

Planning Committee: 21 July 2015

Item Number: 6

Application No: [W 15 / 0646](#)

Town/Parish Council: Warwick
Case Officer: Rob Young

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Registration Date: 27/04/15

Expiry Date: 27/07/15

Opus 40, Birmingham Road, Warwick

Erection of 85 dwellings, access roads and associated development. FOR Taylor Wimpey Midlands

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

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 27 July 2015, 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

The application proposes the development of the site for residential purposes. A total of 85 dwellings are proposed, to include 40% affordable housing. The plans also include areas of public open space and a children's play area. The proposed dwellings are predominantly 2 storey, with a small number of 2.5 storey dwellings. The layout includes a mix of detached, semi-detached and terraced houses, together with a small number of flats.

The following amendments have been made to the application:

- children's play area upgraded from a LAP (Local Area for Play) to a LEAP (Local Equipped Area for Play) and relocated to the area of open space on the Birmingham Road frontage;
- revised Flood Risk Assessment submitted proposing a reduced surface water run-off rate;
- further information submitted in relation to contamination;
- further information submitted in relation to air quality; and
- revised noise mitigation proposed in the form of an increase in the height of the acoustic fence along the eastern boundary.

It is also important to note that this is a revised scheme following the withdrawal of 2 previous applications (Refs. W13/1286 & W14/0951). There had been significant amendments to the scheme during and following the consideration of

those 2 previous applications. This included a reduction in the number of dwellings from 107 down to 85.

THE SITE AND ITS LOCATION

The application relates to a former car park for the adjacent IBM premises. Following a rationalisation of IBM's accommodation requirements, surplus building space and this parking area were sold off. The surplus floorspace is now occupied by Telent and First Utility. Replacement car parking was provided within the Telent site prior to their occupation and there is an extant planning permission for further car parking associated with the building that IBM have retained.

The site is situated on the western edge of Warwick, alongside the A46. The site is accessed from Haywood Road, a private road serving the IBM / Opus 40 site that runs between Birmingham Road and Wedgnock Lane. The site is bounded by the A46 to the west, by Birmingham Road to the south-west, by Haywood Road to the east and by the Telent site to the north-east. Warwick Cemetery is situated on the opposite side of Haywood Road. The nearest residential properties are situated on the opposite side of Birmingham Road.

There are a significant number of trees on the site that are all covered by an area Tree Preservation Order. This largely comprises the original planting associated with the development of the IBM complex, which was designed with a heavily landscaped setting. There are also a number of trees within the verge of the A46, alongside the western boundary of the site.

PLANNING HISTORY

There have been a significant number of previous planning applications related to the application site and the wider IBM complex. The following are considered to be relevant to the consideration of the current proposals.

In 2007 planning permission was granted for a 103 space extension to the IBM car park fronting onto Wedgnock Lane (Ref. W07/1468). This was renewed in 2011 (Ref. W11/0032).

In 2007 planning permission was granted for 303 new parking spaces adjacent to the building now occupied by Telent / First Utility (Ref. W07/1127).

In 2010 planning permission was granted for the erection of the Premier Inn on another part of the IBM / Opus 40 site (Ref. W09/0464).

In 2011 planning permission was granted for the development of the current application site for office / research and development purposes (Ref. W10/0073). This scheme included the closure of the Haywood Road / Birmingham Road junction and the creation of a new access into the IBM / Opus 40 site via a new arm on the A46 / Birmingham Road Roundabout (the Stanks Roundabout). A variation to the access condition on this permission was granted in 2012 (Ref. W11/1367).

Telent have recently submitted an application for a new decked car park to provide an additional 163 parking spaces within their site (Ref. 14/1859). This application is currently under consideration.

There have been two recent applications for residential development on the application site that were withdrawn to enable various issues to be resolved (Refs. W13/1286 & W14/0951).

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)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- 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)
- 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)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- 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)
- 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)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- DS8 - Employment Land (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS10 - Broad Location of Allocated Sites for Housing (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- EC3 - Protecting Employment Land and Buildings (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- 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)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- NE7 - Use of Waterways (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DM1 - Infrastructure Contributions (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)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Affordable Housing (Supplementary Planning Document - January 2008)
- 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)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Object on the following grounds:

- increased traffic congestion - there is already significant traffic congestion on the Birmingham Road;
- the proposals will exacerbate existing problems with vehicles exiting left out of Haywood Road and then turning immediately right to undertake a dangerous U-turn in the entrance to Eastley Crescent to continue westbound along Birmingham Road;
- access to the site should be directly from the Stanks Roundabout, as with the previous planning permission; and
- there is a need to ensure the safety of pedestrians and cyclists – the development should only be permitted if the developer can demonstrate that the development will not harm highway safety.

