Planning Committee: 11 November 2014 **Item Number:** **5**

Application No: W/14/1076

Registration Date: 16/07/14
Town/Parish Council: Warwick **Expiry Date:** 14/11/14
Case Officer: Rob Young
01926 456535 rob.young@warwickdc.gov.uk

Land between Myton Road, and Europa Way, Warwick,
Construction of up to 735 dwellings; a mixed-use neighbourhood centre to include retail development (Use Classes A1, A2, A3 & A4) and/or community and health uses (Use Class D1); safeguarding of land for education use; provision of formal and informal open spaces including sports and recreation provision, children's and youth play areas and allotments/orchards; strategic landscaping and drainage works including surface water attenuation ponds as part of a sustainable urban drainage system; provision of two vehicular accesses, one off Europa Way and one off Saumur Way; car parking; creation of new footpaths and cycleways and their connection to adjoining networks; ground remodelling; undergrounding of overhead powerlines including a new pylon to link to off-site overhead lines; formation of ponds as an ecological mitigation measure to accommodate the translocation of great crested newts FOR The Europa Way Consortium

---

This application is being presented to Committee due to the number of objections that have been received from local residents and due to objections that have been received from the Town and Parish Councils.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to conditions and subject to the completion of a satisfactory Section 106 agreement. Should a satisfactory Section 106 Agreement not have been completed by 14 November 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 is an outline application with all matters reserved apart from access. The application proposes the erection of up to 735 dwellings together with a mixed-use neighbourhood centre and public open space. The application also proposes that part of the site will be safeguarded for educational use.

The main vehicular access is to be provided from Europa Way via a new signal-controlled junction opposite Olympus Avenue. A further vehicular access is proposed off Saumur Way. The Saumur Way access would serve a maximum of 70 dwellings once the development is complete. For a temporary period at the

start of the development, it is proposed that the maximum number of dwellings accessed off Saumur Way will be increased to 140 to allow time for the construction of the main site access.

The parameters plan submitted with the application allows for buildings of up to 3 storeys in height (12.5m) across the majority of the site. Along the northern and north-eastern boundaries of the site, building heights are shown as being restricted to 2.5 storeys (11m). The neighbourhood centre is indicated as having buildings up to 15m in height. Notwithstanding these maximum parameters, the Design and Access Statement indicates that the use of 3 storey buildings is expected to be limited, with such buildings principally being used as landmark buildings. The development would have a density of approximately 36 dwellings per hectare (based on a net residential area of 19.5ha).

The neighbourhood centre is proposed to provide either retail development (Use Classes A1 to A4) and / or community and health uses (Use Class D1). The neighbourhood centre is indicated as being located on the southern edge of the site. This is intended to adjoin further community facilities that are expected to be provided on the adjacent site to the south (to include a doctor's surgery and community hall).

The education land is intended to accommodate a new education campus to include an enlarged secondary school and a primary school. This land is situated alongside the existing site of Myton School and it is proposed that the new education campus would include the existing Myton School site and the additional land provided within the current application site. The applicant proposes that the education campus would be designed as a dual-use facility.

The application proposes a reduced affordable housing provision of 33% to compensate for the loss of development value associated with the provision of the education land. The provision of the education land represents an additional cost that the owner / developer of the current site has to bear, over and above the costs that owners / developers of other nearby sites have been subject to.

A total of 12.70ha of public open space is proposed to be provided on site. This would include a range of typologies of open space including amenity green space, parks and gardens, natural areas, allotments and children’s / youth play areas.

In terms of drainage, the application proposes that surface water run off from the site will be controlled via a range of Sustainable Urban Drainage System techniques, including permeable paving, swales and attenuation ponds.

It is also proposed that the existing power lines that cross the site will be under-grounded. This will require the construction of a new pylon alongside the northern boundary to bring the power lines out of the ground to link up with the existing overhead lines that run over Aragon Drive.

The application was accompanied by extensive supporting documentation, including an Environmental Statement.

The applicant has agreed to enter into a Section 106 agreement to secure the following:

1. 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.
2. Preparation and agreement with the local planning authority of the design, management and maintenance of SUDS, adoption of SUDS and payment of the management/maintenance fees for 13 years.
3. Preparation and agreement with the local planning authority prior to the commencement of development of a Biodiversity Offsetting Scheme for off-site compensation to be identified in a Biodiversity Offsetting Report. The applicant would then deliver the agreed Scheme by funding the offsetting measures and their management/maintenance costs for at least 25 years.
4. 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.
5. Requirement for children's play space to be provided in accordance with a scheme to be submitted for approval.
6. A contribution of £6,000 per open market dwelling towards the cost of off-site highway improvement schemes as required by WCC Highways.
7. A contribution of £638 per dwelling towards the provision of a bus service to the site.
8. A contribution of £12,745 towards the cost of improvements to public rights of way within a 1.5 mile radius of the site as required by the WCC Rights of Way Team.
9. A contribution of £75 per dwelling for sustainable welcome packs to help promote sustainable travel in the local area as required by WCC Highways.
10. A contribution of £8,007 per dwelling towards funding new primary, secondary, sixth form, early years and special needs school places.
11. Provision of a 7.12ha site for education use.
12. A contribution of £21.89 per dwelling towards library facilities.
13. A contribution of £768 per dwelling towards the provision of a country park.
14. A contribution of £831.04 per dwelling to fund improvements to indoor sports halls and swimming pools within Warwick District.
15. A contribution of £56.73 per dwelling to fund improvements to outdoor sports facilities within Warwick District.
16. A contribution of £1,039.65 per dwelling towards funding a new ward block at Warwick Hospital and additional outpatient, diagnostic, treatment and inpatient facilities, including hubs for community health care teams at Warwick and Leamington hospital sites as required by the NHS Foundation Trust.
17. A contribution of £145,724 per dwelling to fund police infrastructure.
18. Provision of 33% affordable housing, to deliver a tenure mix of 60/25/15% social rent / affordable rent / shared ownership. The level of affordable rent would be restricted to the mid point between social rents and 80% of market rent levels.
19. A contribution of £772.86 per dwelling towards the capital costs of construction of a new 5 GP surgery as required by NHS Property Services.

20. A contribution to fund the costs of the Council in monitoring the agreement (the lesser of £30,000 or 1% of the total of financial contribution).

THE SITE AND ITS LOCATION

The application site is situated adjacent to the southern edge of Warwick. The site measures 39 hectares and is currently in agricultural use. The Agricultural Land Classification of the site is predominantly Grade 2, with small areas of Grades 1 and 3 and unclassified land.

The site forms part of housing allocation H01 "Land West of Europa Way" in the Draft Local Plan. This allocation includes health facilities, a local centre and other community facilities. The western part of the site is allocated for education use.

The site is situated within an area designated as an Area of Restraint in the current Local Plan.

The northern boundary of the site is formed by the footpath and cycleway that runs alongside the houses in Saumur Way and Aragon Drive, while the eastern boundary is formed by Europa Way. Leamington Shopping Park and the Tachbrook Park employment area are situated on the opposite side of Europa Way. The southern boundary of the site adjoins part of Warwick Technology Park and further agricultural land (also included as a residential and employment land allocation in the Draft Local Plan). The western boundary of the site adjoins Round Oak School, the farmhouse and former farm buildings at Brook Farm (no longer in agricultural use) and houses in Brittain Lane, Myton Road, Myton Crescent and The Malins.

There are two farmhouses on the site, both with associated farm buildings. King Henry VIII Farm is located close to the northern boundary of the site, alongside the existing access from Saumur Way. This comprises an early 20th Century farmhouse together with traditional brick barns and modern metal framed and clad barns. Cottage Farm is located close to the eastern boundary of the site, alongside Europa Way. This comprises a Victorian farmhouse together with traditional brick barns and modern metal framed and clad barns. Some of the farm buildings adjacent to Brook Farm are also located within the application site.

Two overhead power lines cross the site; a 33kV line running from north to south through the centre of the site and a 132kV line running from north to south towards the eastern edge of the site.

PLANNING HISTORY

There have been a number of previous planning applications relating to different parts of the application site. Most of these are not relevant to the consideration of the current proposals. However, in 1980 and 1981 two planning applications were refused for residential development on the northern part of the site (Refs. W80/1419 & W81/0432). The reasons for refusal were as follows: (a) contrary to the Structure Plan; (b) prematurity in relation to the allocation of sites for residential development in the Structure Plan; (c) loss of high quality agricultural land; and (d) highway concerns about the need for two accesses onto Myton

Road (Europa Way did not exist at the time). A subsequent appeal in relation to application no. W80/1419 was dismissed.

