locations where this money would be spent. Therefore it is considered that all of the contributions listed above are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development (as required by Regulation 122).

Ecological impact

The development will result in the loss of existing wildlife habitats, however, the developer is willing to enter into a S106 to secure biodiversity offsetting, which would accord with the NPPF requiring all developments to result in a net biodiversity gain. WCC Ecology have advised that the development would be acceptable, subject to various conditions, including a requirement for a Construction and Environmental Management Plan to be produced, which would include measures for the protection of all notable and protected species that have been identified on site.

Drainage and flood risk

The site is situated within Flood Zone 1, therefore, the site is considered to be suitable for residential development from a flood risk point of view. The proposed attenuation pond would discharge surface water at a controlled rate to the Canley Brook which passes through the applicant's land, who has a riparian right to discharge here. Prior consent of the Environment Agency will be required. The existing sewerage system does not have sufficient capacity to receive foul water from the development, therefore the proposal would be to improve existing systems to deal with the additional load. There has been no objection from the Environment Agency, Severn Trent Water or the Council's Community Protection team. All of

these consultees are satisfied that the drainage and flood risk information that has been submitted with the application is sufficiently detailed for these outline proposals. Conditions are recommended to require further details as part of any reserved matters submission. The attenuation basin and upstream drainage systems are intended to be maintained by a private management company therefore the S106 does not need to include payment for maintenance of drainage systems.

Loss of agricultural land

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

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

Turning to the requirement for local planning authorities to seek to use areas of poorer quality land in preference to that of a higher quality, it must first be acknowledged that much of the agricultural land adjoining the urban area of Warwick and Leamington is classified as the best and most versatile agricultural and / or is situated within the Green Belt. Meeting the housing needs of the District and complying with Green Belt restrictions will inevitably require development on areas of the best and most versatile agricultural land.

Health and wellbeing

It is recognised that the new access arrangements for the site will provide benefits for the Greenway in that it will provide greater vigilance and safety in the form of overlooking, thereby reducing the potential for anti-social behaviour and will create an environment which increases the potential for cyclists who utilise the route.

Other matters

There are no designated heritage assets that would be affected, and WCC Archaeology are satisfied that suitable conditions could be imposed to protect potential archaeological deposits.

SUMMARY/CONCLUSION

Due to the Council's lack of a five year supply of housing land, Local Plan Policy RAP1 is out of date. Therefore the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. This states at paragraph 14 that where the development plan policies are out of date, permission

should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

There are three dimensions to sustainable development: economic, social and environmental. The development would deliver economic benefits through the generation of employment during the construction phase, and from the increased population which would contribute towards increased expenditure in the local area and dependence on local facilities. Business would also benefit economically through the provision of highway network improvements. Social benefits would include the provision of a mix of types and sizes of market and affordable housing to meet identified local needs, the provision of open space, and improvements to shared infrastructure. Environmental benefits would arise from measures to increase biodiversity, sustainable transport improvements, more efficient use of land, provision of open spaces, sustainable drainage measures and improved footpath/cycle way links. The site is in a sustainable location adjacent to the urban area and will be integrated into the existing settlement by sustainable transport links. It is therefore concluded that the development represents sustainable development by satisfying the three dimensions identified in the NPPF.

It has been concluded that any issues of concern that have been raised can be satisfactorily addressed through the assessment of reserved matters applications, the provision of new facilities, and the provision of new infrastructure by way of financial contributions. It has also been concluded that very special circumstances have been demonstrated to justify the inappropriate development in the small areas of the site that are in the Green Belt.

The development is considered to comply with all current Local Plan policies aside from RAP1, which the NPPF advises cannot carry any weight. Furthermore the development is considered to comply with the policies of the NPPF, taken as a whole. The presumption in favour of sustainable development carries substantial weight, as does the contribution the development would make to the provision of housing to meet the needs of the District. The allocation of this site for housing in the Draft Local Plan also carries some weight. It is therefore concluded that planning permission should be granted.

CONDITIONS

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

(a) layout
(b) scale
(c) appearance
(d) landscaping

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

2 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

3 The development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

4 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (B.0292_13, B.0292_13-2 461095-003 Rev.H, 461095-014 submitted on 25 September 2014 and 10 November 2014. Tree removal and tree protection plan Figure 2 submitted on 25 September 2014), and specification contained therein. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

5 Prior to the submission of any Reserved Matters applications for any phase of development:

· a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work across this site shall be submitted to and approved in writing by the local planning authority.

