Planning Committee: 10 November 2015

Application No: <u>W/15/0905</u>

Town/Parish Council:Leamington SpaCase Officer:Liam D'Onofrio01926 456527 liar

Registration Date: 08/06/15 Expiry Date: 07/09/15

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## Station Approach, Leamington Spa, CV31 3NN

Demolition of the existing bus depot, car sales lot and disused building between the lower and upper portions of Station Approach and changes to existing Warwick District Council car park reducing spaces from 300 down to 100. Construction of 212 homes consisting of 118 flats and 94 houses with ancillary parking, open space and associated highway alterations to Station Approach. FOR Waterloo Housing Group

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

## RECOMMENDATION

Planning Committee are recommended to grant planning permission, subject to conditions and the receipt of a satisfactory Section 106 Agreement. Should a satisfactory Section 106 Agreement not have been completed on or before 30th November 2015, Planning Committee are recommended to delegate authority to the Head of Development Services to refuse planning permission on the grounds that the proposals make inadequate provision in respect of the issues the subject of that agreement.

## **DETAILS OF THE DEVELOPMENT**

Planning permission is sought for the demolition of existing structures on site and the erection of 212 new residential units, comprising 118 flats and 94 dwellinghouses. Of the 212 units provided, 85 will be for affordable rent and 75 for shared ownership (both meeting the definition of affordable housing set in the NPPF) and 52 units will be for outright sale. The scheme will therefore provide 75% affordable housing.

The development will provide a majority of two storey dwellinghouses with 2.5 storey dwellinghouses fronting parts of the proposed spine road adjacent to the railway. A three storey apartment building will be located to the far west of the site and 4 and 5- storey apartment buildings, interspersed with two and a half storey dwellings, will be located adjacent to a new 100 space public car park. Three 4-storey apartment blocks are located to the east of the site. Materials will be a mix of red brick and render with slate or tile roofs.

An improved access will be provided to the station underpass link and a new footpath link to be provided to Lower Avenue to the eastern boundary, running

through a pocket park. The western end of the site sits at a higher level to the highway and a stepped pedestrian access will be provided to Park Drive.

The application is accompanied by a Design and Access Statement, Planning Statement, Phase 1 habitat Survey, Protected Species Surveys, Tree Survey, Noise and Vibration Survey, Air Quality Assessment, Transport Assessment, Affordable Housing Statement, Drainage and Utilities Statement and a Phase 1 and Phase 2 Ground Investigation.

The Design and Access Statement comments that the proposed architectural design seeks to draw on the characteristics of Learnington Spa and reflect the urban grain of the surrounding context. Openings will be aligned vertically with detailing around feature openings/entrances. Landmark corners will be created and the design aims to portray contemporary interpretations of Victorian/Georgian classic details. A continuous material and colour will be utilised to reflect the context, with white render, red brick and slate or tiles.

## THE SITE AND ITS LOCATION

The application site relates to linear parcel of land of some 4.7 hectares, located north of Royal Learnington Spa Railway Station and south of Avenue Road/Park Drive, located behind existing properties fronting the highway. The eastern edge of the site bounds Lower Avenue. The main access into the site is Station Approach located adjacent to the former Old Library/Art Gallery and a secondary exit is located on a mini island at the junction with Avenue Road/Adelaide Road.

The site is 'brownfield' land currently occupied by a bus depot, car sales lot, vacant buildings and car parks, including a Warwick District Council car park. The conservation area bounds the north of the site, incorporating existing houses fronting Avenue Road. The Grand Union Canal is located some 100m to the south of the site, beyond the railway station, on the southern side of the Old Warwick Road. The application site is within the urban area of Royal Leamington Spa.

## **PLANNING HISTORY**

Relevant planning history at application site:

Outline planning consent was granted in 2010 for the erection of a B1 light industrial/ office development, including a new access road, parking and landscaping.

W/07/0437 New residential development consisting of 122 dwelling units with associated highway works and construction of parking spaces: Refused 12/10/07 due to unresolved concerns relating to the close proximity to the bus depot and adjacent to the railway line, which would result in an unsatisfactory form of residential development.

