

Planning Committee: 28 March 2017

Item Number: **10**

Application No: [W 17 / 0288](#)

Town/Parish Council: Warwick
Case Officer: Helena Obremski
01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 17/02/17

Expiry Date: 19/05/17

Former printworks, Theatre Street/Bowling Green Street, Warwick, CV34 4DR

Variation of conditions 4, 5, 8 and 10 of planning permission W/16/0496 to include the words "excluding any works of demolition" after "development". Variation of condition 7 to apply a phased strategy and to allow for demolition works. Variation of condition 11 to read "excluding any works of demolition" instead of "including any works of demolition". FOR Waterloo Housing Group

The application is being presented to Planning Committee because the applicant has expressed the urgency in which a decision needs to be made regarding the proposal; unless a decision is made at the March Planning Committee meeting, the funding for the project will be lost, making it not viable.

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed below.

DETAILS OF THE DEVELOPMENT

The application relates to a previously approved scheme (W/16/0496) for the erection of 39 apartments with associated parking and open space (which was a revised application of W/14/0746, with 2no. additional apartments) following the demolition of the Warwick printing co. building and single storey building to Bowling Green Street and Market Street. The current application seeks permission for variation of the following conditions of application W/16/0496:

- Condition 4 - provision of large scale architectural details prior to commencement of works on site.
- Condition 5 - no development shall be carried out on site prior to the submission and approval of a contamination management plan.
- Condition 8 - no development shall be carried out on site prior to the submission and approval of drainage details.
- Condition 10 - no development shall be carried out on site prior to the submission and approval of hard and soft landscaping schemes.

It is proposed that the wording of the above conditions are amended, by adding the wording "excluding any works of demolition" after the word "development".

The proposal also seeks permission for variation of the following condition:

- Condition 7 - no development shall be carried out on site prior to the submission and approval of a programme of archaeological works.

It is proposed that the above condition is varied in order to allow for a phased strategy towards the development and would still include the provision of a programme of archaeological works. However, this would allow for demolition to commence immediately to works above ground level only.

Finally, the proposal seeks permission for variation of the following condition:

- Condition 11 - no development shall be carried out on site (including any works of demolition) prior to the submission and approval of a construction method statement.

It is proposed that the wording of the above condition is amended, from "*excluding* any works of demolition" to "*including* any works of demolition".

The above proposed variation to conditions 4, 5, 7, 8, 10 and 11 would allow the demolition works to start on site prior to the submission of the above information, which would then be required before the next phase of development.

The scheme remains the same as extant permission W/16/0496 and only seeks to alter the wording of the above conditions of that permission. It is therefore only these elements which are considered below.

THE SITE AND ITS LOCATION

The site relates to a non-listed three storey flat roofed building located within the designated Conservation Area on the eastern side of the road, opposite Linen Street. The area surrounding the building is primarily in residential use with shops and the Town Centre to the rear. Next to the site is an MOT testing garage.

RELEVANT PLANNING HISTORY

W/14/0746 - application approved by planning committee for the proposed erection of 37 affordable apartments, with 10 off street parking spaces with the remainder utilising Linen Street.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)

- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- TCP9 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Open Space (Supplementary Planning Document - June 2009)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

WCC Archaeology: No objection, subject to specific wording of condition to allow for a phased strategy.

Health & Community Protection – Environmental Sustainability Section:
objection - land contamination - site needs further investigation to establish nature/extent of contamination on site, pollutant linkages to receptors off site (neighbours land occupiers affected?) and the remedial measures necessary to decontaminate the land and break routes of exposure for neighbours and future occupiers of the site.

ASSESSMENT

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

- Impact on Design and on Landscape and Heritage Assets
- Impact on Living Conditions of Nearby Dwellings
- Car Parking and Highway Safety
- Drainage
- Archaeological Impact
- Health and Wellbeing

- Other Matters

Impact on Design and on Landscape and Heritage Assets

The design of the scheme and impact on the wider area was considered acceptable under the original application. Varying the wording of condition 4 (in relation to the submission of large scale architectural details) and condition 10 (in relation to the submission of hard and soft landscaping schemes) to allow demolition of the existing buildings to be carried out would not affect the street scene, nor would it have a harmful impact on the Conservation Area.

The large scale architectural details and landscaping schemes would still be required prior to commencement of any of the construction works on site. Therefore, it is considered that the proposed variation of conditions 4 and 10 to allow demolition works to commence would not be harmful to the street scene or heritage assets, nor would it prejudice the submission of the details required by the conditions at a later stage.

Impact on Living Conditions of Nearby Dwellings

Further comments are awaited from Environmental Health in reference to conditions 5 and 11 which will be included in the Additional Information prior to the Planning Committee meeting.

Car Parking and Highway Safety

WCC Highways had no objection to application W/16/0469 in relation to parking and impact on highway safety. As none of the conditions under assessment of this application were requested by WCC Highways, it is considered that the proposal variations will have no impact on highway safety. Furthermore, no amendments are proposed to the car parking arrangement or site access.