Public response: 18 objections from residents have been received, raising the following concerns:

- increased traffic congestion;
- detrimental to highway safety;
- existing problems with vehicles exiting Haywood Road and turning right onto Birmingham Road in contravention of the left turn only restrictions;
- existing problems with vehicles exiting left out of Haywood Road and then turning immediately right to undertake a dangerous U-turn in the entrance to Eastley Crescent to continue westbound along Birmingham Road;
- cars blocking Eastley Crescent while undertaking the above manoeuvre, sometimes a queue of 2 or 3;
- cars also undertake U-turns in the cemetery entrance;
- lack of any safe means of crossing Birmingham Road for pedestrians;

- this section of Birmingham Road is unsafe for cyclists and pedestrians and requires a combined cycle / footpath;
- the site is currently used for car parking which will be displaced if this development goes ahead (up to 372 cars have been counted on the site);
- the displaced cars will park on surrounding streets;
- access to the site should be directly from the Stanks Roundabout, as with the previous planning permission;
- loss of trees; and
- Haywood Road is subject to flooding.

IBM have objected on the following grounds:

- impact of noise from the adjacent office premises on the proposed dwellings;
- impact on future use of the adjacent office premises due to potential noise complaints from new residents;
- loss of an employment site, contrary to Local Plan Policy SC2;
- increased risk of flooding of the watercourse that crosses the site;
- the traffic data used in the Transport Assessment is out of date;
- the Birmingham Road / Haywood Road junction cannot accommodate the increased traffic that will be generated by the proposed development;
- detrimental to highway safety;
- loss of existing parking on the application site and potential increased parking on surrounding streets;
- providing residential driveways directly onto Haywood Road would be unsafe;
- impact of construction works on IBM's operations; and
- potential damage to IBM's data cables that cross the southern part of the site and potential restrictions on IBM's access to the data cables.

Highways England: No objection.

Environment Agency: No objection, subject to a condition to require drainage details.

Natural England: No comment.

Warwickshire Wildlife Trust: No comment.

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

South Warwickshire NHS Trust: Request a contribution of £88,397.04 towards acute and community healthcare facilities.

NHS England (Primary Care Facilities): No comment.

WCC Highways: No objection, subject to conditions, including a requirement that land is made available for the WCC scheme for a new junction between Haywood Road and Birmingham Road. Also request a contribution of £6,000 per open market dwelling towards this highway scheme.

WCC Ecology: No objection, subject to conditions and informative notes.

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

WCC Flood Risk Management: No objection following the receipt of a revised Flood Risk Assessment, subject to a condition to require drainage details.

WDC Housing Strategy: No objection.

WDC Environmental Health: No objection, subject to conditions in relation to noise, contamination and air quality.

WDC Greenspace Development Manager: The location and layout of the open space and children's play area are not ideal, but considering the site constraints this appears to be the only available option. The introduction of buffer planting between the play area and Birmingham Road should be considered. A contribution towards off-site public open space should be provided.

ASSESSMENT

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

- loss of employment land and the principle of development;
- the impact on the living conditions of nearby dwellings;
- provision of a satisfactory living environment for future occupants of the proposed dwellings;
- impact on the character and appearance of the area;
- car parking and highway safety;
- the mix of market and affordable housing;
- Section 106 contributions;
- public open space;
- impact on trees;
- ecological impact;
- drainage and flood risk; and
- health and wellbeing.

Loss of employment land and the principle of development

Local Plan Policy SC2 states that redevelopment or change of use of existing and committed employment land and buildings for other uses will not be permitted unless one of four criteria are met. The applicant argues that the proposals meet criterion (b). This refers to circumstances where the applicant can demonstrate that there are valid reasons why the use of a site for the existing or another employment use is not economically viable.

The applicant has submitted a Marketing Assessment which demonstrates how the site has been marketed as a development site for office / research and development purposes since 2007 without success. The Marketing Assessment concludes that there is no reasonable prospect of the site coming forward for development for office / research and development purposes. Development viability appraisals have been submitted to support these conclusions.