The above applications included the land around Saumur Way / Aragon Drive that was subsequently developed for housing. The Saumur Way / Aragon Drive development was a scaled down version of the schemes that were refused permission in 1981.

The current application is a resubmission following the withdrawal of a similar scheme in 2013 (W13/1016).

There is another planning application currently under consideration for residential development on land adjoining the southern boundary of the application site (Ref. W14/0967).

RELEVANT POLICIES

- DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)
- Warwickshire Landscape Guidelines SPG
- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- National Planning Policy Framework
- 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)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

- Affordable Housing (Supplementary Planning Document - January 2008)
- DAP4 - Protection of Listed Buildings (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)
- Warwick District Local Plan 2011-2029 Publication Draft - published April 2014. Relevant policies: DS2, DS3, DS5, DS6, DS7, DS10, DS11, DS12, DS13, DS14, DS15, HO, H1, H2, H4, SC0, BE1, BE2, BE3, TR1, TR2, TR3, TR4, HS1, HS4, HS5, HS6, HS7, CC1, CC2, CC3, FW1, FW2, FW3, FW4, HE2, HE6, NE1, NE2, NE3, NE4, NE5, W1, DM1 & DM2.

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Object on the following grounds:

1) The site is included as a possible development within the District Council's consultation on the new local plan and any approval would prejudice the consultation and in particular the District Councils decision to analyse consultation responses and to take these responses into account before reaching a conclusion before the next round of consultations on a draft local plan.

2) The land to which the application relates is not allocated for housing purposes.

3) It is not accepted that the District Council does not have sufficient land to meet development for the next five years. There are currently outstanding permissions for the development of 1700 homes and the recent appeal decision to allow development of a further 200 plus homes on land at South Sydenham, provides a total of almost 2000 homes. To this total, can be added the land designated for housing for which permissions have not been sought and brown field development sites. Housing completions between 2006/2007 and 2011/2012, a period of six years, saw only some 1978 homes built (an average of 330 homes per year). From 2009/2010 to 2011/2012 a period of low economic growth, only an average of 141 homes were completed with a high of 188 in 2009/2010. Government forecast is for austerity and low growth to continue until 2018 and this very considerable constraint will limit demand to levels below the number of houses which can be built on available land in the next five years. The District Council's decision to seek to provide housing (some 12,300 homes) greatly in excess of that needed to meet local needs, has contributed directly to the assertion that the Council do not have sufficient land to meet a five year demand, and the District should seek to review the number of houses included in the local plan to provide for the real local needs of the District, and the consequent reduction would clearly show that the existing land allocation would meet local needs.

4) The Town Council is also concerned that the development would worsen the levels of Nitrogen Dioxide pollution in Warwick Town Centre, exacerbating the air pollution which already exceeded the legal limits specified by the Air Quality Regulation (England) 2000.

Leamington Spa Town Council: No objection. The Town Council welcomes the amendments made to the proposal, particularly the undergrounding of overhead powerlines, but still raises concerns about the effect of this development on the local infrastructure and trusts that the developer will work closely together with the District and County Councils to ensure a suitable infrastructure is in place prior to commencement.

Bishops Tachbrook Parish Council: Object on the following grounds:

- contrary to the rural area policies of the Local Plan;
- contrary to Local Plan Policy DAP2;
- contrary to the recommendations of the Local Plan Inspector (in 2006) who concluded that this should remain an Area of Restraint, due to the role that this area plays in separating Warwick and Leamington;
- with recent permissions granted for new housing, the District now has a 5.15 year supply of housing land in respect of the 12,860 dwelling requirement; and
- premature in advance of the new Local Plan.

Public response: 72 objections have been received, raising the following concerns:

- Warwick District does not need 12,300 new homes;
- inappropriate to have a vehicular access crossing the well used cycle track behind Saumur Way;
- contrary to the Local Plan;
- this is an Area of Restraint;
- this would merge Warwick and Leamington together;
- approving this development would be premature in advance of the new Local Plan;
- new development should be spread more evenly around the District;
- more brownfield land should be developed first;
- harm to the historic character and setting of Warwick;
- harm to the rural landscape and the setting of Warwick Castle;
- loss of high grade agricultural land;
- loss of ecology;
- loss of green space;
- turning Saumur Way from a small cul-de-sac into a through road;
- access should be via Europa Way only;
- traffic congestion;
- harm to highway safety;
- insufficient parking;
- noise and air pollution;
- loss of privacy;
- pressure on local infrastructure and services;
- loss of archaeology;
- adjoining properties already suffer flooding and this will be made worse; and

- the pylon relocation should not bring the power lines any closer to existing dwellings.

Myton School: Do not object to the residential developments in this area in principle and indeed welcome the allocation of housing sites as an opportunity to provide a better education offer in this area. Many of the school buildings at Myton are around 60 years old and their replacement would provide a better, modern educational environment. Accordingly Myton School does not object to the principle of development provided that, through obligations and conditions, the developers are required to make a significant contribution to the delivery of better education in the area.

However, Myton School are concerned that the delivery of better education will only be achieved if there is a comprehensive strategy to link the grant of planning permission to achieving the timely provision of classrooms and other education facilities. A delivery strategy has yet to be produced.

Myton School are also concerned about any proposals to reduce the education contribution below the £8,007 per dwelling that has been secured on other sites. Myton School also request that the education land is transferred directly to them, rather than the County Council.

Leamington Society: Object. The development would cause harmful coalescence between the towns of Warwick and Leamington. The proposed low density scheme would be unsustainable. The affordable housing provision is inadequate and contrary to policy. Both the applicant's and the Council's assessments of housing land supply and housing need are out of date and must be updated.

Conservation Advisory Forum: Significant concern was expressed at the scale of this application and the fact that it will produce excessive traffic congestion and pollution in both Leamington Spa and Warwick Conservation Areas. Concern was also expressed that there was no link to the technology park. The issue as to whether the football pitches could be used by the public after the school was closed was also raised. It was pointed out that this had originally been an area of restraint to stop coalescence between the two towns. Coalescence would now occur if this site is developed. There would be a loss of the green lung between the two towns and a loss of land which is currently available for agriculture. Some discussion took place on the five year housing supply and when this would be reached in order that such sites as this could be refused without the fear of inspectors allowing them at appeal.

Natural England: No objection. The development is likely to affect bats and great crested newts through disturbance and the damage or destruction of a breeding site or resting place. However, Natural England are satisfied that the proposed mitigation is broadly in accordance with their guidelines and should maintain the populations identified in the survey reports. Recommend a condition to require a detailed mitigation and monitoring strategy. Make further detailed comments in relation to agricultural land quality, green infrastructure and biodiversity enhancements.

Environment Agency: No objection, subject to conditions. Advise that the drainage proposals should help alleviate the existing surface water flooding problems at the Malins and Myton Crescent with the construction of a new drainage route. Following development a large proportion of surface water runoff will be captured and slowly released in the site SUDS system, which will significantly reduce flows. Make various recommendations to be dealt with at reserved matters stage in relation to matters such as drainage, flood risk and biodiversity.

Highways Agency: No objection.

Sport England: No objection. Some form of mechanism should be put in place to protect the playing field for community use, when it is transferred to the school. Request contributions towards indoor and outdoor sports facilities, including an indoor bowls facility.

Canal and River Trust: The site is 25m from the Grand Union Canal and therefore the development does not appear likely to have any significant direct impacts on the canal. Make comments regarding drainage and the canal and welcome the opportunity to discuss proposals for enhancement of the canal to be provided by this development.

Inland Waterways Association: Whilst the proposed development is virtually invisible from the canal corridor, The Inland Waterways Association (Warks branch) has several concerns with these proposals. Firstly, there would appear to be a greatly increased risk of local flooding for the existing properties north of the site. Secondly, the already bad traffic congestion in the area will be exacerbated leading to yet another reduction in air quality in Warwick and thirdly the vibration damage to the ancient buildings of Warwick will increase. The towns of Warwick and Leamington are already one conurbation when viewed from the canal, with the sole exception of the confluence of the Avon and Leam, and this development would further reduce the already limited green lungs of the area.

Severn Trent Water: No objection, subject to a drainage condition.

Stagecoach: Object. Raise a variety of concerns about the wider planning of new developments to the south of Warwick and Leamington and the associated transport infrastructure requirements from a bus / sustainable transport perspective. This development and adjoining sites should include comprehensive proposals for a high quality bus corridor linking a suitable virtual park and ride facility on land to the south through the site and on to Leamington Town Centre and the pump-priming of high quality bus services. The absence of any such comprehensive proposals would adversely affect the ability to provide a suitable bus service to the site.

