

**Planning Committee:** 13 September 2016

**Item Number:** **6**

**Application No:** W 16 / 0801

**Town/Parish Council:** Leamington Spa

**Case Officer:**

Rob Young

01926 456535 rob.young@warwickdc.gov.uk

**Registration Date:** 16/05/16

**Expiry Date:** 15/08/16

**Former North Leamington School, Cloister Way, Leamington Spa**

Demolition of existing buildings and erection of 44 dwellings with associated access, landscaping and infrastructure FOR Spitfire Properties LLP

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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.

**DETAILS OF THE DEVELOPMENT**

The application proposes the demolition of the existing school buildings and the erection of a residential development comprising 44 dwellings. The development comprises a mix of detached, semi-detached and terraced houses ranging between two and three storeys in height, together with 2 no. three storey blocks of flats. Vehicular access will be off the end of Cloister Way, in the position of the access to the former school.

The application was accompanied by a range of supporting reports including a Planning Statement, an Ecological Appraisal, a Contamination Report, a Tree Survey, a Flood Risk Assessment, a Transport Statement, a Viability Report and a Design and Access Statement.

The following amendments have been made following the submission of the application:

- certain plots reduced in height, including the four storey apartment block being reduced to three storeys and 2 of the three storey houses on the south-eastern boundary being reduced to two storeys;
- alterations to the external appearance of certain plots;
- number of units reduced from 47 to 44;
- associated reduction in the number of parking spaces;
- additional soft landscaping introduced;
- front railings reduced in height;
- rear alleyways gated;
- changes to materials of certain plots;
- external staircase omitted from garage of plot 1; and

- affordable housing omitted due to worsened viability position following the other amendments.

## **THE SITE AND ITS LOCATION**

The application site relates to the disused lower school section of the former North Leamington School site. There is vehicular access to the site from Cloister Way. The site contains a large number of buildings ranging from single storey to four storeys in height. The main building block is sited relatively close to the eastern boundary of the site, with a long wing extending towards the western boundary. The buildings date from the 1960's and are of little architectural merit.

The site abuts an established residential area to the north-east and is adjoined by houses off Cloister Way, Almond Avenue and Garway Close to the east; by the recently constructed dwellings on the site of the upper school buildings to the north (Sir Frank Whittle Gardens); while to the west are playing fields.

There is a distinct fall in levels across the site from east to west. There are a number of trees on the site, mainly along the north-western boundary and towards the south-western side of the site. From the west, the elevated nature of the site can be viewed from the Kenilworth Road, with the four storey school buildings prominent on the skyline. The site is situated within the Green Belt and is designated as a Major Developed Site in the Green Belt in the adopted Local Plan.

## **PLANNING HISTORY**

In 2011 planning permission was granted for "Development of a new 78 bed residential Nursing Home providing a Specialised Care Centre for people with Neurological Disability. The development comprises bedrooms with a mixture of long stay, short stay and respite rooms. Support accommodation for residents and staff is provided along with facilities to provide, hydrotherapy, physiotherapy and occupational therapy to residents" (Ref. W10/1249).

In 2014 planning permission was refused for "Demolition of existing buildings and erection of 42 dwellings with associated infrastructure and landscaping" (Ref. W13/1757). The reasons for refusal related to a range of issues including a conflict with the Council's Market Housing Mix Guidance, a failure to spread the affordable housing around the site, substandard separation distances within the development, the layout being at odds with the established pattern of development in the locality, loss of trees, adverse impact on the Green Belt, the proposed road layout being detrimental to highway safety, inadequate provision for public open space and failure to provide the requested section 106 contributions.

Prior to the above applications there had been a large number of applications dating back to the 1960's relating to the school.

## **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)
- 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)
- SSP2 - Major Developed Sites (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)
- DS19 - Green Belt (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:** Object. Welcome the proposed redevelopment of this site but feel that the layout/siting of the affordable housing element could be better and more evenly distributed throughout the site. It is also felt that there would be a loss of privacy for residents of Almond Avenue and Garway Close.