The Council have appointed independent surveyors to assess the applicant's Marketing Assessment and development viability appraisals. The Council's surveyors were asked to: (a) assess the suitability and attractiveness of the site for employment development (Use Classes B1, B2 and B8); (b) consider whether the site has been adequately and actively marketed; and (c) review the development viability appraisals submitted by the applicant.

The Council's surveyors conclude that the applicant has demonstrated that the site has been adequately and actively marketed over the past 6.5 years for B1 use (office / research and development). Furthermore, they advise that market interest in the site for B2/B8 use (general industrial / warehousing) is likely to be limited given constraints around HGV access and residential and hotel uses nearby. With regard to the development viability appraisals, the Council's surveyors confirm that these demonstrate that a B1 development is not viable in the current market. Therefore they advise that it is unlikely that the whole site will come forward for B1 use in the short / medium term. Therefore the proposals comply with criterion (b) of Local Plan Policy SC2.

The surveyors report was received by the Council in 2014 as part of an earlier application for residential development that was withdrawn. The conclusions of this report were taken into account in selecting the housing allocations in the Draft Local Plan and as a result the application site was allocated for housing development under Draft Policy DS11.

Turning to Local Plan Policy UAP1, this policy is generally permissive of residential development on previously developed land within the urban area. The application site comprises previously development land within the urban area and therefore the proposals are in accordance with Policy UAP1.

For the above reasons the development of the site for residential purposes is considered to be acceptable in principle.

Impact on the living conditions of nearby dwellings

The main concerns raised by local residents relate to highway matters. These are considered separately under the "Car Parking and Highway Safety" heading elsewhere in this report. In other respects, the proposals would not have a significant impact on the living conditions of nearby dwellings. The proposed dwellings are situated a considerable distance away from the nearest dwellings on the opposite side of Birmingham Road and consequently there would not be any material impacts in terms of loss of light, loss of outlook or loss of privacy for existing dwellings.

Provision of a satisfactory living environment for future occupants of the proposed dwellings

Some of the front-to-front separation distances between the proposed dwellings within the site would contravene the minimum distances specified in the Council's Distance Separation Supplementary Planning Guidance. However, allowing for reduced distances at the front is considered to be important because this allows for more flexibility in the design and layout of the development, rather than arbitrarily setting houses back from the street to meet the

Guidelines. These reduced distances all relate to the public aspect of the dwellings where the level of privacy is already limited by the outlook across a public street. In all cases the back-to-back separation distances are in accordance with the Distance Separation Guidelines, which allows for a minimum degree of privacy for the private rear aspect of the dwellings. Furthermore, future occupants of the proposed dwellings will be aware of the relationship between the dwellings before they decide to move to the site. For these reasons, it is considered that all of the proposed dwellings will be provided with an appropriate degree of privacy and outlook.

IBM have raised concerns about the impact of the adjacent offices on future occupants of the proposed dwellings. However, offices are not known for being noisy neighbours, and planning permission is commonly granted for office and residential developments to take place side by side without causing any problems in this regard. The nearest of the office buildings to the proposed dwellings is occupied by Telent / First Utility who have not objected to the application. IBM are situated some distance further away, on the opposite side of Telent / First Utility.

It is accepted that a significant proportion of the traffic accessing the IBM site would pass along Haywood Road, adjacent to the proposed dwellings. However, given the nature of the IBM operation this is unlikely to include significant proportions of HGVs. Furthermore, a certain proportion of traffic would access the IBM from the Wedgnock Lane end of Haywood Road and would not pass the application site. Either way, Haywood Road is still likely to be much more lightly trafficked than many roads that dwellings front onto.

The most significant source of noise in the vicinity of the application site is the A46, which runs along the eastern boundary of the site. The applicant has submitted a noise assessment which has been amended to include improved noise mitigation by increasing the height of the acoustic fence along the boundary with the A46. Following this amendment, the proposals now meet Environmental Health's noise requirements. Therefore the proposed layout and mitigation measures will provide a satisfactory noise environment for the proposed dwellings.

For the above reasons it has been concluded that the proposals would provide a satisfactory living environment for future occupants.

