

Planning Committee: 12 January 2021

Item Number:5

Application No: [W 20 / 0760](#)

Town/Parish Council: Warwick

Case Officer:

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Registration Date: 02/07/20

Expiry Date: 01/10/20

**WCC County Store Depot and Former Ridgeway School , Montague Road,
Warwick, CV34 5LW**

Application for full planning permission for the demolition of existing buildings and construction of 121 dwellings with associated internal roads, footways, cycleways and retained access for ambulance station. FOR Crest Nicholson Midlands

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 12 February 2021, 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 121 dwellings with associated open space, landscaping, internal roads, foot ways, and cycle ways, with retained access for the existing ambulance station.

This is a resubmission of a formerly refused application for 148 dwellings, and the number of proposed units was initially reduced by 25, with a further reduction in 2 more units to 121 during the course of this application. The previous application (W/19/0170) was refused only on one matter, as follows:

Inadequate proposals are made in the application for the provision of car parking for the proposed dwellings and vehicles would, therefore, be likely to park on the public highway causing danger and inconvenience to other road users, and impacting upon local amenity.

The proposal was therefore considered to be contrary to Local Plan policy TR3. The previous parking provision was 78% of that required by the Council's Vehicle Parking Standards. The current proposal has been amended to provide a total of 272 car parking spaces across the site, through either allocated parking spaces, garages, or unallocated parking spaces. This represents a policy compliant provision in respect of the requirements for allocated car parking spaces, if garages are taken into consideration, with 16 out of 51 unallocated spaces being provided. This equates to a provision which is 89% of the requirement set out in the Vehicle Parking Standards.

The scheme comprises of a mix of town houses, terrace properties, 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 scheme includes a large area of open space, 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.

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, identified in the Local Plan as being suitable to accommodate 140 dwellings. 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 relatively 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.

W/19/0170 - planning permission refused 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.

RELEVANT POLICIES

- National Planning Policy Framework
- DS1 - Supporting Prosperity
- DS2 - Providing the Homes the District Needs
- DS3 - Supporting Sustainable Communities
- DS4 - Spatial Strategy
- DS5 - Presumption in Favour of Sustainable Development
- DS11 - Allocated Housing Sites
- PC0 - Prosperous Communities
- EC3 - Protecting Employment Land and Buildings
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix of Housing
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- 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
- HS4 - Improvements to Open Space, Sport and Recreation Facilities

- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- FW4 - Water Supply
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions
- DM2 - Assessing Viability
- HS8 - Protecting Community Facilities
- Open Space (Supplementary Planning Document - April 2019)
- 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:

- lack of parking facilities for residents or visitors;
- the density and number of properties in this development leaves insufficient perimeter space to establish privacy separation corridor from either the adjacent canal or commercial properties;
- there is a lack of usable public open space for future occupiers of the development;
- the concerns raised by residents, in relation to the junction, are shared;
- car dominant street scenes and lack of amenities resultant of the lack of setback planting to the canal side dwellings are a concern, given the direct relationship between pathway users and habitable rooms;
- landscaping around the BP garage and Montague storage should be enhanced to mitigate the development against what are quite unneighbourly uses and reduce the direct visual relationship between the uses.

Councillor Tracey: Objection, the reasons for refusal of the previous application have not been mitigated in a meaningful and sufficient way. Concerns that the levels of parking made available for residents are not sufficient and impact of additional traffic on nearby highway network.

Councillor Grainger: Objection, the revised plans do little to change concerns. The proposal represents overdevelopment of the site, there is inadequate parking and poor amenity space, not in accordance with the Council's guidance.

Disappointment expressed regarding lack of financial contribution request from Highways, the nearby highways will be used as rat runs. The whole development could be better designed and accessed, if the whole site was not being built around the ambulance work shop which is completely out of place within a residential development.

Housing: No objection, although there is an overprovision of 1 bedroom properties, Housing are happy to support this owing to the analysis of the latest housing register. Information on tenure of properties is required.

Environmental Protection: No objection subject to conditions & contribution of damage costs to the value of £34,402 for air quality mitigation.

Waste Management: No objection to the amended plans.