Following a renotification about amended plans the Town Council also raised concerns about the lack of affordable housing provision, the loss of biodiversity and the lack of open space provision.

**Public Response:** 23 objections have been received, raising the following concerns:

- the density is too high;
- overdevelopment;
- increased noise and disturbance;
- loss of security due to rear alleyways being positioned alongside existing dwellings;
- all of the affordable housing is concentrated in one corner of the site;

- the larger houses have plenty of space on the countryside edge of the development with the smaller houses crammed into the other parts of the site alongside existing houses, creating a very cramped outlook for existing dwellings (onto a wall of 3 storey houses);
- the proposals will not create a mixed community;
- harm to the character and appearance of the area;
- the proposed materials are not in keeping with the character of the area;
- insufficient parking;
- increased traffic;
- detrimental to highway safety;
- some traffic should be routed out onto Park Road and not just onto Cloister Way;
- 3 and 4 storey development is not in keeping with the surrounding area which is characterised by 2 storey dwellings;
- loss of privacy;
- contrary to the Council's Distance Separation Guidelines;
- concerns about asbestos contamination from the existing derelict school buildings;
- insufficient public open space;
- loss of trees;
- the existing line of trees along the north-east boundary should be retained and protected;
- the proposed dwellings are too close to the trees that are to be retained;
- lack of protection for bats and nesting birds;
- lack of any 2 bedroom and limited provision of 3 bedroom market houses;
- demolition and construction impacts;
- drainage concerns; and
- various concerns about the proposed boundary treatment.

**WCC Highways:** No objection, subject to a condition and financial contributions.

**WCC Archaeology:** No comment.

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

**WCC Landscape:** Object due to concerns about the proposed landscaping and in particular the limited landscaping along the western boundary.

**WCC Flood Risk Management:** No objection, subject to a condition to require drainage details.

**WCC Infrastructure:** Request section 106 contributions in relation to road safety, sustainable transport and libraries.

**WCC Ecology:** No objection, subject to conditions.

**WDC Green Space:** Request a contribution towards public open space due to the proposed on-site provision being substandard in terms of size.

**WDC Housing Strategy:** No objection, subject to the viability case for a reduced affordable housing requirement being verified.

**WDC Waste Management:** No objection.

**WDC Environmental Health:** Comments awaited.

## **ASSESSMENT**

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

- the principle of permitting a residential development on this site;
- the impact on the living conditions of neighbouring dwellings;
- provision of a satisfactory living environment for future occupants of the proposed dwellings;
- provision of affordable housing;
- the impact on local services;
- provision of public open space;
- housing mix;
- the impact on the character and appearance of the area;
- the impact on the openness and rural character of the Green Belt;
- car parking and highway safety;
- impact on trees;
- ecological impact; and
- health and well-being.

### Principle of development

The proposed development is contrary to Policy SSP2 of the Adopted Local Plan because this policy requires the Major Developed Sites in the Green Belt to be redeveloped for employment purposes. However, the NPPF states at para 49 that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. The Council cannot demonstrate a five year supply at present and therefore, Policy SSP2 is out of date.

In any case, planning permission has previously been granted for the redevelopment of this site for non-employment purposes (the care home approved in 2011). Therefore, even before the five year housing land supply issue rendered Policy SSP2 out of date, the Council had accepted that it would be appropriate for the site to be redeveloped for a non-employment use.

The application site is situated adjacent to a predominantly residential area and the proposals would assist in meeting the pressing need for new housing within the District. Therefore it is considered that the residential development of the site would be acceptable in principle.