Impact on the character and appearance of the area

The design of the scheme is in accordance with the key principles of the Council's Garden Towns, Villages and Suburbs Prospectus. This includes green verges with tree planting along the main access roads together with the use of perimeter blocks allowing for active frontages onto all of the roads and public open spaces. The design and scale of the proposed dwellings is considered to be appropriate for this location and would be in keeping with nearby residential development.

The proposed 3m high acoustic fence along the boundary with the A46 would be a rather utilitarian feature. However, the trees and shrubs on the verge of the A46 (outside of the application site) would provide a reasonable degree of

screening of the acoustic fence. Furthermore, there are existing acoustic fences along the A46 that are less well screened, including one very close to the application site on the opposite side of the Stanks Roundabout. In this context the proposed fence would not appear out of place.

Car parking and highway safety

Objectors have pointed out that the application site is still used for parking and is occupied by significant numbers of parked cars during the working day. However, around the time IBM sold this part of their car park, planning permissions were granted for additional parking elsewhere on the IBM site which ensured that the parking provision for the offices remained in accordance with the Council's Parking Standards. This was accepted by the Council in 2011 and 2012 when planning permission was granted for an office development on this part of the car park (Refs. W10/0073 & W11/1367). This permission remains extant and consequently the loss of the car park has already been approved.

The car park is currently used on a temporary basis by employees of Telent and by visitors to the nearby Premier Inn. Telent and Premier Inn have a temporary agreement with the site owner to lease parking spaces whilst the site is awaiting redevelopment. However, the parking provision on the Telent and Premier Inn sites has previously been accepted by the Council as being adequate (i.e. when granting planning permission for the Premier Inn in 2010 (Ref. W09/0464) and for the office development on the application site in 2011 and 2012).

Furthermore, the existing parking agreement is a temporary arrangement that could be terminated by the site owner at any time. The site owner could also choose to implement their extant planning permission for offices which would result in the loss of this parking. It is also notable that Telent have submitted a planning application to create a decked car park to provide an additional 163 spaces within their site (they currently lease 200 spaces on the application site). For these reasons it is considered that there are no grounds for objecting to the loss of the existing car park.

The car parking provision for the proposed dwellings accords with the Council's Parking Standards. Therefore the proposals will not cause unacceptable overflow parking on surrounding streets.

Residents and the Town Council have raised concerns about existing problems with cars undertaking illegal right turns out of Haywood Road or turning left and then undertaking dangerous U-turns in the entrance to Eastley Crescent. However, the Highway Authority have advised that they are currently promoting a scheme for the Stanks Island which will include the realignment and signalisation of the Birmingham Road / Haywood Road junction. This will allow for vehicles to turn right out Haywood Road, thus resolving the issue of U-turns within Eastley Crescent. The Highway Authority have requested that the applicant contribute £6,000 per open market dwelling towards these works. The Highway Authority have also requested that land be provided within the application site to allow the Stanks Island scheme to proceed.

The proposed layout is compatible with the Highway Authority's Stanks Island scheme. The land required for the realignment of Haywood Road forms part of the open space provision. A rearrangement of the open space on the site

frontage would ensure that there would be no reduction in open space as a result of the realignment.

Residents and the Town Council have raised concerns about the lack of a safe crossing point for pedestrians on this part of Birmingham Road and the lack of provision for cyclists in the locality. These matters will be resolved by the Stanks Island scheme, which is expected to include pedestrian crossings on Birmingham Road, Haywood Road and the slip roads on the Stanks Island. This scheme is also likely to include a dedicated cycling facility along Birmingham Road.

Residents and the Town Council have suggested that a new access should be provided to serve the development direct from Stanks Island. It is true that the extant planning permission for office development includes this access arrangement. However, this was justified in that case because an office development would generate significantly greater peak traffic flows. The proposed residential development would generate lower peak traffic flows and consequently the Highway Authority have not required a new access direct from Stanks Island for the current proposals.

Having considered all of the above issues, the Highway Authority have advised that they have no objection to the proposals. Therefore it is considered that the proposals are acceptable in terms of car parking and highway safety.

The mix of market and affordable housing

The proposed mix of market housing would be in accordance with the Council's Housing Mix Guidance. The scheme also includes 40% affordable housing, in accordance with Local Plan Policy SC11. The proposed mix of affordable housing has been accepted by the Council's Housing Strategy team. Therefore it is considered that the proposals include an appropriate mix of market and affordable housing. Consequently, the development will make an important contribution towards meeting the need for market and affordable dwellings within the District. This is particularly significant at present given that the Council are currently unable to demonstrate a five year supply of housing land within the District as required by the NPPF.