W/05/0944 Re-development for 3 linked buildings to provide for 166 apartments, alterations to access and associated works: Refused 26/09/05 due to overdevelopment by reason of excessive height, density and overlooking to neighbours.

W/04/1281 Demolition of all existing buildings and redevelopment for 3 linked buildings to provide 183 apartments, alterations to access and associated works, including construction of decked car parks: Refused 22/02/05, due to overdevelopment by reason of excessive height and density.

There are various historical planning applications relating to the existing uses on site, none relevant to the current scheme.

For information, application W/15/0354 Erection of a bus depot to include a workshop, chassis wash, bus wash / fuelling lane, offices, stores and ancillary accommodation with associated landscaping and parking at Site 4200/4300 Poseidon Way, Trident Park, Warwick was granted on 29/05/15. The new depot is intended to be used by Stagecoach and would replace their existing depot on Station Approach, allowing that site and the wider "Station Area" to be comprehensively redeveloped.

# **RELEVANT POLICIES**

- National Planning Policy Framework
- <u>The Current Local Plan</u>
- DP1 Layout and Design (Warwick District Local Plan 1996 2011)
- DP2 Amenity (Warwick District Local Plan 1996 2011)
- DP3 Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 2011)
- DP6 Access (Warwick District Local Plan 1996 2011)
- DP8 Parking (Warwick District Local Plan 1996 2011)
- DAP9 Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP11 Drainage (Warwick District Local Plan 1996 2011)
- DP13 Renewable Energy Developments (Warwick District Local Plan 1996 2011)
- DAP8 Protection of Conservation Areas (Warwick District Local Plan 1996 2011)
- UAP1 Directing New Housing (Warwick District Local Plan 1996 2011)
- SC13 Open Space and Recreation Improvements (Warwick District Local Plan 1996 2011)
- TCP7 Opportunity Sites in Old Town, Learnington Spa (Warwick District Local Plan1996 2011)
- TCP9 Protecting Employment Land and Buildings (Warwick District Local Plan 1996 2011)
- The Emerging Local Plan
- EC3 Protecting Employment Land and Buildings (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- DS2 Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- TR4 Parking (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- BE1 Layout and Design (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- BE3 Amenity (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

- DS11 Allocated Housing Sites (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- Guidance Documents
- Sustainable Buildings (Supplementary Planning Document December 2008)
- Open Space (Supplementary Planning Document June 2009)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance April 2008)
- Distance Separation (Supplementary Planning Guidance)

## SUMMARY OF REPRESENTATIONS

**Royal Learnington Spa Town Council:** No observations received to date. The Town Council advise that a response will be provided prior to the meeting and Members will be updated accordingly.

WCC Ecology: No objection, subject to conditions.

WCC Highways: No objection, subject to conditions.

WCC Archaeology: No objection.

**Historic England:** No objection, the history of the site in the context of railway heritage should be considered.

Canal and River Trust: No objection.

Inland Waterways: No objection.

Severn Trent Water: No objection, subject to condition.

**Network Rail:** No objection, subject to conditions.

**Conservation Advisory Forum:** The scheme is welcomed, as it will result in a positive gateway from the railway station and will enhance the setting of the Conservation Area.

**Environment Agency:** No objection, subject to conditions.

**WCC Flood Risk Management:** Further information sought, comments awaited.

Warwickshire Police: No objection.

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

**WDC Housing:** Support. **WDC Environmental Services:** No objection, subject to conditions.

NHS England: Contribution requested.

South Warwickshire Foundation Trust: Contribution requested.

Warwickshire County Council: Contributions requested.

## **Public Response:**

There have been 20 objections to the scheme, raising the following concerns: - Open space/landscaping would be more welcoming to railway users than the three blocks of housing.

- Cannot rightly be considered 'brownfield' as there are important green spaces within the site.

- Proposal should suit Learnington Spa and not produce ghetto style apartment blocks.

- Existing traffic/congestion.
- Loss of 200 space car park at the railway station.
- Loss of privacy.
- Loss of light.
- Noise and disturbance.

