

**Planning Committee:** 22 February 2011

**Item Number:**

**Application No:** W 10 / 1250

**Town/Parish Council:** Old Milverton

**Registration Date:** 23/09/10

**Case Officer:** John Beaumont

**Expiry Date:** 18/11/10

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**North Leamington School, Park Road, Leamington Spa, CV32 6LQ**

Demolition of existing school buildings, and the construction of 53 new houses and 5 apartments with access road infrastructure and 'open space' facilities FOR  
Milcel Limited

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This application forms part of a major redevelopment of the former North Leamington school site which is designated as a "Major Developed Site" within the Green Belt. The application is referred to committee for decision since local plan policy SSP2 indicates that employment use is the preferred use of the site and the proposed use does not fall into that category. Furthermore, the Town Council have raised objection and the recommendation to grant this permission includes reference to a Section 106 agreement.

**SUMMARY OF REPRESENTATIONS**

**Leamington Town Council:** an objection is raised for the following reasons:

- 1) Violation of the Green Belt without exception being granted.
- 2) Access to proposed development limited and inadequate for anticipated increase in volume of traffic
- 3) Residents with knowledge of local area express concern over ability of sewerage and drainage systems to cope with proposed increased capacity.
- 4) Integration of affordable housing required throughout the site rather than limited to one corner of the development.
- 5) Increase in facilities and local amenities required to meet the needs of new residents.
- 6) Insufficient public open space, particularly the provision of safe play areas, to meet the needs of residents

**Old Milverton and Blackdown Joint Parish Council:** Although I have already returned "no objection|" to this application, one of our Councillors has now expressed support to the objection lodged by Barbara and David Taylor on 27 October, so I should be obliged if you would please take this observation into consideration, please.

**Public Response:** 15 letters received from residents of Park Road, Garway Close and Belmont Drive setting out a number of objections and concerns as follows:-

Too many houses are proposed for the site, out of keeping with its surroundings. 40% social housing is inappropriate on a site with no local shops, community facilities or good public transport. A commuted sum arrangement would be preferable so that social housing can be provided on a more suitable site. all traffic will use Park Road which has an inadequate junction with Lillington Road in terms of visibility. A through road should be provided with the former lower school site so that the traffic impact is not all concentrated on Park Road, which is a cycle route used by school children.

The water and sewerage systems are inadequate to cater for the number of new houses being proposed.

The development is on green belt land and encroaches onto open land at one point.

10 Garway Close adjoining the site considers that their property will be unacceptably overlooked with 3 houses being built 12 metres from their boundary.

The Headteacher of North Leamington School has written on behalf of the staff and governors supporting the application which is considered to provide socially inclusive development conveniently situated next to and within walking distance of the new school site, with the overall development bringing about a complete transformation of the local environment in this part of Leamington Spa .

**WCC Fire and Rescue** - no objections subject to condition requiring fire hydrants.

**WCC Highways** - no objection subject to conditions

**WCC Sustainable Communities** - request financial contributions of £277,938 towards the anticipated cost of providing suitable facilities for primary and special needs pupils.

£9,094 towards library facilities.

**Warwickshire Police** - have responded as follows:-

'The proposed building of 58 new dwellings will place increased demands on Warwickshire Police, who therefore have an obligation on behalf of the communities of Warwickshire to seek proportionate developer contributions to policing infrastructure.

Warwickshire Police is funded via central government (the 'Funding Formula') and the Police Authority precept of the council tax. This funding is provided for ongoing policing services and there is no surplus that could be applied to capital projects. New infrastructure must therefore be financed via borrowings and/or reallocation of existing capital stock or specific capital funding that can be secured. Section 106 of the Town and County Planning Act 1990 and the new Community Infrastructure Levy make provision for such specific funding via developer contributions. They are fully intended to be a vital source of capital funding contributions towards the increased public services infrastructure costs that will result from housing and commercial developments.

