

**Planning Committee:** 10 October 2017

**Item Number: 8**

**Application No:** [W 17 / 1104](#)

**Town/Parish Council:** Warwick  
**Case Officer:** Rob Young

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**Registration Date:** 09/06/17

**Expiry Date:** 08/09/17

**Plot 8001 - 8004, Tournament Fields, Stratford Road, Warwick**

Application for approval of reserved matters under outline planning permission no. W/13/0758 for the erection of 4 no. buildings to provide employment development for Use Classes B1, B2 and B8 purposes FOR Sackville Development (Warwick) Ltd

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This application is being presented to Committee due to the number of objections received.

**RECOMMENDATION**

Planning Committee are recommended to APPROVE this reserved matters application, subject to conditions.

**DETAILS OF THE DEVELOPMENT**

This is a reserved matters submission under outline planning permission no. W13/0758. The plans show 4 separate buildings along the southern edge of the Tournament Fields site to be used for employment purposes falling within Use Classes B1, B2 or B8. These buildings would each have their own parking areas and service yards, surrounded by a 2.1m high palladin mesh fence.

The plots will be accessed off the estate road that is currently under construction linking to the Edgehill Drive roundabout. The proposals also include a balancing pond alongside the southern boundary. The development will cut into the edge and one end of the existing bund alongside the southern boundary.

The following amendments have been made since the original submission of this application:

- the bund alongside the southern boundary is now shown to be largely retained, whereas it was originally shown to be largely removed;
- relocation of the balancing pond to allow for the retention of the bund;
- relocation and reconfiguration of the proposed buildings and service yards to allow for the retention of the bund;
- provision of additional soft landscaping on the frontages of the plots;
- provision of additional tree planting alongside the boundary with The Peacocks;
- reconfiguration of layout to ensure that the development is clear of the 8m wide easement that the Environment Agency require alongside the adjacent watercourse; and

- noise assessment submitted.

## **THE SITE AND ITS LOCATION**

The application relates to vacant plots of land on the Tournament Fields employment site. These plots are situated on the southern edge of the development.

A hotel and residential properties adjoin the site to the south and east, while further vacant plots on Tournament Fields adjoin the site to the north. The A46 adjoins the site to the west. Tournament Fields contains a mix of offices, industrial and warehousing premises, together with a care home and ambulance station.

The site is largely flat, although there is a man-made bund with trees on top alongside the southern boundary. A watercourse runs along the southern boundary, with trees alongside.

## **PLANNING HISTORY**

Outline planning permission for Tournament Fields was renewed in 2013 (Ref. W13/0758). This was for "employment development for Use Classes B1, B2 and B8 purposes". The original outline permission had been granted in 1995 (Ref. W92/0291).

Since the original outline permission was granted, a number of reserved matters consents have been granted for offices and industrial / warehouse units on other plots on Tournament Fields. This includes a recent reserved matters consent for a research and development unit on land forming the western end of the current application site (Ref. W17/0168). However, this consent has not been implemented.

## **RELEVANT POLICIES**

- National Planning Policy Framework
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- EC1 - Directing New Employment Development (Warwick District Local Plan 2011-2029)
- EC3 - Protecting Employment Land and Buildings (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029)
- TR4 - Parking (Warwick District Local Plan 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)

- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)

#### Guidance Documents

- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Employment Land Development Brief - Tournament Fields, Warwick (Prepared by Severn Trent Property)

### **SUMMARY OF REPRESENTATIONS**

**Town Council:** Make comments neither objecting to or supporting the application. Raise concerns regarding car parking and impact on the environment and residents close to the bund which is due to be removed. Also support residents objections and the conditions recommended by Environmental Health. The height of the proposed buildings is also a concern.

**Public response:** Objections have been received from 14 residents and from The Peacocks management company, raising the following concerns:

- no reduction in the bund alongside The Peacocks should be permitted, this was considered essential at the time of the original outline permission and remains so now;
- the service yards are too close to neighbouring dwellings;
- concerns about the height of the proposed buildings;
- the buildings will rise above the tree line, which is incomplete and needs finishing before any work starts;
- harm to the outlook from neighbouring dwellings;
- the trees do not provide screening during the winter months;
- increased traffic noise and emissions (detrimental to local air quality);
- increased traffic congestion;
- detrimental to highway safety;
- noise pollution;
- light pollution;
- loss of privacy;
- loss of light;
- loss of trees;
- any new tree planting will take years to provide an effective screen;
- ecological harm;
- harm to the rural landscape;
- concerns about increased run-off into the watercourse along the site boundary;
- increased flood risk for neighbouring dwellings;
- development alongside existing dwellings should be restricted to B1 use only;

- the proposed development falls outside of the scope of the outline permission and therefore a new outline application is required; and
- smells.