- Height of buildings/design concerns and the impact upon the character of the area.

- Security concerns.
- Impact upon trees/wildlife.
- Limited cycle/disabled access at western end of the site.
- Overdevelopment, density and mix, unbalanced community.
- Scheme fails to preserve/enhance, impact upon conservation area.

Two neutral comments not objecting to the principle of the scheme but commenting on highway safety and parking concerns associated with the development.

## ASSESSMENT

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

- The Principle of the Development;
- Affordable Housing/Housing Mix;
- Design/Impact upon the Character and Appearance of the Area;
- The impact upon the living conditions of nearby dwellings/future residents;
- Car Parking and Highway Safety;
- Ecology/landscaping;
- Drainage/ Floodrisk;
- Renewable Energy;
- Health and Wellbeing;
- Contributions.

## The Principle of the Development

#### Five year housing supply/Current policy position

The site is within the urban area of Royal Learnington Spa, where the current Local Plan Policy in relation to residential development is UAP1 - 'Directing New Housing', which states residential development will be permitted on previously developed land and buildings within the confines of the urban area. However

The National Planning Policy Framework (NPPF) 2012 states (para. 49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement.

In terms of the most recent evidence of housing need, the Council cannot demonstrate a five year supply. Accordingly, only limited weight can be afforded to Policy UAP1, and in these circumstances the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. This states at paragraph 14 that where the development plan policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

There are three dimensions to sustainable development: economic, social and environmental. The development would deliver *economic benefits* through the generation of employment during the construction phase, and from the increased population which would contribute towards increased expenditure in the local area and dependence on local facilities. *Social benefits* would include the provision of a mix of types and sizes of market and affordable housing that will contribute towards helping the Council achieve its five year requirement. Granting planning permission for this site would increase the supply of land for housing which carries significant weight in this determination. *Environmental benefits* would arise from measures to increase biodiversity, sustainable transport improvements, more efficient use of land, provision of open spaces, sustainable drainage measures and new footpath/cycle way links. The site is sustainable located within the heart to the urban area and adjacent to the railway station. It is therefore concluded that the development represents sustainable development by satisfying the three dimensions.

The current Local Plan Policy UAP1 identifies the eastern part of the application site as an opportunity site for housing or business/commercial uses; is noted as having fallen into decline over a number of years and is part of a wider project to regenerate the Old Town area of Learnington Spa. The scheme is also consistent with the SPG Planning and Development Brief for the Station Area 2008, which sought redevelopment of the brown field sites around the station and identified this site for residential development.

The wider application site forms part of the allocated housing site H10 within the emerging Local Plan, in which Policy DS11 notes that the land at Station Approach is partly vacant and the site is being brought forward by a joint venture between the Council and a Housing Provider. Subsequently no issues are raised in terms of the loss of employment land. The existing bus depot (Stage Coach) will be relocated to a new site, which has already gained planning permission under planning application W/15/0354.

The development of the application site would not prevent any other adjoining development sites identified in the emerging Local Plan Publication Draft April 2014 from coming forward and it is not dependent on, nor incompatible with, any other development sites which have been or are being considered.

On this basis the proposal is considered to constitute sustainable development, and would comply with the NPPF and is therefore acceptable in principle.

# Affordable Housing/Housing Mix

Affordable Housing

The proposed affordable housing mix is as follows:

Bedrooms Tota	
1 Bedroom	39
2 bedroom	89
3 bedroom	16
4+ Bedroom	16
Total	160

The development will contribute 160 affordable units (75% of the total amount), significantly exceeding the 40% requirement set within Council policy. The affordable housing element will be managed by the applicant Waterloo Housing, which is a housing association. WDC Housing Strategy fully support the scheme and note that the affordable housing will provide a significant contribution to the needs of the District and that the size and type proposed will provide a good variety.

