

Application No: W 11 / 1251

Town/Parish Council: Warwick
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Registration Date: 26/10/11
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Land at Stratford Road, Warwick CV34 6AP

Erection of up to 91 dwellings and associated infrastructure & landscaping FOR
Kestrel Properties Ltd

Planning Committee resolved to grant permission on 17th January subject to a Section 106 Agreement. This agreement has yet to be signed, and the applicants have requested the description of development be amended to reflect the original description which was advertised (i.e. Erection of up to 91 dwellings and associated infrastructure and landscaping). This will enable them to proceed and sign the agreement. This application is therefore being presented to Committee to request that its previous resolution is amended to reflect the change in description.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission subject to conditions listed below and the completion of S106 agreement to secure 40% affordable housing, a contribution of £70,000 towards the Chase Meadow Community Centre, a contribution of £50 per dwelling for sustainable travel packs and the dedication of the land for public open space to the Council and a commuted sum for its laying out and maintenance.

DETAILS OF DEVELOPMENT

The proposal is an outline application for residential development for 91 dwellings with the matters of layout, scale and appearance of house types and landscaping, including the landscaping of the proposed public open space in the cordon sanitaire, reserved and not part of this application. Access does form part of this application and is not reserved as details have been provided.

The density of the proposal would be 39 dwellings per ha and an indicative plan has been submitted to show how the proposed development could be achieved including provision for car parking in accordance with the Council's parking standards.

Vehicular access to the site would be via Academy Drive a small access road leading off Edgehill Drive which is the main route into Tournament Fields from Stratford Road. This point of access was originally included in the outline permission for the employment use.

An indicative landscaped strip is shown along the boundary between the proposed residential properties and the existing employment uses which would provide a buffer between these uses.

Submitted with the application are a Flood Risk Assessment, Planning Statement, Travel Plan, Transport Assessment, Noise Assessment, Ecological Assessment, Ground Investigation, Archaeology and Heritage Statement and A Design and Access Statement.

THE SITE AND ITS LOCATION

The application site comprises 2.33ha of greenfield land that is rough grassland. Along the North and East boundary of the site is residential dwellings, to the South of the site is an area of undevelopable land that is required for the Severn Trent Cordon Sanitaire. To the West of the Site is employment uses primarily in B1 office use. To the South of the area lies Stratford Road which leads to J15 of the M40 where it intersects with the A46 trunk road.

PLANNING HISTORY

The site forms part of the Strategic Allocation for South West Warwick (Warwick District Local Plan 1995). The site was allocated for employment use (along with a larger neighbouring area referred to as Tournament Fields). Application W/00/0464 for outline permission for business/mixed use development within class B1 was granted in 2006 and this permission has now expired.

There was a previous application for residential development of up to 91 houses submitted in 2010 and was subsequently withdrawn to allow for the applicants to undertake public consultation.

RELEVANT POLICIES

- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (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)
- SC13 - Open Space and Recreation 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)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (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)
- Vehicle Parking Standards (Supplementary Planning Document)
- PA6 Portfolio of Employment land and Premises (West Midlands Regional Spatial Strategy 2008)
- Planning Policy Statement 1 : Delivering Sustainable Development
- Planning Policy Statement 3 : Housing
- Planning Policy Statement 4 : Planning for Sustainable Economic Growth

- Planning Policy Guidance 13: Transport
- Planning Policy Statement 25 : Development and Flood Risk

SUMMARY OF REPRESENTATIONS

Town Council: Objection loss of employment land, should only be permitted if there is a shortage of residential land to meet current housing needs and if the allocation of employment land is greater than the current and perceived allocation needed to meet current and future employment requirements, should be refused in accordance with established policies

Severn Trent: No Objection subject to condition relating to drainage

Fire and Rescue: No objections subject to condition relating to fire Hydrants and adequate water supplies for fire fighting

Highways: No objection subject to conditions relating to access and road layout and to contribute £50 per dwelling for sustainable welcome packs to help promote sustainable travel in the local area through a S106 agreement

Ecology: No objection subject to condition for protected species

Environment Agency: No objection subject to planning condition requiring drainage details

Environmental Health: No objection subject to condition for gas monitoring

Housing and Property Services: No objection subject to S106 agreement to deliver 40% affordable housing, details of which to be agreed with the Housing Strategy Team prior to submission of the reserved matters application

Neighbourhood Services: Support the planning application based on the proposal to develop the existing Cordon sanitaire to form part of an informal openspace, which is fully accessible to the public which would benefit the residents of Chase Meadow. Further discussions on layout, option to adopt and financial commuted sum for the open space subject to S106 agreement.

