

Application No: [W 19 / 0170](#)

Town/Parish Council: Warwick
Case Officer: Helena Obremski

Registration Date: 01/02/19

Expiry Date: 03/05/19

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**Warwickshire County Council Depot and Former Ridgeway School,
Montague Road, Warwick**

Application for full planning permission for the demolition of existing buildings and construction of 148 dwellings with associated open space, landscaping, internal roads, foot ways, cycle ways and retained access for ambulance station.
FOR Crest Nicholson (Midlands) plc

This application is being presented to Committee due to the number of objections and an objection from the Town Council having been received, and because it is recommended that planning permission is granted subject to the completion of a legal agreement.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to secure the necessary financial contributions/obligations in relation to health services, indoor and outdoor sports facilities, highway infrastructure improvements, education services, libraries, sustainable travel packs, provision of public open space, air quality mitigation, public rights of way, police services, biodiversity offsetting, improvements to the Grand Union Canal and affordable housing.

Planning Committee are also recommended to delegate authority to the Head of Development Services in consultation with the Chair of Planning Committee to finalise the terms of the Section 106 agreement including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test.

Should a satisfactory Section 106 Agreement not have been completed by 13 October 2019, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

This is a full planning application which seeks permission for the demolition of the existing buildings on the site and construction of 148 dwellings with

associated open space, landscaping, internal roads, foot ways, and cycle ways, with retained access for the existing ambulance station.

The scheme comprises of a mix of town houses, apartments, maisonettes and traditional family houses. The town houses will be three storeys with pitched roofs, and will be constructed along the southern edge of the site, facing the canal. The remaining housing will be a mix of two and two and a half storeys, and will include off-street parking and in some cases, garages. The apartment buildings will vary in height; adjacent to the Canal, they will be four storeys and the other apartment blocks will be three storeys.

The scheme includes a large area of open space, including a Local Equipped Area for Play (LEAP), which would act as a 'green link' connecting Montague Road with the Grand Union Canal towpath. This will provide a direct pedestrian and cycle route on to the towpath from Montague Road.

The applicant proposes two points of vehicular access from Montague Road, one to serve each 'section' of the development. Both accesses are existing: one served the former school, while the other serves the WCC depot. A dedicated pedestrian and cycle access will be provided from Coventry Road, allowing direct access to the town centre.

There have been the following amendments made to the proposals:

Design / Layout:

- the town houses and apartments are now arranged in a symmetrical pattern either side of the green link which bisects the site from north to south (this has necessitated a change to some of the house types that will form the town houses);
- in some cases, pairs of town houses now share one single, wide-gabled roof, to emphasise a sense of horizontal form;
- the proposed materials palette for buildings along the canal frontage has been revised to include brickwork and other detailing that is intended to be reflective of the Kate's Boat House building on the southern side of the canal and the industrial heritage of the area;
- increased distance between apartment blocks 5 / 6 and their opposing blocks 3 / 4 on the other side of the green link;
- amended house type proposed on plot 3, which, as a consequence of its design and layout means that there is now a side to side relationship with plot 6, rather than a front to side relationship as there was previously;
- an outcome of some of the above design changes (principally the amended siting of apartment blocks 5 and 6) is that the amount of open space provided on-site increases slightly;
- the distance separations have been increased to accord with the requirements of the Residential Design Guide;
- private amenity areas have been amended to accord with the requirements of the Residential Design Guide.

Highway Layout:

- the widths of internal roads have been reduced; those which were 6m are now 5.5m in width and those which were previously 5.5m are now 5m wide following advice received from WCC Highways.

Affordable Housing:

- The applicant has modified the proposed distribution of affordable housing throughout its scheme in response to the advice of Planning Officers to ensure an even distribution across the site. There is no change to the number of affordable housing units.

Housing Mix:

- The applicant has modified the mix of open market units. This has been done to ensure that the number of 3 bedroom market units is more closely aligned to the recommendations of the Coventry and Warwickshire Strategic Housing Market Assessment (SHMA), in accordance with the aims of Local Plan Policy H4.

The proposal has been updated so that it can be delivered in a phased approach, with two phases proposed, splitting the site into the "former school phase" to the west and "former WCC depot phase" to the east. The wording of the conditions have been amended accordingly.

THE SITE AND ITS LOCATION

The application site measures 3.5 hectares. It is bounded on its north-eastern side by Montague Road and on its south-eastern side by a range of buildings occupied by Class B 'employment' uses. To the south, the site adjoins the Grand Union Canal and on its western side is bounded by Coventry Road. The adjacent WMAS Ambulance Station does not form part of the application site.

The south-eastern part of the site contains a number of buildings and areas of hardstanding, which have been occupied by WCC for various employment uses, including offices, museum stores and the storage and maintenance of fleet vehicles. The western and north-western parts of the site contain buildings and grassed areas previously occupied by the Ridgeway School. It is understood that the school relocated from the site to alternative premises in 2010, since when the buildings have remained vacant. The whole application site is an allocated housing site. On the north-eastern and north-western side of Montague Road, adjacent to and opposite the site, are residential dwellings. In the wider area to the north, south (beyond the commercial uses) and west, the land use is predominantly residential.

There is a group of trees adjacent to the northern-most access into the site that are protected by a Tree Preservation Order. The boundary of the recently established Canal Conservation Area includes the south-western section of the site, which comprises the undeveloped land to the rear of the former Ridgeway School.

PLANNING HISTORY

The applications most relevant to the assessment of this application are:

W/03/1242 - planning permission refused for the proposed demolition of the existing buildings and redevelopment of the site to provide a mix of residential and employment uses.

W/05/0181 - planning permission granted for residential development, playing field, demolition of part of existing Depot Building and relocation of existing car park.

RELEVANT POLICIES

- National Planning Policy Framework
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS4 - Spatial Strategy (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- EC3 - Protecting Employment Land and Buildings (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (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 Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy 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)

- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- DM2 - Assessing Viability (Warwick District Local Plan 2011-2029)
- HS8 - Protecting Community Facilities (Warwick District Local Plan 2011-2029)
- Open Space (Supplementary Planning Document - June 2009)
- Affordable Housing (Supplementary Planning Document - January 2008)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Objection:

- Traffic - impact on existing highway infrastructure, and lack of S106 contribution to improve highway infrastructure and air quality mitigation.
- Layout and design - there is a perimeter car park around the site with little regard for the promotion of a healthy balance of dwellings, parking and open space. Linkages to the canal and wider area via new pedestrian routes are welcome. The site has an unimaginative layout with dominance of cars.
- Amenity space - inadequate amenity areas are provided which do not accord with the Residential Design Guide requirements.

Councillor Tracey, Councillor Grainger and Councillor Jacques: Objection:

- Traffic - impact on existing highway infrastructure, and lack of S106 contribution to improve highway infrastructure and air quality mitigation.
- Layout and design - there is a perimeter car park around the site with little regard for the promotion of a healthy balance of dwellings, parking and open space. Linkages to the canal and wider area via new pedestrian routes are welcome. The site has an unimaginative layout with dominance of cars.