WCC Highways: No objection, subject to conditions, notes and financial contribution towards a Toucan Crossing on Coventry Road.

Conservation Officer: No objection to amended proposals, subject to conditions.

WCC Ecology: Updated BIA calculation required.

WCC Landscape: Makes recommendations: the removal of the green buffer along the canal corridor will result in open views of the development from the canal corridor. The replacement hedge would be of a single non-native species and would not reflect the canal corridor's more rural character. It would be more appropriate to plant native species more typically found alongside canal towpaths, such as hawthorn, blackthorn, and hazel. This would then tie in with any retained vegetation.

Open Space: No objection, subject to contributions of £765,576 towards off site public open space improvements, £804,678 towards new open space, £21,609 towards enhancements to existing allotments and £24,696 towards new allotments. Comments that the proposed tree planting along the Coventry Road includes non-native trees that are noted for their vibrant colours. This would not be keeping with the character of this stretch of the Coventry Road. Existing tree cover should be retained where practicable to maintain the green buffer along the road. Any new planting should be predominantly native to reflect the character of the immediate area and to visually tie in with replacement native hedgerows and hedge trees along the canal corridor.

Canal and River Trust: No objection, subject to conditions and S106 to provide scheme for wayfinding & delivery of new footpath connection to towpath. Recommends an alternative form of hedgerow along tow path.

Inland Waterways: No objection, comments that the proposals do not address serious concerns identified by local residents, Officers and Councillors. The canal frontage has been dealt with reasonably acceptably.

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

South Warwickshire Foundation Trust: No objection, subject to contribution of £119,847.64 towards additional services to meet patient demands.

WCC LLFA: No objection, subject to conditions.

Police: No objection, subject to contribution of £32,096 towards police infrastructure improvements.

Public Rights of Way: No objection.

WCC Infrastructure: No objection, subject to contributions of £3,605.37 towards improvements to public rights of way; £2,378 towards improvements to libraries; £616,043 towards improvements to education services; £32,500 towards improved bus facilities; £1,230 towards provision of sustainable travel packs; £6,150 towards road safety initiatives; and a monitoring fee of £TBC.

Tree Officer: No objection, subject to pre-commencement condition for arboricultural method statement.

WCC Archaeology: No objection, subject to condition.

Sports and Leisure: No objection, subject to provision of Outdoor Sporting Contribution: £8,410, Indoor Sporting Contribution: £93,616 and grass pitch contribution: £136,010.

Public Responses: 41 Objections:

Parking and highway safety

- increase in traffic and congestion on nearby residential streets, leading to highway safety concerns; mitigation measures should be put in place;
- strongly object to the only access being off Montague Road and highway safety impacts, suggests access from Coventry Road;
- since the 2011 census the volume of traffic in this area has greatly increased and motorists have little regard for speed;
- concern regarding children and elderly safety when crossing roads;
- an impact assessment should be made on increased traffic to the Ridgeway prior to determination;
- the developer provides flawed justification for lower provision of parking;
- requests roadside parking along Montague Road is restricted and a pedestrian crossing is installed;
- inadequate parking provision and impact on neighbouring residential streets and highway safety.

Character of the area

- Detrimental impact on the landscape character.

Ecology

- Concern regarding loss of wildlife;
- pollution will affect wildlife and the canal;
- insufficient regard given to species in ecological report provided and questions on findings.

Neighbour Impact

- Loss of privacy from overlooking and loss of trees which act as screening;
- loss of outlook onto open space;
- noise, light pollution and disturbance;
- inadequate distance separation between the existing and proposed dwellings;
- close proximity of the proposed dwellings and car park to the existing properties of numbers 83 to 97 Montague Road will be intrusive.

Other Matters

- Devaluation of nearby property prices;
- impact on air quality from loss of trees;
- query on how will local schools cope with additional demands;
- the site should be turned into a nature reserve or park;
- suggestions made on repositioning some of the dwellings away from existing properties and landscaping measures.

2 Support: this site is in the centre of Warwick, so does not result in loss of Green Belt land. Do not agree with excessive acceptance of new developments by the Council.

ASSESSMENT

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

- the principle of the development;
- 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, which was accepted under the previous application. The development proposes a total of 121 dwellings on an allocated housing site for 140 dwellings identified within the Local Plan.

