

Application No: [W 19 / 1858](#)

Town/Parish Council: Warwick
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Former Tamlea Building, Nelson Lane, Warwick, CV34 5JB

Redevelopment of the former Tamlea Building for residential purposes, (including the demolition of all existing buildings) and creation of associated access, parking, landscaping and associated infrastructure. FOR Orbit Group Limited

This application is being presented to Committee as there have been 5 letters of support for the application and it is recommended for refusal.

RECOMMENDATION

Planning Committee are recommended to REFUSE planning permission for the reasons set out in the report.

DETAILS OF THE DEVELOPMENT

The proposal seeks full planning permission for the redevelopment of the former Tamlea Building for residential purposes, (including the demolition of all existing buildings) and creation of associated access, parking, landscaping and associated infrastructure, to provide 29 residential units. The scheme would be 100% affordable housing.

This is a resubmission of a previously withdrawn scheme (W/19/0067) which was withdrawn owing to outstanding concerns relating to the proposed living conditions for the future occupiers of the dwellings, namely the impact of the existing boatyard adjacent to the site and substandard garden sizes. The number of units have been reduced from 31 to 29, allowing the garden sizes to be increased and the properties which were removed were those closest to the boatyard.

THE SITE AND ITS LOCATION

The application relates to industrial premises situated on the northern side of Nelson Lane. This part of Nelson Lane contains a mixture of commercial and residential properties, with predominantly commercial uses on the northern side and predominantly residential uses on the southern side. However, the adjacent premises to the west have recently been converted to residential use.

The site is bounded by Nelson Lane to the south and by the Grand Union Canal to the north. The site is located immediately adjacent to the relatively recently adopted Canal Conservation Area. There is a boatyard on the canalside adjoining the northern boundary of the site and the vehicular access to this runs along the

western boundary of the site. The building on the opposite side of this access has recently been converted into residential use. Further industrial premises adjoin the site to the east. There are dwellings on the opposite side of Nelson Lane.

Industrial buildings cover much of the western half of the site, with an open yard area to the eastern half. There is a parking area to the front of the buildings on the Nelson Lane frontage. There are two lines of trees on the site, one on the eastern boundary and one on part of the Nelson Lane frontage. There are further trees between the site and the canal.

PLANNING HISTORY

There have been a number of previous planning applications relating to the existing industrial premises on the application site. However, most of these are not relevant to the consideration of the current proposals. Those which are considered relevant are:

W/19/0067 - Application withdrawn for redevelopment of the former Tamlea Building for residential purposes, (including the demolition of all existing buildings) and creation of associated access, parking, landscaping and associated infrastructure, to provide 31 affordable residential units.

W/17/0701 - Development of 47no. residential units to include houses and apartments (outline application including details of access, layout and scale) - planning permission refused for: loss of employment land; harmful design; loss of important natural features; substandard cycle parking; inadequate information relating to drainage and flood risk; unacceptable impact on neighbouring residential amenity; unacceptable living conditions for the future occupiers of the dwellings; highway safety concerns; inadequate access for refuse vehicles to enter the manoeuvre around the site.

W/15/0765 - Change of use from engineering units to a two year temporary use for vehicle storage - planning permission approved.

W/11/1173 - Construction of five industrial units and car parking - planning permission approved.

RELEVANT POLICIES

- National Planning Policy Framework

- DS1 - Supporting Prosperity
- DS2 - Providing the Homes the District Needs
- DS3 - Supporting Sustainable Communities
- DS4 - Spatial Strategy
- DS5 - Presumption in Favour of Sustainable Development
- PC0 - Prosperous Communities
- EC3 - Protecting Employment Land and Buildings
- H0 - Housing

- H1 - Directing New Housing
 - H2 - Affordable Housing
 - H4 - Securing a Mix of Housing
 - SC0 - Sustainable Communities
 - BE1 - Layout and Design
 - BE3 - Amenity
 - TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
 - TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
 - TR3 - Parking (Warwick District Local Plan - 2011-2029)
 - HS1 - Healthy, Safe and Inclusive Communities
 - HS4 - Improvements to Open Space, Sport and Recreation Facilities
 - HS6 - Creating Healthy Communities
 - HS7 - Crime Prevention
 - CC1 - Planning for Climate Change Adaptation
 - CC3 - Buildings Standards Requirements
 - FW1 - Development in Areas at Risk of Flooding
 - FW2 - Sustainable Urban Drainage
 - FW3 - Water Conservation
 - FW4 - Water Supply
 - HE1 - Protection of Statutory Heritage Assets
 - HE2 - Protection of Conservation Areas
 - NE2 - Protecting Designated Biodiversity and Geodiversity Assets
 - NE3 - Biodiversity
 - NE4 - Landscape
 - NE5 - Protection of Natural Resources
 - DM1 - Infrastructure Contributions
 - DM2 - Assessing Viability
 - HS8 - Protecting Community Facilities
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- Open Space (Supplementary Planning Document - April 2019)
 - Affordable Housing (Supplementary Planning Document - January 2008)
 - Residential Design Guide (Supplementary Planning Document- May 2018)
 - Distance Separation (Supplementary Planning Guidance)
 - The 45 Degree Guideline (Supplementary Planning Guidance)
 - Sustainable Buildings (Supplementary Planning Document - December 2008)
 - Parking Standards (Supplementary Planning Document)
 - Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No objection, the Town Council supports comments made by WCC Landscape, Green Spaces, Environment Agency and Health and Community protection.

