

Planning Committee: 26 March 2019

Item Number: 7

Application No: [W 18 / 2233](#)

Town/Parish Council: Warwick
Case Officer: Dan Charles

Registration Date: 27/11/18
Expiry Date: 26/02/19

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

Reserved Matters application for the erection of Class B1, B2 and B8 buildings on plots 8002 and 8003 (revised scheme to plots approved under W/17/1104) FOR Sackville Developments (Warwick) Ltd

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

RECOMMENDATION

That the reserved matters proposal is GRANTED with conditions.

DETAILS OF THE DEVELOPMENT

This is a reserved matters submission following outline planning permission granted under reference W13/0758.

This proposal is for a revised layout for Plots 8002 and 8003 following the approval of reserved matters for 8001-8004 under permission reference W/17/1104.

The current proposal seeks to relocate Plots 8002 and 8003 to the rear of the plot to provide roller shutter doors to the front elevation only. This is to seek to address the restrictive condition proposed regarding the restriction on opening of the roller shutter doors between the hours of 1900 and 0700 on any day.

The proposed buildings are proposed 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 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

W/18/2399 - Application for the variation of Condition 11 for planning permission W17/1104 to omit Plot 8001 from the requirements of the restrictive condition on the opening of roller shutter doors. The proposed condition would be retained on Plots 8002-8004 on this proposal – **Pending Consideration**

W/17/2315 - Application for the variation of condition 11 of planning permission no. W17/1104 to delete the prohibition on loading doors being opened between 1900 hours and 0700 hours and to substitute this with a restriction whereby the loading doors can only be used if internal operations occurring at the time do not cause nuisance to nearby residences as well as a requirement that between these hours the loading doors are only opened for as long as is necessary for instances of the movement of goods or personnel. The new condition 11 would not apply to Plot 8001. Planning permission no. W17/1104 was for the erection of 4 no. buildings to provide employment development for Use Classes B1, B2 and B8 purposes – **REFUSED 01.03.2018.**

W/17/1104 - 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 – **GRANTED 13.10.2017.**

W/13/0758 - Renewal of outline planning permission W/04/1851 for 'Employment development for Use Classes B1, B2 & B8 purposes; associated infrastructure (variation of condition 3 of p.p. W/92/0291 - to allow a longer period of time for the development)' – **GRANTED 03.09.2013**

W/04/1851 - Employment development for class B1, B2 & B8 purposes; associated infrastructure (variation of condition 3 of p.p. W920291 - to allow a longer period of time for the development) – **GRANTED 06.07.2007**

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- 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

- 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

WDC Environmental Health: The revised noise assessment is seeking to demonstrate that a planning condition similar to Condition 11 of W/17/1104 would not be required in light of the revised site layout and subject to the installation of a noise barrier. In light of the revised noise report, we would have no objections subject to the implementation of the noise mitigation measures proposed within the noise impact assessment (SRL 14th February 2019 Ref. 42686-T01 Rev. 04) namely the noise barrier. Once installed that noise mitigation measures/barrier shall be maintained thereafter and not altered in any way.

WCC Highways: No objection.

Highways England: No objection.

Natural England: No objection.

WCC Landscape: Less landscaping shown than on previous plans. Require additional information.

WCC Ecology: Recommend additional landscaping plan secured.

Public Response: 10 letters of objection and 1 letter of support received;
Objection Comments

- Existing noise is already prevalent from site.
- Harm to the wellbeing of occupants of adjacent dwellings.
- Potential 24/7 working should still be subject to restrictions.
- Noise attenuation measures must not affect mature trees and landscaping.
- Increased potential for additional light pollution.

- Harm to bats that have been witnessed in the vicinity.
- Proposal for works to noise bund are unclear.
- Buildings being moved closer to the boundary with the Peacocks will introduce more harm to occupiers.
- Object to 24 hour operation.
- Restrictions under Condition 11 should be retained.

Support Comments from Marketing Agent

- As marketing agents we have recently been successful in attracting such companies as 3PI, GFA, and Sodick, whose building will shortly be completed.
- Plots 8002 and 8003 when developed will add to the success of this Park generating further local employment and growth in the local economy at a very crucial time in the property and UK economy cycle.
- The location and orientation of the two buildings have been amended in order to minimise any potential disturbance to nearby residents, by locating car parking, servicing and turning areas on the opposite sides of the building and also providing substantial bunding and landscaping.
- The noise report commissioned confirms that these measures will meet statutory requirements facilitating occupiers to have access for their loading bays in order to enable full utilisation of the buildings.
- Any application of draconian conditions regarding times of use etc. by the EHO would result in deterring potential occupiers and potentially making the buildings unlettable / unsaleable.
- Such conditions should be avoided in favour of promoting Government policy to promote development and employment on WDC's prime employment site.

ASSESSMENT

Design and impact on visual amenity and the character of surrounding area

Section 12 of the National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local 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 be acceptable in terms of the character and appearance of the area.

The plots have been re-orientated to provide the car parking, service yards and access to the building to be from the front rather than rear as previously approved. This forms part of the revisions to seek to overcome the potential noise harm to the amenity of properties at The Peacocks to the rear.

The revised layout is more akin the adjacent units at 8001, albeit staggered due to the site boundary. Plot 8004 has a combination of side and front parking and servicing so overall, the revisions to the layout of the units is acceptable in design terms.

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.

Overall, Officers are satisfied that the development is acceptable with regards to the design and the impact on the character and amenity of the local area and is therefore in accordance with guidance within the NPPF and policy BE1 of the Local Plan.