### Impact on the living conditions of neighbouring dwellings

Neighbours have raised concerns about loss of privacy. However, the layout of the development meets the Council's Distance Separation Supplementary Planning Guidance (SPG) in relation to all surrounding dwellings. The layout is arranged so that windows in the proposed dwellings face onto the side elevations and side boundaries of existing dwellings, with the closest first floor windows in the proposed dwellings being 11m from the site boundary and the closest second

floor windows being 12m from the site boundary (one exception to this is an ensuite window to plot 1 which will be obscure glazed and therefore will not unduly impact on privacy). At 11m and 12m from the boundary the non-obscure glazed windows in the proposed layout are considered to be far enough away to preserve an adequate level of privacy for the adjacent gardens and houses. Furthermore, the proposed dwellings will not infringe a 45-degree sight-line in relation to any of the neighbouring dwellings, in accordance with the Council's 45 Degree Guideline SPG. Therefore it has been concluded that the proposals would not cause unacceptable loss of light, loss of outlook or loss of privacy for neighbouring dwellings.

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

The proposed layout will provide a satisfactory living environment for future occupants of the proposed dwellings. Separation distances between the proposed dwellings are in accordance with the Council's Distance Separation Guidelines. Therefore the dwellings will be provided with an adequate level of privacy.

#### Provision of affordable housing

The application initially proposed that 30% of the units would be for affordable housing. A Viability Report was submitted with the application to demonstrate that this reduced provision (compared with the policy requirement for 40%) was justified on viability grounds. This was checked and verified by the Council's independent surveyor.

However, the subsequent amendments to the scheme to address concerns raised by Officers has resulted in a reduction in the overall number of units and a reduction in the size of some of the remaining units. The applicant has argued that this has further worsened the viability position, such that no affordable housing can be provided by the amended scheme. An amended Viability Report has been submitted to support this position. This is in the process of being checked by the Council's independent surveyor and an update on this issue will be provided in the addendum report to Committee.

The viability case put forward by the applicant relates to the minimum land value required by the site owner (the Castel Froma charity) and the high demolition / site clearance costs associated with the development. The applicant points out that Castel Froma care for over 400 people every year, all of whom have complex neurological conditions such as brain injury, multiple sclerosis, motor neuron disease, Parkinson's disease and Huntington's disease. Money raised from the sale of the application site to the applicant will provide much needed investment to enhance the existing care provided at Castel Froma's Lillington Road facility. The work being undertaken by the Council's surveyor will include an assessment as to whether the assumed land value is reasonable and comparable to other similar sites.

### Impact on local services

The proposed development would create significant additional demand for local services. There have been a number of requests for contributions towards community facilities, including acute and community health care facilities, indoor sports halls and swimming pools, outdoor sports facilities, libraries, road safety and sustainable transport. However, the viability information submitted by the applicant argues that any section 106 contributions would render the scheme unviable (as referred to under the "Provision of Affordable Housing" section above). As previously stated, an update on this issue will be provided in the addendum report to Committee.

### Provision of public open space

The proposed layout includes a central area of open space. In terms of area this falls short of the standards set out in the Council's Open Space SPD. However, given the viability issues with this development, it is not possible to set aside any more of the site for open space. Furthermore, the proposed open space provision is comparable to the open space provided on the residential development on the adjoining upper school site (Sir Frank Whittle Gardens). The main area of open space is central to the development and is well overlooked by the surrounding houses. As such it represents a usable area of open space that would provide a reasonable degree of amenity for future residents of the development. Therefore, considering the viability issues, it has been concluded that the proposals would not prejudice the objectives of Local Plan Policy SC13 or the Open Space SPD.

### Housing mix

Paragraph 50 of the NPPF states that local planning authorities should plan for a mix of housing, based on current and demographic trends, market trends and the needs of different groups in the community. It goes on to state that local planning authorities should identify the size, type, tenure and range of housing that is required in different locations. In accordance with these requirements, the Council has adopted development management policy guidance on "Mix of Market Housing on New Development Sites (June 2013)". This is based on the Strategic Housing Market Assessment (SHMA) for Warwick District and specifies a mix of 7% 1 bedroom dwellings, 26% 2 bedroom dwellings, 43% 3 bedroom dwellings and 24% 4 bedroom dwellings.