Stagecoach make the following specific requests in relation to the current development:

- an effective means of securing bus priority, northbound in particular, from within the scheme as far as the Queensway / Tachbrook Park Drive roundabout;

- a bus-only northbound lane should be added to the site spine road on the approach to the site access onto Europa Way;
- bus priority should be provided at the northern end of Europa Way; and
- at least two pairs of bus stops should be provided within the development.

National Grid: Advise that they have gas transmission apparatus in the vicinity of the proposed development. However, raise no objection to the proposals.

Western Power Distribution: No comments received.

English Heritage: The scheme needs to be carefully considered in the light of its likely impact on traffic generation with respect to the Castle Bridge and the Warwick Conservation Area. Appropriate measures need to be put in place to ensure that the impact is kept to the minimum. At the same time you need to ensure that the archaeological considerations are adequately addressed, which appears to the case.

Warwickshire Police: No objection, but make recommendations for security measures to be incorporated into any reserved matters application. Request a contribution of £145,724 towards police infrastructure.

Ramblers Association: No public paths are directly affected by this proposal but, in terms of a sustainable layout which links to surrounding areas, it is almost entirely inward looking. The only link is a pedestrian element in the junction design, but with no suggestion of a direct link into the back of the Retail Park which will, effectively, act as 'town centre' for the large areas of housing being provided here. It is also noted that money is to be provided for a 'country park', but with no mention of its location.

Warwickshire Wildlife Trust: Recommend that the applicant is required to undertake a full Biodiversity Impact Assessment. The draft impact assessment undertaken by Warwickshire County Council indicated a potential biodiversity loss of up to 21.92% and therefore it is important that further information / mitigation is provided in relation to this.

South Warwickshire NHS Trust (Acute and Community Healthcare): Request a contribution of £1,039.65 per dwelling towards providing a new ward block at Warwick Hospital and providing additional outpatient, diagnostic, treatment and inpatient facilities, including hubs for community health care teams at the Warwick and Leamington hospital sites.

NHS Property Services (Primary Care): Request a contribution of £764 per dwelling towards the cost of constructing a new GP surgery.

WCC Highways: No objection, subject to conditions and Section 106 contributions.

WCC Fire & Rescue: No objection, subject to a condition to require details of water supplies and fire hydrants.

WCC Education: Request a financial contribution towards education provision, together with the provision of land for primary and secondary education provision.

WCC Libraries: Request a contribution of £21.89 per dwelling towards library facilities.

WCC Ecology: Initially objected on the grounds of biodiversity loss. Subsequently the applicant has submitted further information to demonstrate that the biodiversity loss can be offset by compensatory works off-site. This can be secured in the Section 106 agreement.

Recommend conditions to require a Protected Species Contingency Plan, a Construction and Environmental Management Plan and a Landscape and Ecological Management Plan. Also recommend conditions regarding tree and hedgerow protection and lighting details.

WCC Archaeology: No objection, subject to a condition to require a programme of archaeological works to be carried out.

WCC Rights of Way: Request a contribution of £12,745 towards improvements to public rights of way within a 1.5 mile radius of the application site.

WDC Housing Strategy: 40% affordable housing should be provided, unless the applicant can demonstrate that this would render the scheme unviable. Note that a reduced provision of 33% is proposed in return for the provision of land for education purposes.

WDC Environmental Health: Recommend conditions to require a Contamination Assessment, a Construction Management Plan and details of noise insulation measures in relation to road noise. Also require measures to mitigate the impact of the development on air quality.

WDC Tree Officer: No objection in principle. The detailed layout can be designed to mitigate the impact on important trees and hedgerows.

WDC Community Protection: No objection, subject to conditions. Advise that further drainage / flood risk information will have to be submitted at the detailed design stage.

WDC Greenspace Development Manager: Following discussions with the applicant confirm that the open space proposals meeting the Council's standards in terms of size and typology. Make various detailed comments regarding the design, layout, maintenance and access to the proposed open space within the site.

WDC Waste Management. No objection. Make detailed comments about the requirements for refuse and recycling storage and collection.

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;
- landscape impact;
- impact on trees and hedgerows;
- heritage impacts;
- traffic impact / highway safety;
- affordable housing;
- the impact on local services;
- the ecological impact of the proposals;
- provision of open space;
- drainage and flood risk;
- loss of agricultural land; and
- health and well-being.

The principle of development

Five year housing supply

The site is situated within open countryside adjoining the edge of the urban area. This area is designated as an Area of Restraint in the current Local Plan. The relevant Local Plan Policies are RAP1 - 'Directing New Housing' and DAP2 – 'Protecting the Areas of Restraint'. However, the National Planning Policy Framework (NPPF) 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 (August 2014) indicates that the housing land supply is 4.2 years. The five year requirement (2014-2019) is 5,573 dwellings. With 4,640 already provided, this leaves a shortfall of 993. Based on an annual requirement of 1,115 dwellings, this amounts to a 0.8 year shortfall.

Accordingly Policies RAP1 and DAP2 are 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.

Granting outline permission for this site will increase the supply of land for housing and will contribute towards helping the Council meet its five year requirement. This carries significant weight in the assessment of the 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. Some weight is attached to the Draft Local Plan due to its early stage in the planning process. The Draft Local Plan represents the Council's current preference for development based on the most up to date evidence base.

The interim level of growth previously adopted (in the Revised Development Strategy 2013) was 12,300 homes, based on the evidence previously available, 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 Joint SHMA (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 between 2011 and 2029, or 720 homes per annum.

The Draft Local Plan contains justification for the development of land within/adjoining settlements. This demonstrates that it will not be possible to provide sufficient land for the required housing growth within the existing urban area. Therefore it is necessary to allocate green field sites for development and to grant planning permission for development on such sites.

Prematurity

The scale of the development does not raise issues of prematurity in relation to the progress 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.

Impact on the living conditions of nearby dwellings

The application site is situated alongside a number of dwellings in The Malins, Myton Crescent, Brittain Lane, Saumur Way and Aragon Drive, as well as the dwelling at Brook Farm. The site currently provides a rural outlook for many of those dwellings. However, protecting the views of existing dwellings is not a material consideration in assessing a planning application. As this is an outline application, the detailed layout is not known at this stage. The size of the site is such that there is scope to design a detailed layout that would provide an acceptable relationship with neighbouring dwellings that would not cause unacceptable loss of light, loss of outlook or loss or privacy. Furthermore, the footpath / cycleway and associated hedgerow along the northern boundary of the site provides an existing buffer from some of the neighbouring dwellings.

The impacts on nearby dwellings in terms of noise and air quality are discussed under separate headings below.

Noise

The proposals would result in increased traffic along surrounding roads and this would have implications in terms of noise. However, the Environmental Statement submitted with the application concludes that there would only be a limited increase in road traffic noise attributable to the proposed development and that this will not result in significant effects. The conclusions of the Environmental Statement have been accepted by Environmental Health.

The impact of traffic noise is likely to be most noticeable along Saumur Way, which would be a secondary vehicular access route to the development. However, this access would be limited to serving 70 dwellings, with the main vehicular access being from Europa Way, away from nearby dwellings. Considering the small number of dwellings that would be accessed along this existing cul-de-sac, it is not considered that this would result in unacceptable additional traffic noise for the existing dwellings along this road.

The Saumur Way access would temporarily be used by up to 140 dwellings at the start of the development. However, the Environmental Statement has considered this level of traffic along Saumur Way and has concluded that this would not cause unacceptable noise for existing residents. Therefore this increase in use is considered to be acceptable on a temporary basis.

In terms of construction noise, the applicant proposes to prepare a Construction Environment Management Plan and this would include measures to control construction noise. A condition is recommended to secure this. All construction traffic is proposed to access the site via Europa Way, enabling this to be routed away from sensitive receptors.

In terms of the impact of noise on the proposed dwellings, the main source would be traffic on Europa Way. The Environmental Statement advises that the installation of standard double glazing will provide sufficient noise attenuation across the majority of the development, with higher specification glazing required for those properties facing Europa Way. The process of designing the detailed layout will also provide the opportunity to position and orientate the

proposed dwellings to minimise noise. Environmental Health have raised no 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

WDC Environmental Health consider that the additional traffic generated by the proposed development will inevitably lead to an increase in vehicle emissions in the area. Environmental Health have recently published the 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'. Environmental Health have advised that a low emission strategy should be produced for the development, which should include measures to mitigate the impact of the development on air quality. This can be required by condition. The approval of a suitable low emission strategy would ensure that the development does not have an unacceptable impact on air quality.