#### Market Housing

Policy SC1 of the Warwick District Local Plan 1996-2011 requires residential development to make provision for a range of sizes and types of dwellings, and the Council has also published a supporting Policy Guidance document "Guidance on the Mix of Market Housing on New Development Sites". The housing mix in the policy guidance reflects the findings of the Strategic Housing Market Assessment (SHMA) (March 2012) in terms of the future demand for housing. The document is consistent with the NPPF and was agreed by the Council's Executive on 19th June 2013. However, this document has not been through the formal development plan framework process and does not have the status of a supplementary planning document. The proposed housing mix for this proposal is as follows:

Bedrooms	Total	% Proposed	WDC Requirement	Difference
1 bed units	0	0%	7%	-7%
2 bed units	32	61%	26%	+35%
3 bed units	20	39%	43%	+4%
4 bed + units	0	0%	24%	-24%
Total	52	100%	100%	

The housing mix proposed reflects the market and central location of the site therefore delivers a significant number of 2 and 3 bedroom dwellings. Although the mix does not entirely accord with the guidance document the scheme is considered to be appropriate for this site and is supplemented by a wider range of one, two, three and four bedroomed affordable units, which make up 75% of the total number of units on the site.

## Design/Impact on the Character and Appearance of the Area

Existing buildings on the site are of limited architectural merit and there are no issues with their demolition.

In terms of layout the proposal will provide a strong rhythm of development with easily defined perimeter blocks and a legible street pattern with suitable gaps between properties. This pattern reflects the wider residential locality well and will provide a hierarchy of streets with a main spine road running east-west, and residential streets running north-south. All streets will incorporate a high degree of landscaping, including grass verges and linear tree planting and is considered to respect the aims and objectives of the Council's Garden Towns, Villages and Suburbs Prospectus.

The building design is highly sympathetic and respects the local vernacular typical to Leamington Spa with either red brick or rendered buildings and a strong vertical emphasis to fenestration but with a contemporary feel. The building heights are predominantly 2 and 2.5-storey with 5-storey corner apartment blocks located between Station Approach and its exit opposite Adelaide Road. These blocks have been carefully designed and are broken up into distinct elements to reduce their overall bulk and mass. Within a range of parapet heights the highest rendered parapet will be a reasonably modest 12.9 metres with the fifth storey set back and clad in an alternative material to reduce the apparent mass of the structure further.

A 4-storey apartment block is located to the far west of the site and three 4storey apartment blocks are proposed to the east of the site opposite the railway station also. Again these are well proportioned and broken up into distinct elements to reduce their visual bulk and mass.

The building design and heights are considered to be entirely appropriate to the context of this urban, town centre location. It is considered to be a highly positive scheme that will result in the significant enhancement of the existing locality. It is recognised that this is a particularly important site that has a direct impact upon the image of Royal Learnington Spa from visitors to the town using the railway station or views from the train by those commuters passing through. The proposal will improve existing pedestrian routes and replace existing views from the railway of commercial buildings, car parking and derelict land with an attractive run of residential development, which fronts the railway line, behind a tree-lined street. Secure, non-obtrusive fencing is proposed along this southern boundary. Whilst Block A to the west of the site is likely to be visible from Victoria Park there are fairly limited views into the site from Avenue Road. The scheme is considered to have a positive impact upon the character of the local area and can be considered as an enhancement that will benefit the character and setting of the adjoining conservation area.

No listed buildings adjoin the application site, although Royal Learnington Spa railway station opposite the site is Grade II listed and there are further listed buildings on the northern side of Avenue Road. Officers are content that the proposed development will not affect the setting of the listed buildings in accordance with Policy DAP4 of the Local Plan. Historic England have confirmed that the scheme is acceptable in principle but have commented that greater historic analysis of the site in the context of railway history should be preferable. The applicant has confirmed that the site is devoid of any previous railway heritage but the applicant has confirmed that they will consider the possible ways to that heritage may be reflected in ground landscaping and possible bench design. In terms of any railway heritage that may be uncovered as part of the re-development the County Archaeologist considers that given past ground disturbance and the good existing knowledge of the railway uses that previously occupied this land an archaeological investigation would not be necessary.