The mix of market housing proposed in the current planning application comprises 11% 1 bedroom dwellings, 36% 2 bedroom dwellings, 32% 3 bedroom dwellings and 20% 4+ bedroom dwellings. Therefore on the face of it the proposals would appear to be largely in accordance with the mix expected by the Guidance. However, there are two aspects of the development that indicate that the proposals may not conform so closely to the Guidance as it may seem from these figures.

Firstly, a number of the three bedroom units have studies which are of a similar size to the bedrooms and so may well end up being used as an additional bedroom. If these were counted as bedrooms the proposals would contravene



the Housing Mix Guidance due to there being too great a proportion of larger dwellings (4+ bedrooms).

Secondly, all of the two bedroom units and a significant proportion of the 3 bedroom units are flats (particularly if the 3 bedroom houses with large studies are treated as 4 bedroom houses). The Housing Mix Guidance indicates that housing should be provided in preference to flats and that the mix of houses should include mainly 2 and 3 bedroom small / medium family homes with gardens. It is important to note here that these provisions are included under the "Small housing schemes (less than 25 dwellings)" heading. However, this does reflect the need in terms of type of dwellings that is identified in the SHMA and so this has to be a negative factor that weighs against the proposals.

So the conclusion has to be that the proposals do not comply with the Housing Mix Guidance and will not provide the mix of dwelling types and sizes that would match the need identified in the SHMA. However, in considering this issue it is important to bear in mind that the viability of the scheme is marginal, as has been demonstrated by the Viability Report submitted with the application. In this regard the applicant has argued that a change in the mix of housing is likely to further worsen the viability position. Therefore, with the contraventions of the Housing Mix Guidance being technical in nature (such that the applicant considers that they are in full conformity with the Guidance), it has been concluded that a refusal of planning permission would not be these grounds given the viability position.

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

The proposed development will be accessed via Cloister Way, which is characterised by large houses set in spacious plots. The first part of the development as the site is entered has been designed to reflect this character, comprising larger detached houses set around areas of public open space. The density of the development increases markedly further into the site, with the north-eastern half of the layout comprising a mix of blocks of apartments together with semi-detached and terraced houses. The height of the buildings increases on this part of the site, with the apartment blocks and some of the houses being three storeys high. The houses are also more closely spaced and there is a lot more hard surfacing on the frontages to accommodate the necessary car parking.

However, when comparing this layout with the surrounding area, and in particular Cloister Way, it is important to note that the more densely developed part of the site will not be visible from Cloister Way due to the tight bend in the access road at the site entrance. It is also notable that the adjacent Sit Frank Whittle Gardens development includes more densely developed areas. Furthermore, having too great a proportion of large detached houses would not be desirable because it would not provide an appropriate mix of dwelling sizes to meet housing needs. In addition, regard must be had to the development that currently exists on the site, which comprises a relatively dense development of school buildings up to four storeys in height with large areas of the site given over to hard surfacing. The previous planning permission for a care home on this site is also relevant, with this authorising a substantial three storey building that would have extended across much of the site. Having regard to all of these

considerations, it has been concluded that the layout and scale of the development would be appropriate for this site.

In terms of other design considerations, objectors have raised concerns about the extensive use of render on the proposed buildings. However, whilst it is true that most of the existing dwellings in the locality are brick, there are some that have been re-faced in render. Furthermore, the existing school buildings contain significant elements of cladding that are similar in appearance to render. Therefore, considering the fact that the majority of the development will not be visible from Cloister Way due to the tight bend at the site entrance, it has been concluded that the proposed mix of materials incorporating both brickwork and render would be appropriate. Another concern of objectors was the use of red roofing tiles. The roofing materials have subsequently been amended to omit the red tiles and to use slate instead.

Turning lastly to the detailed design of the elevations, this is considered to be in keeping with the locality.

