

Planning Committee: 14 February 2005
Application No: W 04 / 2252

Principal Item Number: 07

Town/Parish Council: Warwick
Case Officer: Steven Wallsgrove
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Registration Date: 22/12/2004
Expiry Date: 16/02/2005

St Nicholas Park, Banbury Road, Warwick, CV34 4QY

Site Remediation and Reconstruction of sports pitches. FOR Taylor Woodrow Dev Ltd & Warwick District Council

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No objection.

Sport England: has no objection.

Councillor Mrs. Hodgetts: requested that the application be placed before the Planning Committee.

Neighbours: no comments received.

C.A.A.F.: concerned about number of pitches (not noted plan was only indicative), and lack of free area for other leisure activities.

County Museum (Archaeology): have no objection subject to an archaeological "matching brick" condition.

WCC (Planning): comment about the need to remediate as much as possible of the material on site, such as by bioremediation, screening and soil washing, etc.

Environmental Health: have been involved in pre-submission discussions and consider the risks of contamination of ground water and the river to be low but are concerned about the impact of the number of lorry movements if large amounts of the material are to be removed from site. A "Remediation Method Statement" condition is recommended.

Leisure & Amenities: support the principle of the application, but are concerned about the affects on adjoining trees and recommend condition.

Warwick Society: "Although welcoming the proposal to carry out remedial work to remove the hazards associated with the waste tip under St. Nicholas meadow we are concerned over the proposal to level the land and give it over to football pitches. The proposal is not accompanied by any evidence of the requirement for a further six pitches nor any proposals for increased changing facilities and the management of increased vehicular traffic. We would prefer to see the area returned to a contoured open recreational public space after the work has been carried out.

We would ask the Warwick District Planning Committee to grant permission for the remedial work to be carried out but not to approve the construction of 8 football pitches. We understand that this application is associated with provision of an alternative to the statutory open space required at the housing development at Southwest Warwick. Notwithstanding the comments above we have previously objected to this planning proposal numbered W2004/505 as follows:-

We would ask the Warwick District Planning Committee to refuse permission for the deletion of condition 10 of Planning Application W94/1410. The condition that the Open Space required under Policy RL5 of the adopted Warwick District Local Plan should be

"provided within the development" should be retained and not changed to "provided for the development". We are concerned that an open space not integrated within the development could be located anywhere and not serve as a green break in the housing development and not provide, in the close vicinity, a recreation space for residents.

Although it is expected that the residents of Southwest Warwick would use St. Nicholas Park, making it the only recreational space available to them would lead to greater car usage and more traffic using the town centre. As you know Myton School is designated as a Specialist Sports College and its facilities are available for use by the general public. In view of the Governments recent policy of opposing built developments on playing fields it would seem to us that the playing fields at Aylesford School, which were earmarked for housing, should be retained and also used by the general public in the same way.

Warwick District Council has met the housing provision required by the Warwickshire County Council Structure Plan but has fallen far short in the provision of affordable homes. Should the Council be minded to grant permission for a further 100 dwellings at Southwest Warwick then the 40% rule for affordable housing should be calculated on the whole development and not on just the additional 100."

RELEVANT POLICIES

(DW) ENV2 - Areas of Restraint (Warwick District Local Plan 1995)

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) RL1 - Protection of Open Space Defined on the Proposals Map (Warwick District Local Plan 1995)

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

PLANNING HISTORY

There is no, relevant, planning history.

KEY ISSUES

The Site and its Location

The application site consists of the whole of the Park to the east of St. Johns Brook and to the south of the path from the Banbury Road to Pickard Street. The area to be remediated, however, is only the open grassed area previously used for playing fields.

Details of the Development

The proposal is to remove some 300 mm over the whole of the grassed area to the south-west of the cycleway, lay an impermeable membrane to prevent the underlying fill material from the old tip coming through, provide drainage, and replace the top layer with 'clean' material. This material will consist of the remediated, reclaimed, top layer for the most part in order to maximise the use of existing materials and minimise traffic generation and the need to bring in additional material. In addition, any chemical 'hotspots' will be removed and the land restored, where the problem is significant.

The application also includes a plan showing a layout of sports pitches, but this is only indicative and the number, and layout, of pitches is a matter for Leisure and Amenities.

Assessment

(a) Merits of Proposal

The existing pitches in the Park are in poor condition and it has been recognised, since at least 1990, that some of the materials tipped on the site in the 1930's are working their way to the surface, thereby creating potential problems and dangers.