Chase Meadow Residents Association: Supports the application as it includes a S106 agreement contribution towards chase meadow community centre, the development brings greater coherence of the layout of the estate as industrial development would cut into an otherwise residential area for money towards Would result in comprehensive development of the site and would result in much needed public open space

Sackville Properties: Infrastructure laid out on basis of employment use, Loss of employment land

Public Response: 1 letter of Support : Change from industrial to residential would dovetail with existing residential estate, donation towards the much needed Community Centre.

1 letter of objection: The proposal would result in the loss of employment land, existing residential development not completed, restricted access with parking problems

ASSESSMENT

The main issues in determining the application are as follows:

1. Loss of Employment Land
2. Housing Needs
3. Access
4. Flood Risk
5. Other matters

Loss of Employment Land

The key policies are Policy PA6 of the West Midlands Regional Spatial Strategy and Policy SC2 of the Warwick District Local Plan. It is recognised that Policy PA6 now carries less weight due to the Government's stated intention to abolish the regional level of planning, however, it remains part of the Development Plan against which applications must be judged and its intentions remain sound and consistent with current national policy in PPS4. The policy stresses the importance of LPAs maintaining a range and choice of readily available employment sites to meet the needs of the regional economy. This policy is reflected in Local Plan Policy SC2 which carries full weight and seeks to protect existing and allocated employment land from changes of use to non-B1, B2 or B8 uses. Under this policy loss of employment land is resisted unless certain criteria are met. None of the criteria are capable of being met and the application is therefore contrary to Policy SC2 and PA6 of the RSS. It falls therefore to consider whether there are any material consideration that outweigh this conflict with the development plan.

The applicant makes the case that the proposal would not significantly harm the supply of employment land coming forward for development and should therefore be approved. The amount of employment land that would be lost as a result of the development (2.33 hectares) is limited in the context of overall employment land supply in the District (circa 70ha as at April 2011). However, the Council need to ensure it has sufficient provision of a broad range of sites to facilitate a broad range of economic development to meet future needs (PPS4). Those future needs for employment land have yet to be established through the development plan process, either at the regional or local level. The draft RSS Phase Two revision referred to an indicative long term requirement of 90ha within the District, although this figure was subject to testing at the local level which has yet to be done through the Council's Local Plan Review. It is therefore uncertain at this stage as to whether or not the loss of this site would be significant in the context of meeting future employment land needs.

It is noted that in the Warwick District Employment Land Review - 2009, Tournament Fields was assessed as our largest highest rated employment site, scoring excellent for market ranking and physical ranking, and good for sustainability. It is therefore one of the District's most important employment opportunities currently available to meet future needs. However, the application site forms a peninsular of land extending outwards into the residential allocation and is therefore only suitable for B1 business development due to the close proximity of the residential houses along two boundaries of the site. The potential for B2/B8 uses would be significantly reduced as they would be close to noise sensitive residential buildings, and therefore it is unlikely that large scale B2 or B8 uses would be acceptable on the application site. The attractiveness of

this site to meet a broad range of future employment land needs is diminished as a consequence, and therefore the argument for its retention to meet future employment land needs is weakened.

The applicant also refers to the lack of interest in the site for B1 uses, which has been marketed and remained undeveloped since its allocation in 1995. This fact alone is not considered significant however in the context of the need to maintain a supply of sites to meet future employment land needs. The adjoining landowner has also commented that the applicant should demonstrate other economic development uses are not economically viable. The applicant has not sought to demonstrate the land is not viable for employment uses, and it is not considered necessary to require the applicant to undertake this exercise in this case.

The proposal is therefore contrary to the policies of the Local Plan and the RSS. However, the significance of the loss of this particular site from the employment land supply within the District is limited given its scale, location and nature. This is therefore a material consideration in favour of the proposal.

In this respect, it is also relevant to have regard to the recent appeal decision into the refusal of permission for the erection of a care home at land at Tournament Fields (to the north west of the application site). The Inspector concluded in her decision to allow the appeal that the direct loss of the employment land (only 0.4ha in that case) and conflict with Policy SC2 would not harm the overall employment objectives of the development plan.