Landscape impact

In terms of existing landscape character, the Warwickshire Landscape Guidelines include the application site within the Feldon and Dunsmore character area and the Feldon Parklands landscape type. The Guidelines advise that this landscape type is characterised by rolling topography, woodland and scatter farmsteads.

The entire site is located within a wider Area of Restraint defined in the current Local Plan and subject to Policy DAP2. This seeks to protect these areas from proposals that could alter their predominantly open character. The supporting text to Policy DAP2 notes that the value of the Areas of Restraint lies in their contribution to the structure and character of the urban area, providing open areas around towns. The development proposal would therefore be contrary to Policy DAP2 since it would harm the open nature of the area. However, Policy DAP2 is out of date because the Council is unable to demonstrate a 5 year supply of housing land. Furthermore, this designation is unlikely to be retained in the future because this site is included as a housing allocation in the Draft Local Plan. Therefore the Area of Restraint designation carries little weight in the assessment of the current proposals. Areas of Restraint must be regularly reviewed to ensure that there is still sufficient developable land to accommodate the housing needs of the towns.

Objectors have raised concerns about development in this particular part of the Area of Restraint contributing to the coalescence of the towns of Warwick and Leamington. In this regard, it is notable that the supporting text to Local Plan Policy DAP2 does not specify this as a purpose of the Policy; the only comments about coalescence refer to preventing surrounding villages merging into the towns, rather than the towns merging together. The merging of Warwick and Leamington has already taken place to a large extent, including the development around Saumur Way and Aragon Drive immediately to the north of the application site. Furthermore, the application site is arguably the most sustainable area for an urban extension south of Warwick and Leamington and therefore it is considered that the sustainability benefits of developing this site

rather than other more remote sites would outweigh any concerns about further coalescence of the two towns.

The development of this site will have an adverse visual impact on the rural area by introducing large scale built development on a greenfield site. The site is visible from the adjoining residential and commercial development to the north, east and west and from the countryside to the south.

In order to inform the assessment of potential residential development sites, the Council commissioned a Landscape Consultant (Richard Morrish Associates) in 2009 to carry out a Landscape Character Assessment of land to the south of Warwick and Leamington, including the current application site. The conclusions for the application site (and adjoining land to the south) were: *"Although this wedge of undeveloped land has been a strategic break between Warwick and Leamington, we feel its value to the setting of the towns has been greatly diminished by surrounding land use. We feel that carefully considered development here could enhance the setting of the towns and provide a better transition from rural to urban land".*

The site was considered within a further 2012 assessment by the same consultants: "Options for Future Urban Expansion in Warwick District Considerations for Sustainable Landscape Planning". This report assessed the cumulative impact of development on the application site and further development sites to south of Gallows Hill and Harbury Lane. This did not raise any objections in principle to development on the application site.

In accordance with the Landscape Consultant's recommendations, it is considered that the landscape impact of development on the application site would be acceptable and could be mitigated to minimise the impact on the rural landscape. In terms of the impact on the wider rural landscape, development on this site would have considerably less impact than development on the other sites included in the Draft Local Plan. Out of all of the potential urban extension sites, the application site has arguably the most urban setting at present, being adjoined by the existing urban area to the west, north and east as well as a further proposed development site to the south. Consequently, in the context of the scale of growth that is likely to take place on nearby sites, there would be little impact on the wider rural landscape as a result of development on the application site.

The detailed layouts and heights of buildings, and the detailed landscape mitigation and open space layout will be subject to the consideration of a reserved matters application. However, in principle, it is considered that the development of this site could be mitigated to an appropriate standard to avoid serious and unacceptable visual harm to the rural landscape or to the setting of Warwick and Leamington.

The illustrative material submitted with the application indicates that there would be a mix of 2, 2.5 and 3 storey buildings. The detailed heights and size of building would be considered at reserved matters stage, but this mix of building heights is considered to be acceptable in this location.

Notwithstanding the mitigating factors outlined above, the development of this greenfield site would have a degree of adverse landscape impact. However, this needs to be balanced against the housing needs of the District. The benefits of securing 735 new dwellings to contribute towards housing needs in the District are considered to outweigh the limited landscape harm that has been identified.

Impact on trees and hedgerows

There are a number of trees and hedgerows across the application site. As this is an outline application, the impact on these trees and hedgerows will not be known until reserved matters stage. The exception to this would be trees and hedgerows affected by the access works, which are proposed in detail at this stage. A short section of hedgerow would be removed alongside the proposed Saumur Way access and a section of hedgerow and small trees that would be removed to make way for the proposed access from Europa Way. These works are considered to be acceptable because they relate to very small sections of hedgerow and the affected trees are not significant specimens.

In order to accommodate a detailed residential layout it is likely that other less important trees and hedgerows will have to be removed. However, the appropriateness of this would be considered in the assessment of any subsequent reserved matters submission. There is scope for the layout to be designed around the important trees and hedgerows.

A draft Tree Retention and Removal Plan was included in the Tree Survey submitted with the application. However, as this is in draft form, a condition is recommended to require final details of tree retention and removal to be submitted for approval.

Heritage impacts

Whilst there are no designated heritage assets in the immediate vicinity of the application site, the scale of the development is such that there may be potential impacts on assets further afield. The potential impacts on each of these assets is considered below.

Looking first at the Castle Park (a Grade I Registered Park and Garden), the application site is located approximately 700m from the eastern boundary of the Park. The site is separated from the Park by Warwick Technology Park. Therefore the proposed development will not bring the urban area any closer to the Park. Furthermore, the proposed development would not be visible from within the Park due to the screening provided by existing trees within the Park, the local topography and the presence of Warwick Technology Park on the intervening land.

The site would be visible from the Castle itself (a Grade I Listed Building and Scheduled Ancient Monument). However, this would be at a distance of 1.5km, with the site separated from the Castle by the development along Myton Road. Furthermore, the site is viewed in amongst the existing urban form of Warwick and Leamington, including large scale buildings to the east (Leamington Shopping Park / Tachbrook Park) and south-west (Warwick Technology Park). Therefore development of the application site would not impact on any notable

rural outlook from the Castle. Development on the application site will also not impact on the relationship between the Castle and the Castle Park.

With regard to the impact on the Castle Bridge (a Grade II* Listed Building and Scheduled Ancient Monument), there are no proposals to make any changes to this structure to mitigate the traffic impacts of the proposed development. On-going maintenance of the structure is the responsibility of the Highway Authority.

The Conservation Advisory Forum and local residents have raised concerns about increased traffic congestion and pollution in the Leamington Spa and Warwick Conservation Areas. However, there has been no objection from English Heritage or the Council's Conservation Architect.

English Heritage have advised that the scheme needs to be carefully considered in the light of its likely impact on traffic generation with respect to the Castle Bridge and the Warwick Conservation Area. However, they have stopped short of stating that the proposals would cause harm to these designated heritage assets.

In assessing whether the proposed development would have a harmful impact in this respect, it important to bear in mind that significant traffic congestion already occurs within these Conservation Areas and on Castle Bridge. Therefore it is considered that additional traffic from the proposed development would not have a material impact in Conservation terms. Furthermore, any residential development within or on the edge of the towns is likely to have a similar impact within the Conservation Areas, but such development is essential to meet the need for new housing within the District.

With regard to the two existing farmhouses on the site (Cottage Farm and King Henry VIII Farm), both of these are proposed to be demolished. Cottage Farm is a Victorian farmhouse and therefore it does have some heritage value. However, whilst the loss of this building is regrettable, it is not worthy of being Listed and the site is not situated within a Conservation Area. Consequently there are no statutory or policy grounds to support its retention. Furthermore, given the position of the farmhouse in line with the main access to the site from Europa Way, the retention of the building within the proposed scheme is not feasible. The same conclusions apply to King Henry VIII Farm, which is a later building and therefore of lesser significance than Cottage Farm.

Paragraph 134 of the NPPF requires the Council to weigh the public benefits of the proposed development against any less than substantial harm to designated heritage assets. As discussed above, if there is any harm to heritage assets, this is limited harm. In terms of public benefits, the proposals would provide a significant number of new dwellings to meet housing needs within the District. This is considered to be a significant public benefit given the lack of a 5 year supply of housing land. Therefore, if there is some limited harm to the designated heritage assets referred to above, it is considered that this is outweighed by the public benefits of the scheme.