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

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, light pollution and impact on air quality from increased levels of pollution. Objectors consider that there is inadequate distance separation between the existing and proposed dwellings, and the close proximity of the proposed dwellings and car park to the existing properties of numbers 83 to 97 Montague Road will be intrusive.

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 owing to the fact that 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 all instances, the required distance is met, and it should be noted that the relationship is not direct owing to the angles of the proposed properties. There is a "pinch point" at the rear of 93 Montague Road where Plot 5 is positioned, which is located at the very top corner of the site, which is awkwardly shaped. Owing to the angled siting of the proposed dwelling serving Plot 5 in comparison to the rear of the properties along Montague Road, it is unlikely that the development would result in overlooking or loss of privacy to habitable rooms within these properties. It is

however noted that there may be some indirect overlooking of the rear amenity areas serving 91 and 93 Montague Road. The very end of garden area of 93 Montague Road would be 9 metres from the front elevation of the dwelling serving Plot 5. Ideally, a distance of 11 metres should be provided from a habitable window to a boundary serving a neighbour's garden to ensure adequate levels of privacy. However, it must be noted that there is no direct overlooking at a short distance to the intimate areas of the garden most likely to be used by these neighbours and the relationship between the properties is not direct. Furthermore, this is a very awkward element of the site to address and further reducing the number of units is likely to lead to an inefficient use of land, as it must be noted that the number of proposed dwellings is already well below the allocation set out in the Local Plan.

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 calculated damage costs to the value of £34,402. This 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.

Environmental Health Officers have not raised any concerns regarding the impact of the parking area nearby to 83 to 97 Montague Road on these residents. In reality this will serve just five dwellings at the end of a cul-de-sac which is not likely to attract a significant amount of vehicular movements which would result in undue disturbance to nearby residents.

Living conditions for the future occupiers of the dwellings:

A Local Councillor has 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 is noted that some of the maisonettes have substandard amenity spaces, however, as these can be considered as flats, the Residential Design Guide does allow for some flexibility in terms of an under/no provision of onsite amenity spaces. It is noted that these flats are in close proximity of a well-designed area of public open space and that a financial contribution will be sought to mitigate this underprovision.

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.

The Town Council raise concerns regarding the lack of privacy of the canal frontage properties owing to their proximity to the canal towpath. However, an attractive feature of the properties in this location is their visual link to the canal and ability to enjoy uninterrupted views out onto it. They also suggest landscaping around the petrol filling station and Montague storage to mitigate the development against what are quite unneighbourly uses and reduce the direct visual relationship between the uses. However, as outlined above, it is considered that the development would have an acceptable relationship with the surrounding development.

Furthermore, the Town Council state that there is a lack of usable public open space for future occupiers of the development. The applicant is working closely with the Council's Green Spaces team in order to deliver a suitable area of public open space which will provide for the future occupiers of the development. Councillors will be updated on this matter prior to the committee meeting. It should be noted that the Green Spaces Officer has no objection in principle to the proposed open space provided on site, and is seeking further clarification regarding the level of detail provided. It should also be noted that a similarly sized and designed area of open space was accepted under the previous scheme.

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

As part of the previous planning application Environmental Health raised concerns about noise arising from the boat repair tunnel at Kate's Boats towards the south of the site. The noise assessment provided in support of the application shows that noise levels from the boat repair activities are elevated and will impact on the facades of proposed dwellings along the canal side. It has been proposed that glazing specifications could protect future residents from noise whilst the repair tunnel is in use. Environmental Health also raised concerns about these noise levels affecting the patio areas and balconies for the proposed dwellings.

The noise assessment has highlighted that noise planning guidance states that adverse noise impacts can be off-set through the provision of quieter façades and outdoor amenity areas that are shielded from the noise source. In this instance, the proposed gardens are shielded by the three-storey dwellings and the applicant has located more noise sensitive rooms at the rear of the dwellings away from the repair tunnel. Whilst it is not ideal that the front patios and balconies will be exposed to elevated noise levels whilst the repair tunnel is in use, the provision of

quieter facades and amenity areas does provide an alternative area of respite for times when noise is elevated.