- Amenity space - inadequate amenity areas are provided which do not accord with the Residential Design Guide requirements.

Environmental Health: Objection relating to noise impact of nearby existing uses on the proposed development; recommends conditions and contribution of £75,078.63 towards mitigation on air quality.

Public Rights of Way: No objection.

WCC Ecology: No objection, subject to contribution of £139,466 towards biodiversity offsetting and conditions.

Warwickshire Police: No objection, subject to contribution of £32,599 towards improved police infrastructures, which consists of: £5,586 towards recruitment and equipping of officers and staff, £2,978 towards police vehicle maintenance and £24,035 for additional police staffing and office accommodation.

WCC Infrastructure: No objection, subject to contribution of £811,884 towards infrastructure improvements to include: £760,573 towards education, £32,500 towards bus stop enhancements, £4,472 towards public rights of way improvements, £3,239 towards improvements to libraries and £11,100 towards sustainable travel packs.

Acute and Community Health Services: No objection, subject to contribution of £197,743.62 towards the provision of additional services to meet patient demand.

Sports and Leisure: No objection, subject to contributions of £9,515 towards outdoor sports facilities, £13,844 towards outdoor grass pitches and £123,131 towards indoor sports facilities.

Open Space: No objection, subject to contribution of £264,420.52 towards provision of open space improvements.

Inland Waterways: Neutral, the proposed changes are much more acceptable than the original design. Pleased to see the increase in number of 3 bedroom properties and reduction in number of 4 bedroom properties. Concerns still raised relating to the road junctions and effects of traffic pollution.

Housing Strategy: No objection.

Tree Officer: No objection, subject to condition.

Warwickshire Fire and Rescue: No objection, subject to condition.

WCC Local Lead Flood Authority (LLFA): No objection, subject to conditions.

Canal and River Trust: No objection, subject to conditions.

Conservation Area Forum (CAF): Whilst supportive of the principle of the development, CAF considers that the proposal does not contribute towards the Canal Conservation Area and fails to preserve or enhance its appearance and character. The proposal is not reminiscent of canal side industrial architecture and greater connectivity is required between the proposed elevations and the canal, with more landscaping and larger gardens to reduce the sense of condensed urbanisation.

WCC Highways: No objection, subject to S106 contributions and conditions.

Public Responses: 35 Objections:

- overdevelopment of the site, the number of dwellings should be reduced;
- detrimental impact on the character of the area;
- the development has failed to consider the Canal Conservation Area;
- request to retain the "brick chimney" which forms part of the towns industrial heritage;
- improved landscaping required;
- highway infrastructure, traffic and parking: insufficient parking and reduction in road widths will lead to parking in nearby residential areas; increase in traffic and insufficient regard for highway and pedestrian safety implications; request for traffic calming measures and improved cycle routes; highway safety concerns regarding process, accesses and conflict with existing ambulance station; impact of construction traffic on existing residential roads; proposed access points are too close together;
- impact on neighbouring residential amenity (loss of light, privacy and outlook, noise disturbance, pollution / air quality);
- increase in surface water run-off to nearby properties;
- impact on wildlife & loss of trees.

Petition: 41 signatures: Objection:

- insufficient regard for the Conservation Area;
- highway safety and traffic: the proposal will add to existing traffic congestion; increase in air pollution; impact on neighbouring residential parking; impact of construction vehicles on nearby areas; inadequate and inappropriate access points provided; impact on highway and pedestrian safety;
- suggests number of units should be reduced and alternative access arrangements and highway infrastructure improvements;
- recognises positive elements of the scheme: green space; retention of most of the trees and additional planting; provision of 40% affordable housing.

2 Neutral: Concern regarding highway safety and traffic congestion.

ASSESSMENT

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

- the principle of the development;
- whether it is appropriate to permit more dwellings than the Local Plan allocation;

- the impact on the character and appearance of the surrounding area and conservation area;
- residential amenity;
- car parking and highway safety;
- landscaping and impact on trees;
- drainage and flood risk;
- ecological impact;
- mix of market housing;
- provision for affordable housing;
- section 106 contributions; and
- health and wellbeing.

Principle of the development

The site comprises employment land which would ordinarily be protected for employment use under Local Plan Policy EC3. However, this particular employment site has been allocated for housing by Local Plan Policy DS11. This is reflected in para. 3.33 of the explanatory text to Policy EC3, which notes that certain employment sites have been reallocated to residential use.

Furthermore, Local Plan Policy HS8 states that the redevelopment or change of use of community facilities that serve local needs will not be permitted unless certain criteria are met. However, as a result of the relocation of the educational establishment previously located at the site, the existing buildings are now redundant.

As that provision is now being met elsewhere as a result of that reorganisation, there has been no loss of a community facility at the site and in view of its residential allocation, the proposals are not considered to be contrary to that policy.

Therefore, residential development is considered to be acceptable in principle on this site.

Whether it is appropriate to permit more dwellings than the Local Plan allocation

This is an allocated housing site in the Local Plan. The Local Plan indicates that 140 dwellings would be an appropriate number of dwellings for the site, whereas the application is for 148, resulting in an overprovision of housing by 5.7%.

The explanatory text to Local Plan policy DS11 states that the sites were assessed against a number of criteria and an estimated figure for the number of dwellings for each site is shown. It also states that it is recognised that this figure may vary dependent on detailed planning at the application stage.

When considering the additional numbers above the allocation, Officers note that Strategic Policies DS2 and DS3 of the Local Plan seek to support the provision of homes that are required within the District as identified within the Objectively Assessed Housing Need. These policies also require development schemes to provide an appropriate level of affordable housing and a mix of new homes of all tenures.

The above policies are based upon the Government objective of significantly boosting housing supply. Furthermore, Policy DS6 identifies a minimum of 16,776 new dwellings during the local plan period of 2011 to 2029. Current rates of new development require the provision of 1,098 dwellings per year for the remaining Local Plan period until 2029.

Policy DS7 sets out the methodology for the provision of new housing over the plan period. The figures set out that the plan period has a significant number of site completions, extant permissions, existing commitments and new dwellings proposed through the sites that are allocated within the plan.

In addition to the identified sites, an additional 1010 dwellings have been earmarked within the Local Plan housing figures that would potentially come forward through windfall sites.

In essence, the additional 8 dwellings proposed on this site could be considered as a windfall insofar as they would be additional dwellings not identified within the allocation but capable of being satisfactorily assimilated onto the site which is located within a sustainable area. If the additional 8 dwellings were provided offsite as part of a small windfall development of less than 10 dwellings, there would be no requirement for the provision of 40% of the units to be affordable housing. This proposal therefore provides for an additional 3 affordable units, which might not otherwise have come forward.