**Warwickshire Police** requests a financial contribution of £32,868 in respect of the proposed development on the site of North Leamington School, Park Road, Leamington Spa, CV32 6LQ. If Secured By Design standards are fully adopted, Warwickshire Police will acknowledge the associated crime reduction benefits by reducing the request to £23,008.

This calculation is based on the proportional increase in house numbers within the county in relation to existing police infrastructure.

The contribution will be used to address the increased need for vehicles and other resources and help to extend communication and data handling infrastructures'.

**WCC Ecology** - no objections subject to conditions about presence of bat worker to supervise destruction works, protection of trees, and submission of landscape and ecological management plan for the site.

**WCC Archaeology** - were first consulted at pre-application stage and confirmed the works will have not have a significant archaeological impact.

**WDC Housing and Property Services**- confirm that the provision of Affordable housing is fully in accordance with the council's policies and have no objections.

**WDC Green Infrastructure Manager** - considers the amount of open space provision to be adequate and the central POS is well placed with good casual surveillance and will be a valuable amenity for future residents. The amount of planting proposed on this open space may be an over provision and will need to be re-thought. The landscape mounds along the western boundary are not considered desirable in the narrow strip proposed and would be difficult to maintain. Large growing tree species are needed along the western boundary and these should be made the subject of TPO to ensure their long term protection. There should be less ornamental trees within the landscaping and more large canopy trees.

**Environment Agency** - originally raised objection due to lack of a flood risk assessment. They have now removed their objection subject to a condition being imposed requiring a surface water drainage scheme to be submitted for approval.

**Severn Trent Water** - no objections subject to condition requiring details of foul and storm water drainage to be submitted.

**Sport England** - no objections.

### **RELEVANT POLICIES**

- SSP2 - Major Developed Sites (Warwick District Local Plan 1996 - 2011)
- 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)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- Affordable Housing (Supplementary Planning Document - January 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Planning Policy Guidance 2 : Green Belts

### **PLANNING HISTORY**

The site has been developed for school purposes over a long period of time until the school moved to its new site off Sandy Lane in 2010. The buildings formerly occupied by the school remain on the site.

## **KEY ISSUES**

### **The Site and its Location**

The application site is situated at the north-west end of Park Road and has a site area of approx. 1.6 hectares. It is broadly rectangular in shape and the land falls away towards the north of the site, with a difference in levels of approx. 4.5 metres between the entrance point and the northern boundary. There are a number of mature trees along the southern boundary which abuts the application site for a proposed new care home for Castel Froma discussed elsewhere on this agenda; to the east are houses and gardens off Park Road and Garway Close; to the west the site abuts open green belt land retained as playing fields; while to the north there is also open green belt land in use as playing fields .

Much of the site is currently covered by buildings or hard surfaces. The buildings, which are up to four storeys in height, are prominent on the skyline when viewed from Park Road and from the open countryside . Along the north eastern boundary of the site is a cycleway provided to link Park Road with the new school to the north served off Sandy Lane.

### **Details of the Development**

The proposed use of the site is for housing (58 units), comprising a mix of 2, 3 and 4 bedroom houses and apartments, with 40% of the provision (23 units) being for affordable housing. The housing is predominantly two storeys with detached, semi-detached and terraced types arranged in two culs- de- sac and with a number of properties facing onto service roads along the site's western boundary so that their front elevations look out over the green belt. Within the site, the housing at the entrance to each cul-de-sac faces onto a central landscaped open space with two proposed lines of trees which follow through from the tree lined Park Road.

The housing will be built in Warwickshire multi red facing brick with slate roofs, with a small number of rendered properties to introduce variety in the street scene. A new hedgerow and tree buffer screen , with a degree of mounding is proposed along the western boundary to provide a soft boundary to the green belt.

Parking is provided at a ratio slightly above the 2 spaces per dwelling requirement set out in the Vehicle parking standards S.P.D.