The Planning for Growth Ministerial Statement issued on 23rd March 2011 must also be regarded as a material consideration in favour of the proposal which states that the Secretary of State will give significant weight to the need to secure economic growth and employment. It states "Government's clear expectation is that the answer to development and growth should wherever possible be 'yes' except where this would compromise the key sustainable development principles set out in national planning policy..., and Council's should take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing."

Housing needs

Policy UAP1 resists all residential development on greenfield sites, and therefore the proposal is also contrary to Policy UAP1 of the Local Plan. As with employment land requirements, the future needs for housing have yet to be established through the development plan process, either at the regional or local level. The draft RSS Phase Two revision referred to a requirement of 540 homes per annum within the District to 2026, although this figure was never formally adopted and as noted above the RSS is soon to be abolished. The evidence emerging to support the Council's Local Plan Review would suggest, however, that this figure is not unrealistic in terms of future requirements. Having regard to the existing housing land supply (circa 1,200 homes as at April 2011), there is inevitably likely to be a need to release more land for housing to meet future needs through the Local Plan Review. In this context, the proposal could make a small contribution towards meeting that longer term need in a sustainable location within the urban area, including providing 40% affordable housing and at a density consistent with Policy DP5 of the Local Plan.

Policy SC1 of the Local Plan requires that development should make provision for a range of sizes and types of dwellings. Although the proposal is outline only and the details of the dwellings is subject to reserved matters, the mix of houses shown would be 3, 4 and 5 bedroom family units. There is currently a requirement for 2, 3 and 4 bedroom houses which have been identified as a local need. Notwithstanding therefore the conflict with Policy UAP1 of the Local Plan, the ability of the proposal to meet a recognised housing need, including affordable, within the District is a material consideration to weigh in favour of the proposal.

Access and Parking

The proposed access to the site would be via an existing access off of Edgehill Road and used by existing B1 uses. This access was always intended to be the proposed point of access to the site and was approved as such in the previous application for the business/mixed use development where car parking standards for this development were higher than that proposed with the residential use. Therefore the current access is acceptable for the residential use and the Local Highways Authority have no objections to the proposed access.

The indicative parking shown on the plans show how the parking could be provided and indicate the possible provision of 194 spaces. The Councils car parking standards for 3 and 4+ bedroom properties is 2 spaces per dwelling and therefore only 182 spaces would be required in accordance with the car parking standards. There is adequate capacity within the site to therefore accommodate parking for 91 dwellings.

Flood Risk

The site lies within Zone 3 of the flood plain which is a high flood risk area and in accordance with government guidance the applicants have submitted a flood risk assessment. The main source of flooding results from the Gog Brook.

The FRA has indicated that there is a need to provide between 658m³ and 901m³ of flood water storage and indicative plans have been submitted to show how surface water run off could be mitigated. These include a balancing pond, cellular storage area with connection to public sewer which runs through the site (Cordon Sanitaire).

Other flood remedial measures indicated in the FRA would be the ground floor levels of the dwellings would be set at a minimum of 600mm above the 1:100 year flood level, a SUDs scheme to be implemented for surface water run off and rain water storage, non return valves for sewers to prevent back flow, 2.4ha of the site would have impermeable hardstanding of approximately 1.3ha and the remaining 1.1ha would be grassed or soft landscaped permeable areas.

There is already a flood alleviation scheme which is a requirement of the residential allocation currently under construction, which has yet to be implemented which would help to further reduce the impact of flooding.

The Environment Agencies comments have yet to be submitted due to additional information relating to the FRA and will be circulated as an addendum.

Other matters

The applicant has offered to enter into a Section 106 Agreement to provide a contribution towards the Chase Meadows Community Centre (to a maximum of £70,000) in accordance with Policy SC14 of the Local Plan. They have also offered to dedicate land within the cordon sanitaire between the application site and the Stratford Road to the District Council, including a commuted sum for its laying out and maintenance as open space in accordance with Policy SC13 of the Local Plan and the Open Space SPD. The land in question is already currently required to be landscaped as private amenity space as part of the overall South West Warwick allocation through two Section 106 agreements tied to the employment and residential developments. The proposal from the applicant would therefore enable the potentially earlier delivery of a more comprehensive open space scheme that would better meet the needs of the local community as evidenced in their response, as well as bring the land into public ownership.