Drainage

Condition 8 requires the submission of details in relation to drainage plans for the disposal of surface water and foul sewage. Varying the wording of this condition so that these details can be submitted after the demolition works (but before construction works commence) would not prejudice the proposed drainage scheme for the site. Therefore, varying the wording of condition 8 is considered to be acceptable.

Archaeological Impact

WCC Archaeology have been consulted regarding the proposed variation of condition 7 which relates to provision of a programme of archaeological works. As the scope of archaeological works remain the same, they have no objection to the proposed amendment to condition 7. WCC Archaeology have also recommended alternative wording for condition 7 as this sets out a phased strategy more clearly in order to deal with archaeological deposits which may be found across the site, which is now considered more appropriate than the original wording.

The applicant confirmed that they would be prepared to accept the alternative wording for condition 7 and therefore, it is considered that there would be no harm caused to items of archaeological importance as a result of the proposed development.

Health and Wellbeing

The proposal will still provide 39 affordable units and therefore, the health and wellbeing benefits will not be affected by the proposed variation of conditions.

Other Matters

Further comments are awaited from Environmental Health in reference to conditions 5 and 11 which will be included in the Additional Information prior to the Planning Committee meeting.

CONCLUSION

Subject to further comments from Environmental Health, the proposed variation of conditions 4, 5, 7, 8, 10 and 11 to allow for demolition works to be carried out on site prior to the submission of the details associated with these conditions would not be harmful to the wider area, neighbouring uses, or items of archaeological importance. All of the details associated with these conditions can be submitted after the demolition works have been completed and prior to commencement of the construction works. Therefore, the application should be approved.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from 25 May 2016 (the date of the original permission).
REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing numbers 050; 051; 052, 053 Rev B, 054 Rev A and 100 and specification contained therein, submitted on 17 March 2016 and 19 May 2016. **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.
- 3 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
- 4 No development, excluding any works of demolition, shall be carried out on the site which is the subject of this permission, until large scale

details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

- 5 The development, excluding any works of demolition, hereby permitted shall only be undertaken in strict accordance with a scheme of site investigation of the nature and extent of contamination within the application site that has been undertaken in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall not be occupied until remediation measures have been carried out in full accordance with such approved details and a soil validation report has been submitted to and approved in writing by the local planning authority. **REASON:** To safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011.
- 7 No development excluding any works of demolition down to the existing current ground levels only shall take place until:
- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the LPA and:
 - b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI has been undertaken and a report detailing the results shall be submitted to the planning authority and:
 - c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the LPA. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.
- The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document. **REASON:** To ensure that any archaeological remains are recorded in accordance with Policy DP4 in the Warwick District Local Plan 1996-2011.

- 8 The development, excluding any works of demolition, hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. **REASON:** To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
- 9 Prior to the first occupation of the development hereby permitted, the building shall be insulated in strict accordance with a scheme of works which have been submitted to and approved in writing by the local planning authority and thereafter such works shall not be removed or altered in any way. **REASON:** To ensure that the level of external noise is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of the apartments, in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 10 The development, excluding any works of demolition, hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of any proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. 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.
- 11 The development (excluding any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority prior to the commencement of the development hereby permitted. The approved statement shall be strictly adhered to

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

- 12 None of the apartments hereby permitted shall be occupied unless and until the car parking provision has been constructed and laid out, and made available for use by the occupants and thereafter those spaces shall be retained for parking purposes. **REASON:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies DP1 & DP8 of the Warwick District Local Plan 1996-2011.
- 13 The development hereby permitted shall not be occupied unless appropriate off street car parking facilities have been provided. These parking facilities shall be kept free for the parking of vehicles for the duration of the occupation of the development hereby permitted. **REASON:** To ensure that there is adequate parking is available, in accordance with Policy DP8 in the Warwick District Local Plan 1996-2011.
- 14 The development shall not be occupied until all parts of the existing accesses within the public highway not included in the permitted means of access have been closed and the kerb and footway have been reinstated in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 15 The gradient of the access for vehicles to the site shall not be steeper than 1 in 15 at any point as measured from the near edge of the public highway carriageway. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 16 The access to the site for vehicles shall not be used in connection with the development until they have been surfaced with a suitable bound material for a distance of at least 15 metres as measured from the near

edge of the public highway carriageway. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

- 17 The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 18 No Gates/barriers/doors shall be erected at the entrance to the site for vehicles/heavy goods vehicles. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 19 The Applicant/Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 20 The development hereby permitted shall not be first occupied unless and until the renewable energy/fabric first scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturer's 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.
- 21 The development hereby permitted shall include the provision of additional pedestrian footways to be located within the area hatched black within the site as identified on the plan number 050 attached to this decision in accordance with a scheme which has been submitted to and approved in writing by the local planning authority prior to the commencement of the development hereby permitted. **REASON:** In the interests of pedestrian safety in accordance with Policy DP6 of the Warwick District Local Plan 1996 - 2011.
- 22 The hereby approved affordable housing shall be provided in accordance with the approved scheme and shall be retained as such at all times thereafter and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. **REASON:** Since planning permission has only been granted for residential development on this employment site on the grounds that the development is for 100% affordable housing, in accordance with Policies SC1, SC2 & SC11 of the Warwick District Local Plan 1996-2011.