### **Assessment**

The key issues in the assessment of this application are considered to be:-

- The acceptability of the use of the site for housing
- The impact of the development on the character of this green belt area
- The impact of the development on the amenities of existing residents
- Traffic and parking considerations
- Sustainability
- Affordable housing, Open Space and other infrastructure contributions
- Drainage

## **The acceptability of the use of the site for housing**

The site is part of a Major Developed Site within a green belt designation and policy SSP2 of the Local Plan applies. This states that..."appropriate limited infilling and redevelopment for employment or other uses identified in the supporting text as being appropriate" will be permitted. In the case of the former North Leamington School site, no "other" uses are listed in the supporting text and employment use is therefore the preferred land use for the site. However, following an extensive marketing campaign after WCC decided to dispose of the site early in 2009, all but one of the companies who ultimately bid for the site were residential developers, the other (as part of a bid for the whole) being for the care home scheme proposed under W10/1249. The agents have further confirmed that at no point did they receive an expression of interest to redevelop the site for employment purposes (B1, B2 or B8).

Given this lack of interest for use of the site for employment purposes, it is necessary to look at the merits of the proposed use as opposed to the preferred employment use. In this context, the area adjoining the site has an established residential character and the approach to the site is via a residential road. B2 industrial or B8 warehousing uses would be in marked contrast to the site's surroundings. A B1 Business use, if achievable, could be more compatible but again would represent a departure from the established residential character of the area.

In view of the lack of interest in the site for employment purposes as evidenced by the extensive marketing campaign, the alternative proposed use for housing is considered to be a beneficial use of the site and wholly compatible with the character of the adjacent residential area.

## **The impact of the development on the character of the area**

The paramount consideration here is the impact of the development on the Green Belt. Policy guidance in this respect is provided by Annex C of PPG2 relating to "Major Developed Sites". This states in para. C4 that any redevelopment should

- (a) have no greater impact than the existing development on the openness of the Green Belt and the purposes of including land within it, and where possible have less;
- (b) contribute to the achievement of the objectives for the use of land in Green Belts;
- (c) not exceed the height of the existing buildings;
- (d) not occupy a larger area of the site than the existing buildings (unless this would receive a reduction in height which would benefit visual amenity).

Para C5 further confirms that the relevant area for the purposes of (d) is the aggregate ground floor area of the existing buildings (the "footprint") excluding temporary buildings, open spaces with direct external access between wings of a building, and areas of hardstanding.

Taking these criteria in reverse order, for purposes of (d) the aggregate area of existing buildings on the site has been agreed between WDC officers and WCC and communicated to the applicants, for this application and for W10/1249 relating to the southern part of the site. The relevant overall floor area for this criterion is 6,367 sq.m. which has been split between the two sites. The combined floor area of the two proposals is within this total, being 6,153 sq.metres.

In relation to criteria (c), the new buildings do not exceed the height of the existing buildings (and are significantly lower) and the form and character of the layout compared with the existing school buildings is of significantly reduced mass and bulk. Currently, the view into the Green Belt from the end of Park Road is dominated by the four storey main school building, which also is prominent when viewed from the green belt to the west. The housing layout incorporates a central open space area which will provide a continuation of the tree lined character of Park Road. In addition, the views from the west towards the outer edge of the development will be significantly softened, with a hedge treatment to the housing service road and the houses themselves having a lower ridge height than the existing school building.

In relation to the Major Developed Site boundary, it is the case that there is a minor encroachment beyond the MDS boundary on the western side of the development. This is in the form of a proposed landscaped strip which will soften the impact of the development. Given the relatively minor scale of the encroachment in the context of the site as a whole, and the fact that no buildings are proposed on it, the openness of the Green Belt is not considered to be materially harmed.

### **The impact of the development on the amenities of adjoining properties**

The site adjoins a number of residential properties off Park Road and Garway Close, which have their side gables and gardens running along the common boundary. To the north of Park Road is the recently constructed cycleway which serves the new school on the former Manor Hall site; this separates the new housing from the side boundary to 26 Park Road, with the new houses a minimum of 15 metres off the garden boundary to that property.