Officers are also mindful of a recent appeal which was allowed at the site immediately opposite to the application site, on the other side of the canal for residential development, which was in fact closer to the boat building than the proposed dwellings, and proposed gardens facing towards the noise source. In this appeal decision (ref: APP/T3725/W/20/3251045, planning application W/19/1858), the Inspector noted that it was unlikely that the future occupiers of that development would experience significant adverse impacts, and that there is an element of consumer choice when deciding to live next to a canal, where residents would not chose to live if they wanted a "tranquil, disturbance-free existence". With this in mind, and given that the proposed dwellings would be sited further from the noise source and have been laid out to mitigate the impacts of the noise source to a minimum, it is considered that the development would provide a suitable noise environment for these residents.

Noise Impacts from Nearby Existing Noise Sources - Petrol Filling Station / Coventry Road

Environmental Health Officers initially raised concerns regarding the impact of noise from vehicular traffic noise along Coventry Road and the petrol filling station 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. This has been extended in accordance with the recommendations from Environmental Health who now have no objection to the proposal on this basis.

Furthermore, to protect future residents from elevated road traffic noise levels and commercial activity from the nearby boat yard, the applicant will need to submit a noise mitigation scheme specifying the sound reduction performance requirements for both glazing and alternative ventilation measures. This can be secured by a planning condition, which has been added.

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, but this is likely to be infrequently. 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. As stated above, Officers are also mindful of the neighbouring appeal decision in coming to this conclusion. The proposal is therefore considered to be in accordance with Local Plan policy BE3.

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 relatively 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.

Members of the public state that the proposal would have a detrimental impact on the landscape character. The Town Council state that the density and number of properties in this development leaves insufficient perimeter space to establish privacy separation corridor from either the adjacent canal or commercial properties. The Town Council suggest that the landscaping around the petrol filling station and Montague Storage should be enhanced to mitigate the development against what are quite unneighbourly uses and reduce the direct visual relationship between the uses.

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.

The canal frontage development under the previous and current scheme has gone through various iterations, with the aid of the Conservation Officer to ensure that an appropriate scheme for this location is found. The amended design is considered to reflect the special architectural qualities of the Conservation Area, and the Conservation Officer now has no objection to the amended proposal. The development takes inspiration from the historic industrial context of the canalside setting, with wide-fronted, wharf style buildings, which have readable horizontal emphasis and well-proportioned symmetrical window and door apertures. These all provide key characteristics which ensures that the development will sit comfortably within this setting. Furthermore, the Canal and River Trust note that "the development achieves a positive level of engagement with the canal, orientating adjacent dwellings to face the canal and providing a strong central green space running through the site which links Montague Road with the canal towpath via a new footpath" and that "the overall scale and form of the canal-facing houses is appropriate and reminiscent of the scale of traditional canalside warehouse development." Officers agree with these conclusions. 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 have been negotiated to a satisfactory agreement, and 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 have been comprehensively designed to sit comfortably alongside the existing residential development and with each other. The scheme has been amended at the request of the Conservation Officer to include brick detailing across the site to add visual interest and provide a comprehensively designed scheme.

The Town Council suggests that the proposal has car dominant street scenes, however, Officers disagree with this suggestion. Across much of the site, parking is provided alongside the proposed dwellings, or in small car parking areas 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. During the course of the application, the applicant has sought to address this as effectively as possible, through the provision of additional landscaping strips and trees which break up the parking. 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.

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:

- increase in traffic and congestion on nearby residential streets, leading to highway safety concerns, mitigation measures should be put in place;
- one access being from Montague Road and highway safety impacts, suggests an access from Coventry Road;
- since the 2011 census the volume of traffic in this area has greatly increased and motorists have little regard for speed;
- concern regarding children and elderly safety when crossing roads;
- an impact assessment should be made on increased traffic to the Ridgeway prior to determination;
- the developer provides flawed justification for lower provision of parking;
- requests roadside parking along Montague Road is restricted and a pedestrian crossing is installed;
- inadequate parking provision and impact on neighbouring residential streets and highway safety;

- lack of S106 contribution request from WCC Highways.