For the above reasons it has been concluded that the proposals would have an acceptable impact on the character and appearance of the area.

#### Impact on the openness and rural character of the Green Belt

The application site comprises a previously developed site and consequently a redevelopment would be in accordance with Green Belt policy in the NPPF provided that it would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. When considering this issue in relation to the previous application for a care home on this site and in relation to the adjacent Sir Frank Whittle Gardens development, the approach taken was to ensure that the footprint and heights of the proposed buildings were less than that of the existing buildings. This is the case with the development proposed in the current application, with a notable reduction in the maximum height of buildings from the existing four storeys to no more than three storeys.

WCC Landscape have raised concerns about the proposed landscaping. However, with the exception of the proximity of the apartment block to the north-western boundary, the concerns that they have raised can be dealt with by a condition requiring the submission of revised landscaping details. With regard to the position of the apartment block, given the viability issues it is not going to be possible to move this, and in any case this has already had a storey taken off. Subject to a suitable revised landscaping scheme (which can be secured by condition), the proposals would present a significantly greener edge to the urban area than the existing school development (bearing in mind the prominence of the main 4 storey school building in views from the north and west). The proposed layout allows space for improved landscaping to be provided along the boundary with open Green Belt, with this boundary proposed to be marked by an agricultural style fence and planting.

For the above reasons it has been concluded that the proposals would have an acceptable impact on the openness and rural character of the Green Belt.

### Car parking and highway safety

The concerns that objectors have raised in relation to car parking are noted. However, the proposals comply with the Council's Parking Standards SPD in relation to the number of parking spaces provided. Therefore the development is considered to be acceptable from a car parking point of view.

Objectors have also raised concerns in relation to highway safety. However, the proposals have been assessed by the Highway Authority and they have raised no objection. Therefore the development is considered to be acceptable from a highway safety point of view.

### Impact on trees

The application proposes the removal of a number of trees from the site. Most of these are not significant specimens and, subject to appropriate replacement planting, the loss of these trees will not adversely affect the character and appearance of the area.

The proposed layout shows the retention of all of the more significant trees on the site. The proposed dwellings are far enough away from the retained trees to ensure that the development would not adversely affect the health of those trees. Objectors have, however, raised concerns about the fact that the substantial trees along the north-eastern boundary of the site, which are considered to be of high amenity value, would dominate the outlook to the rear of the proposed dwellings on plots 40-44. The canopy of those trees would also cover large parts of the gardens of those properties. As a result there is a risk that the Council will come under pressure from future occupants of these dwellings for the trees to be felled or severely pruned and therefore the proposals could indirectly result in the loss or reduction in the amenity value of these trees.

However, in considering this issue it is important to have regard to the marginal viability of the proposals. There is insufficient space available on the site to move these dwellings further away from the trees unless there is a reduction in the number of units. Any further reduction in the number of units would render the scheme unviable and in this context it is not considered that a refusal of planning permission would be justified on the grounds of the relationship between these plots and the adjacent trees.

### Ecological impact

The proposals will result in a net loss of biodiversity from the site. However, the applicant has provided evidence to WCC Ecology to demonstrate that this loss can be offset by undertaking ecological enhancements to another site. WCC Ecology have therefore raised no objection to the application, subject to a condition to secure these ecological enhancements. Subject to this condition and the other conditions recommended by WCC Ecology it has been concluded that the proposals would have an acceptable ecological impact.

## Health and well-being

The proposals do not raise any significant issues in relation to health and well-being.

## Other matters

With regard to the security concerns that have been raised regarding the rear accesses to certain plots, these alleyways are now proposed to be gated. The proposal would therefore accord with Policy DP14 of the Local Plan.

A condition is recommended to require the submission of renewable energy / energy efficiency proposals to meet the requirements of Local Plan Policy DP13.