To the south of Park Road, there are proposed houses either backing on or with their gables alongside existing dwellings. Whilst the owner of 10 Garway Close has raised specific concerns about overlooking from the new houses backing onto their side boundary, normal distance separation distances are met and in my view the impact of the development on the amenities of this neighbour is not so detrimental such that a refusal could be reasonably sustained, particularly having regard to the "fallback" position that the existing buildings could be retained.

In terms of general noise and disturbance from the new dwellings as opposed to the previous school use, lower traffic levels are likely in the morning peak hour but with increased levels during the evening peak. Whilst traffic impact of the new development will occur over a longer period of time compared to the more concentrated impact of the school, noise and disturbance from the proposed residential development is not considered to be a matter on which planning permission for the development could be reasonably refused.

### **Traffic and Parking Considerations**

A Transport Statement has been submitted with the application and has been scrutinised by WCC Highways. The situation in respect of the visibility available at the junction of Park Road and Lillington Road has been discussed and an updated drawing showing a junction improvement which will achieve the necessary visibility (primarily by realigning the footway) has been submitted.

WCC have now confirmed a "no objection" response subject to conditions, including a requirement for the junction improvement being completed prior to

the commencement of development on the site, excluding the works of demolition.

Within the development, a traffic calmed layout is proposed, reflecting the principles of government guidance contained in the Manual for Streets. Traffic speeds from vehicles leaving the new estate entering Park Road will be calmed to 20 mph.

### **Sustainability**

In terms of sustainability, the site is accessible to bus routes, with route 69 providing a link to Leamington railway station and within walking distance of local schools. Other bus routes are within walking distance.

An energy statement has been submitted with the application. This confirms that the dwellings will have solar panels on their south east/west roof areas to help provide for hot water demand. These will provide more than the 10% renewable energy requirement contained in the sustainable Buildings S.P.D.

### **Affordable Housing, Open Space and other infrastructure contributions**

Although a number of local residents consider the affordable housing element to be inappropriate on this site, the principle of requiring affordable housing on the site, together with the mix and location of the dwellings, has been discussed with the relevant WDC Housing Officers and fully meets the Council's requirements.

In relation to Open Space, the main component in the provision is the central "island" of open space, which is designed to continue the tree lined vista from Park Road. The open space will have good surveillance from the overlooking dwellings and the overall area of provision complies with the Open Space S.P.D. Discussions are ongoing with Neighbourhood Services on areas of open space that may be feasible for adoption and the options are for either all or part of the open space areas to be adopted or private management arrangements to be put in place to ensure proper maintenance.

A Section 106 Agreement will be required to achieve the education and libraries contributions which WCC are seeking. At this stage, the applicant has stated that negotiations on the actual sum required are still in progress and that a further meeting with WCC is being held. Discussions are also ongoing on the matter of the contribution sought by Warwickshire Police

### **Drainage**

Concerns have been expressed by local residents about the adequacy of both foul and surface water systems to cope with the additional demands likely to be created as a result of the development. Consultation has been carried out with the relevant bodies – the Environment Agency and Severn Trent Water and "no objection" responses received. In relation to foul water drainage, this will be connected into the sewer system in Kenilworth Road. Storm water will be a balanced flow running into the same drainage ditch that the existing site connects with again flowing towards Kenilworth Road. The drainage strategy will thus avoid impact on sewers in Park Road.

## **Conclusion**

The applicant's case for the use of this site for housing as opposed to employment development referred to within the Major Developed Site policy for this site is considered to be well founded and realistic. The details of the actual development proposed are considered to be sympathetic to the green belt and its setting and also in accordance with the general policy objective in PPS 3 "Housing" of creating sustainable, inclusive and mixed communities in all areas.

Affordable housing, open space provision and sustainable building requirements are all in accordance with Council policy. It is considered that no other site specific impacts result in harm sufficient to warrant planning permission being withheld.