Highway Infrastructure and Safety

WCC Highways were consulted for the current and previous application and stated that they have fully assessed the modelling results provided by the applicant. They confirmed that the methodology for the modelling was acceptable and identified 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. It should also be noted that there is now a lower quantum of development proposed in comparison to the previous scheme, with less impact on the highways network.

The Highways Authority did not object to the previous application on the grounds of highway safety, nor was the application refused on this basis. The same access arrangements remain for the current application as the previous submission. Previously, the Highways Authority requested a financial contribution towards improvements to the Spinney Hill/Coventry Road roundabout, and the cycling scheme on Coventry Road, however, these projects have since been fully funded, and it would not be reasonable to request a contribution towards these schemes. However, the Highways Authority have identified that a toucan crossing is required on Coventry Road near to the canal crossing to maximise the accessibility of the development to the planning cycleway scheme on Coventry Road. The full costings and CIL justification will be provided in due course and Councillors will be updated prior to the meeting.

Parking

Based on the Council's adopted Vehicle Parking Standards, the required parking provision for the development is 256 allocated spaces and 51 unallocated visitor spaces (a total of 307 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 272 parking spaces are proposed, which is made up of 100% of the required allocated spaces and 31% of the unallocated requirement. In total, the provision equates to 89% of the total number of spaces required by the standards. Garages are included within this calculation, and they have been amended to ensure that they meet the required minimum size set out in the Vehicle Parking Standards.

The previous application was refused purely on the grounds of insufficient parking provision, where 78% of the total number of car parking spaces were provided to serve the development. Unlike with this application, not all of the required number of allocated spaces were provided (which equated to 95%), and 77% of the unallocated spaces were provided.

As part of the Transport Assessment, the applicant details that 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. 20% of all households do not own a car within this area, and for all types of dwellings

proposed, the car ownership rate equates to less than 2 vehicles per property. Based on these figures, which it should be noted are the most up to date figures of *actual* car ownership within not only the District, but this site specific area, the number of car parking spaces required across the development is 122. This is significantly lower than the 256 spaces provided across the site.

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. Under the previous application and a key point of note is that WCC Highways identified 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 accepted 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."

WCC Highways conclude that they have no objection to the proposal, subject to the requested S106 contribution and a number of conditions and notes, which will be added.

In order to accommodate the parking requirement set out within the Vehicle Parking Standards, this would either result in a further reduction in the number of units on the site, a reduction in the soft landscaping or green spaces on the site, or most likely, a combination of both. The proposal has already reduced the number of units by 27 in comparison to the previously refused scheme, and ensured that all of the allocated parking will be provided on site. A further reduction in number of units would result in an inefficient use of land, taking the number of dwellings substantially below that set out within the Local Plan allocation and could also compromise elements of the scheme such as the landscaping and design. This is a sensitive and complex site, which has many constraints, such as the Canal Conservation Area and drainage easement running through the centre of the site. The Vehicle Parking Standards do allow for departure from its requirements, where it can be justified. In this case, the applicant has used actual car ownership data, which is site specific. It is therefore considered that the applicant has sufficiently addressed the previous reason for refusal regarding the parking provision.

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 Landscape Officer has made a number of recommendations regarding the proposed landscaping scheme. Whilst they have no objection in principle and it is agreed that most of the landscaping matters can be left to condition, they have requested a technical note which outlines certain principles, to include the following changes to the landscaping scheme:

- Proposed general locations of the native and ornamental tree areas on a plan.

- Commitment to include no invasive species of plants.
- A commitment to providing increased wildflower meadows and planting of native bulbs.
- Clarification regarding the location of the proposed tree planting.

The applicant has agreed to provide this, which is in progress. Officers will confirm to Councillors whether this has been provided prior to the committee meeting.

The Council's Tree Officer has assessed the application and states that the tree report submitted with the application is thorough. The Tree Officer considers that analysis of the tree stock has been carefully considered, such that the justification for tree removals and tree protection measures are well made. An Arboricultural Method Statement will be required, which can be secured by condition.

There are approximately 50 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 are 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 12 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.