The additional dwellings located on this site would not place undue pressure on local infrastructure. No objections have been raised from statutory consultees that the additional pressure would not be able to be mitigated for. Appropriate contributions have been sought to mitigate the additional households in terms of education and provision of healthcare etc.

Other benefits are capable of accruing as a result of the increased number of dwellings proposed relative to those estimated at the time of the allocation. Within the context of the Government objective to significantly boost housing supply, the provision of addition dwellings in a sustainable manner within a high quality development is considered to be a positive outcome which as set out above increases opportunities for the provision of affordable housing and a wider tenure mix in a manner which may not otherwise be the case and in accordance with the relevant policies to suit the housing requirements of a variety of people. Therefore, Officers consider that the site is located in a sustainable area and the additional 8 dwellings would not result in an overprovision that would be detrimental to the overall strategy of the plan.

Impact on the character and appearance of the surrounding area and conservation area

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. Furthermore, 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. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

Part of the site is located within the recently adopted Canal Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

The Town Council and Local Councillors are concerned that there is a perimeter car park around the site with little regard for the promotion of a healthy balance of dwellings, parking and open space. The Town Council however welcome the linkages to the canal and wider area via new pedestrian routes. Members of the public consider that the proposal represents overdevelopment of the site, and so the number of dwellings should be reduced. They also consider that the development would have a detrimental impact on the character of the area and that the proposal has failed to consider the Canal Conservation Area.

The existing site consists of a former school and WCC depot. The character of this length of the canal comprises of a mixture of late twentieth-century buildings and industrial structures opposite dating from between the late eighteenth to late nineteenth-century. The site and its setting has seen extensive industrial activity for just under 200 years, with the boat building business opposite the site forming the most visual clue and indication of the area's heritage. In addition,

the former Emscote Mills site to the east, a gelatin mill which was served by a canal wharf and where vessels would have loaded and unloaded goods, comprised of a substantial industrial site and some of these buildings remain, which is again highly reflective of the area's important industrial heritage.

Industrial architecture is characterised by prominent built form with consistent, horizontally running frontages and well-proportioned symmetrical window and door apertures, with features including arches, chimneys and wide gables.

In the wider setting, there are residential properties to the north and west of the application site. These are generally two storey detached and semi-detached properties, with driveways and rear amenity areas. There are a mixture of materials and designs of properties, meaning that there is no prevailing architectural character within the wider site context.

Whilst members of the public have raised concern regarding the loss of an existing tall chimney on the site, the Heritage Statement indicates that the chimney was constructed in the 1960s and has no historic interest. This has not been queried by the Conservation Officer.

Initially, Officers had concerns regarding the original proposed design of the dwellings fronting the canal. It was considered that the scheme appeared too domesticated due to the contemporary townhouses proposed along the canal side, which were considered at odds with the industrial character of the Conservation Area. Specifically, the continuous row of pitched roofs proposed either side of the apartment blocks and associated fenestration were at odds and contrasted with the prevailing character of the Conservation Area and were uncharacteristic of the industrial function of the Grand Union Canal and its purpose.

The amended design is considered to much better reflect the special architectural qualities of the Conservation Area, and the Conservation Officer now has no objection to the amended proposal. Indeed, the Canal and River Trust note the appropriate design represented in the amended scheme and state that, "the overall scale and form of the canal-facing houses is appropriate and reminiscent of the scale of traditional canalside warehouse development. The introduction of the apartment blocks flanking the central open space allows a break to the symmetry of the houses and provides interest and variety to the streetscene whilst the generous open space allows views to and from the canal. The high levels of passive surveillance created by the development should also assist in encouraging people to make use of the towpath." Officers agree with this interpretation of the scheme. Both the Canal and River Trust and the Conservation Officer identify that the use of appropriate and sensitive materials for the development is key. These details can be secured by a condition.

Furthermore, the Canal and River Trust also state that the removal of the existing hedgerow adjacent to the towpath offers an opportunity to secure a net biodiversity enhancement to the canal corridor through the proposed planting of a new higher quality hedgerow and trees as part of a comprehensive landscaping scheme for the site which can strengthen the role of the canal corridor as a green infrastructure asset and wildlife habitat. The Canal and River Trust confirm that

they are pleased to note that the group of mature trees adjacent to Coventry Road Bridge are to be retained and that further tree planting is proposed to be included along the canalside boundary and where the central open space adjoins the canal. They suggest that a condition is attached for the provision of a detailed landscaping plan, which has been included. As recognised by the Canal and River Trust, Officers consider that the proposal represents an opportunity to secure enhancements to the Canal Conservation Area, in terms of access, biodiversity, green space and design, which represent substantial benefits of the scheme.

The wider scheme is considered to sensitively respond to the character of the surrounding area, through the use of appropriate design and materials. The proposed dwellings and apartment blocks have been comprehensively designed to sit comfortably alongside the existing residential development and with each other.

The Town Council and Local Councillors consider that there is a perimeter car park around the site, however, Officers disagree with this suggestion. Across much of the site, parking is provided alongside the proposed dwellings or in small car parking areas to serve the apartment blocks which are positioned discretely away from the main highway. It is recognised however that there would be some areas where there was a prevalence of parking in front of the dwellings (rather to the side of the dwellings as preferred). For example, in the south western section of the site, there is a reasonable proportion of parking which would sit adjacent to the highway. However, it must be noted that this is a constrained part of the site where the proposed dwellings fronting the canal are required to have a dual aspect both facing towards the canal and highway in order to provide an appropriate design. In order to strike a balance between the most effective use of land and providing an appropriate form of design, it is considered that the proposed parking layout is acceptable and is not harmful to the character of the area.

As amended, the proposals are considered to represent a high quality design in this sensitive canalside location which will provide significant visual enhancements within the area and therefore accord with the NPPF and Local Plan Policies, BE1, HE1 and HE2.

Residential Amenity

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or visual intrusion. The Residential Design Guide provides a framework for policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of the nearest front or rear facing habitable room of a neighbouring property.

Members of the public have objected to the proposal owing to the impact on neighbouring residential amenity, including loss of light, privacy and outlook, noise disturbance and impact on air quality from increased levels of pollution.

Relationship to existing residential properties

The north-west / west of the site would border Montague Road. There are existing residential properties on the opposite side of the highway which would face towards the application site and proposed dwellings. The separation distance to those existing dwellings is at least 23m, which is considered sufficient across a public street. The Residential Design Guide allows a reduced front-to-front separation distance of 15m across public streets. The existing properties which face away from Coventry Road also achieve the required distance separation from the proposed development.

