

Planning Committee: 05 July 2011

Item Number:

Application No: W 11 / 0074

Town/Parish Council: Warwick
Case Officer: Steven Wallsgrove
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Registration Date: 19/01/11

Expiry Date: 16/03/11

Land at Aylesford School, Shelley Avenue, Warwick, CV34 6LA

Outline application for residential development with associated infrastructure and access FOR Warwickshire County Council.

This application is being reported to the Committee because the application has been submitted by Warwickshire County Council and is not for minor works.

SUMMARY OF REPRESENTATIONS

Warwick Town Council: The Town Council is concerned that there appears to be significant variation to S106 Agreements in respect of this application and a most significant loss of public open space.

Open Space

The reduction in the number of units proposed can only be achieved, without flats, because of the reduction to the open space area. Open space areas have already been greatly reduced following the District Council's agreement that playing fields and football pitches, which were to be provided for residents, within the development would instead be provided at St Nicholas Park. A further reduction of open space land, which would generate additional residential land and a substantial increase in land value for the developer, can only be to the detriment of residents and the suggested off site provision gives no indication as to where that provision will be allocated and available to the residents of the area.

A proposal to provide expensive play equipment on site, only makes provision for a limited number of residents and in any case the increased plot value of some £3,000,000, can hardly be traded against improved play equipment and the maintenance of urban woodland.

There does not appear to be any good planning grounds, for yet a further reduction to the open space allocation to be so substantially below the District Planning Authority guidance or for that provision located away from local need.

The Town Council does not therefore consider that the Planning Authority should further relax the allocation of public open space, but rather that the Planning Authority should ensure that the public open space was available in the locality, for the local community.

Affordable Housing

A further area for concern is that the proposed S106 Agreement seems to seek to provide only 'up to 40% affordable housing' and the Town Council considers that the S106 Agreement should require 'not less than 40% affordable housing', with provision for elderly persons accommodation.

Highways

There is also concern that the financial contribution proposes that funding should be directed towards a bus service to Warwick Parkway and the Town Council does not consider that revenue expenditure to support a bus service for a limited period is justified given the stated shortfall to fund town centre traffic works as part of the Town Centre Traffic Plan.

The Town Council therefore recommends that all S106 income is directed to the Town Centre Traffic Management Scheme.

Community Use

There is no provision for a contribution for community use and the Town Council considers that need for community support should be reflected by a S106 Agreement.

The Town Council also consider that there should be pedestrian provision to allow residents and particularly children to leave and enter on foot, without accessing Stratford Road.

Warwick Society: Welcome the principles of this development, but expect a 40% affordable housing provision. They comment on the layout and would like to see a walking and cycling connection to Shelley Avenue. They also comment on present parking problems generally and consider that this needs to be reviewed, which could result in a reduction in housing numbers. They comment that they have mixed feelings over the reduction in the required open space and consider that this will need to be carefully monitored. They consider that the educational contributions should be allocated to the specific schools in the area, and expect a contribution towards reducing the impact of traffic on the town centre, and not on subsidising bus routes. They also comment on flooding problems, have reservations about whether the flood alleviation schemes in hand will be adequate, and expect to see widespread use of permeable surfaces and planting.

WCC (Education): Consider that contributions towards Primary and Special Needs Pupils will be required, but not for other education sections. They request that the necessary S106 Agreement include their standard formula for the relevant funding.

Green Infrastructure Manager: Comments that layout and design will need to take account of existing landscape features.

WCC (Highways): No objection, subject to conditions, and subject to a S106 Agreement for public transport contributions and a sustainable welcome pack.

Community Protection: Concerned that a safe dry means of ingress/egress is currently not possible during flood events but are satisfied, following the submission of further information, that a satisfactory scheme can be designed in accordance with PPS 25 : Development and Flood Risk. They therefore now have no objection, subject to conditions.

Fire & Rescue: No objection subject to a fire fighting condition.

Environment Agency: Comments are made on the submitted Flood Risk Assessment, but they also comment that, when the approved Flood Alleviation

Works have been implemented, this will enable the proposed development to commence. They therefore have no objection, subject to completion of those works before development starts, minimum floor levels, a surface water drainage scheme, and protection of the Gog Brook.