Members of the public have raised concerns regarding the impact on air quality from the loss of trees. However, a report by the Forestry Commission, "Delivery of ecosystem services by urban forests" (2017) suggests that air purification is primarily delivered by trees through a 'line of trees' (specifically street trees) and woodland – the latter due to the higher tree cover. Key delivery indicators of this ecosystem service are total canopy cover, a high leaf area/density, a high proportion of deciduous trees and the presence of trees near to pollution sources. The trees which are to be removed do not generally fall within these categories and therefore the material impact on air quality as a result of the loss of the trees is considered to be negligible.

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 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. A condition will also be added to ensure compliance with Local Plan policy FW3.

Ecological impact

Members of the public have objected to the proposal regarding a loss of wildlife, that pollution will affect wildlife and the canal, and consider that insufficient regard has been given to species in the ecological report provided, and questions its findings.

Under the previous application WCC Ecology submitted a stance of no objection to the proposal, subject to conditions for a construction environmental management plan, an additional bat survey, a lighting scheme and biodiversity offsetting contribution within the S106 agreement.

Discussions are ongoing regarding the required figure for the biodiversity offsetting, however, WCC Ecology have no objection in principle to the development. Given that the quantum of development is lower than that which was proposed under the previous scheme, Officers have attached the above conditions as a precautionary approach. Once the response is received from WCC Ecology the conditions will be updated accordingly if required and Councillors will be updated prior to the committee meeting.

Subject to the agreements of the biodiversity offsetting contribution and required conditions by WCC Ecology, 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	15	20%	25 - 30%	
3-bedroom	32	44%	41 - 45%	
4-bedroom	18	25%	30 - 35%	
5-bedroom	8	11%	0%	
Total	73	100%	100%	

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 proportions 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 5 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	14 = 29%
2-bedroom	23 = 48%
3-bedroom	9 = 19%
4-bedroom	2 = 4%
Total	48

The housing mix is broadly aligned with the recommendations of the SHMA, although the proportion of 1 bedroom units to be provided is greater. The applicant advises that this is driven by where the greatest market demand lies, which the Council's Housing department accepts.

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 48 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, this is still to be determined and Councillors will be updated on this matter prior to the committee meeting. Subject to agreement with the

Council's Housing Officer on the tenure of the affordable housing, the proposal is considered to be acceptable and in accordance with Local Plan policy H2.

Section 106 contributions

The proposed development of 121 dwellings would create additional demand for local services and to mitigate this, contributions towards community facilities would be required. Members of the public query how will local schools cope with the additional demands, however, this is assessed by WCC Infrastructure who have requested a financial contribution to improve education services.

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 121 dwellings on this site would have a material impact on or need for affordable housing, education, bus services, open space, police services, health care, sports facilities, monitoring costs, and rights of way, 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;

- Air Quality Mitigation damage costs to the value of £34,402,
- Off-site public open space improvements £765,576,
- £804,678 towards new open space,
- £21,609 towards enhancements to existing allotments,
- £24,696 towards new allotments,
- South Warwickshire Foundation Trust: contribution of £119,847.64 towards additional services to meet patient demands,
- £32,096 towards police infrastructure improvements,
- £3,605.37 towards improvements to public rights of way,
- £2,378 towards improvements to libraries,
- £616,043 towards improvements to education services,
- £32,500 towards improved bus facilities,
- £1,230 towards provision of sustainable travel packs,
- £6,150 towards road safety initiatives,
- Outdoor Sporting Contribution: £8,410.00,
- Indoor Sporting Contribution: £93,616,
- Grass pitch contribution: £136,010,

- Monitoring fee for County Council, based on set calculation: £500 + (5 hours x £40 Officer time x Number of triggers) £TBC,
- Request from the Canal and River Trust for a contribution to provide a contribution for a scheme for wayfinding & delivery of new footpath connection to towpath,
- Monitoring fee for the District Council TBC when all contribution requests are finalised (standard formula to be used to calculate).
- Affordable Housing: 40% affordable housing (tenure TBC),
- Financial contribution to provide toucan crossing to Coventry Road £TBC (WCC Highways),
- Biodiversity offsetting contribution £TBC (WCC Ecology).

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

It should be noted that the Canal and River Trust have requested a financial contribution towards a scheme for wayfinding and delivery of a new footpath. However, insufficient justification has been provided so far to clearly demonstrate that the request is in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. Officers have requested this justification and await a response from the Canal and River Trust.