## The impact on the living conditions of nearby dwellings/future residents

The proposed development will provide a high quality residential environment and will meet necessary separation distances between proposed built form and also to surrounding residential properties in accordance with the Council's Residential Design Guide SPD. These separation distances are intended to avoid over-development, loss of privacy and dominance, and secure a reasonable standard of amenity and outlook for residents. The residential scheme is considered to be compatible with neighbouring residential uses and is not considered to give rise to any undue noise or disturbance to existing residents. The scheme is not therefore considered to result in any significant loss of light, outlook, privacy or amenity to existing or future residents in accordance with Policy DP2 of the Local Plan.

Lower Station Approach will be retained for access to Kingdom Hall, in addition to a new retaining wall to between this neighbour and the parking areas to the apartment blocks.

The Council's Environmental Health Officer (EHO) notes that the submitted contaminated land assessments identify contamination, including lead within the site. The EHO agrees to the report's recommendations for further soil, groundwater and gas assessments and subsequent remediation, which can be secured by condition.

In terms of noise the EHO has requested further information relating to the submitted noise assessment, which has been provided accordingly. The EHO notes that World Heath Organisation (WHO) guidelines for community noise should not be exceeded by 45dB more than 10-15 times in a night to allow for good sleep. The additional information provided by the applicant's noise consultant shows that the majority of the dwellings fronting onto the railway and Park Drive are likely to exceed this limit. The applicant has confirmed that in order to ensure an appropriate level of residential amenity low energy mechanical ventilation will be installed in accordance with the EHO advice. This can be secured by condition.

In terms of air quality the applicant has committed to providing one electric vehicle charging point for every ten parking spaces, within the proposed new public car park. The EHO notes that the guidance requires 1 charging point per unit (house with dedicated parking) and 1 charging point per 10 spaces (unallocated parking). A condition is suggested to secure a low emission strategy and secure necessary electric vehicle charging points in agreement with the EHO.

# **Car Parking and Highway Safety**

The Highway Authority have confirmed that they have reviewed the submitted Transport Assessment, which has been submitted in support of the development proposals. The document utilises suitable methodology and structure, trip rates and modelling.

The Highway Authority considers that the modelling demonstrates that the development will not have a detrimental impact upon the safe operation of the highway network. Therefore the Highway Authority raises no objection.

The Highway Authority note that the site is located within close proximity to Learnington Town Centre, and adjacent to Learnington Railway Station. The development is well served by public transport provision by both bus services and rail. In addition the town centre is a short walk away from the development. This provides a variety of travel choices to potential residents of the development, and reduces the reliance of cars as the primary mode of transport.

The Highway Authority has reviewed the site layout/access arrangements. The applicant has submitted a vehicle tracking drawing for a refuse vehicle which demonstrates that it can safely enter and exit the development and manoeuvre on site without impacting upon highway safety. In conclusion the Highway Authority has no objection to the submission.

The development proposes 315 parking spaces resulting in 1.49 spaces per unit. The total amount of parking spaces required for the proposed development in accordance with the Council's parking standards SPD is 325 spaces, a shortfall of just 10 spaces. Given the highly sustainable location with excellent links to public transport, shops and services the proposed parking provision is considered to be acceptable. The Highway Authority have raised no objection to car parking. The applicant also notes that there will be extensive provision for cycle storage within the development to actively encourage people to cycle.

A new public car park with 100 spaces will be provided on site, overlooked by the apartment block, which will provide good natural surveillance. Further public car parking (43 Spaces) will be provided on Lower Station Approach. It is noted that the existing Warwick District Council car park will be lost (something Chiltern Railways have objected to), however it was always the intention to redevelop the site and planning permission has been separately granted for a large car park on the southern side of the railway station (the former Travis Perkins site) to provide additional public car parking. It is understood that both Network Rail and Chiltern Railways are in discussion with the developer regarding public car parking.

Network Rail have raised no objection to the scheme subject to the provision of an maintenance route, which will be located to part of the southern boundary of the site adjacent to the railway line.

## Ecology/ landscaping

The application was accompanied by a supporting phase 1 ecological survey, tree surveys and protected species surveys. There appears to be generally

limited ecological interest across the site given the large areas of hardstanding and existing land uses, and while much of the site has no or low ecological value County Ecology have noted several areas of value and have requested further survey work and protected species surveys be carried out.

