

Application No: [W 17 / 0864](#)

Town/Parish Council: Leamington Spa
Case Officer: Rob Young

Registration Date: 16/05/17

Expiry Date: 15/08/17

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**Former Dairy Crest Depot, Quarry Street, Milverton, Leamington Spa,
CV32 6AU**

Minor material amendment to planning permission no. W16/0482 to include minor changes to the design and layout of the dwellings, boundary treatments, parking areas and the tenure of the affordable units. Planning permission no. W16/0482 was for the erection of 18 dwellings. FOR Deeley Homes

This application is being reported to Planning Committee because it is recommended that planning permission be granted subject to the completion of a legal agreement.

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 4 September 2017, 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 a minor material amendment to planning permission no. W16/0482 to include the following changes:

- a revised design including changes to the design and arrangement of windows and doors and a change from a parapet to an eaves detail for the roof edge;
- omission of the accommodation in the roofspace so that all of the dwellings will now have just two floors of accommodation;
- a reduction in the ridge height by approximately 1.1m;
- provision of a render finish to some of the dwellings;
- increase in affordable housing to 100% provision and change in tenure;
- alterations to the parking layout, including moving some spaces from the Quarry Street frontage to the Old Milverton Road frontage, so that the 9 dwellings fronting onto Old Milverton Road all have parking accessed off that road;
- two terraces as previously approved each split in half, with one half of each terrace moved further back into the site; and
- confirmation of boundary treatments.

The applicant has agreed to enter into a section 106 agreement to secure the same section 106 contributions as the previous scheme:

- provision of 7 no. units of affordable housing;
- a contribution of £33,912 towards public open space;
- a contribution of £18,713.70 towards hospitals;
- a contribution of £967.14 towards outdoor sports facilities;
- a contribution of £15,357.24 towards indoor sports facilities;
- a contribution of the lesser of £30,000 or 1% of total financial contributions towards section 106 monitoring costs; and
- a contribution of £1,350 towards sustainability packs.

THE SITE AND ITS LOCATION

The application relates to the former Dairy Crest site that is situated at the northern end of Quarry Street and to the western side of Old Milverton Road. The site is currently vacant and was last used as a dairy. The existing buildings on the site are industrial in design and appearance. The remainder of the site is largely covered by areas of hardstanding.

There are two vehicular accesses into the site, one from Old Milverton Road and the other from Quarry Street. The site is situated within a predominantly residential area, with dwellings adjoining the site to the north and south and facing the site from the opposite side of Old Milverton Road to the east. There is also a small local shop facing the site from the opposite side of Old Milverton Road. The western boundary of the site adjoins the yard of a builder's merchants.

PLANNING HISTORY

In 2016 planning permission was granted for "Demolition of existing industrial buildings (Use Class B8); erection of 18 no. dwellings and change to the existing access" (Ref. W16/0482).

Prior to that there had been a number of previous planning applications associated with the former use of the site as a dairy. However, none of these are relevant to the consideration of the current proposals.

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)
- DP6 - Access (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)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- 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)
- DS10 - Broad Location of Allocated Sites for Housing (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)
- SC0 - Sustainable Communities (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)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Town Council: No objection.

WCC Highways: No objection, subject to conditions.

WDC Housing Strategy: No objection.

ASSESSMENT

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

- impact on the living conditions of neighbouring dwellings;
- impact on the character and appearance of the area;
- car parking and highway safety; and
- affordable housing and section 106 contributions.

Impact on the living conditions of neighbouring dwellings

The proposed amendment would move plot 9 closer to the windows in the side of No. 61 Quarry Street. However, light and outlook for these windows is already affected by the existing wall on that boundary of the site, which is a very tall structure. In this context, the proposed amendment would not cause significant additional loss of light or loss of outlook for No. 61.

The proposed amendment would move plots 10-13 closer to the dwellings in Bankfield Drive to the rear. However, at 26m the separation distance here would still be well in excess of the 22m minimum set out in the Council's Distance Separation Guidelines.

It is also important to note that the reduction in the ridge height of the proposed dwellings will help to reduce the impact on neighbouring dwellings.

For the above reasons it has been concluded that these revised proposals would have an acceptable impact on the living conditions of neighbouring dwellings.

Impact on the character and appearance of the area

The revised design of the dwellings is in keeping with surrounding development. Furthermore the addition of render would be in keeping with the area given that there are examples of rendered properties in the vicinity of the site, in both Quarry Street and Old Milverton Road. Details of boundary treatment have been provided this time around and these are considered to be appropriate. Therefore it has been concluded that the proposed amendments would have an acceptable impact on the character and appearance of the area.

Car parking and highway safety

The amended parking layout would comply with the Council's Parking Standards in terms of the number of spaces provided. Furthermore, following the receipt of a satisfactory refuse / recycling vehicle tracking plan, the Highway Authority have raised no objection to the revised layout. Therefore it has been concluded that the proposed amendments are acceptable in terms of car parking and highway safety.

Affordable housing and section 106 contributions

The affordable housing provision is now proposed to be 100% and the changes to the tenure of the affordable housing units have been agreed with the Council's Housing Strategy team. Furthermore, the applicant has agreed to enter into a section 106 agreement to secure all of the financial contributions as per the previous scheme. Therefore it has been concluded that these amended proposals remain acceptable in terms of affordable housing and section 106 contributions.

SUMMARY / CONCLUSION

The proposed amendments would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. Furthermore the proposals are considered to be acceptable in terms of car parking and highway safety and in terms of affordable housing and section 106 contributions. Therefore it is recommended that planning permission is granted for the proposed amendments.

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 drawing(s) 3412-115A, 3412-121A, 3412-125A,

3412-126A, 3412-130A & 3412-131A, and specification contained therein, submitted on 11 May 2017. **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 The development shall be carried out only in full accordance with sample details of the 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.

4 No part of the development hereby permitted shall be commenced until a scheme for the provision of suitable bird and bat boxes has been submitted to and approved in writing by the local planning authority. The scheme shall include details of box type, location and timing of works. The bird and bat boxes shall be installed in strict accordance with the approved details and shall be retained at all times thereafter. **REASON:** To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

5 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.

6 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. **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.

- 7 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.

- 8 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.

- 9 No development shall commence until details of measures to protect residents of the development from excessive traffic and commercial noise entering habitable rooms or garden areas have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details. **REASON:** To ensure that occupants of the development are not adversely affected by traffic and commercial noise, in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 10 Immediately prior to the commencement of demolition works (on the same day) the interior of the smaller of the two existing buildings on the site and all potential access features in both buildings identified in the Bat Presence/Absence Survey produced by Innovation Group Environmental Services (August 2015) shall be inspected by a suitably qualified bat worker. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works shall be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **REASON:** To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 11 No development shall commence until details of all retaining walls have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the details approved under this condition. **REASON :** For the avoidance of doubt and to ensure a satisfactory design and appearance for the development, in accordance with Local Plan Policy DP1.
- 12 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed

and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

REASON: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

- 13 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.
- 14 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 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 DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 15 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 DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012.

- 16 For the duration of construction works no heavy goods vehicles shall enter or leave the site between 0700 hours and 0900 hours or between 1600 hours and 1800 hours on Mondays to Fridays. **REASON :** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.
 - 17 The development 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 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.
 - 18 The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain within the limits of the public highway. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
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