The applicant has carried out an archaeological evaluation and this concludes that there are unlikely to be any sub-surface archaeological remains of heritage

significance present on the site. However, part of the site has not been subject to evaluation trenching. The County Archaeologist has advised that there is potential for archaeological features to survive across the remainder of the site and has recommended that a condition be imposed to require a further programme of archaeological work to be carried out. It is considered that this condition would ensure that any archaeological remains are adequately protected.

There is evidence of ridge and furrow earthworks on three areas of the site. However, these are isolated remnants and therefore they are considered to be of low heritage significance.

Taking all of the above matters into account, it is considered that the proposals would have an acceptable impact on heritage assets.

Traffic impact / highway safety

The proposed development would increase traffic on the local highway network. The Transport Assessment submitted by the applicant considers the traffic impacts of the proposed development, taking account of other committed developments and highway schemes. The Transport Assessment concludes that the traffic impacts of the scheme as a standalone development could be mitigated by geometric changes to 3 nearby junctions, to include widening / realignment of the arms of these roundabout junctions. The 3 junctions are:

- the Princes Drive / Old Warwick Road / Europa Way / Myton Road roundabout;
- the Europa Way / Queensway / Tachbrook Park Drive roundabout; and
- the Banbury Road / Myton Road / Bridge End roundabout.

The Transport Assessment accepts that more extensive mitigation works will be required to these 3 junctions and other junctions on the local highway network when the cumulative impact of other proposals within the Draft Local Plan are taken into account. It is proposed that this would be secured via an off-site contribution.

The Highway Authority have accepted the conclusions of the Transport Assessment and have raised no objection to the proposals. They have requested contributions towards bus services, strategic highway infrastructure and sustainable welcome packs. The applicant has agreed to enter into a Section 106 agreement to secure these contributions. There has also been no objection from the Highways Agency in relation to the impact of the development on the strategic highway network (the M40 and A46). Therefore the proposals are considered to acceptable in terms of traffic impact and highway safety.

In terms of provision for pedestrians and cyclists, the Framework Travel Plan submitted with the application indicates that an extensive network of both shared use and segregated walking and cycling routes will be created within the site and these will connect to the existing external network. Detailed provision for walking and cycling within the site would be a matter to be considered as part of any reserved matters submission.

In general sustainability terms this site is arguably one of the most sustainable locations for an urban extension to Warwick or Leamington. It is situated in close proximity to a wide range of shops, services and employment opportunities and is as close to Warwick and Leamington Town Centres as an urban extension could be. Therefore, subject to the provision of appropriate local services and sustainable transport infrastructure to serve the development, there can be no objection in principle on sustainability grounds.

In terms of provision for bus services, the concerns of Stagecoach were forwarded to the Highway Authority to enable these comments to inform their assessment of the application. As the Highway Authority have not objected to the application, they clearly do not share Stagecoach's concerns. It is expected that a bus service will be routed through the site, along the spine road. The applicant has agreed to make a contribution towards funding this bus service, which will be operated by Stagecoach or another bus operator. Most of the proposed dwellings would be within 400m of a bus route. The bus service contribution and the strategic transport contribution will provide the Highway Authority with the resources to implement whatever bus priority measures that they consider appropriate. The Highway Authority will decide on the most suitable bus priority measures in the context of wider proposals for modifying nearby roads and junctions to cope with the cumulative level of housing growth in the Southern Development Area. Therefore it is considered that these outline proposals are acceptable in terms of provision for buses.

The indicative layout would allow for a rear entrance to be created into the expanded Myton School. This could help to alleviate existing problems associated with school traffic on Myton Road and should be considered as a benefit of the proposed development.

Objectors have raised concerns about the proposed access from Saumur Way crossing the existing well used cycle route along the rear of Saumur Way / Aragon Drive. However, these concerns are not shared by the Highway Authority. This access would only serve a maximum of 70 dwellings (after an initial period when up to 140 dwellings will use this access). Priority for pedestrians and cyclists using the cycle route would be retained through the provision of a raised crossing. Give way lines will be painted on the road to indicate that pedestrians and cyclists have priority and signage and barriers will be added to the cycle route to inform/encourage cyclists to dismount prior to crossing the highway.

The Ramblers Association have requested a new rear pedestrian / cycle entrance to Leamington Shopping Park to link with the proposed pedestrian crossing on Europa Way. However, this would require land within and adjacent to the Shopping Park that is in third party ownership. Furthermore, a neighbourhood centre is proposed within the site which would be easily accessible from all of the dwellings by walking and cycling and there are good pedestrian and cycling links from the site to convenience retail facilities on Myton Road (Lidl) and Old Warwick Road (Morrisons). It is also of note that providing a rear entrance to the Shopping Park would only reduce the walking / cycling distance from the proposed Europa Way junction to the entrance of Sainsburys by 200m (compared with following the existing footpath along Europa Way / Tachbrook Park Drive and round to the main entrance of the Shopping Park). Therefore it is

concluded that there is insufficient justification to require the developer to provide the suggested link.

Whilst the indicative layout shows a range of pedestrian and cycle connections to the surrounding area, the connections for vehicular traffic are more limited. The main access would be onto Europa Way and it is expected that the spine road will link through the proposed development on land to the south to provide a through route to Gallows Hill and another access onto Europa Way. However, there would be no through vehicular access onto Myton Road. The access off Saumur Way would be a cul-de-sac serving a limited number of dwellings.

In urban design terms it would be desirable for an access for through traffic to be provided onto Myton Road, to ensure a good level of connectivity between the existing and new neighbourhoods. This would also avoid residents of the existing and new neighbourhoods having to undertake lengthy detours via the Europa Way roundabouts in order to make what would otherwise be a very short journey between the existing and the proposed neighbourhood. However, the applicant does not wish to pursue this option due to concerns about potential rat running and the resulting harmful impact of increased traffic on existing residents in and around Myton Road.

Whilst it may be possible to design this through route in a manner that would discourage rat-running, it is likely that such a change to the scheme would generate significant opposition from the existing residents that might be affected by increased traffic. Therefore, it has been decided that it would not be appropriate to require a through route to be provided to Myton Road.

Issues relating to the detailed internal road layout and car parking would be considered as part of any reserved matters approval.

Affordable housing

The affordable housing requirement for this site has been reduced to 33% to compensate the applicant for providing land for the education campus free of charge. The amount that the affordable housing requirement has been reduced by has been calculated as being equal to the development value that will be lost from the current site, compared with nearby residential development sites that have not been required to provide this amount of land for education. Therefore this reduction in affordable housing is considered to be an appropriate means of securing this critical piece of social infrastructure that will serve the whole Southern Development Area.

The applicant has agreed that the affordable housing will comply with the requirements of the Council's Housing Strategy in terms of tenure split and the level of affordable rents. Therefore the proposals are considered to be acceptable in terms of affordable housing provision.

Impact on local services

There is significant concern from local residents with regard to the scheme resulting in further pressure on public services, and in particular schools, doctors and hospitals.

In terms of schools provision, Warwickshire County Council have indicated that a financial contribution of £8,007 per dwelling will be required for education provision. There is also a requirement for land to be reserved within the site for a new primary school and an expanded secondary school.

In terms of hospitals, South Warwickshire NHS Trust have requested a contribution of £1,039.65 per dwelling towards the cost of providing a new ward block at Warwick Hospital and providing additional outpatient, diagnostic, treatment and inpatient facilities, including hubs for community health care teams at the Warwick and Leamington hospital sites.

NHS Property Services have requested a contribution of £772.86 per dwelling to fund the construction of a new doctor's surgery.

WCC Libraries have requested a contribution of £21.89 per dwelling towards library services.

The County's Rights of Way team have requested a contribution of £12,745 towards rights of way improvements within 1.5 miles of the application site.

Warwickshire Police have requested a contribution of £145,724 towards police infrastructure.

There are also requirements for contributions of £831.04 per dwelling towards indoor sports facilities and £56.73 per dwelling towards outdoor sports facilities.

The Council's Greenspace Development Manager has advised that, if the open space land is to be transferred to WDC, then a commuted sum for maintenance would be required, including a sum for maintaining the proposed attenuation basin. A contribution of £768 per dwelling is also required for the creation / future maintenance of the proposed country park, which will be located to the south of the nearby residential development sites on Harbury Lane.

The applicant has agreed to all of the above Section 106 contributions. It is considered that this package of Section 106 contributions will provide adequate mitigation for the impact of the development on local services.

The ecological impact of the proposals

The development will result in the loss of existing wildlife habitats and has the potential to increase contaminated surface water run-off into watercourses. A number of protected species have been recorded on site, including great crested newts, bats and badgers.