The proposed layout shows an appropriate spread of affordable housing across the site. There are no significant concentrations of any particular tenure of housing.

Section 106 contributions

Consultees have requested various contributions towards community facilities, including hospitals, education facilities, library facilities, highway infrastructure and measures to promote sustainable travel. Negotiations are ongoing with the applicant regarding the precise content of the Section 106 agreement and an update will be provided in the addendum report to Committee.

Public open space

The Council's Greenspace Development Manager has advised that the arrangement of the proposed public open space is not ideal. However, the ideal

layout for the public open space (i.e. a single large area of open space in the centre of the site) would be incompatible with the other significant constraints affecting the site. This includes the fact that: (a) the more significant groups of trees are around the edges of the site; (b) the presence of IBM data cables prevents development on the site frontage; (c) space must be left on the site frontage for the realignment of Haywood Road; and (d) the attenuation basin (which forms part of the public open space) has to be located on a lower part of the site, which is at the edge of the site. The public open space has been divided into 3 separate areas to meet these constraints. This allows the open space to incorporate the majority of the more significant trees on the site as well as the IBM data cables, the area needed for the realignment of Haywood Road and the attenuation basin.

The provision of a larger central area of public open space would be the most appropriate arrangement if the only consideration was open space issues. However, in this case that would be at the expense of achieving an appropriate solution to the other constraints listed above. The tree constraints are particularly important in this case and the open space layout that has been proposed ensures that more of the important trees are retained. With these trees largely being located within areas of public open space rather than private gardens, this also provides the best chance for these trees being retained in the long term.

In terms of overall area, the development provides a total of 1.16 hectares of public open space. This would be slightly short of the total amount of public open space that is required by the Council's Open Space Supplementary Planning Document (1.22 hectares). This is proposed to largely comprise amenity green space (which is overprovided for in the proposed layout) and therefore when the Council's Standards are broken down by type of open space, there would be more significant deficiencies with certain typologies of open space. This includes "parks and gardens" and "natural areas", each of which would be underprovided by 4,600 sq m.

Given that the overall amount of open space provision is only just short of the total amount required by the SPD, it is considered appropriate for an off-site contribution to deal with the deficiencies in certain typologies. This would be dealt with in the Section 106 agreement. There are existing areas of public open space within the locality where this money could be spent on enhancements, including Saltisford Common.

With regard to play areas for children, the amendment to upgrade the LAP (Local Area for Play) to a LEAP (Local Equipped Area for Play) has addressed the concerns of the Council's Greenspace Development Manager in terms of the amount and type of children's play space provided on site. Given the increased size of a LEAP and the requirement for minimum separation distances from dwellings (which do not apply to LAPs) the play area has had to be relocated to the area of open space on the Birmingham Road frontage. The Council's Greenspace Development Manager would prefer the LEAP to be located at the centre of the site. However, given the increased size and separation requirements, this would require a significant increase in the size of the central open space. Given the other significant constraints affecting this site that have already been referred to in the preceding paragraphs (i.e. the trees, data cables,

realignment of Haywood Road and attenuation basin), the LEAP is considered to be in the most appropriate location. This represents an appropriate balance between the competing constraints affecting this site.

All things considered, it has been concluded that the proposals make appropriate provision for public open space.

Impact on trees

There are a significant number of trees on the site that are all covered by an area Tree Preservation Order. This largely comprises the original planting associated with the development of the IBM complex, which was designed with a heavily landscaped setting. There are also a number of trees within the verge of the A46, alongside the western boundary of the site.

A significant number of the existing trees are proposed to be removed to make way for the proposed development. However, the layout has been designed to ensure that the most important groups of trees in public views are retained. The most significant feature of the tree planting on and adjacent to this site is the substantial belt of trees along the boundary with the A46 (the western boundary of the site). This includes trees within the application site as well as trees within the verge of the A46, outside of the application site. The layout has been designed to retain the trees on the western boundary that adjoin those areas where the tree cover on the verge of the A46 is thinnest. The parts of the western boundary where more significant tree removal is proposed are situated alongside those areas where the tree cover on the verge of the A46 is thickest. The result is that the development retains a significant tree belt along the whole of the western boundary. The proposed layout also retains the majority of the trees on the Birmingham Road frontage, which are the most prominent trees in public views of the site (there are no trees in the highway verge of this part of Birmingham Road).