The north-western edge of the site sits next to existing properties which front Montague Road. The required distance separation from two storey to two storey residential development (rear elevations) would be 22 metres. In nearly all instances, the required distance is met, and it should be noted that the relationship is not direct owing to the angles of the properties. There is a "pinch point" at the rear of 83 Montague Road where Plot 1 is positioned, which is located on a corner plot. The distance between the side of the proposed dwelling and the rear of 83 Montague Road is 20 metres at the closest point (but 25 metres at the furthest point, exceeding the required distance separation). As Plot 1 is a corner plot which faces "side-on" to the main road, with windows serving habitable rooms to the side elevation, the impact of the side elevation should in this respect be treated as a "rear". Whilst the distance separation is, in part, slightly below that which is required, the properties do not directly face towards each other owing to the site layout and so the opportunities for overlooking are reduced. On balance, owing to the lack of direct relationship between the properties, the small underprovision of separation between the properties is not considered to be so harmful as to warrant the refusal of the application.

It is recognised that there is also another residential development which could come forwards, which would be opposite to the southern boundary of the application site (W/19/0067 - redevelopment of the former Tamlea Building along Nelson Lane to provide 31 affordable housing units). This is currently under consideration by Officers. In the event that planning permission was granted and the dwellings were built, the required distance separations would be achieved.

There are no 45 degree conflicts with any existing residential properties.

As an allocated housing site in an existing predominantly residential area, it is not considered that there would be an increased level of disturbance from the additional housing units which would warrant the refusal of the application. The disturbance caused during the construction works can be appropriately managed through the provision of a construction management plan which can control such matters, as recommended by Environmental Protection.

Environmental Protection have noted that there would be an impact on air quality as a result of the proposed development. The applicant has submitted an

updated air quality report which addresses their previous comments by agreeing to provide the required levels of air quality mitigation in accordance with the Council's relevant SPD. Environmental Protection note that the air quality mitigation measures will still need to be finalised and agreed with the Council, and therefore they recommend that Type 1 and Type 2 mitigation measures are secured by a planning condition which has been added. Examples of Types 1 and 2 mitigation are: electric vehicle charging points or green infrastructure and planting (type 1); and a monitored travel plan, measures to support public transport / cycling / walking infrastructure, or designated parking for low emission vehicles (type 2). In relation to Type 3 mitigation measures, the applicant has calculated damage costs to the value of £75,078.63. These should be secured by a Section 106 agreement to ensure that the damage costs are spent on air quality mitigation measures at the development site or as a contribution to air quality improvements in the nearby air quality management area affected by the proposed development.

Living conditions for the future occupiers of the dwellings:

The Town Council and Local Councillors have objected to the proposal as they consider that inadequate amenity areas are provided which do not accord with the Residential Design Guide requirements.

Private Amenity Areas / Light / Outlook / Privacy

The proposal has been amended to ensure that all of the proposed dwellings would benefit from the size of private amenity areas required by the Residential Design Guide. It should be noted that the sheds provided within some of the amenity areas have been included within the calculations for the garden sizes. The Residential Design Guide does not expressly stipulate that sheds should not be included within these calculations and it would be perfectly reasonable to anticipate that once a residential scheme was constructed, that the future occupiers would be likely to construct a shed / outbuilding under permitted development in any event.

It is noted that some of the apartment blocks do not have access to private amenity areas, rather they would front the public open space provided by the development, which has been increased to ensure provision of adequate space for the future residents. Owing to the high quality environment which is provided by the proposed development such as the immediate access to large areas of high quality public open space, and easy access to the canal, on balance, it is considered that the extent and nature of the open space provision within the wider scheme makes appropriate provision in that respect.

Concern was originally expressed by Officers relating to the internal distance separations between some of the housing on the site. The applicant has amended the scheme to improve the distance separations, and across the site, the required level of distance separations between the dwellings has now been achieved.

Noise Impacts from Nearby Existing Noise Sources - Kate's Boat Yard

The applicant provided a noise assessment in support of the application. Environmental Protection have concerns that the boat yard which is located on the opposite side of the canal to the application site could lead to noise disturbance for the future occupiers of some of the properties overlooking the canal. The applicant undertook additional monitoring of the boat yard and the activities which take place over the course of a week to establish the likely impact of this nearby use on the living conditions of the future occupiers of the canalside dwellings, which would be most affected. Activities such as 'grinding' and 'sanding' were observed during the monitoring period which took place for one 30 minute period on one weekday morning.

Environmental Health Officers then approached the boat yard to ascertain whether the noisy activity observed was typical of the noise generated at the site and what other likely impacts might occur. Environmental Health Officers were advised that other activities are carried out in the shed, such as the use of 'scalars' and 'scabblers', which Environmental Health consider may be louder than the sanding activities observed during the monitoring period. They have maintained their objection on the basis that the development would not provide adequate protection for the future occupiers against undue noise disturbance, and that the applicant had not developed a "worse case scenario" assessment. Environmental Health Officers suggest that there is a compatibility issue between the existing commercial and proposed residential use, the applicant should consider redesigning the scheme to reorientate or distance the residential properties away from the noise source.

Since these comments, the applicant has undertaken research and reviewed library data on the noises associated with scalars and scabblers and has found that scalars are typically quieter than angle grinders / sanders, although scabblers are typically slightly louder. The applicant has carried out an analysis of noise levels at these receptors using two scenarios: i) one which assumes activities are in accordance with what was observed at the attended surveys and from the quantitative noise modelling; and ii) another which assumes activities are in accordance with what was discussed between Environmental Health and the operator. The applicant has been advised by their noise consultant that properties facing the Canal should be fitted with thermal double glazing and mechanical ventilation systems, which will reduce the need for residents to open those windows.

The applicant's analysis of the boat shed activities concludes that, in the 'worst case' scenario (scenario "ii") rated noise levels would be more significantly beyond background noise levels at the front of Plots 102 to 106, on the balcony of plot 103 and on the balconies of apartments in Block 3. However, the applicant's analysis also shows that in the rear gardens of the aforementioned townhouses, rated noise levels will be beneath background levels (even in the worst case scenario). Furthermore, the applicant's analysis shows that, just inside the green link close to its connection with the Canal towpath, rated noise levels are beneath the background noise levels. It follows, in the view of the applicant, that further into the green link (and so where the distance to the boat

shed increases), the noise that would be heard from the boat shed would decrease further.

Acoustic glazing with mechanical ventilation can be installed to properties facing the Canal, which would be capable of achieving an internal noise level reduction of some 30dB. The additional technical note advises that, consequently, internal noise levels of the relevant plots would be significantly beneath the maximum acceptable noise level indicated in BS8223:2014. The applicant therefore considers that the residents of the townhouses would have access to quiet rear gardens; residents of the apartments would have access to quiet public amenity space and internal rooms where daytime noise levels would be well below the maximum stated in BS8233:2014; and internal noise levels in the townhouses would, logically, be even quieter at night (which the PPG indicates may be a more sensitive time of day) and at weekends when the boat shed would not be operational.