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.

As amended, 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.

Members of the public have commented on the application and state that the proposal will devalue nearby property prices. However, this does not represent a material planning consideration. Members of the public consider that the site should be turned into a nature reserve or park, however, this is an allocated housing site identified within the Local Plan.

A Local Councillor states that the whole development could be better designed and accessed, if the whole site was not being built around the ambulance work shop which is completely out of place within a residential development. However, the ambulance station does not form part of the housing allocation and therefore the suggestion from the Councillor cannot be accommodated.

Warwickshire Fire and Rescue and WCC Archeology have no objection to the proposal, subject to conditions which will be added.

There have been two letters of support, which identify the site as being in a sustainable location, and would not result in the loss of Green Belt land. These comments are noted.

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 121 dwellings, which contributes towards the Council's housing stock, including the provision of 48 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 proposed market and affordable housing mix is considered to be acceptable, given the location of the site in a highly sustainable location. The proposals are also considered to be acceptable in terms of car parking, highway safety, drainage / flood risk and ecological impact. The scheme is considered to have overcome the previous reason for refusal and has demonstrated why the level of parking provided would represent a policy compliant scheme.

There are substantial benefits to this scheme, which are considered to significantly outweigh any minor compromises, such as the car parking layout or living conditions. 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 would all have good levels of privacy, outlook and light which meet the required standards.

Subject to the above required information being provided and agreed, it is considered that the scheme provides a high quality, policy compliant development and 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 drawings:

172977A/A/01 (northern site access details), 172977A/A/02 (southern site access details), 19057 ACO - 01 (acomb house type), 19057 ASH - 01 (ashtead house type), 19057 HEX - 01 (hexham house type), 19057 WIN - 01 (windsor house type, floor plans), 19057 YOR - 01 (york house type), 19057 FIL - 01 (filey house type, floor plans), 19057 MAI - 02 (maisonette type, plots 15 - 22, first floor plans), 19057 MAI - 04 (maisonette type, plot 23 - 26 floor plans), 19057 MAI - 06 (maisonette type, plots 55-58 and 59-62, floor plans), 19057 MAI - 08 (maisonette type, **plot 116 - 121** floor plans) submitted on 15th May 2020,

drawings 19057 DG - 01 (double garage), 19057 SG - 01 (single garage), 19057 T3A - 01 Rev A (T3A house type, floor plans), 19057 MAI - 01 Rev A (maisonette type, plot 116 - 121 floor plans) submitted on 2nd December 2020,

drawings 19057 CHE - 01 Rev A (chesham house type), 19057 CRO - 01 Rev A (cromer house type), 19057 FIL - 02 Rev A (filey house type, elevations), 19057 H3A - 02 Rev A (H3A house type, elevations), 19057 HAT - 01 Rev A (hatfield house type), 19057 MAI - 03 Rev A (maisonette type Plot 15 - 22, elevations), 19057 MAI - 05 Rev A (maisonette type Plots 23 - 26, elevations), 19057 MAI - 07 Rev A (maisonette type plots 55 - 58 and 59 - 62, elevations), 19057 MAI - 09 Rev B (maisonette type plots 116 - 121, elevations), 19057 MAR - 01 Rev A (marlborough house type), 19057 T3A - 02 Rev B (T3A house type, elevations), 19057 WHI - 01 Rev A (whixley house type), 19057 WIN - 02 Rev A (windsor house type, elevations) submitted on 14th December 2020,

and drawings 19057 01 Rev T (colour site plan), 19057 04 Rev D (materials plan), 19057 05 Rev E (boundaries plan), 19057 06 Rev D (affordable housing plan), 19057 07 Rev D (storey heights plan), 19057 08 Rev D (phasing plan), 19057 09 Rev E (car parking strategy) submitted on 16th December 2020,

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 shall not commence unless and until tree protection / mitigation measures have been submitted to and approved in writing by the LPA and the approved measures have been put in place. The approved measures must remain in place for the duration of the works. The measures are to be submitted for all of the trees within the site as well as the highway trees that may be affected by the proposed development and must include:

a] an arboricultural method statement and tree protection plan in accordance with British Standard BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations, Clause 7 in particular, and

b] an arboricultural site monitoring protocol that will confirm to the local planning authority by independent examination that the agreed tree protection measures are in place for the duration of the development.