Waste Policy: No objections in principal, but comment on need for waste provision for proposed dwellings.

Housing: Quotes Policy SC11 and refers to need for a S106 to provide for at least 40% as affordable housing.

Cultural Services: Note that the 1 ha of open space being offered is in excess of the 0.5 ha of the original application, but is below that now required under the SPD. They consider that the LEAP play area should be separate from the open space area, that the 'urban woodland' area (off-site) is too small to be of any value, and note the offer for off-site contributions.

Chase Meadow Residents Association: Welcome the provision of green space but consider that funding being for wider Warwick is not acceptable; request contribution towards the Community Centre; consider parking should be to the front of properties, not in rear courtyards; and consider that suitable waste bin compounds should be provided.

WCC (Archaeology): Request a written scheme of investigation.

Public Response: Comments have been received from 4 residents who have expressed concerns about loss of privacy, increased density, possible loss of light, noise and disturbance from building works, traffic, flooding problems and children's safety.

RELEVANT POLICIES

- SC12 - Sustainable Transport Improvements (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)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (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)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- Appendix 2 of the Local Plan (Commitments).
- Policies CF3, CF5 and CF6 of the Regional Spatial Strategy are also relevant since that document has not been formally revoked.

PLANNING HISTORY

The application site forms part of the South-West Warwick Major Housing and Employment Allocation from the 1995 Adopted Local Plan, whose commitment was carried forward into the 2007 Adopted Local Plan. The allocation plays an important part in meeting the District's housing and employment land requirements as required previously through the Warwickshire Structure Plan and, now through the 2008 Adopted West Midlands Regional Spatial Strategy. The Council approved a Framework Brief for the allocation in 2000 which provided the general principles for its development and the infrastructure and community benefits required as part of the development. The application site itself was granted outline planning permission for residential development in 2006, although this permission has expired and hence the submission of this application for the final phase of residential development on the allocation.

KEY ISSUES

The Site and its Location

The site is now disused but includes a line of trees along the original boundary to the school playing fields (now replaced by land to the south of the school). It has the approved link road and school access road to the south and east, the Gog Brook to the north, and housing and open space to the west.

Details of the Development

The proposal has been submitted in 'outline' and is for residential development with 1 ha of public open space. All matters, except access, are reserved for subsequent applications and the plans are therefore illustrative. Access into the site is shown as being taken from the approved link road and the school access road.

The application is accompanied by a Planning Statement, a Transport Assessment, an Ecology Survey, a Flood Risk Assessment, a Design and Access Statement, an Arboricultural Report, a draft Section 106 Agreement 'Head of Terms', and an illustrative site layout.

The applicants have agreed to 40% affordable housing provision, the education funding provision, the provision of open space, transport improvements, and that funding will be required towards the community centre (to be provided as part of the Collaboration Agreement between the various landowners).

Assessment

The application site forms part of the South West Warwick Major Housing Allocation, whose commitment was carried forward into the 2007 Adopted Local Plan. The principle of residential development has been established over many years through various decisions made by the Council and Secretary of State. The residential development of the site forms an important part of the District's future housing land supply in meeting the requirements of the 2008 Adopted Regional Spatial Strategy, as well as enabling the delivery and completion of the allocation and its infrastructure as required by the Council through the Framework Brief. The principle of the development is therefore acceptable.

The issues to be considered relate to certain detailed aspects of the proposal, namely the provision of affordable housing, open space, and community facilities, which need to be the subject of a S106 Agreement (or Unilateral Undertaking). Other issues are the timing of the development in relation to the construction of the link road and the flood alleviation works, the

recommendation by the Environment Agency to consult with the Emergency Planning team (in relation to means of escape in times of flood), transport, pedestrian access (mentioned by the Warwick Society), and the scale of the buildings.

Affordable Housing

The affordable housing requirement is set out in Policy SC11 of the Warwick District Local Plan, which refers to providing for a minimum of 40% affordable housing to meet local needs. Details of the requirement are set out in the District Council's Affordable Housing SPD. The submitted documents refer to providing up to 40% affordable housing. The applicants have now agreed to provide 40% affordable housing.