Noise Impacts from Nearby Existing Noise Sources - Petrol Filling Station

Environmental Health have also raised concerns regarding the impact of the noise generated by the petrol filling station to the north west of the site on the living conditions for the future occupiers of the development nearby. Environmental Health Officers requested that monitoring data was obtained to understand the likely impact of the petrol filling station.

However, the applicant has advised that monitoring from the petrol filling station has not been possible because the land is controlled by a third party and the applicant does not have a right of access over that land. The applicant has therefore taken a measurement from the closest point of the application site to that plant (i.e. at the rear of the petrol filling station kiosk building), which is representative of the likely noise environment for the future occupiers. The applicant states that given that noise levels in this part of the site will be beneath background noise levels, they conclude that there will be no effect on residential amenity.

Noise Impacts from Nearby Existing Noise Sources - Coventry Road

Environmental Health Officers raised concerns regarding the impact of noise from vehicular traffic noise along Coventry Road on the living conditions for some of the proposed dwellings. The applicant advises that the houses with gardens that back on to Coventry Road will include a 2m high acoustic fence as mitigation against traffic noise. The noise levels in the rear gardens of three of the properties (plots 45, 46 and 47) will be between 3 and 5 decibels above the 'guideline upper value' of 55dB that is set out in British Standard 8233:2014, which the applicant considers to be only very slightly above 55dB.

The applicant recognises that the noise levels in the gardens adjacent to Coventry Road exceed 55dB, but they only do so by a very small amount, and is limited to only three properties. The applicant suggests that the value of 55dB, taken from BS8233:2014 is a 'guideline' only. Moreover, there are no impacts on internal noise levels of those properties, and so residents will have access to

quiet internal spaces. The external noise level for the 3 properties in question is a consequence of the arrangement of those plots, which allows for the internal rooms of the dwellings to be kept away from the boundaries, and also facilitates the arrangement of the townhouses along the Canal frontage, which is a key design element of the scheme, and for the arrangement of the parking of Apartment Block 7 close to the boundary.

Noise Impacts - Conclusions

The applicant has demonstrated that the internal noise environment for the properties adjacent to the canal can be adequately protected from undue noise disturbance if suitable glazing and ventilation is provided, which can be secured by condition, and that the future occupiers could enjoy the main area of outdoor private amenity to the rear of the properties, without undue disruption. Officers recognise that some of the future occupiers of the canal fronting properties may experience some noise disruption from the adjacent boat yard on occasion. However, in any event, it is most likely that the balconies will be in use out of usual office hours and weekends, when the likelihood that such disturbance would occur is significantly reduced.

It is recognised that the external private amenity areas of three of the dwellings (plots 45, 46 and 47) would be impacted somewhat by the noise from Coventry Road, but that this would be at worst, a modest impact. The dwellings would have a satisfactory internal noise environment.

Conversely, redesigning the scheme in an attempt to overcome the concerns expressed by Environmental Health would mean the loss of a fundamental part of the scheme in terms of the specifically designed relationship between the proposed dwellings and the canal. Development which would "turn its back" on the canal, is highly likely to be inappropriate and harmful, which would not positively respond to the setting of the Conservation Area. As the number of units would also have to be reduced, this would also represent an ineffective use of land.

Therefore, on balance whilst Officers recognise that there would be some compromise in relation to the living conditions for the future occupiers of a small proportion of the dwellings, these are outweighed by the substantial benefits of this scheme which has been specifically designed with the site constraints in mind and to make the very best use of this canal-side location. The proposal provides a comprehensive redevelopment of an allocated housing site, with a large area of open space within the central portion of the site, allowing easy access for all. The site provides an unusual opportunity for residents to have direct access to the canal, with cycle routes and footways, which encourages healthy, sustainable lifestyles. The dwellings and apartments would all have good levels of privacy, outlook and light which meet the required standards. These benefits are considered to outweigh the limited harm identified. The proposal is therefore considered to be in accordance with Local Plan policy BE3.

Car parking and highway safety

Members of the public, the Town Council and Local Councillors raise the following concerns in relation to highway safety and car parking:

- the detrimental impact on existing highway infrastructure,
- a lack of S106 contribution to improve highway infrastructure,
- insufficient parking and a reduction in road widths will lead to parking in nearby residential areas,
- insufficient regard for highway and pedestrian safety implications,
- request for traffic calming measures and improved cycle routes,
- highway safety concerns regarding proposed accesses and conflict with the existing ambulance station,
- the impact of construction traffic on existing residential roads, and
- proposed access points are too close together.

Highway Infrastructure and Safety

WCC Highways have been consulted and state that they have fully assessed the modelling results provided by the applicant. They confirm that the methodology for the modelling is acceptable and identify that from results, issues on the network appear mostly in the AM peak, with increases in queue lengths and journey times on Spinney Hill and St Johns in both the 2023 and 2028 reference cases (with the development added). There are no significant differences in the PM peak when comparing with and without development. WCC Highways have requested that the development should make financial contributions to nearby highway and sustainable schemes in order to mitigate the impact of the proposal.

Officers have been advised that the required financial contribution would be £382,800 which would be put towards a capacity improvement scheme at the Spinney Hill/Coventry Road roundabout. The modelling results have confirmed that with mitigation, the impact on the surrounding Highway network, including that of the additional housing above the allocation, can be managed and is not severe. The requested contribution for the cycling scheme on Coventry Road and the requested improvements to bus infrastructure previously stipulated further improves the sustainable location of the development and reduces reliance on car based trips. WCC Highways therefore raise no objection to the proposed development on highway safety grounds.

Parking

Based on the Council's adopted Vehicle Parking Standards, the required parking provision for the development is 319 allocated spaces and 64 unallocated visitor spaces (a total of 383 spaces). However, the Vehicle Parking Standards state that lower standards are permitted where "*special circumstances can be demonstrated to justify a greater or lower provision.*" A total of 302 parking spaces are proposed, including 49 visitor spaces, which equates to 78% of provision required by the standards.

The applicant has provided an additional Technical Note in respect of parking and made alterations to the scheme layout as recommended by the Highway Authority. The potential parking demand associated with the residential element of the development was calculated using Census 2011 car ownership data. The

Census data was specifically taken from the 'North Warwick Ward' in which the application site is located and assessed the car ownership of existing residents. Based on the results of this assessment, the development of 148 flats and houses is likely to generate a demand for up to 184 vehicles at the average rate of 1.24 car per unit, which is actually lower than that which has been provided on site (253 allocated spaces).