Detailed landscaping plans have been provided for the development showing proposed avenue tree planting, habitat corridor trees, street trees, rear garden trees, ornamental amenity planting areas within the development site and ecological buffer planting to the site boundaries and grass areas. Hardsurfacing details include block paving to parking bays, key junctions and communal areas and the use of feature paving forming a 'railtrack' pattern and square 'railway sleeper' blocks within the Station Approach Square.

Following the submission of the updated surveys County Ecology have raised no objection, subject to conditions.

## **Drainage and Flood Risk**

The application site is located within flood zone 1. The Environment Agency have assessed the scheme in detail, factoring in historical uses and the potential for contamination of 'Controlled Waters' receptors on and in the vicinity of the site, which are considered to be 'low' to 'moderate'. The Environment Agency have raised no objection, subject to conditions.

Severn Trent Water have requested a condition to agree drainage plans for the disposal of surface water and foul sewage.

Warwickshire County Council Flood Team have asked for further information, which has been submitted. Members will be updated on WCC's comments at the meeting.

## **Renewable Energy**

A condition is suggested to ensure that the development accords with Local Plan Policy requirements in respect of either generating 10% of the energy needs from renewable sources or reducing the energy demand of the development and its CO<sup>2</sup> emissions by 10% through initial construction methods.

## **Health and Wellbeing**

Warwickshire Police have commented that they are pleased that the design incorporates Secured by Design principles. The re-development of the site should also improve natural surveillance and the perception of the area with an attractively designed residential scheme, which is considered to create a better sense of ownership and minimise the potential for crime and anti-social behaviour.

Network Rail note that as the development is next to the railway it is necessary to provide a suitable trespass proof fence to mitigate any risks of trespass onto

the track. A condition has been suggested to ensure that this security fencing is agreed and fully installed prior to first occupation of the dwellings.

# Contributions

The following contributions have been requested from relevant consultees:

- WCC Highways have sought a £75 contribution per dwelling for sustainable welcome packs and to help promote sustainable travel in the local area, equating to a sum of £15,900.

- WCC Ecology have requested a contribution of £57,724.97 for bio-diversity off-setting.

- WCC Education have sought a total contribution of £1,189,804.00.

- WCC have requested a contribution of £4,642.70 towards improving, enhancing and extending library facilities and £130,000 towards new/improved cycle and pedestrian infrastructure in the vicinity of the site to provide connections to the town centre and the existing cycle network. The WCC Rights of Way Team have requested £1707 towards improvements to public rights of way within a 1.5 mile radius of the development site.

- South Warwickshire Foundation Trust are seeking £220,472.63 to be used directly to provide additional facilities to meet patient demand.

NHS England have requested £46,009 for the improvement or extension of GP surgery facilities within the town boundary of Learnington Spa.

- Warwickshire Police have sought a contribution of  $\pounds$ 79,919 to mitigate the additional impacts of this development.

- WDC are seeking  $\pm$  324,616.50 to enhance existing open space within 500m of the site.

The applicant's viability report has been considered by the Council's viability consultant. Whilst the final report is awaited it is anticipated that it will confirm that there is no financial excess in the scheme to fund the requested contributions. In any event the scheme is for 75% affordable housing, which is considered to be a priority of this Council.

Housing Strategy note from the supporting viability information that the average unit value of a market house is  $\pounds 214,000$  and the average value for an affordable house is  $\pounds 154,000$ . Applying these figures to a mix of 40% affordable housing would generate an estimated additional value of some  $\pounds 4.5$  million. The provision of affordable housing over and above the required 40% has therefore had a significant impact upon the overall costs of the scheme.

Housing Strategy are in full support of the scheme and note that recent government announcements suggest that regulations on affordable housing will be changing in the near future to require local authorities to ensure that some or all of their affordable housing quotas on large sites are delivered as starter homes for sale at up to 80% of market value. Whilst this will be welcome in addressing a need for households whose incomes are just below that required to be able to buy on the open market it will make it increasingly difficult to address this Council's ambition to enable more affordable housing for rent or shared ownership for people who cannot afford to buy outright at all. It is therefore important to maximise opportunities for affordable housing such as this scheme in the interim before the new rules come in to play.