It is accepted that the current playing pitches will eventually have to be taken out of use due to the problems associated with the site. Members should also be aware that the material coming to the surface will also present potential dangers to other (non-sports) users of the park, and that we have an equal duty of care to ensure their safe use of the park meadows. The present proposal is designed to overcome this situation and provide a good quality playing surface in accordance with the Council's aims. The finished levels will not be any higher than the existing levels, since this site does lie within the flood plain, and this was discussed with the Environment Agency and agreed in principle with them before the application was submitted.

This application can be determined on its stand alone merits, if the proposal is acceptable it would need to be subject to conditions 1 -8 below.

The Warwick Society comments that refer to condition 10 of W941410 are made in the context of application W2004 0505 (see separate report), however this aspect (to vary condition 10) was withdrawn from that particular application.

(b) Relationship with the South West Warwick Site

The cost of these works could be borne by the developers of the South-West Warwick site instead of them constructing pitches on their site. This type of approach was provided for in the Brief for South-West Warwick (which did not allocate any land for public playing fields) and in the explanation for Policy RL5 of the 1995 Local Plan. The Brief and the Local Plan provides for the location of the sports pitch element of open space requirements (excluding amenity open space or equipped childrens play areas) to be located outside the site boundary as long as it is well located to the site. Such proposals are to be considered on their merits and will be expected to secure other planning objectives. This option must not prejudice the character of the overall housing development nor increase dwelling numbers. It is considered that the major improvement of this sports facility, which is well sited for the town as a whole, is acceptable in lieu of providing pitches within the development itself in accordance with the Framework Brief. There are no other means to restore St Nicholas Park without the acceptance of this approval to meet the sports pitch provision of South West Warwick. Without this approach the current sports pitches at St Nicholas park will be taken out of use and become a potential liability.

It is understood that the work is intended to be carried out as soon as practicable after the grant of planning permission. In order to achieve this and ensure that the remediation works are completed within a reasonable period in relation to the provision of housing at South West Warwick, the developers have suggested the imposition of 'Grampian' conditions on the remaining outline applications (W2001 0813, W2000 0465 and W2002 0474) to enable the number of dwellings occupied on these sites to be limited until the remediation works have been completed.

I consider that this is a reasonable and practical solution to ensure that the remediation works are carried out within a reasonable timescale. The conditions can be imposed since these outline consents have still to be issued.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown in the approved Planning Report, and specification contained therein, dated December 2004 (except for the layout of pitches on drawing number 04-0107/101) 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 Local Plan Policy ENV3.
- 3 No development shall be carried out on the site which is the subject of this permission, until details of finished levels have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To prevent flooding and to protect the character of the Conservation Area in accordance with Policies (DW) ENV3 and ENV6.
- 4 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 Policy ENV3 of the Warwick District Local Plan.
- 5 The development hereby permitted shall not commence unless and until two weeks notice in writing of the start of works shall have been given to the Warwickshire Museum as the nominated representative of the District Planning Authority. During the construction period the developer shall afford access at all reasonable times to representatives of the Museum and shall allow them to observe the excavations and record items of interest and finds. **REASON** : To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy ENV22 of the Warwick District Local Plan.
- 6 No development shall be carried out on the site which is the subject of this permission, until a detailed Remediation Method Statement has been submitted to and approved by the District Planning Authority, which shall include:-
(a) The method for removing and/or treating contaminated soil.
(b) the quantities of soil to be dealt with by the various means.
(c) Methods to minimise the potential for noise, dust nuisance, and traffic impacts on the locality.
(d) Means to ensure that the site works will be controlled to ensure that controlled waters are not contaminated during the course of the works or in the future.
The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure that there is no pollution of the water environment in accordance with Policy (DW) ENV3 of the Warwick District Local Plan 1995.

- 7 All fuels, hydraulic fluids and other liquids shall be stored at least 20 m from any tree in a secure area with a suitable bund to prevent contamination by spillage. **REASON** : To ensure that there is no pollution of the water environment in accordance with Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 8 All excavation works within a distance from a retained tree of less than 12 times its stem diameter, measured at 1.5 m above ground level, shall be undertaken by hand. **REASON** : To ensure that the retained trees are protected in accordance with Policy (DW) ENV3 of the Warwick District Local Plan.
- 9 That the remediation and reinstatement of sports pitches at this site be accepted as discharging the sports pitch requirement at South West Warwick in accordance with Policy RL5 of the Local Plan (to be the subject of a Grampian Condition restricting future developments at South West Warwick until such times as these works are completed). Such a condition to be applied to applications W20010813, W20000465 and W20020474 already the subject of resolution to grant. **REASON** : To ensure appropriate timing/delivery of this requirement.
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