Impact on adjacent properties

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

Paragraph 180 of the NPPF requires new development to be appropriate for its location taking into account the likely effects on health. Paragraph 108 a) of the NPPF requires new developments to mitigate and reduce to a minimum the potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

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.

The proposed buildings are to be located to the rear of the plots whereas in the earlier permission they were located to the front with the service yards and parking areas to the rear. In terms of distances, the nearest point of the proposed building at The Peacocks to Plot 8003 is approximately 38.5 metres. The separation distance between the caretakers dwelling at the Hotel and Plot 8002 is approximately 33 metres.

Officers acknowledge that the revised scheme does bring the buildings closer to the rear boundary of the site. However, the buildings are still set a significant distance away from the properties at The Peacocks and hotel and there is an intervening screening bund and tree belt that affords significant visual screening of the buildings from the residential properties.

Officers are satisfied that the distance separation together with the intervening landscape features is sufficient to prevent any harm to the visual amenity of the neighbouring properties

The revisions to the layout amend the two plots to provide the main entrances of the buildings to be accessed from the front elevation in lieu of the previously approved rear elevation. The reason for the revision is to overcome the need for a condition restricting the hours of opening of the main access doors to the building. The current condition states;

*"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."*

The condition was imposed as the orientation of the building had the service yards and main access doors to the units located on the elevation directly facing the rear boundary of the site where it abuts the Peacocks and Hilton Hotel. The revised scheme under consideration in this application has re-orientated the buildings so that the main access and service yards are to the front of the building where the structure of the building itself provides additional screening.

The proposal has been submitted with a detailed noise survey carried out by a specialist noise consultant to demonstrate that the revised layout of the scheme would not have a significant adverse impact on the health and quality of life for the occupants of the dwellings at the housing development known as The Peacocks that sits to the rear of the site as well as the existing Hilton Hotel and residential accommodation that also flanks the boundary to the rear.

The Noise Survey has been assessed by the District Councils Environmental Health Officer who has been in discussions with the applicants Noise Consultant and requested additional survey work to be carried out to provide further assessment of the potential impacts on the amenity of neighbouring residents both at the Peacocks and the Hilton Hotel. Following this, the Survey has satisfactorily demonstrated to the Officer that the proposal would not result in significant adverse impacts on the quality of life of nearby residential properties. On this basis the Environmental Health Officer has raised no objection subject to the imposition of the range of conditions to control the potential noise impacts of the development as previously imposed on the earlier approval.

There has been a minor alteration to Condition 11 compared to the previously imposed condition. The change removes reference to deliveries from the noisy activities condition. The change to this condition reflects the concern that deliveries to the site may not be considered a noisy activity and therefore may continue outside of the hour's restriction. This does in no way conclude that all delivery activities are acceptable. Should these deliveries generate noise disturbance (for instance, large HGV movements), the condition would still be fully enforceable and relevant to restrict the activity.

Subject to the imposition of the conditions as detailed at the end of this report, Officers consider that the proposal would not have any significant adverse noise impacts that would render the scheme unacceptable. The scheme is therefore considered to be in accordance with Policy BE3 of the Local Plan and accord with Paragraph 180 of the NPPF.

Highway Safety

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The overall access to the site has been previously approved. Access to the individual plots has been assessed by the County Highway Authority who have raised no objection to the scheme as revised. Therefore, the proposals are considered to be acceptable in terms of the impact on highway safety.

With regard to parking, the proposed provision achieves the required standards for new industrial buildings. There is also adequate space within the site for Heavy Goods Vehicles to enter, manoeuvre and exit in a forward gear without compromising the vehicle parking areas within the site.

Officers are satisfied that the proposals are considered to be acceptable in terms of highway safety and car parking and the scheme is in accordance with Policies TR1 and TR3 of the Local Plan.

Impact on Ecology/Protected Species

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The County Ecologist has considered the submitted proposal and raised no objections in terms of potential impact on protected species. The Ecologist has requested that additional landscaping is secured to enhance the biodiversity on the application site.

Officers are satisfied that this can be secured through an appropriately worded condition.

The applicant has confirmed that they are agreeable to such a condition. Subject to its imposition, Officers are satisfied that the proposal is in accordance with Policy NE3 of the Local Plan.

Other Matters

Health and wellbeing

The approved scheme had the service yard and access doors to the rear of the buildings which is located near to the boundary with the residential properties at The Peacocks. The proposals would move the service yards and main accesses to the front of the plots which would be located away from the boundary of the site with the neighbouring properties. This would reduce the potential impact and would lead to an enhancement to health and wellbeing.

Trees/Hedgerows

There are no trees or hedgerows to be lost as part of this proposal. Additional planting will be secured through an appropriate landscaping condition to ensure that the development results in a net gain on site.

Conclusion

The revisions to Plots 8002 and 8003 are acceptable in design, highways and visual impact terms. Officers are satisfied that the Noise Report as updated, satisfactorily demonstrates that the proposal would not have an adverse impact on the amenity of neighbouring properties.

Subject to the imposition of appropriate conditions, Officers are satisfied that the proposal is acceptable.

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) 17200-0332-P-00 and 17200-0333-P-O, and specification contained therein, submitted on 22 November 2018
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 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.
- 9 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.
- 10 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.
- 11 No noisy external activities 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.
- 12 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.

- 13 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.
- 14 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.
- 15 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.