## **RECOMMENDATION**

GRANT, subject to the satisfactory conclusion of a Section 106 agreement to secure the affordable housing element and the sums of money necessary for education and library facilities, and additional policing infrastructure, and to the conditions listed below.

## **CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Subject to condition 3 below, the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 1320/09G, 1320/11A, 12A, 16, 17, and 1320/20-48 inclusive and specification contained therein, submitted on September 22nd 2010 unless first agreed otherwise in writing by the District Planning Authority. **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 Notwithstanding the landscaping details shown on drawing 1320/09G, a landscaping scheme for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 4 No development shall take place until details of all external facing materials have been submitted to and approved by the District Planning Authority. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the



Warwick District Local Plan 1996-2011.

- 5 Prior to commencement of the development on the site, excluding the associated demolition works, the developer is required to carry out the junction improvement works in general accordance with the details as shown on received plan no. 202-3. **REASON:** In the interests of highway safety and to meet the requirements of policy DP6 of the Warwick District Local Plan 1996-2011.
- 6 Prior to first occupation , the applicant / developer is required to provide each dwelling with sustainable welcome packs to help promote sustainable travel in the local area. The contents of the sustainable travel packs shall first be agreed in writing with the Local Planning Authority following consultation with the Highway Authority. **REASON:** In the interests of highway safety and to meet the requirements of policy DP6 of the Warwick District Local Plan 1996-2011.
- 7 Before the development hereby permitted is begun, the further written approval of the District Planning Authority shall be obtained for details of the design and construction of the estate roads and footways serving the development. These details shall include large scale plans and cross and longitudinal sections, showing design, layout, construction of the estate together with surface water drainage to outfall. **REASON :** To ensure compliance with the Council's standards, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 8 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **REASON :** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 9 Details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON :** To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011.
- 10 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan for the proposed open space areas within the site has been submitted to and approved in writing by the District Planning Authority. The plan should also include details of habitat creation measures including creation and management of bat roosting opportunities (e.g. setting up bat boxes), nesting bird opportunities (e.g. setting up bird boxes), creating areas of wild flower

grasslands (including the protection of the existing rare plant species on site), as well as details of managing the whole site for wildlife. It should also include details of enhancement of existing habitat – in particular supplementary planting of suitable buffer zones with appropriate native species. Details of species used and sourcing of plants should be included. The plan should also include details of long-term monitoring of the site, including further species-specific monitoring surveys such as an additional bat survey 1 year after completion of works. Such approved measures shall thereafter be implemented in full and the open space areas shall be retained as such at all times thereafter. **REASON:** To ensure a net biodiversity gain in accordance with PPS9 and Warwick DC Policy DP3.

- 11 No work of any kind shall be begun on the site until the protective fence(s) around the trees identified as being retained on the approved plans, have been erected and the fencing has been confirmed in writing to be acceptable by the District Planning Authority. Within the approved fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no site huts, no fires lit and no excavation of trenches for drains, service runs or for any other reason. **REASON :** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 12 No dwelling shall be occupied until the estate road including footways serving it has been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority. **REASON:** In the interests of highway safety and to meet the requirements of policy DP6 of the Warwick District Local Plan 1996-2011.
- 13 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority. **REASON :** In the interests of fire safety.
- 14 The development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the buildings to be demolished. All roofing material is to be removed carefully by hand. Should bats be found during this operation, then work must cease immediately while Natural England and WCC Ecology Unit are consulted for further advice. In addition to this the qualified bat worker shall submit a brief report to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **REASON:** To ensure that protected species are not harmed by the development and to meet the requirements of policy DP3 of the Warwick District Local Plan 1996-2011.

**INFORMATIVES**

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the use of the site for residential purposes is an acceptable land use for this former school site and the submitted scheme achieves acceptable standards of layout and design. Furthermore, there are considered to be no harmful effects in terms of traffic or other site specific impacts which would justify a refusal of permission. The proposal is therefore considered to comply with the policies listed.

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