Officers are mindful of the significant benefits of bringing forward this scheme, including the transformation of this 'brownfield' site at an important gateway to Royal Learnington Spa with a high quality residential development and the high levels of affordable housing it will contribute, which are considered to outweigh the loss of the contributions.

## SUMMARY/CONCLUSION

The Council's current position is that the Council cannot demonstrate a five year supply of deliverable housing sites against the housing requirement and Policy UAP1 is to be considered out-of-date. The development is considered to comply with other current Local Plan policies and with the policies of the NPPF as a whole. The presumption in favour of sustainable development carries substantial weight, as does the contribution the development would make to the provision of housing to meet the needs of the District.

The proposed development is considered to provide a positive regeneration scheme that will enhance this key gateway into Royal Learnington Spa. The development is considered to provide an appropriate scale/design and does not adversely affect the amenity of nearby residents or highway safety. The proposal will also provide a significant amount of affordable housing for the District. The proposal is therefore considered to comply with the policies listed. It is therefore concluded that the development should be 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).
- The development hereby permitted shall be carried out strictly in 2 accordance with the details shown on the site location plan and approved drawing(s) MP01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16 (Rev P1); HA1\_01, HA02\_01, HC1\_01, HC2\_01, HD1/2\_01, HD3/4\_01, HE1\_01, HF1\_01, HF2\_01, HGK1\_01, HH1\_01, HI1\_01, HJ1\_01, (Rev P01); B\_A\_01, B\_A\_02, B\_A\_03, B\_A\_E01, B\_A\_X01, B\_B\_01, B\_B\_03, B\_B\_03, B\_B\_E01, B\_B\_X01, B\_C\_01, B\_C\_02, B\_C\_03, B\_C\_E01, B\_C\_X01, B\_D\_01, B\_D\_02, B\_D\_03, B D E01, B D X01, B E 01, B E 02, B E 03, B E E01, B E X01, B\_FGH\_01, B\_FGH\_E01 (Rev 01); G\_01, G\_02, G\_03 (Rev P1); ES\_01 Rev P1; SE\_01, SE\_02, SE\_03 (Rev P01); BMD.15.007.DR.P002, BMD.15.007.DR.P104, BMD.15.007.DR.P101, BMD.15.007.DR.P102, BMD.15.007.DR.P103, BMD.15.007.DR.P001, MID3943\_001 and specification contained therein, submitted on 08th June 2015. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 3 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON**: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 4 The development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. The disposal of both surface water and foul water drainage directed away from the railway. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.
- 5 Prior to each phase of development approved by this planning permission no development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
  - A supplementary site investigation scheme, based on the findings and recommendations of the two ground investigation reports produced by GIP Ltd (report refs. ML/21961, dated 26th June 2014 and ML/22841, dated 10th April 2015) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should be carried out following the vacation of the site by the current occupiers, allowing full access to all areas of the site.
  - 2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - 3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components will require details to be resubmitted to the Local Planning Authority for subsequent agreement. The scheme shall be implemented as approved. **REASON:** To protect the quality of 'Controlled Waters' receptors on and in the vicinity of the site, primarily the groundwater held within the underlying Secondary A aquifer and for the satisfactory and proper development of the site in accordance with Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011.

- 6 Prior to occupation of the dwellings herby approved (or that relevant phase of development) details shall be submitted to and approved in writing by the Local Planning Authority for a suitable trespass proof fence adjacent to the boundary with the railway. All details shall be carried out as approved. **REASON:** To protect the adjacent railway from unauthorised access and improve community safety in accordance with Policy DP14 of the Warwick District Local Plan 1996-2011.
- 7 Prior to the commencement of the development (or relevant phase of development) full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to and agreed in writing by the Local Planning Authority in consultation with Network Rail. All details shall be carried out as approved. **REASON:** To protect the adjacent railway from any undue disruption to the operation of train services.
- 8 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating how and when mixed open space facilities will be incorporated into the development, to include informal open space and appropriate children's play facilities. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON**: To ensure appropriate open space and recreational facilities are provided to serve the development in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011.
- 9 No development shall take place under any relevant phase of development until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

a. low pressure sodium lamps should be used in preference to high pressure sodium or

mercury lamps;

b. the brightness of lights should be as low as legally possible;

c. lighting should be timed to provide some dark periods;

d. connections to areas important for foraging should contain unlit stretches.