· the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI is to be undertaken. A report detailing the results of this fieldwork is to be submitted to the local planning authority.

· An Archaeological Mitigation Strategy document shall be submitted to and approved in writing by the LPA. This should detail a strategy to mitigate the archaeological impact of the proposed development. Dependent upon the results of the trial trenching, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits worthy of conservation.

No development shall take place until any fieldwork detailed in the approved Archaeological Mitigation Strategy document has been completed to the satisfaction of the Planning Authority. The post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the approved Mitigation Strategy document. **REASON:** In order to ensure any remains of archaeological

importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.

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

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

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

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

7 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

8 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to

and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. **REASON**: To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan.

9 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the local planning authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2012, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the local planning authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

10 The development hereby permitted (including demolition) shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **REASON**: To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy DAP 3 of the Warwick District Local Plan.

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

accordance with the National Planning Policy Framework (NPPF).

12 The development hereby permitted shall not commence until: -

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

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

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

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

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

(3) If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be deal with.

(4) Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to

demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

REASON: To safeguard health, safety and the environment in accordance with Policies DP2, DP3 & DP9 of the Warwick District Local Plan 1996-2011.

13 The development hereby permitted shall not commence until a scheme detailing arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

14 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority. **REASON:** In the interests of fire safety.

15 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of noise, vibration, dust, dirt and light during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.

16 No development shall take place unless and until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **REASON**: To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012.

17 The development hereby permitted shall be carried out in strict accordance with a drainage scheme and details of the following that shall have been submitted to and approved in writing by the local planning authority:

- The applicant is to provide detailed design plans showing the existing and proposed foul & surface water drainage systems for the site, showing the location of yard and road gullies, manhole's, soak ways, septic tanks, cess pitts and pipes including size, shape, material, fall and level in relation to ground and building levels. This should include a manhole schedule.
- The applicant is to provide detailed engineering drawings of the proposed attenuation pond and any other SUDS features incorporated into the design of the site. This should include vehicle and pedestrian access to the proposed attenuation pond to allow for maintenance crews to access the area to maintain control structures and the pond.
- Where works are located within 8m of the watercourse the applicant must obtain land drainage consent from the Environment Agency
- The applicant is to obtain discharge consent from the Environment Agency as part of the application.

REASON: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.

18 Prior to any development commencing on site, full details of the design and appearance, including materials, of the bridge access into the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the occupation of the development. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

19 Any landscaping (other than the planting of trees and shrubs) approved under condition 1, including boundary treatment, paving and footpaths,