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.

4 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 plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event based on the final levels of the site.
- 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; to improve habitat and amenity; to ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1, FW1 and FW2 of the Warwick District Local Plan 2011-2029.

5 1.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.

- 6 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 CMP shall provide for: the location of the site compound; construction routes into the development; the parking of vehicles of site operatives and visitors; site working hours and delivery times; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. **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.

- 7 No development on Plots 34-45 and Plots 73-86 inclusive shall take place until a Method Statement detailing the design and means of construction of the foundations of the buildings to be constructed on those plots, together with any other proposed earthmoving and excavation works required in connection with their construction, has first 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 from 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 National Planning Policy Framework and in the National Planning Practice Guidance.
- 8 Each phase of development shall not commence 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.
- 9 No development on each phase shall take place until:

- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority for that phase.
- b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken for that phase. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.
- c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority for that phase. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

Reason: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.

- 10 No development of each phase of the development shall commence unless and until further written approval of the Local Planning Authority has been obtained for the design of the estate road layout serving the development [including footways, cycleways, verges and footpaths]. These details shall include large scale plans and sections showing the layout, vertical alignment, and surface water drainage details including the outfall. No dwelling for each phase of the development shall be occupied until the estate roads [including footways, cycleways, verges and footpaths serving it] have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the approved details. **Reason:** In the interests of highway and pedestrian safety in accordance with the requirements of policy TR1 of Warwick District Local Plan 2011 - 2029.

- 11 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.

- 12 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.
- 13 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 order to prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; to ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1, FW1 and FW2 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 lighting or illumination of any part of the site shall be installed or operated unless and until details of such measures (including details of design, extent, location and installation of any proposed external lighting of open spaces near to the canal) shall have been submitted to and approved in writing by the Local Planning Authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **Reason:** To ensure that any lighting is designed and operated so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 16 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.
- 17 No development shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) 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 HE1 of the Warwick District Local Plan 2011-2029.
- 18 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.
- 19 No development above slab level for each phase of the development shall commence unless and until a scheme detailing arrangements to protect residents of the development from excessive road traffic and commercial noise entering habitable rooms for that phase has been submitted to and approved in writing by the local planning authority. Once approved the noise mitigation scheme shall be implemented in full accordance with the approved details and shall be retained thereafter. **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.
- 20 No development above slab level shall take place until an appropriate scheme of mitigation in accordance with Warwick District Council's Air Quality Supplementary Planning Document (January 2019) has been submitted to and approved by the local planning authority. Once approved the scheme shall then be implemented in full and shall not be altered in any way without expressed written consent from the local planning authority. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.

21 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.

22 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 adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.

23 Each phase of the development hereby permitted shall not be occupied unless and until the refuse and recycling storage areas for that phase of the development have been constructed or laid out in strict accordance with the approved plans, and made available for use by the occupants of the development. Thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development. **Reason:** To ensure the satisfactory provision of refuse and recycling storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

24 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.

- 25 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 on any land between the front or side elevation of any dwelling and any road or footpath. **Reason:** Due to the open plan layout of the proposed development it is considered important to ensure that control is maintained over boundary treatments fronting the public highway.
- 26 All rainwater goods along the canal frontage for the development hereby permitted shall be metal. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.
- 27 All window and door frames shall be constructed in timber and shall be painted and not stained. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.
- 28 Prior to the occupation of the development hereby permitted, the first floor side facing window(s) in the side elevation(s) of the following plots shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed: plots 1, 48, 68, 87, 91, and 92. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.
- 29 The dwellings within 'Build Phase 1' shall not be occupied unless and until a 2.0-metre-high acoustic fence has been installed in accordance with the approved Drawing 19057-05-D (Boundary Treatment Plan). The acoustic fence shall be imperforate, sealed at the base, and shall have a minimum superficial density of at least 10kg/sq.m. Once installed the acoustic fence shall be retained thereafter and shall not be altered in any way without expressed written consent from the local planning authority. **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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