With regard to the impact on the Leamington Spa Conservation Area, the site does not adjoin the Conservation Area boundary and is 67m away at its closest point. Furthermore, the existing streets that the application site has the closest visual relationship to are not within the Conservation Area (Cloister Way, Almond Avenue etc). Therefore it is not considered that the proposal would harm the setting of the Conservation Area.

The proposals make adequate provision for refuse and recycling storage and collection. There has been no objection from the Council's Waste Management team.

There has been no objection from WCC Flood Risk Management and therefore the proposals are considered to be acceptable from a drainage point of view.

Objectors have raised concerns about contamination and in particular the presence of asbestos within the school buildings. The comments of Environmental Health are awaited on this issue and will be included in the addendum report to Committee.

## **SUMMARY OF DECISION / CONCLUSION**

A redevelopment of this site for residential purposes would be acceptable in principle and the proposals would have an acceptable impact on the living conditions of neighbouring dwellings. Furthermore the proposals would provide a satisfactory living environment for future occupants of the proposed dwellings and would have an acceptable impact on the character and appearance of the area. Subject to verification of the viability case by the Council's surveyor, the proposals could also be accepted with no affordable housing or section 106 contributions. Finally, the development has been judged to be acceptable in terms of housing mix, provision of public open space, Green Belt impact, car parking and highway safety, impact on trees and ecological impact. 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 drawing(s) 1849-01 P17, 1849-02 P7, 1849-03 P7, 1849-04 P8, 1849-05 P7, 1849-06 P9, 1849-07 P9, 1849-08 P8, 1849-09 P8, 1849-10 P8, 1849-11 P9, 1849-12 P7, 1849-13 P7, 1849-14 P7, 1849-15 P6, 1849-16 P8, 1849-17 P8, 1849-19 P6, 1849-21 P7, 1849-22 P1, 1849-23C, 1849-24C, 1849-30E & 1849-35A, and specification contained therein, submitted on 11 August 2016 and 24 August 2016.  
**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 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.

5 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.

- 6 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.

- 7 The development shall not begin until a scheme detailing the laying out and future management of the public open space within the site has been submitted to and approved in writing by the local planning authority. The public open space shall be laid out and maintained in accordance with the approved scheme. The scheme shall include:

- (a) arrangements for the future management and maintenance of the public open space; and
- (b) details of how public access will be provided to the public open space in perpetuity.

**REASON:** To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.

- 8 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 CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that

particular dwelling / unit 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.

- 9 Prior to the commencement of development a scheme for the offsetting of biodiversity impacts at the site shall be submitted to the Local Planning Authority. The offsetting scheme shall include:
1. The identification of receptor site(s);
  2. Details of the offset requirements of the development in accordance with the recognised offsetting metrics standard;
  3. The provision of contractual terms to secure the delivery of the offsetting measures; and
  4. A management and monitoring plan (to include for the provision and maintenance of such offsetting measures for not less than 30 years from the date of this permission).

The development shall not commence until the Local Planning Authority has approved the scheme in writing. The applicant shall secure and implement such offsetting measures in accordance with the requirements of the approved scheme. **REASON:** To ensure no net loss of biodiversity in accordance with NPPF paragraph 118, principles and guidance documents.

- 10 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.
- 11 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting 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.
- 12 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.

- 13 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.
- 14 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.
- 15 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.

- 16 Notwithstanding the landscaping details submitted with the application, the development hereby permitted shall only be undertaken in strict accordance with revised 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 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.
- 18 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.

- 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure shall be erected, constructed or improved or altered within 5 metres of the western / north-western boundary of the site, except as shown on the plans hereby approved. **REASON:** To ensure that a suitable soft edge is provided to the adjacent Green Belt, in accordance with Policy DP3 of the Warwick District Local Plan and the NPPF.
  
- 20 Prior to the occupation of the development hereby permitted, the first floor window in the south-west elevation of plot 1 shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window shall be retained and maintained in that condition at all times. **REASON:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.