Community Facilities

The need to provide contributions towards community facilities in conjunction with new development, in appropriate cases, is set out in Policy SC14. This replicates the provisions of the March 2000 Framework Brief, which required the allocation to contain a community hall, and an appropriate sum for its future maintenance. The Council are currently working in partnership with the local community to deliver the community hall to serve the residential allocation. The landowner of the application site is obligated to contribute a proportionate sum from the application site towards the costs of providing and maintaining the hall.

The development of the site will also have implications for the provision of education facilities but at least part of this has been planned for with extensions being approved at Newburgh School. Financial contributions will be needed from the site developers but this is included in the 'Heads of Terms', as is a contribution towards traffic management in the town centre and for bus services, and towards libraries.

Open Space

The need to provide open space within the development, or contributions towards off-site open space in conjunction with new development is set out in Policy SC13 and the Open Space SPD. The Framework Brief plan identified three core areas of open space provision to serve the allocation, namely within the residential allocation adjoining the application site along Purser Drive, within the employment allocation along Stratford Road, and between Blackblades Boulevard and the A46 Warwick Bypass (although the employment part was not intended to be public). The main site within the residential area has mostly been provided and will be completed by the proposed development of the application site. Significant financial contributions from the development of the residential allocation were also required by the Council to fund improvements to off-site open space at St. Nicholas Park, where remediation and reconstruction of sports pitches has been approved and undertaken in order to serve the local communities needs for sports provision. The landowner of the application site is obligated to contribute a proportionate sum from the application site towards the costs of these improvements.

The requirements of the Framework Brief for the residential open spaces therefore will be met. However, the open space requirements of Policy SC13 and the SPD are more onerous than the previous requirements within the 1995 Adopted Local Plan. The application of the SPD could require up to 3ha of open space on site, subject to the number and size of homes to be built, the existing level and quality of open space provision nearby, and the amount of any off-site contributions.

The applicant has therefore proposed to increase the size of the existing open space adjoining the site, by extending it by 0.75ha into the application site, which is 0.25ha over and above the requirements of the Framework Brief. They have also proposed to make an additional financial contribution towards improvements to the adjoining existing open space, a locally equipped play area within the application site, a small area of urban woodland on the Stratford Road as amenity space, and drawn attention to the adjoining school playing fields which are available for community use during the evenings and weekends. However, the small piece of 'urban woodland' (0.25ha) at the junction of the link road and the Stratford Road is considered to be not acceptable for adoption as public open space due to its small size and isolated location. In light of the above, which goes beyond the Council's original requirements as expressed within the Framework Brief, it is considered that the applicant has demonstrated it has satisfied the policy requirements of Policy SC13 to contribute towards providing, improving and maintaining appropriate open space to meet the needs of the development.

Flooding

In terms of flooding, the site lies within Zone 3b at present but, once the approved flood alleviation works have been completed, the Environment Agency are satisfied that it will lie within Zone 2. They, therefore, have recommended acceptance since the development would not be affected by a 1 in 100 year flood event. However, they advised consultation with the Emergency Planning team in accordance with PPS 25 : Development and Flood Risk. This is concerned with problems in times of actual flood. The PPS refers, in particular, to the Civil Contingencies Act 2004 and consultation with the Emergency Services on planning applications 'where emergency evacuation requirements are an issue' with paragraph 8 referring to the need to ensure that development in flood risk areas is flood resilient and includes safe access and escape routes. Such consultation is normally done through Local Resilience Forums. As set out in the section on representation responses, Community Protection are satisfied that safe access and escape routes can be provided, subject to conditions.

Other Matters

The remaining significant issue is the scale of development. The application includes an indicative layout, which is different from that in the Design and Access Statement, but the layout and, in particular, the numbers of units, are not being determined at this stage. The information does indicate, however, that there would be a mixture of units but that, in general, they would be two storeys in height. This would be similar to the existing estate and in accordance with the Framework Brief. The finished floor levels, being set at 600mm above ground levels, is normal for this estate and, therefore, is considered acceptable.