WCC Ecology required the applicant to undertake a Biodiversity Impact Assessment to quantify the extent of biodiversity loss together with proposals for this to be off-set. This has now been submitted and agreed by WCC Ecology. The proposals for off-site compensation will be secured by the Section 106 agreement. This will ensure that there is no net loss of biodiversity as a result of the proposed development. WCC Ecology have therefore now raised no objection to the application.

With regard to protected species, there is a population of great crested newts in a pond on the site. This pond would be removed to make way for the proposed development. Retention of the existing pond is not feasible because it is located in line with the main access to the site from Europa Way. However, mitigation measures are proposed, including the creation of two ponds and suitable habitats for great crested newts. Natural England have raised no objection to the proposals on this basis. Full details of mitigation measures could be secured by condition.

The bat surveys carried out by the applicant identified various species of bats foraging on site, together with maternity roosts in one of the outbuildings at King Henry VIII farm. WCC Ecology have recommended a condition to require this building to be retained or to require the provision of a suitable replacement structure for bats.

There is also a badger sett on site. Separate consent would be required from Natural England for the sett to be closed. If Natural England were to grant this consent, there would be a requirement for the badgers to be relocated to a new sett within the site and this would require sufficient foraging habitat to be retained to support the new sett. As this is an outline application, with the detailed layout to be agreed at reserved matters stage, there is scope for the layout to be designed around any new sett, including provision of suitable foraging habitat. Therefore WCC Ecology advise that this matter can be satisfactorily addressed by the imposition of a condition to require the submission of a detailed badger mitigation plan.

WCC Ecology have also recommended that a condition be imposed to require a more general Construction and Environmental Management Plan to be produced to include measures for the protection of species during and after development.

Subject to the mitigation measures that are to be secured by conditions and in the Section 106 agreement, it is considered that the proposals will have an acceptable ecological impact.

Provision of public open space

The application proposes to include 12.70ha of public open space within the site. The open space provision is in accordance with the requirements of the Council's Open Space Supplementary Planning Document (SPD) in terms of overall size and in terms of the proportions of the various types of public open space. The Council's Greenspace Development Manager has confirmed that the open space provision is appropriate.

The applicant has agreed to make a contribution of £768 per dwelling towards the new country park to the south of the nearby development sites on Harbury Lane.

Drainage and flood risk

The majority of the site (99.9%) is situated within Flood Zone 1 (i.e. land at lowest risk of flooding). The Myton Brook, a small tributary of the River Avon,

crosses the site. The area immediately adjacent to this watercourse is situated within Flood Zones 2 and 3. However, the strategic masterplan shows the area either side of this brook designated as public open space. The proposed development plots could be accommodated on the parts of the site within Flood Zone 1 and therefore the site is considered to be suitable for residential development from a flood risk point of view.

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 detailed drainage proposals will include Sustainable Urban Drainage Systems. WDC Community Protection would require these features to be adopted and this would be included in any Section 106 agreement, together with a requirement for a contribution towards the costs of future maintenance.

Neighbours in Myton Crescent and The Malins have raised concerns about existing surface water flooding problems affecting their properties. The relevant consultees have been made aware of these concerns and their responses have taken these matters into account. Their advice is that a detailed surface water drainage scheme required by their recommended conditions should help to alleviate these existing surface water flooding problems.

Loss of agricultural land

A number of objectors have raised concerns about the loss of productive agricultural land. The Agricultural Land Classification of the site is predominantly Grade 2, with small areas of Grades 1 and 3 and unclassified land. The detailed breakdown is as follows: 4.3ha of Grade 1, 20.6ha of Grade 2, 1.5ha of Grade 3a, 0.7ha of Grade 3b and 10.0ha where the agricultural land classification is unknown. Consequently the majority of the site is classified as the best and most versatile agricultural land as defined in the NPPF.

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.

A further factor of relevance to this issue in the current case is that this particular site is probably the most sustainable site for an urban extension to Warwick and Leamington. Of all of the potential urban extension sites, this is the closest to Warwick and Leamington Town Centres. It is also in close proximity to other facilities and employment opportunities within the towns. Therefore, it is considered that the need to provide new homes in a sustainable location overrides any concerns about the loss of productive agricultural land.

Health and Well-being

The proposals would provide a significant amount of housing as well as public open space. These would be significant benefits of the scheme that would contribute to health and well-being.

Other matters

Neighbouring residents have advised that they would object to any change in alignment of the existing overhead power lines if it brought these closer to the houses in Aragon Drive. However, the new pylon alongside the northern boundary of the site has been positioned to ensure that the power lines are brought out of the ground in a position that maintains the existing alignment of the overhead lines between the houses on Aragon Drive. The pylon is considered to be an appropriate feature for this part of the site, given that there are established pylons both on the application site and nearby in Aragon Drive.

Details of how 10% of the predicted energy requirements of the development will be produced from renewable energy technologies will be provided at reserved matters stage. A condition could be applied to any outline permission to deal with this issue.

The indicative location for the neighbourhood centre has been amended to relocate this to a position alongside the southern boundary of the site. Further community facilities are expected to come forward on the site to the south and this will enable the facilities on each site to be located together to form a contiguous neighbourhood centre to serve all of the land west of Europa Way.

A condition is recommended to require any reserved matters submissions to comply with the Council's Development Management Guidance on Market Housing Mix. This will ensure that the mix of market housing provided on the site will meet the market housing needs of the District as identified in the Strategic Housing Market Assessment.

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 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, including the provision of land for education use. 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. The development would have an adverse impact on the surrounding landscape in terms of loss of openness and harm to rural character. However these impacts need to be balanced against the wider benefits of the development listed above.

Drawing these matters together, it is not considered that the adverse impacts on the landscape and rural area significantly and demonstrably outweigh the benefits of the development. The development is considered to comply with all current Local Plan policies aside from RAP1 and DAP2, 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. In addition, this scheme is of particular importance for the wider area because it provides land to meet the needs for enhanced secondary education provision to serve the whole Southern Development Area. 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 substantially in accordance with the details described in the Design and Access Statement and as shown on the parameter plans 26855-LEA282a and 26855-LEA283a, and specification contained therein, submitted on 27 October 2014. For the avoidance of doubt, drawing nos. 26855-LEA202e (indicative masterplan) and 26855-LEA206b (strategic masterplan) have been considered as being for illustrative purposes only and therefore are not approved. **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. The application is in outline with all matters (save access) reserved and the local planning authority wishes to ensure that those details that have not yet been submitted are appropriate for the locality in terms of visual and residential amenity and reflect the scale and nature of the development assessed in the submitted Environmental Statement.

5 No more than 140 dwellings shall be occupied unless and until the access to Europa Way has been constructed in strict accordance with drawing no. 26855-L133e, submitted on 3 November 2014. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011.

6 The vehicular access from Saumur Way shall be constructed in strict accordance with drawing no. 26855-LEA187a, submitted on 17 July 2014. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011.

7 No reserved matters application for any phase of the development shall be submitted until there has been submitted to and approved in writing by the Local Planning Authority a Site Wide Design Code for the approved development. This Design Code shall be in accordance with

the principles and parameters as set out within the Design and Access Statement, the plans listed in condition 4 above and the Council's guidance entitled "Garden Towns, Villages and Suburbs: A Prospectus for Warwick District Council, May 2012" (and any subsequent revision and/or approved plans/strategy available at the time).

The Design Code shall include the following matters:

- a hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas);
- development blocks including built form and massing and relationship with adjoining development areas/blocks including areas of transition between development parcels (including the relationship between built form and adjoining open space);
- building types;
- building heights;
- the means to accommodate the parking of vehicles and cycles;
- sustainable Urban Drainage features;
- key spaces, open spaces and green features;
- architectural language and detailing;
- design principles for street tree planting and other structural landscaped areas;
- design principles for hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long term management;
- design principles for waste disposal and recycling;
- design principles for the colour and texture of external materials and facing finishes for roofing and walls of buildings and structures;
- design principles for street lighting and any other lighting to public space (including parking areas);
- a regulating plan on an ordnance survey base at a scale no greater than 1:1250; and
- a mechanism for periodic review and refinement if necessary of the approved Design Code.

All reserved matters applications shall accord with the approved Design Code.

REASON: In the interests of good urban design and a comprehensively planned development in accordance with the NPPF, Policies DP1, DP14 & DP15 of the Warwick District Local Plan 1996-2011 and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029 (Publication Draft 2014).

8 No reserved matters application shall be submitted until a Site-wide Masterplan has been submitted to and approved in writing by the local planning authority. The Site-wide Masterplan shall be in accordance with all of the following:

- the approved Design & Access Statement and parameters plans listed in condition 4;

- the principles set out in the Council's guidance entitled "Garden Towns, Villages and Suburbs: A Prospectus for Warwick District Council, May 2012"; and
- the Site-wide Design Code to be approved under condition 7.