Evidence presented within the submitted Transport Assessment demonstrates that the proposed provision would be sufficient to accommodate the parking demand generated by the site, and result in no adverse impact on the adjacent highway. Furthermore, the review of site accessibility by sustainable travel modes (provided in the Transport Assessment) demonstrates that the site is readily accessible by non-car travel modes to key-day-to day facilities and services. A key point of note is that WCC Highways identify that provision of parking exceeding the forecasted demand is likely to encourage higher car ownership and reduce the usage of sustainable travel modes that are readily accessible from the site. WCC Highways accept that this evidence is sufficient to meet the requirements of the Vehicle Parking Standards, in that the applicant has *"reasonably justified either higher or lower parking provision than set out in the standard based on available evidence."*

With the above mitigation, the Highway Authority considers that the proposal is compliant with paragraphs 108 and 110 of the revised NPPF, so therefore no objection under paragraph 109 can be sustained. WCC Highways conclude that they have no objection to the proposal, subject to the requested S106 contributions and a number of conditions and notes, which will be added.

For the above reasons it has been concluded that the proposals would have an acceptable impact on car parking and highway safety.

Landscaping and impact on trees

Members of the public consider that improved landscaping should be sought and express concerns regarding the loss of trees.

The Council's Tree Officer has assessed the application and states that the tree report submitted with the application is very thorough. The Tree Officer considers that it provides a good level of detail which will protect the retained trees from avoidable harm, both below- and above-ground, provided that they are fully implemented in a timely fashion and properly maintained and monitored throughout the duration of the development, which can be secured by condition.

There are 48 trees to be removed as part of the proposal, however, the tree removals required to facilitate the development on this allocated site focus on low quality internal components of the tree stock. The removal of two moderate quality Ash and one Norway Maple from the southern boundary with the Grand Union Canal is necessary to facilitate both the required levels changes to the site, and to provide the opportunity to create an improved high quality canalside frontage to the development. No trees afforded protection by a Tree Preservation Order are proposed to be removed.

The removal of nine category B trees, and low quality components to facilitate the redevelopment generates a requirement for replacement mitigation planting. Subsequently the application is accompanied by a scheme of landscape proposals which include a significant number of native and feature trees within areas of Public Open Space, alongside ornamental species appropriate to the proposed residential setting throughout the redevelopment and to provide a high quality frontage with the Grand Union Canal.

WCC Landscape have requested that a Landscape and Visual Assessment is made in support of the proposals. They also suggest that the canal should be tree lined and forms a special part of the public realm. WCC Landscape also suggest the retention of the chimney stack and existing trees. Whilst these comments are noted, ultimately, the application site forms part of an allocated housing site and some trees will need to be lost in order to facilitate the development. The applicant has been able to demonstrate that the trees to be removed are of low value and has provided replacement planting where necessary. As detailed above, the chimney stack does not hold historic architectural value and therefore it is not considered necessary to insist on its retention. It is considered that in this instance, a Landscape and Visual Assessment is not necessary and that further landscaping details could be adequately secured by condition.

The proposal is therefore considered to be in accordance with Local Plan policy NE4.

Drainage and flood risk

The application site is located within Flood Zone 1, with a low probability of flooding.

There have been objections from members of the public in relation to the increased risk of surface water flooding. However, there has been no objection from WCC Flood Risk Management, subject to conditions to require drainage details and a management plan.

The proposal is therefore considered to be in accordance with Local Plan policies FW1 and FW2.

Ecological impact

WCC Ecology have assessed the application and note that a potential Local Wildlife Site runs along the southern boundary of the site. They also note that bats and otters could be impacted as a result of the proposed development. WCC Ecology suggest that a condition requiring the provision of a construction environmental management plan is required to ensure that works will not detrimentally impact on the wildlife site, otters, bats, and other protected species. They also recommend a condition to secure an additional bat survey.

WCC Ecology recognise that there would be net biodiversity loss as a result of the scheme, however, this can be mitigated through an offsetting scheme, which

would be a financial contribution of £139,466 which can be secured through the Section 106 agreement.

WCC Ecology also recommended that the length of management of habitats on site by the applicant was increased from the suggested 5 years to at least 20 years. They suggested that annual site visits should be made by a suitably qualified ecologist to assess the condition of the habitats and make recommendations accordingly. The applicant has updated the landscape plan following consultation with WCC Ecology and Officers have received confirmation from the County Ecologist that they are satisfied with the updated landscape management plan.

WCC Ecology finally recommend that a lighting scheme is secured by condition.

The above conditions and recommendations are considered to be appropriate and reasonable. The proposal is considered to be in accordance with Local Plan policies NE1 and NE2.

Housing mix

Policy H4 of the Local Plan requires residential development to include a mix of market housing that contributes towards a balance of house types and sizes across the District in accordance with the latest SHMA and as summarised in the most recent guidance document 'Provision of a Mix of Housing' (June 2018), based on current and demographic trends, market trends and the needs of different groups in the community. This development provides:

Market Housing

Bedrooms	Total	% Proposed	WDC requirement	
1-bedroom	0	0%	5 - 10%	
2-bedroom	42	47%	25 - 30%	
3-bedroom	28	31%	41 - 45%	
4-bedroom	19	21%	30 - 35%	
Total	89	100%	100%	

Initially, the scheme proposed a higher proportion of 4 bedroom properties and fewer 3 bedroom properties. This was amended at the request of Officers to better reflect the requirements of the SHMA and Policy H4.

The differences in the table above are noted however Local Plan policy H4 states that in assessing the housing mix in residential schemes, the Council may take into account certain circumstances where it may not be appropriate to provide the full range of housing types and sizes in accordance with the latest SHMA, such as locational issues; for example highly accessible sites within or close to the town centre where larger homes and low / medium densities may not be

appropriate. The applicant proposes that as the site is in a highly accessible location, the above housing mix would meet with this exception.

Officers agree that the application site is located within a highly sustainable location, and that it is important to ensure the most efficient use of land. It is therefore reasonable to accept a greater proportion of smaller units in this instance, which is represented by the higher percentage of two and three bedroom units and lower percentage of four bedroom units. The under provision of one bedroom units is recognised, however, these would have represented a very small provision of dwellings (approximately 6 units) and on balance, the mix is generally considered to be acceptable.

Affordable Housing

Local Plan policy H2 requires a minimum of 40% affordable housing on sites of eleven or more dwellings.

The proposed affordable housing mix for this development is as follows:

Bedrooms	Total
1-bedroom	10
2-bedroom	30
3-bedroom	16
4-bedroom	3
Total	59

The housing mix is broadly aligned with the recommendations of the SHMA, although the proportion of 2 bedroom units to be provided is greater, and the proportion of 1 bedroom units is slightly beneath the guidance. The applicant advises that this is driven by where the greatest market demand lies.

The Affordable Housing Supplementary Planning Document (WDC, January 2008) (SPD) gives further guidance and information on the provision and standards required for affordable housing within the District. The 40% requirement would mean a provision of 59 affordable dwellings. The application includes an Affordable Housing Statement which confirms that the proposed development offers the full 40% affordable housing provision. The layout plan illustrates how the affordable housing would be distributed across the site, and as amended, the distribution of affordable housing is considered to be acceptable.