Energy Efficiency

No details have been submitted for energy efficiency at this stage however, the applicants in their Design and Access statement have indicated that these would be addressed at the reserved matter stage taking into account the requirements of the Councils Sustainable Buildings Supplementary Planning Document.

Residential Amenity

The site lies adjacent to land which has the benefit of permission for B1, B2 and B8 development and therefore there is a need to provide a form of buffer to protect the amenity of the proposed residential properties. The applicants have produced an indicative landscaped strip along the boundary with the employment uses which could help to reduce the impact. This could be condition and further assessed as part of the detailed layout of the proposed dwellings in the reserved matter application.

Conclusion

In conclusion, the proposal is contrary to policies SC2 and UAP1 of the Local Plan, and policy PA6 of the West Midlands RSS. However, the material considerations taken together in this particular case are significant, namely; the limited harm caused to employment land supply through the loss of this particular site given its size, nature and location; the contribution the proposal would make to meeting the District's housing needs in a sustainable location within the urban area; the ability of the proposal to support the delivery of the outstanding community infrastructure within the South West Warwick allocation; and the Government's statement in supporting economic growth and maintaining a flexible supply of land for housing. In total, these material considerations are considered sufficient to outweigh the conflict with policy and the harm caused through the loss of 2.33ha of employment land and the delivery of 91 houses on greenfield land.

CONCLUSION/SUMMARY OF DECISION

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:

Although the proposal is contrary to policies SC2 and UAP1 of the Local Plan, and policy PA6 of the West Midlands RSS the limited harm caused to employment land supply through the loss of this particular site given its size, nature and location; the contribution the proposal would make to meeting the District's housing needs in a sustainable location within the urban area; the ability of the proposal to support the delivery of the outstanding community infrastructure within the South West Warwick allocation; and the Government's statement in supporting economic growth and maintaining a flexible supply of land for housing are considered material considerations that outweigh the conflict with the development plan. In all other respects the proposal complies with the policies listed.

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 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 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 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.
- 4 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District

Local Plan 1996-2011.

- 5 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to, and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.
REASON: In the interests of fire safety
- 6 The development shall be laid out and constructed in general accordance with the Proposed Site Plan 1045-121 Rev PA. Access for vehicles/pedestrians to the site shall not be made other than at the position identified on the approved drawing number 1045-121 Rev PA. The development shall not be commenced until an access for vehicles/pedestrians has been provided to the site not less than 5.5 metres in width at any point, as measured from the near edge of the public highway carriageway. **REASON:** Estate roads including footways, verges, and footpaths are designed and laid out in accordance with the principles set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001' and constructed in accordance with the Highway Authority's standard specification. To ensure compliance with the Council's standards, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 7 The development hereby permitted shall not commence until two weeks notice in writing of the start of works has been given to a suitably qualified ecologist appointed by the applicant to supervise all ground work elements of the development within the site to ensure protected species -great crested newts, nesting birds and reptiles- are not harmed by the works. **REASON:** To ensure the protected species are not harmed by the development.
- 8 Prior to the development hereby approved commencing the results of the ground gas monitoring should be submitted in writing and approved by the Local Planning Authority. **REASON:** To establish which mitigating measures are required.
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Parts 1 and 2 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON :** This site is of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 10 The development hereby permitted shall not commence unless and until a scheme detailing a buffer or bunding along the boundary of the residential properties and the approved B1, B2, B8 uses adjacent to the

application site, has been submitted and approved by the District Planning Authority and thereby maintained for the lifetime of the development. **REASON:** To protect the residential amenity of the residential properties in accordance with the policy DP2 of the Warwick District Local Plan 1996-2011

- 11 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include the following detail:

- The design of the proposed drainage system should show that no above ground flooding occurs in a 30 year event, and that if flooding occurs in the 100 year event (plus climate change) that it remains on site and safe. If above ground flooding does occur in the 100 year event (plus climate change) it should be demonstrated that it remains on site & safe via topographic plans, calculations (e.g. Microdrainage), manhole schedules and text. This information should show any flow routes, locations of ponding, depths of ponding and durations of ponding. Evidence should also be submitted to show the determination of the critical storm durations for both summer and winter rainfall events.
- The FRA states that the use of soakaways should be considered as a primary method of disposal of surface water. Soakaway tests should therefore be undertaken and the accompanying report submitted for comment.

Details of how the scheme shall be maintained and managed after completion

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.