The Warwick Society raised two other issues, namely contributions towards traffic improvements, and a pedestrian link to Shelley Avenue. There is already a requirement for the development of this major allocation site to fund changes in the town centre and the present site will be contributing towards that under the Collaboration Agreement between the developers. The suggestion that a pedestrian or cycle link to Shelley Avenue is noted, but a link already exists in the corner of Shelley Avenue, which is well used, and a new bridge over the stream could have problems as it could affect flooding and is likely to be costly. It is considered, therefore, that a new bridge cannot be justified.

It is considered, therefore, that outline planning permission can be granted for the development of this site, subject to various conditions and a S106 Agreement, or Unilateral Undertaking, covering the issues discussed above.

RECOMMENDATION

GRANT, after completion of a S106 Agreement or Unilateral Undertaking, to provide for 40% affordable housing, and the provision of open space, community facilities, and public transport contributions subject to the conditions listed below.

CONDITIONS

- 1 This permission is granted under the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 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) appearance
- (b) landscaping
- (c) layout
- (d) scale

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

- 2 In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the District Planning Authority not later than the expiration of three years beginning with the date of this permission. **REASON**: To comply with Section 92 of the Town and Country Planning Act 1990.
- 3 The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved. **REASON** : To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 4 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority.
REASON : In the interests of fire safety.
- 5 Details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON** : To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011.
- 6 No development shall take place until the applicant has secured the implementation of a written programme of archaeological work in

accordance with a written scheme of investigation which has been submitted by the applicant and approved by the District Planning Authority. **REASON** : To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy DP4 of the Warwick District Local Plan 1996-2011.

- 7 No development shall commence on the site until details of finished ground and road levels, including longitudinal sections, have been submitted to, and approved in writing by, the District Planning Authority. The development shall not then be carried out other than in strict accordance with such approved details. **REASON** : To ensure that a safe means of access and escape are provided to each unit of accommodation in accordance with PPS 25: Development and Flood Risk.
- 8 A strip of land 10 metres wide adjacent to the top of both banks of all watercourses on the site must be kept clear of all new buildings and structures (including gates, walls and fences) unless agreed otherwise in writing with the District Planning Authority in consultation with the Environment Agency. Ground levels must not be raised within this area. **REASON** : To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows.
- 9 No development shall be carried out on the site until the Northern Link Road (approved under Application No. W04/2253) has been completed to base course level, and the Flood Alleviation Works approved under W10/1201 have been completed to the reasonable satisfaction of the District Planning Authority. **REASON** : To ensure that the site has adequate vehicular access and that the development of the site does not result in increased flooding problems.
- 10 Finished floor levels of buildings shall be set at least 600mm above the generally prevailing ground levels as shown on the Midlands Site Survey submitted on 11 May 2011 and in accordance with proposals set out in the Flood Risk Addendum Technical Note by Brookbanks Consulting Ltd of 10th June 2010. As part of any reserved matters detailed planning application for the site, a finished damp proof course floor slab level zoning plan shall be submitted to and approved by the District Planning Authority which must ensure No individual property or any associated garage has its damp proof course at a level below 49.4m OD. **REASON** : To provide adequate flooding resilience at the site.
- 11 Before the development hereby permitted is begun, the further written approval of the District Planning Authority shall be obtained for details of the design and construction of the estate roads and footways serving the development. These details shall include large scale plans and cross and longitudinal sections, showing design, layout, construction of the estate together with surface water drainage to outfall and shall provide for the finished estate roads and footways serving the development to be at a level at least 500mm below the finished floor levels of the dwellings. **REASON** : To ensure compliance with the Council's standards, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011 and to ensure that satisfactory provision is made for the flood routing of river and surface water through the development to a point of safety.

- 12 No surface water connections of any type shall be permitted to connect from this development to the Gog Brook. **REASON :** To provide adequate flooding resilience at the site.

- 13 The reserved matters application, as set out in conditions 1-3 above, shall include details of safe access and escape routes to dwellings in the event of flood, in accordance with the requirements of PPS25: Development and Flood Risk. **REASON:** To provide adequate flood resilience at the site.

INFORMATIVES

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development achieves acceptable standards of layout and design and does not give rise to any harmful effects in terms of conflict with the Development Plan which would justify a refusal of permission. The proposal is therefore considered to comply with the policies listed.