The Site-wide Master Plan shall include the following:

- illustrative details of how the proposed layout of development has been designed with due regard to the surrounding urban and rural context;
- landform topography as existing and proposed;
- a land use plan and character areas (including densities and building heights);
- movement corridors within the site (including principal roads, public transport corridors, footpaths, cycleways and green corridors) including a demonstration of how these relate to existing movement networks in the wider area;
- location of any areas for off-street car parking courts;
- key infrastructure (including SUDs, significant utility provision, schools, district/local centres);
- landscape corridors and open space networks;
- public open space;
- housing mix including tenure and size of dwelling;
- location of affordable housing;
- street tree planting and other structural landscape areas;
- hard and soft landscaping treatments;
- street lighting arrangements and any other lighting to public space;
- a phasing plan including triggers for delivery of key elements of supporting infrastructure; and
- a statement explaining how the development proposals accord with the principles set out in the Site-wide Design Code.

REASON: In the interests of good urban design and a comprehensively planned development in accordance with the NPPF, Policies DP1, DP14 & DP15 of the Warwick District Local Plan 1996-2011 and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029 (Publication Draft 2014).

9 No development shall commence until a construction phasing plan has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the phases established in this approved phasing plan. **REASON**: To ensure the proper phasing of the development.

10 No phase of development shall commence under any reserved matters consent 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 energy LED lighting 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.

11 No development shall take place until a Protected Species Contingency Plan has been submitted to and approved in writing by the local planning authority. The Plan shall include:

(a) a schedule of badger mitigation measures to include details of matters such as artificial sett creation, provision of sufficient foraging habitat on site and provision of ecological corridors facilitating movement between areas;

(b) a schedule of bat mitigation measures, to include up-to-date bat activity surveys and proposals for either the retention and protection of existing bat roosts or the provision of replacement bat roosts; and

(c) a schedule of great crested newt mitigation measures, to include further survey work if necessary and proposals for either the retention and protection of the great crested newt habitats or provision of appropriate replacement habitats.

The Protected Species Contingency Plan shall include timescales for the works and proposals for on-going monitoring. The approved Protected Species Contingency Plan shall be implemented in strict accordance with the approved details and timescales.

REASON : To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan.

12 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 local planning authority 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 Policy DAP3 of the Warwick District Local Plan.

13 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 ponds, wildflower grasslands and 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 NPPF.

14 No development shall take place until a scheme for the provision and management of the river corridor and a minimum 8m buffer zone alongside Myton Brook has been submitted to and approved in writing by the local planning authority. The scheme shall include plans showing the extent and layout of the buffer zone, the design and location of any bridges over the river, a tree planting scheme for this zone and details of any footpaths, fencing or lighting within the zone. The scheme shall thereafter be implemented in strict accordance with the approved details and the buffer zone shall be protected in accordance with the scheme at all times thereafter. **REASON :** To ensure the protection of wildlife and supporting habitat and to secure opportunities for the enhancement of the nature conservation value of the site, in accordance with Local Plan Policy DP3.

15 No phase of development shall take place under any reserved matters consent until a scheme for that phase showing how 10% of the predicted energy requirement of the phase will be produced on or near to the site from renewable energy resources has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within 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. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

16 No phase of development shall commence under any reserved matters consent until a scheme for that phase 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.

17 Notwithstanding the details indicated on the Draft Tree Retention and Removal Plan submitted with the application, no phase of development shall commence on any reserved matters consent until a Final Tree Retention and Removal Plan identifying existing trees, shrubs and hedgerows to be retained has been submitted to and approved in writing by the local planning authority. The existing trees, shrubs and hedgerows shown to be retained on this plan shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any trees, shrubs or hedgerows 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 trees, shrubs or hedgerows of such size and species details of which must be submitted to and approved by the local planning authority. All trees, shrubs and hedgerows 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.

18 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.

19 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 an addendum to the method statement, detailing how the unsuspected contamination shall be dealt with, has been submitted to and approved in writing by the local planning authority). 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.

20 No phase of development shall commence under any reserved matters consent until a scheme for that phase 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 has been 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.

21 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which shall have 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: a construction phasing plan; the anticipated movements of vehicles; the routing of delivery vehicles; 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; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; measures to limit noise and disturbance; and a scheme for recycling / disposing of waste resulting from demolition and construction works. **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.

22 No phase of development shall commence under any reserved matters consent until a Low Emission Strategy for that phase 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.

23 No phase of development shall commence under any reserved matters consent until a scheme for that phase 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.

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

(a) 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;

(b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition

detailed within the approved WSI shall be undertaken;

(c) a report detailing the results of this fieldwork shall be submitted to and approved in writing by the local planning authority; and

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

No development shall take place until all fieldwork detailed in the approved Archaeological Mitigation Strategy has been completed in strict accordance with the approved details. The post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the approved Archaeological Mitigation Strategy.

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.

25 The development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.

26 No phase of development shall commence under any reserved matters consent until a scheme for that phase has been submitted to and approved in writing by the local planning authority demonstrating that surface water runoff does not exceed runoff from the undeveloped site and does not increase the risk of flooding off-site. The scheme shall include the following:

- proposals to limit post-development runoff volumes and peak flow rates to the Greenfield discharge rate for all rainfall return periods up to and including a 1 in 100 year plus 30% (for climate change) event;
- attenuation designed to accommodate a 1 in 100 year plus 30% (for climate change) event;
- further detail on the implementation of SUDS;
- proposals to alleviate existing flooding problems affecting Myton School and dwellings in The Malins and Myton Gardens; and
- a demonstration that there will be no above ground flooding up to and including the 1 in 30 year rainfall event.

The approved drainage systems shall thereafter be installed in strict accordance with the approved details and timescales. The approved drainage systems shall be retained at all times thereafter and shall be managed and maintained in strict accordance with the approved details. **REASON:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011.

27 No development shall commence until a scheme for the restoration of Myton Brook has been submitted to and approved in writing by the local planning authority. This shall include further hydraulic modelling to test the effectiveness of this restoration in reducing downstream flood risk. This shall also include details of timescales for the completion of these works. The restoration of Myton Brook shall thereafter be completed in strict accordance with the approved details and timescales. **REASON :** To reduce flood risk, in accordance with the NPPF.

28 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.

29 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.

30 An area of land measuring no less than 0.28 hectare shall be reserved for a neighbourhood centre to provide 500 sq m of A1, A2, A3, A4 and / or D1 floorspace. This area of land shall be in the location identified on drawing no. 26855-LEA282a. Any reserved matters proposals for development on this land must include at least 500 sq m of A1, A2, A3, A4 and / or D1 floorspace and associated off-street parking facilities. **REASON :** To ensure that supporting facilities are provided as part of

this residential development, in the interests of creating a sustainable development, in accordance with the NPPF.

31 None of the commercial units hereby permitted shall be used for purposes falling within Use Classes A3 or A4 unless:

(a) an odour assessment has been undertaken to assess the impact of odour arising from cooking and any proposed fume extraction system that is required to serve that unit;
(b) the results of the odour assessments carried out to comply with criterion (a), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority; and
(c) any necessary mitigation measures approved under (b) have been implemented in full accordance with the approved details.

The odour mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority.