In terms of the tenure, the Council's Housing Strategy and Development Manager considers that it has been demonstrated that there are difficult constraints with the site – evident in the fact that an unusually high proportion of the market homes are being delivered as flats – which justifies that some flexibility is required around the affordable housing tenure mix to enable the full 40% to be delivered. This is particularly so given that the site is allocated for housing in the current Local Plan. The proposed affordable housing tenure mix (36% social rented, 37% affordable rented and 27% shared ownership) is

therefore considered to be acceptable and the proposed development is considered to be in accordance with Local Plan policy H2.

Section 106 contributions

The proposed development of 148 dwellings would create additional demand for local services and to mitigate this, contributions towards community facilities would be required.

Negotiations into the levels of contributions are still ongoing and must be resolved to the satisfaction of the Local Planning Authority before a decision can be issued.

Having considered the available evidence, the contributions are considered to be in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. A development of 148 dwellings on this site would have a material impact on or need for affordable housing, education, open space, health care, sports facilities, monitoring costs, and rights of way, employment/training for locals and highway matters.

This is a particular issue given the cumulative impact that is expected from the substantial level of housing growth proposed across the District. It is reasonable to expect a development of this size to contribute towards the additional costs associated with meeting these increased demands. The relevant consultees are currently seeking to identify specific projects and locations where this money would be spent. Therefore it is considered that appropriate contributions are necessary to make the development acceptable in planning terms and subject to being directly related to the development, are fairly and reasonably related in scale and kind to the development (as required by Regulation 122).

The necessary contributions identified would be secured through an appropriate Section 106 Legal Agreement. At the time of writing, the following requests have been received;

- Acute and Community Health Services – £197,743.62
- Outdoor sports facilities – £9,515; Outdoor Grass Pitches: £13,844
- Indoor sports facilities – £123,131
- Highway infrastructure – £32,500 (bus stop enhancements) + £150,000 (cycling enhancements) + WCC Highways £382,800 (capacity improvement scheme at Spinney Hill/Coventry Road roundabout)
- Education – £760,573
- Libraries – £3,239
- Sustainable travel packs – £11,100
- Warwickshire Police - £32,599
- Public open space – £264,420.52 and provision and future management of on-site open space
- Air quality mitigation - £75,078.63
- Public rights of way – £4,472
- Biodiversity offsetting payment – £139,466
- Improved Access to the Grand Union Canal - figure TBC.

- Affordable housing – 40%, of which 36% should be social rented, 37% affordable rented and 27% shared ownership
- Monitoring fee - £30,000 or 1% of the total contributions (whichever is the lesser).

Any additional requests or amendments to the list above will be reported on the update sheet.

Health and wellbeing

The proposals would provide housing to meet the housing needs of the District, including an element of affordable housing for people in housing need. This is a benefit that contributes to health and well-being. Additionally, the provision of open space would be seen as a positive benefit that adds to the effective layout of the scheme and provides an enhanced environment in which to live for future occupiers.

Other matters

A condition is recommended to require a contamination assessment, in accordance with the comments of Environmental Protection. This will provide adequate control over any potential contamination issues.

Waste Management have no objection to the waste and recycling storage and collection measures proposed.

The Canal and River Trust have no objection to the proposed development, and have requested a number of conditions and notes be attached to any approval granted to ensure that works would not have a detrimental impact on the Grand Union Canal. These have been added. The Canal and River Trust have also requested financial contributions for improved signage and wayfinding, and localised improvements to the towpath which have been included above.

SUMMARY / CONCLUSION

The redevelopment of this site for residential purposes is in accordance with the allocation of the site for housing by Local Plan Policy DS11 and is therefore acceptable in principle. There are substantial public benefits which would be secured by the scheme, such as the provision of a high quality major residential development of 148 dwellings, which contributes towards the Council's housing stock, including the provision of 59 affordable housing units. The proposal has been designed in conjunction with Officers to provide a sensitive form of development which responds well to the setting of the Canal Conservation Area and wider site context. The proposed development is considered to enhance the setting of the Conservation Area and also provide more opportunities for members of the public to enjoy the canal. Furthermore, the proposed development provides a high quality area of public open space which is appropriately positioned in the central portion of the site to be effectively accessed by all, delivering a 'green link' which allows not only future residents, but also wider members of the public easy access to the canal.

The proposals are also considered to be acceptable in terms of car parking, highway safety, drainage / flood risk and ecological impact. The proposed market and affordable housing mix is considered to be acceptable, given the location of the site in a highly sustainable location. The 8 additional dwellings above to Local Plan allocation would not place undue pressure on local infrastructure and the proposed section 106 contributions will satisfactorily mitigate the impact on local services.

As stated above, it is recognised that garden areas of a small number of the proposed dwellings may be compromised slightly by noise from Coventry Road. However, owing to the significant public benefits which the scheme would bring and limited degree by which the future occupiers are likely to be affected, on balance, the benefits are considered to significantly outweigh the limited degree of harm caused.

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 site location plan and approved drawing 8651 PL51 A (Apartment Block 8) submitted on 1st February 2019, and amended drawings:

General: 8651 PL 25 B (garages), 8651 PL 27 B (bins and cycle storage), 8651 PL 28 (bins and cycle storage), 172977_A_06 Rev A (visibility splay north access), 172977_A_07 Rev A (visibility splay south access), 7418-300 Rev 04 (sections), submitted on 13th June 2019, and 8651 PL 26 C (garages), 8651 PL 03 G (site layout), 8651 PL08 D (phasing plan), 8651 PL 05 F (materials), 8651 PL 06 F (affordable housing), 8651 PL 20 E (cross sections), 8651 PL 23 E (street elevations), 8651 PL 22 E (canal frontage), 8651 PL 04 F (boundaries) and 8651 PL 07 F (heights), submitted on 26th July 2019.

House Types: 8651 PL 30 B (Hartley), 8651 PL 31 A (Huntington T2), 8651 PL 32 A (Huntington T1), 8651 PL 33 A (Halstead), 8651 PL 34 B (T3), 8651 PL 35 B (T3A), 8651 PL 36 A (Calder), 8651 PL 37 A (Caldwick), 8651 PL 38 A (AH3B), 8651 PL 39 A (AH4B), 8651 PL 40 B (Maisonette), 8651 PL 41 A (Somerton), 8651 PL 42 A (Chalgrove), 8651 PL 43 C (Apartment Block 1), 8651 PL 44 A (Apartment Block 2), 8651 PL 45 A (Apartment Block 3 & 6), 8651 PL 46 B (Apartment Block 3 & 6), 8651 PL 47 B (Apartment Block 4), 8651 PL 48 A (Apartment Block 5), 8651 PL 49 A (Apartment Block 7), 8651 PL 50 A (Apartment

Block 7), 8651 PL 52 B (H3A), submitted on 13th June 2019,

and specification contained therein. **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.