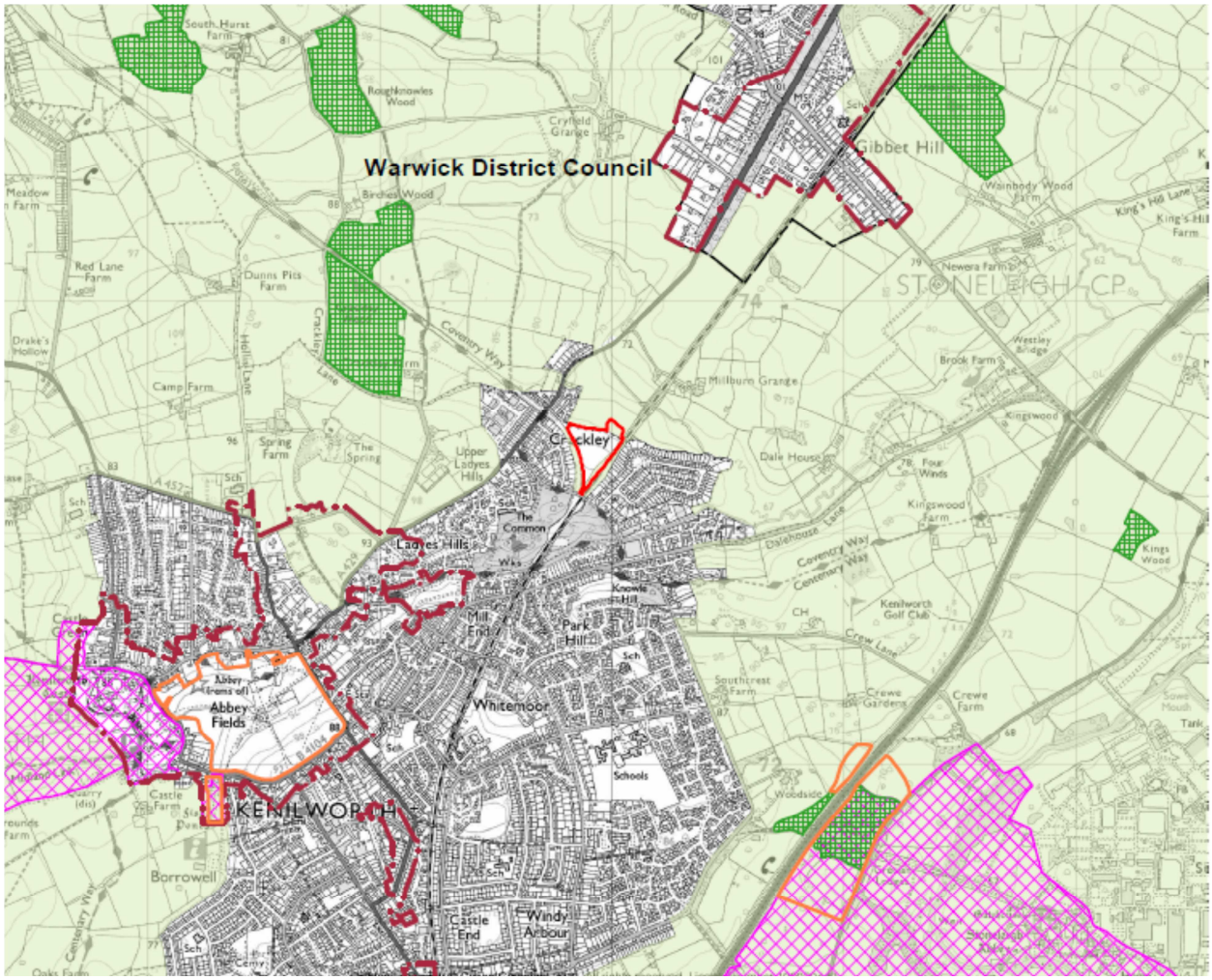
shall be completed in all respects for that phase of development, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of the dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

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

21 The mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the "Development Management Policy Guidance : Achieving Mix of Market Housing on new Development Sites". **REASON**: To ensure that the housing meets the needs of the District as required by Local Plan Policy SC1 and the NPPF.

22 No construction will be undertaken until a Construction Management Plan, which must contain a Construction Phasing Plan and HGV routing plan has been submitted and approved by the local planning authority. **REASON:** In the interests of highway safety, in accordance with Policy DP6 in the Warwick District Local Plan 1996-2011.

23 Prior to the commencement of the development (not including alterations to the bridge structure), the access to the site from Common Lane shall be constructed, located and laid out in general accordance with drawing number 461095-003 Rev 1 (*Minor alterations may be required during the detailed design process).* **REASON:** In the interests of highway safety, in accordance with Policy DP6 in the Warwick District Local Plan 1996-2011.