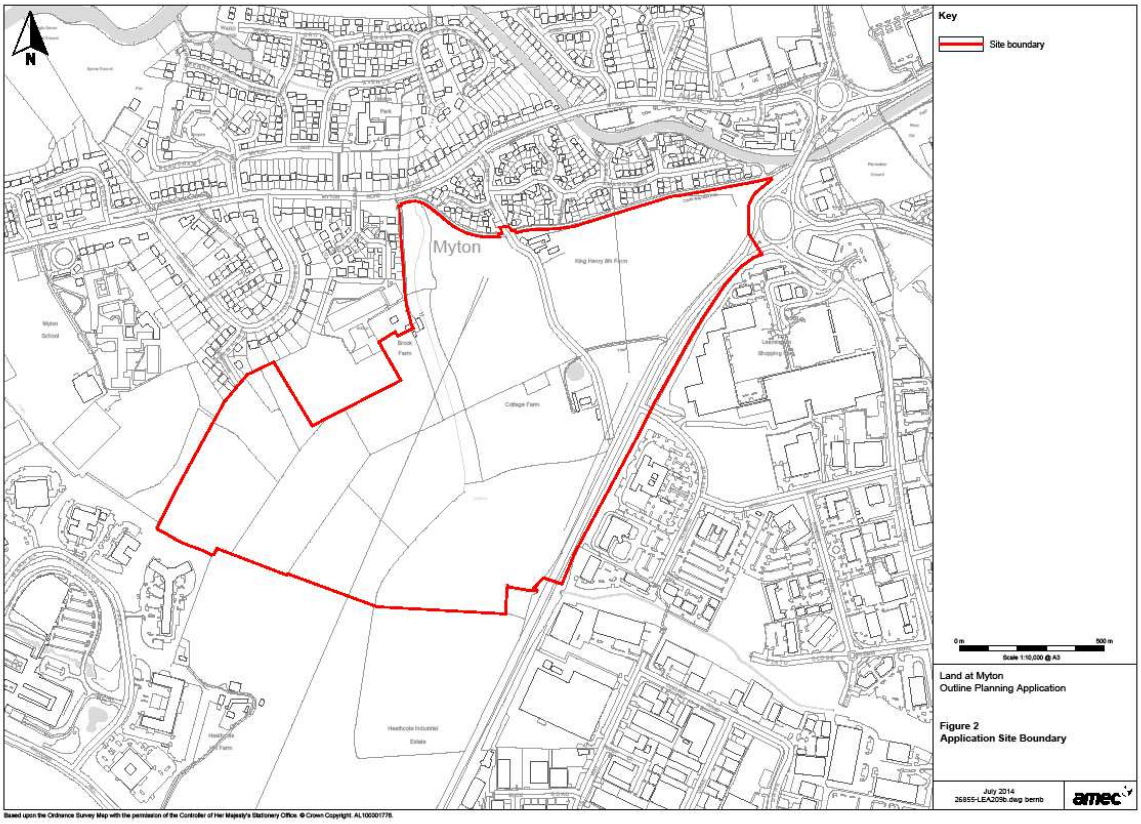
REASON: To protect residents of the development from the adverse effects of noise and fumes from commercial activities within the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

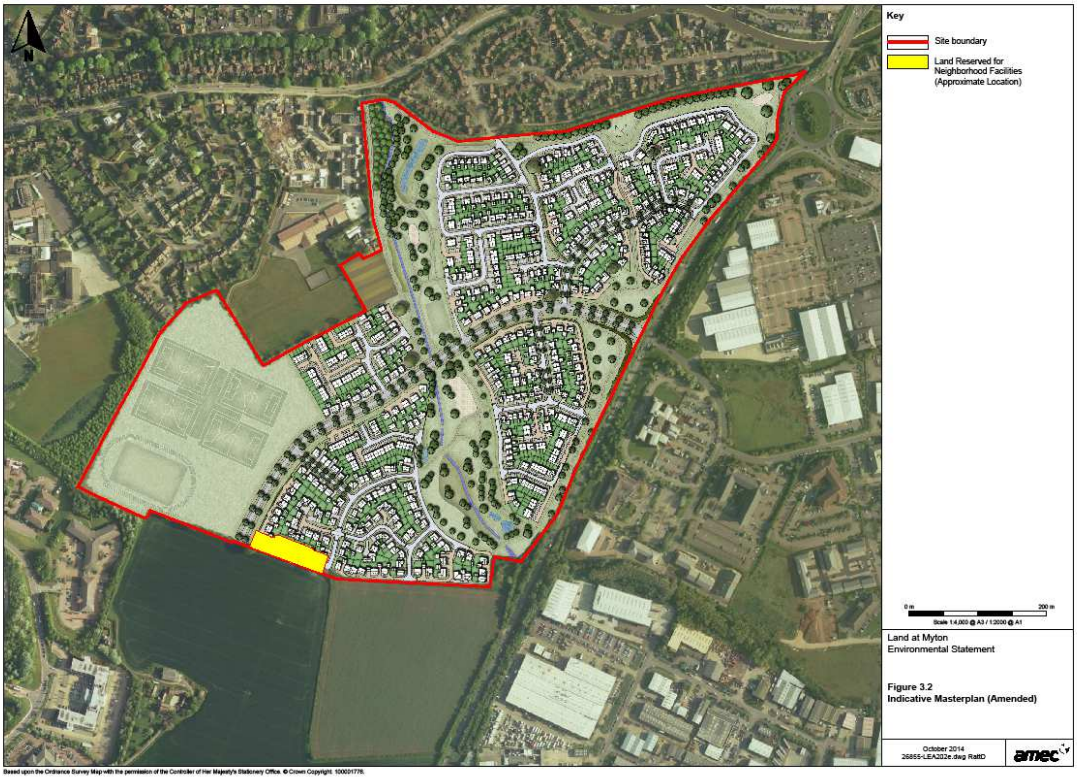
32 Noise arising from any plant or equipment installed at any of the commercial units hereby permitted (i.e. any unit falling within Use Classes A1, A2, A3, A4 or D1), when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

33 The development hereby permitted shall only be carried out in accordance with the Flood Risk Assessment by AMEC dated July 2014 and submitted on 17 July 2014, and the proposed flood mitigation measures contained therein. **REASON :** To reduce flood risk, in accordance with the NPPF.

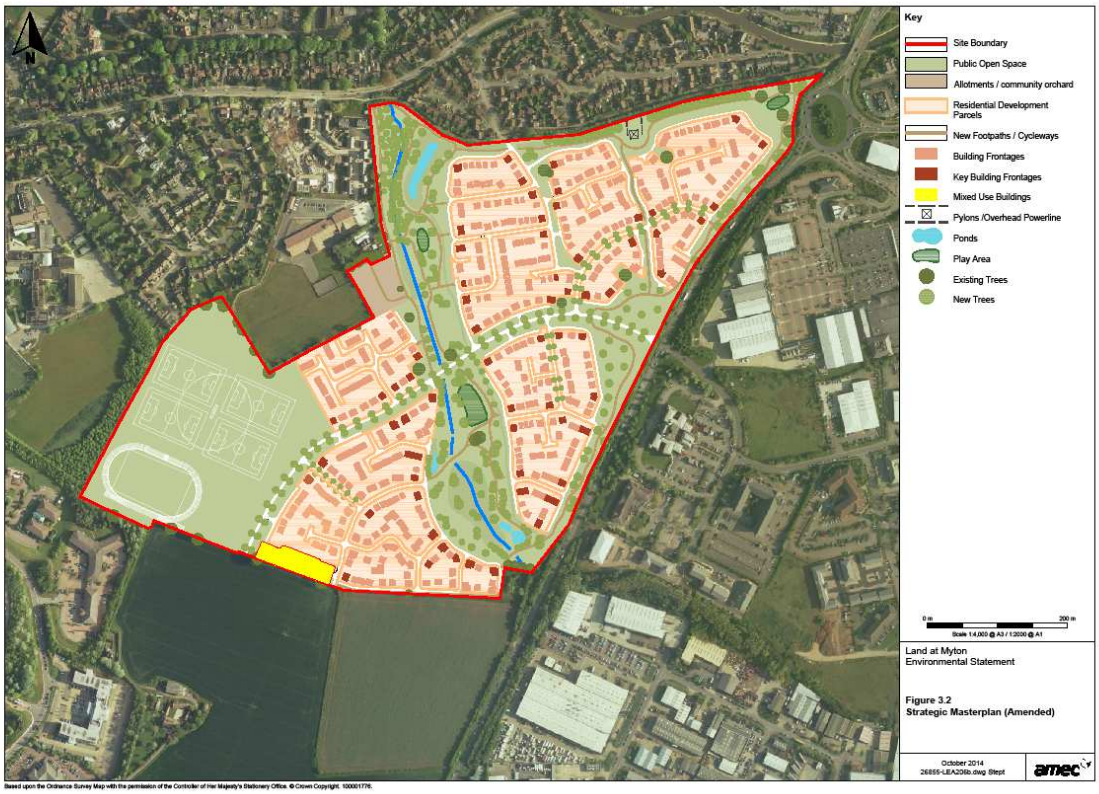
34 For a period of 18 months from the date of the first occupation of any of the dwellings hereby permitted, no more than 140 dwellings shall be accessed via the proposed vehicular access off Saumur Way. At all times after 18 months following the first occupation of any of the dwellings hereby permitted, no more than 70 dwellings shall be accessed via the proposed vehicular access off Saumur Way. **REASON :** In order to protect the living conditions of the existing dwellings along Saumur Way, in accordance with Policies DP2 and DP9 of the Warwick

District Local Plan.





Based upon the Ordnance Survey Map with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. 100001776.



Based upon the Ordnance Survey Map with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. 100001776.