- 3 The development hereby permitted (including demolition) shall not commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists– Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.
- 4 No phase of development hereby permitted, including site clearance work, shall commence until a Construction Environmental Management Plan for that phase has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for hedgehogs, bats, reptiles and amphibians, breeding birds and otters and appropriate working practices and safeguards for wildlife 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 safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.
- 5 No phase of development (including any works of demolition) shall be undertaken unless and until a construction management plan for that phase has been submitted to and approved in writing by the District Planning Authority. The construction management plan shall include details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, noise and vibration, demolition or clearance works, details of wheel washing, site working hours and delivery times, restrictions on burning and details of all temporary contractors buildings, plant and storage of materials associated with the development process. All works of demolition or construction shall be carried out in strict accordance with the approved construction management 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 BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.

- 6 No development shall take place on Plots 47-55 and Plots 102-110 inclusive or apartment blocks 3 and 6 until a Method Statement detailing the design and means of construction of the foundations of the buildings to be constructed on these plots, together with any other proposed earthmoving and excavation works required in connection with their construction, has been submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall identify and incorporate any measures such as vibration monitoring, to ensure that the risk of adversely affecting the stability of the adjacent Grand Union Canal or towpath is appropriately minimised. The development shall thereafter only be carried out in accordance with the agreed Method Statement. **REASON:** In the interests of avoiding the risk of creating land instability arising for any adverse impacts from foundation construction, earthmoving, excavations or other construction operations which could adversely affect the structural integrity of the adjacent Grand Union Canal in accordance with the advice and guidance on land stability contained in paragraphs 170 and 178 of the NPPF and the NPPG.
- 7 No phase of development (excluding demolition) shall take place until a detailed surface water drainage scheme for the site (or that phase), based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall include the following information:
- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753 through the submission of plans and cross sections of all SuDS features.
 - Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 140 l/s for the whole site.
 - Demonstrate the provisions of surface water run-off attenuation storage are provided in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
 - Demonstrate detailed design (plans, network details and calculations) of the surface water drainage scheme including details of all attenuation and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year and 1 in 100 year plus climate change return periods.
 - Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network.

REASON: To prevent the increased risk of flooding; to improve and

protect water quality; and to improve habitat and amenity in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

8 No phase of development excluding works of demolition shall take place until:

a) A desk-top study has been carried out for the phase that shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced.

b) If identified as being necessary having completed the desk-top survey study, a site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:

- A risk assessment to be undertaken relating to human health
- A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
- An appropriate gas risk assessment to be undertaken
- Refinement of the conceptual model
- The development of a method statement detailing the remediation requirements

c) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.

d) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the local planning authority prior to the remediation being carried out on the site.

2. All development of the site shall accord with the approved method statement.

3. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.

4. Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

REASON: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

- 9 No dwelling on each phase of development hereby permitted shall be occupied until details of all external light fittings and external light columns for that phase have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted on the southern side of the site and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. 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 BE3, NE2 & NE5 of the Warwick District Local Plan 2011-2029.

- 10 Notwithstanding the finished floor levels details submitted, no development above ground level in each phase shall take place until details of the finished floor levels of all buildings, together with details of existing and proposed site levels for each phase 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 BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 11 No dwelling on a phase of development shall be occupied unless and until a hard and soft landscaping scheme for that phase has 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 for direct run-off of 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 the same size and species as that originally planted. 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 and NE4 of the Warwick District Local Plan 2011-2029.

- 12 No dwelling on each phase of development shall be occupied until the further written approval of the Local Planning Authority has been obtained for the design of the estate roads layout serving the development [including footways, cycleways, verges, footpaths, private drives and means of accessing individual plots]. These details shall include large scale plans and sections showing the layout, vertical alignment, and surface water drainage details including the outfall. **REASON:** To ensure the protection of highway safety in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029.
- 13 No development shall be carried out above slab level on Plots 47-55 and Plots 102-110 unless and until large scale details of the doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods, and the proposed boundary railings at a scale of 1:5 (including details of materials) of those Plots have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029.
- 14 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only 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.

- 15 No dwelling shall be occupied until the estate roads [including footways and cycleways] serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority. **REASON:** To ensure the protection of highway and pedestrian safety in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029.
- 16 No phase of development shall be occupied until the bellmouth for the vehicular access to that phase has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority. **REASON:** To ensure the protection of highway and pedestrian safety in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029.
- 17 No phase of development hereby permitted shall be occupied until a scheme for the provision of adequate water supplies and fire hydrants for that phase necessary for firefighting purposes at the site, has been submitted to and approved in writing by the local Planning Authority. The approved scheme shall be implemented in full prior to occupation of any dwelling to the satisfaction of the Local Planning Authority. **REASON:** In the interests of Public Safety from fire and the protection of Emergency Fire Fighters.
- 18 No occupation and subsequent use of the development shall take place until a detailed maintenance plan, written in accordance with CIRIA C753, is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details, shall be provided to the LPA and LLFA within the maintenance plan. **REASON:** To ensure the future maintenance of the sustainable drainage structures in accordance with policy FW2 of the Warwick District Council Local Plan 2011 - 2029.
- 19 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the Arboricultural Impact Assessment reference 9509_AIA.0001 Rev A from Aspect Arboriculture Limited have been put into place in full, and thereafter remain in place for the full duration of any such work. In addition, unless specifically referred to in the Arboricultural Impact Assessment, within 10 metres of the nearest point of the canopy of any protected tree(s) no excavations, site works, trenches or channels shall be cut or pipes or services laid, nor shall any fires be lit; 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

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:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

- 20 No dwelling hereby permitted shall be occupied unless and until the car parking provision for that dwelling has been constructed or laid out, and made available for use by the occupants and / or visitors to the dwelling and thereafter those spaces shall be retained for parking purposes at all times. **REASON:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies BE1 and TR3 of the Warwick District Local Plan 2011-2029.
- 21 None of the apartments hereby permitted shall be occupied until the bin and cycle store for that apartment have been provided and made available for use in accordance with the details on the approved plans and thereafter those facilities shall remain available for use at all times. **REASON:** In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies BE1, TR1 and TR3 of the Warwick District Local Plan 2011-2029.
- 22 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 23 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 . Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, 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/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted . 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 BE1 and NE1 of the Warwick District Local Plan 2011-2029.

- 24 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 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 within the curtilage of any dwellinghouse fronting a highway or footpath.
REASON: That having regard to the design, layout and general nature of the proposed development it is important to ensure that no further development is carried out which would detract from the appearance of the area and affect the amenity of adjacent properties in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 25 The landscape management plan, produced by TEP, dated 11th July 2019, shall be implemented as soon as the approved landscaping is carried out and shall not be withdrawn or altered in any way. **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 and NE4 of the Warwick District Local Plan 2011-2029.
- 26 The development hereby permitted shall not be occupied until the noise mitigation measures detailed in the approved documents have been installed. The development shall be completed in full accordance with the approved details. **REASON:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
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