**Highways England:** No objection.

**WCC Highways:** No objection.

**WCC Ecology:** Make comments regarding a loss of biodiversity, but note that the principle of development has already been established by the outline permission. Recommend various conditions.

**WDC Environmental Health:** No objection, subject to various conditions.

## **ASSESSMENT**

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

- the impact on the living conditions of nearby dwellings;
- the impact on the character and appearance of the area;
- car parking and highway safety; and
- health and wellbeing.

### Impact on the living conditions of nearby dwellings

In considering the impact on nearby dwellings, it is important to bear in mind that the site has outline planning permission for all forms of employment development, including research and development / light industrial (Use Class B1), general industrial (Use Class B2) and warehousing (Use Class B8) uses. As a result, the principle of accepting these types of development in this location has already been established.

In terms of issues relating to the detailed layout that is proposed in this reserved matters application, it is considered that the amendments that have been made by the applicant have satisfactorily addressed any concerns about the impact on nearby dwellings. This includes the retention of much of the existing bund and associated trees, which provide a good degree of screening from the adjacent dwellings in The Peacocks and Earls Meadow. The applicant has also proposed additional planting to reinforce this. Furthermore, a noise assessment has been submitted which demonstrates that, subject to appropriate conditions, the proposals will have an acceptable relationship with nearby dwellings from a noise perspective.

Environmental Health have accepted the conclusions of the noise assessment and have raised no objection, subject to various conditions. Therefore, subject to these conditions it has been concluded that the proposals would not cause unacceptable noise and disturbance for nearby dwellings or the adjacent hotel.

In terms of other impacts on nearby dwellings, the proposed buildings would be at least 38m from the boundary of the nearest dwellings. The buildings would also be at least 48m from the side or rear elevation of the nearest dwellings. Bearing in mind the presence of the landscaped bund in between, this is

considered to be far enough to ensure that the proposals would not have any significant implications in terms of loss of light, loss of outlook or loss of privacy.

All things considered, it has been concluded that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the adjacent hotel.

#### Impact on the character and appearance of the area

The design of each of the proposed buildings is in keeping with other recent developments on Tournament Fields. The design meets the requirements of the Development Brief for the site. Therefore it has been concluded that the proposals would have an acceptable impact on the character and appearance of the area.

Objectors have raised concerns about harm to the rural landscape. However, the site is situated on an allocated employment site within the urban area of Warwick and is separated from rural areas by surrounding urban development and road infrastructure. Therefore the proposals will not harm the rural landscape.

#### Car parking and highway safety

There has been no objection from the Highway Authority. Therefore the proposals are considered to be acceptable in terms of the impact on highway safety. Whilst residents have raised issues to do with traffic congestion and highway safety on surrounding roads, these matters were all considered in the assessment of the outline application which established the principle of this amount and type of development on the site. Therefore such matters cannot be reconsidered in the assessment of this reserved matters application.

With regard to parking, the proposed provision works out at 1 space per 40 sq m. This is in accordance with the Council's Parking Standards for high technology / light industrial development (1 space per 40 sq m), general industrial (1 space per 50 sq m) and warehousing (1 space per 80 sq m). Therefore the proposals are considered to be acceptable in terms of car parking.

#### Health and wellbeing

The proposals do not raise any significant implications for health and wellbeing.

#### Other matters

With regard to the comments of WCC Ecology, biodiversity and ecological impacts were dealt with under the outline planning permission. Therefore it is not possible to reconsider this issue as part of this reserved matters application.

With regard to the objectors' concerns about flood risk and drainage, these matters were also dealt with under the outline planning permission. Furthermore the applicant has confirmed that all surface water drainage from the proposed buildings will link into the existing Tournament Fields drainage system. No

surface water from the new buildings will be directed towards the water course alongside The Peacocks.

All existing trees are proposed to be retained.

Objectors have raised concerns about potential smells. However, Environmental Health have raised no objection in this regard, subject to a condition to require any chimneys or flues to be subject to a separate planning application.

With regard to the objectors' concerns about light pollution, a condition is recommended to require lighting details to be submitted for approval.