In assessing the tree issue, it is important to note that the extant planning permission for office development on this site authorised a similar amount of tree removal. Consequently the removal of a significant number of trees has already been accepted by the Council in principle. Therefore the key consideration is whether or not the residential development now proposed retains the most important trees. For the reasons stated in the previous paragraph, it is considered that the layout has been carefully designed to ensure that the most important trees are retained. Therefore it has been concluded that the proposals would have an acceptable impact on trees.

Ecological impact

WCC Ecology have advised that the proposals will result in a very small loss of biodiversity. This can be compensated for by ecological enhancement measures on site, which can be secured by a Landscape and Ecological Management Plan. WCC Ecology have accepted the findings of the Habitat Survey Report that was submitted with the application and advise that the proposals would have an acceptable impact on protected and notable species, provided conditions are put in place to require certain safeguards.

Drainage and flood risk

Residents have pointed out that Haywood Road floods on occasion and IBM have raised concerns about increased flood risk for the watercourse that crosses the site. However, the revised Flood Risk Assessment that has been submitted proposes a drainage scheme that will ensure that the surface water run-off rate from the completed development will be 30% less than existing. The reduction in the surface water run-off rate has addressed the concerns of WCC Flood Risk Management and there has been no objection from the Environment Agency or Severn Trent Water. Therefore the proposals are considered to be acceptable in terms of drainage and flood risk.

Health and Well-being

The proposals would provide a significant number of dwellings, including affordable housing for people in housing need. The development also includes areas of public open space and children's play space. These are benefits that contribute to health and well-being.

Other Matters

Further information has been submitted in relation to contamination to address issues that had been raised by Environmental Health. Environmental Health now have no objection on contamination grounds, subject to a suitable condition.

The Air Quality Assessment submitted with the application proposes various measures to mitigate the impact of the development on air quality. Environmental Health have accepted that the proposed measures are adequate. Therefore it is considered that the proposals would have an acceptable impact on air quality.

IBM have raised concerns about the impact of construction works on the operation of their business and about the impact on their data cables that cross the southern part of the site. However, these are private matters and / or are covered by other legislation and therefore are not relevant material considerations for this planning application.

SUMMARY/CONCLUSION

The redevelopment of this site for residential purposes is considered to be in accordance with Criterion (b) of Local Plan Policy SC2. The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and would provide a satisfactory living environment for future occupants. Furthermore, the proposals make adequate provision for public open space and the development would have an acceptable impact on the character and appearance of the area. The proposed layout shows an appropriate spread and mix of affordable and market housing and it is expected that suitable contributions towards community facilities will be secured in a Section 106 agreement. The proposals are also considered to be acceptable in terms of car parking, highway safety, drainage / flood risk, ecological impact and in terms of the impact on trees. Finally, the proposals generate significant benefits in terms of providing a large amount of market and affordable housing at a time then the

Council are currently unable to demonstrate a five year supply of housing land within the District. Therefore it is recommended that planning permission is granted.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this 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 application form, site location plan and approved drawings 20113/01G, LDS252-04E, 20113-HY-4-PL, 20113-PA34-6-PL, 20113-GA-SG-PL, 20113-PA25-6-PL, 20113-BA-4-PL, 20113-PD33-6-PL, 20113-PA35-AG-6-PL, 20113-AA42-4-PL, 20113-AA43-4-PL, 20113-AA24-4-PL, 20113-AA32-4-PL, 20113-PT44-6-PL, 20113-MS-PL, 20113-PT38-6-PL, 20113-PA48-6-PL, 20113-PT32-6-PL & 20113-PT37-6-PL, and specification contained therein, submitted on 27 April 2015, 26 June 2015 & 3 July 2015. **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 No development shall commence until details of surface and foul water drainage have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with such approved details. **REASON:** To ensure that adequate drainage facilities are available and to minimise flood risk, in accordance with the National Planning Policy Framework and Policy DP11 of the Warwick District Local Plan 1996-2011.
- 4 No development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) to be retained on the site, or those tree(s) whose root structure may extend within the site. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree(s); no equipment, machinery or structure shall be attached to or supported by any retained tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** To protect those trees which are of significant

amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of 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 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.