Such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **REASON:** To ensure that any lighting is designed so as not to

detrimentally affect the amenities of the occupiers of nearby properties and that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3 and DP9 of the Warwick District Local Plan 1996-2011.

- 10 The development hereby permitted shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition the LPA expect to see details concerning control of Japanese knotweed, pre-commencement checks for badgers and breeding birds and appropriate working practices and safeguards for reptiles, amphibians and bats that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policy DAP3 of the Warwick District Local Plan 1996-2011.
- 11 No construction shall be undertaken until a Construction Management Plan, which should contain a Construction Phasing Plan, measures to prevent mud and debris being deposited on the highway, details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, demolition or clearance works, delivery times, restrictions on burning, details of all temporary contractors buildings, plant and storage of materials associated with the development process and HGV Routing Plan is submitted and approved by the Local Planning Authority. All details shall be carried out as approved. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.
- 12 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 13 No development shall take place unless and until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012.

- 14 The development hereby permitted shall not commence until a scheme detailing low energy mechanical ventilation (to relevant facades) to protect residents of the development from excessive traffic/railway noise entering habitable rooms shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To protect residents of the development from the adverse effects of noise and disturbance from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 15 The development hereby permitted shall not commence until a further bat transect survey of the site has been carried out in September in accordance with BCT Bat Surveys – Good Practice Guidelines and, if necessary an updated schedule of mitigation measures 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 ensure that protected species are not harmed by the development in accordance with Policy DAP3 of the Warwick District Local Plan 1996-2011 and the aims and objectives of the NPPF.
- 16 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site and any report of the findings must be submitted to and approved in writing by the local planning authority prior to first occupation. The report of the findings, to be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11', must include; (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risk to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monument; (iii) an appraisal of remedial options, and proposal of the preferred option(s). **REASON:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011.
- 16 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

**REASON:** In the interests of fire safety.

- 17 The development shall be undertaken in accordance with a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared which shall be submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. **REASON:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011.
- 18 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced shall be submitted to and approved in writing by the local planning authority. **REASON:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011.
- 19 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition (No.16), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (No.17), which shall be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with condition (No.18). **REASON:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to

ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011.

- 20 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone ( whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 21 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2005, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** To protect trees and other features on site during construction in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 22 The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the first dwellinghouse (of that relevant phase and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation (of that relevant phase). Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local

Plan 1996-2011.

- 23 No infiltration of surface water drainage into the ground is permitted other unless this has been agreed in writing with the Local Planning Authority. This may be appropriate only for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details. **REASON:** To protect the quality of 'Controlled Waters' receptors on and in the vicinity of the site and for the satisfactory and proper development of the site in accordance with Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011.
- If piling or any other foundation designs using penetrative methods are used works shall not commence unless and until details have first been submitted to and agreed in writing by the Local Planning Authority. Penetrative foundation methods may be appropriate for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. **REASON:** Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011 and the NPPF.
- 25 Prior to groundworks, remediation or built construction the access to the site shall be implemented, located and laid out in general accordance with drawing MID3943\_001. **REASON:** To ensure that a satisfactory access in the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.















North Elevation - Block F & H ( Block G is handed)



South Elevation - Block F & H (Block G is handed)



Section 1 - Block F (Block G is handed) 1:100



East Elevation - Block F & H (Block G is handed)



West Elevation - Block F & H (Block G is handed)













Station Approach, Learnington Spa

Block F & H (Block G is handed) Elevations & Sections

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 Job Ref. (00800)

 Drawing No. (00800)\_B\_FGH\_E01
 Revision. P01

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