Objectors have suggested that the buildings alongside adjacent dwellings should be restricted to B1 use only. However, the whole site has outline planning permission for B1, B2 and B8 purposes, with no restrictions on where those uses can be located on the site. Therefore it is not possible to prohibit B2 or B8 uses in any of the units as part of this reserved matters application. Nevertheless, a condition is recommended to require the submission of a further noise assessment and noise mitigation measures if any of the units are to be used for B2 purposes.

### **SUMMARY / CONCLUSION**

The proposals will have an acceptable impact on the living conditions of nearby dwellings and on the character and appearance of the area. The proposals are also considered to be acceptable in terms of car parking and highway safety. Therefore it is recommended that this reserved matters application is approved.

### **CONDITIONS**

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 0003 Rev P-02, 0005 Rev P-00, 0103 Rev P-02, 0105 Rev P-01, 0203 Rev P-03, 0205 Rev P-00, 0301 Rev P-02, 0303 Rev P-02, 0304 Rev P-00 & 0305 Rev P-02, and specification contained therein, submitted on 9 June 2017, 19 June 2017 & 7 September 2017  
**REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 2 No development shall commence until details of finished site and ground floor levels in relation to existing site levels and the levels of adjoining land have been submitted to and approved by the Local Planning Authority. The development shall be carried out and completed in accordance with the details so approved. **REASON** : To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
- 3 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, 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. 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 BE1, BE3 & NE4 of the Warwick District Local Plan 2011-2029.

- 4 No development shall commence until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **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 BE1 of the Warwick District Local Plan 2011-2029.
- 5 No development or other operations (including demolition, site clearance or other preparatory works) shall be commenced 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 retained tree(s) 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 protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected 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 that 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 NE4 of the

Warwick District Local Plan 2011-2029.

- 6 All existing trees shall be retained and shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(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) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(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 landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 & NE4 of the Warwick District Local Plan 2011-2029.
- 7 Notwithstanding the details indicated on the approved plans, the development hereby permitted shall not be occupied until details of boundary treatment have been submitted to and approved in writing by the local planning authority. No boundary treatment shall be installed other than in strict accordance with the details approved under this condition. **REASON :** To ensure a satisfactory standard of design and appearance for the development, in accordance with Policy BE1 of the Warwick District Local Plan.
- 8 The development hereby permitted shall not be occupied until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The approved Low Emission Strategy shall be implemented in strict accordance with the approved details and shall remain in force at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy NE5 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012.
- 9 The premises hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies BE1, BE3 & TR4 of the Warwick District Local Plan 2011-2029.
- 10 None of the premises hereby permitted shall be occupied unless and until cycle parking has been provided in accordance with details that shall have been submitted to and approved in writing by the local planning authority. The cycle parking shall be retained at all times thereafter. **REASON:** To ensure adequate cycle parking facilities, in accordance with Policy TR4 of the Warwick District Local Plan 2011-2029.



- 11 None of the units hereby permitted shall be used for purposes falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987 unless:

(a) a noise assessment (including details of noise mitigation measures if deemed appropriate) has been submitted to and approved in writing by the local planning authority; and  
(b) any noise mitigation measures approved under (a) have been implemented in strict accordance with the approved details.

Any noise mitigation measures shall thereafter be retained and maintained in strict accordance with the approved details at all times that the unit is used for purposes falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987.

**REASON :** To protect the living conditions of the nearby dwellings and hotel, in accordance with Policies BE3 & NE5 of the Warwick District Local Plan.

- 12 Except in the event of an emergency, all shutter/loading doors shall be kept closed before 0700 hours or after 1900 hours on any day.

**REASON :** To protect the living conditions of the nearby dwellings and hotel, in accordance with Policies BE3 & NE5 of the Warwick District Local Plan.

- 13 No noisy external activities (including deliveries in or outgoing) likely to cause nuisance to nearby residences shall take place on site before 0700 hours or after 1900 hours on Monday to Saturday or before 0900 hours or after 1800 hours on a Sunday or Bank / Public Holiday.

**REASON:** To protect the amenities of occupants of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.

- 14 Noise arising from any plant or equipment, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of occupants of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.

- 15 The development shall be carried out in strict accordance with the Construction and Environmental Management Plan by Benniman Construction Group that was submitted on 28 July 2017. **REASON :** To protect the amenities of occupants of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.

- 16 No lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the local planning authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **REASON:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.
- 17 No chimneys or flues shall be installed on any of the premises hereby permitted other than in strict accordance with details that shall have been submitted to and approved in writing by the local planning authority. **REASON :** To protect the living conditions of nearby dwellings, in accordance with Policy NE5 of the Warwick District Local Plan.
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