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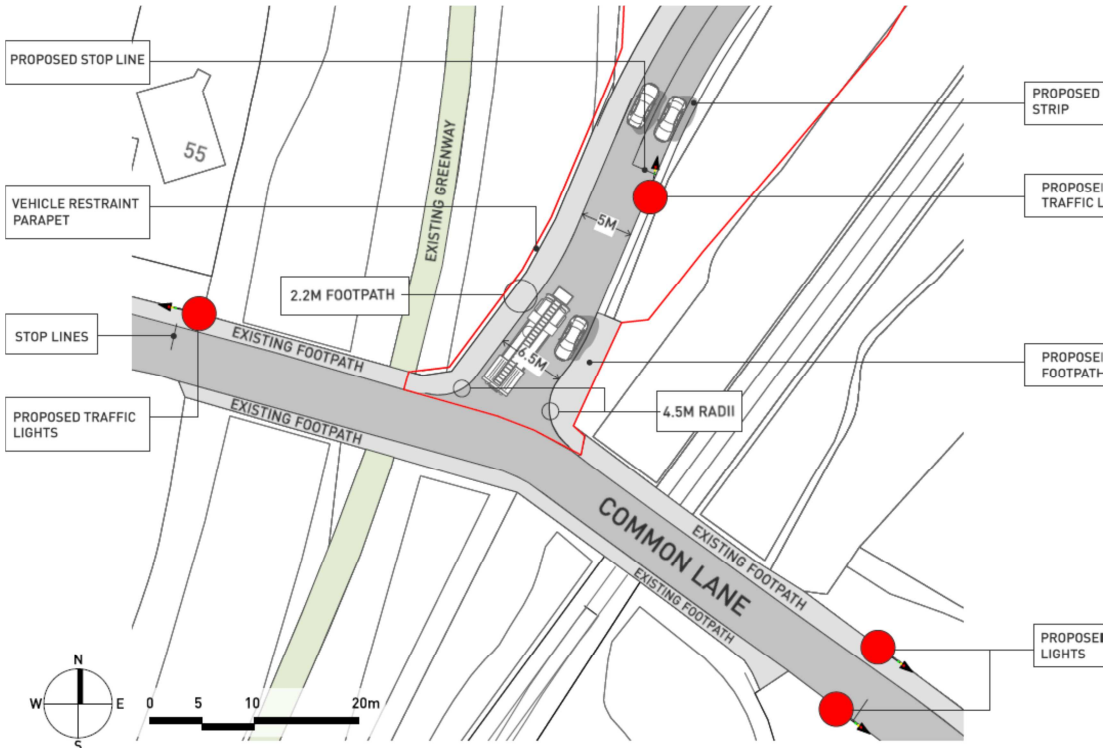
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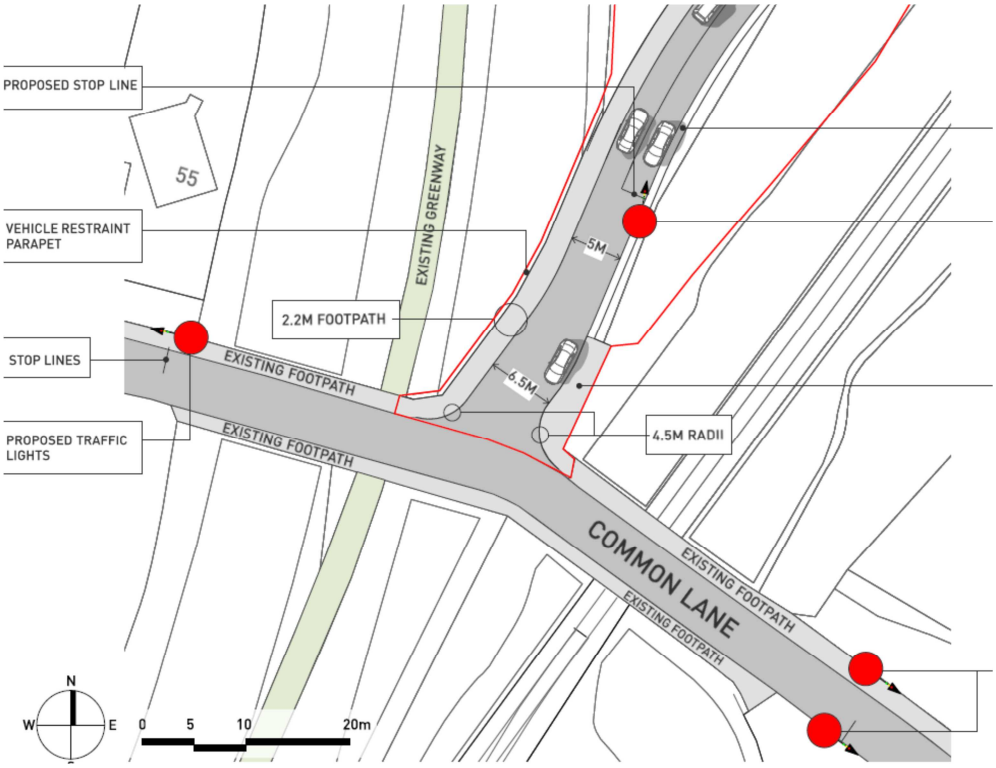
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