- 6 No development shall commence until a detailed lighting scheme for the site 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.

No lighting shall be installed other than in strict accordance with the scheme approved under this condition. The lighting shall be maintained and operated in strict accordance with the approved scheme at all times thereafter.

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

- 7 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District 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 water bodies, native species planting, wildflower grasslands, woodland creation/enhancement and provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON :** To ensure adequate compensation for any loss of biodiversity, in accordance with the National Planning Policy Framework.

- 8 The development hereby permitted 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.
- 9 No development shall commence until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments. **REASON:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
- 10 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the District Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected

in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the District Planning Authority. The scheme shall be implemented strictly as approved.

REASON : To ensure the protection of controlled waters and to prevent pollution in accordance with Policy DP9 in the Warwick District Local Plan 1996-2011.

- 11 None of the dwellings hereby permitted shall be occupied unless and until:

(a) the acoustic fence along the western boundary of the site has been installed in strict accordance with the approved plans and the recommendations of the Report on Existing Noise Climate (Revision R8) by Hoare Lea dated 9 July 2015 and submitted to the District Council on 10 July 2015; and

(b) the acoustic mitigation measures for that particular dwelling have been completed in strict accordance with the recommendations of the Report on Existing Noise Climate (Revision R8) by Hoare Lea dated 9 July 2015 and submitted to the District Council on 10 July 2015.

The acoustic fence and other acoustic mitigation measures shall be retained and maintained in accordance with the manufacturers recommendations at all times 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.

- 12 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: the anticipated movements of 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; a construction phasing plan; and a HGV routing plan.
- 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.

- 13 The dwellings hereby permitted shall be designed and constructed to ensure that internal noise levels do not exceed the following levels between 0700 hours and 2300 hours:

- 35 dB LAeq,16hour within living rooms;
- 40 dB LAeq,16hour within dining rooms; and
- 35 dB LAeq,16hour within bedrooms.

The dwellings hereby permitted shall be designed and constructed to ensure that internal noise levels do not exceed the following levels between 2300 hours and 0700 hours:

- 30dB LAeq,8hour within bedrooms, with the maximum instantaneous noise level not exceeding 45dB L_{Amax,fast} (Night-time L_{Amax} as prescribed by WHO Guidelines for Community Noise, 1999).

The external noise level in all private gardens of the dwellings hereby permitted shall not exceed 50dB LAeq,t between 0700 hours and 2300 hours.

REASON: To provide a satisfactory living environment for future occupants of the proposed dwellings, in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 14 Best practicable means shall be employed at all times to control noise and dust on the site. Work which is likely to give rise to noise nuisance shall not take place before 0730 hours or after 1700 hours on Mondays to Fridays or before 0730 hours or after 1300 hours on Saturdays. No construction work shall take place on Sundays or Bank Holidays. Delivery vehicles shall not be permitted to arrive on site before 0800 hours or after 1630 hours on Mondays to Fridays or before 0800 hours or after 1300 hours on Saturdays. No deliveries shall be permitted to arrive on site on Sundays or Bank Holidays. **REASON :** To protect the living conditions of nearby residents, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan.

- 15 The development shall be carried out in accordance with the Flood Risk Assessment ref. AAC5058 (Issue 6) by RPS dated June 2015 and submitted to the District Council on 10 June 2015. **REASON :** To minimise the risk of flooding on site and elsewhere, in accordance with the National Planning Policy Framework.

- 16 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which shall 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 the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. 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.

- 17 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those trees and shrubs 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 The development shall be carried out only in full accordance with sample details of all facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 19 None of the dwellings hereby permitted shall be occupied until the car parking and manoeuvring areas indicated on the approved drawings for that dwelling have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.

- 20 The development shall be carried out in strict accordance with the air quality mitigation measures specified in the Air Quality Assessment by RSK dated 29 May 2015 and submitted to the District Council on 1 June 2015. None of the dwellings hereby permitted shall be occupied until the air quality mitigation measures for that dwelling have been implemented in full. **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.
- 21 The dwellings hereby permitted shall be constructed in strict accordance with the "fabric first" energy efficiency strategy specified in the Energy Statement by JSP Sustainability Limited dated March 2015 that was submitted with the application. **REASON :** To ensure that adequate provision is made for carbon reduction in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
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