Inland Waterways: Neutral, whilst in support of redevelopment of the area, the plans bear no relationship to the adjacent architecture and has an unattractive face towards the canal frontage of a densely built up nature. This is likely to lead to exacerbating the on-going traffic problems in the area and fails to provide green spaces for the residents.

WCC Ecology: No objection, subject to conditions.

WCC Highways: No objection, subject to conditions and contribution of £15,000 towards the provision of a sustainable cycle scheme on Coventry Road.

Canal and River Trust: No objection, however concern raised regarding the potential negative impact on an existing canal fronting business (Kate's Boat) and the lack of mitigation to properties which could be impacted as a result of noise from the nearby boat repair building and boat moorings. The trust suggests that consideration is given to whether the location of dwellings relative to existing trees to be retained would likely lead to pressure to remove trees within ownership of Canal and River Trust. They recommend a condition requiring the provision of a method statement for properties nearest to the canal to ensure land stability. They also recommend further contaminated land surveys and make recommendations about drainage.

SWFT: No objection.

WCC Landscape: No objection, following receipt of amended plans.

Housing: No objection.

Tree Officer: No objection, subject to a condition.

WCC Infrastructure: No objection, subject to contributions of £97,015 towards education provision, £290 towards sustainable travel promotion and £1,450 towards road safety initiatives.

Sports and Leisure: No objection, subject to £2,083 towards outdoor sports, £23,256 towards indoor sports and £9,028 towards grass pitches.

Open Space: No objection, subject to a contribution of £145,080 towards the improvement of local green spaces.

Environment Agency: No objection, subject to conditions.

WCC Public Rights of Way: No objection.

Public Responses:

8 Objections:

- concern regarding the impact on parking from construction vehicles;
- the impact on construction work on neighbouring amenity;
- the impact on congestion, parking and highway safety;
- the industrial use should remain;
- there have been accidents along nearby highway networks which aren't recognised by the environment desk report;
- the lack of amenity area and the need for a safe space for children to play;
- how can safe passage along the towpath be achieved?;

- there would not be a reduction in HGV traffic as suggested by the Transport Statement along Nelson Lane;
- inadequate access for emergency services.

10 Comments of Support:

- this site has been vacant and out of use for a few years, leading to deterioration and degradation of the area, impacting local residents as it creates an unappealing and neglected feel to the area;
- the plans would create much-needed regeneration, investment and improve the look of the whole road to become more attractive and useful;
- the proposal represents an enhancement to the Conservation Area;
- it supports the inclusive growth of the local industrial strategy for the area;
- it supports the desire for the areas around our canals to be improved through regeneration and investment;
- the scheme is of a sensible size, fitting in well, that will enhance the surrounding area;
- the scheme will create employment through its development;
- the District is in need of affordable housing;
- the development will reduce commercial traffic;
- the proposal will not impact on the adjacent boat business.

ASSESSMENT

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

- Principle of the development;
- residential amenity and impact on adjacent industrial use;
- the impact on the character of the area and the Conservation Area;
- car parking and highway safety;
- waste;
- housing mix;
- affordable housing and section 106 contributions;
- the impact on trees;
- drainage and flood risk;
- ecological impact; and
- other matters.

Principle of the Development

The site currently comprises employment land. Local Plan policy EC3 states that outside of town centres, the redevelopment or change of use of existing employment land for other uses will not be permitted unless one (or more) of five criteria are met. One of these criteria (point e) is if the proposal is solely for affordable housing as defined in national guidance.

The proposed development is for 100% affordable housing as defined in national guidance. Therefore, the proposal would be in accordance with the requirements of Local Plan policy EC3 and the principle of the development would be acceptable.

Residential Amenity and Impact on the adjacent Industrial Use

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

There have been objections from members of the public that the construction works would cause harm to neighbouring residential amenity and that there is a lack of amenity area and safe space for children to play.

Relationship to existing residential properties

Under the previous scheme refused in 2017 there was concern about the relationship of the proposed development and the existing flats to the west of the site. There was a substandard distance separation between the existing building and the proposed development, detrimentally impacting on the living conditions of the occupiers of the neighbouring property.

The current proposal has reduced the number of units from the previous schemes submitted. There would be no 45 degree conflict from any existing residential property and there is a distance separation of 12 metres from windows serving the neighbouring residential property to a two storey gable. Although there would be windows in the gable, these can be conditioned to be permanently obscure glazed and non-opening without hindering the living conditions of the future occupiers, thus essentially providing a blank gable. This would therefore meet the Council's distance separation guidance for this relationship.

Other existing residential properties along Cliffe Way are over 28 metres away from the proposed development and have a side to front facing relationship, meaning that there is ample distance separation between the properties.

Environmental Health recommend a condition for the provision of a construction management plan to control the impact of construction works on existing properties, which could be added if the application were being approved.

The development is therefore considered to have an acceptable impact on neighbouring residential amenity.

Proposed Living Conditions for the Future Occupiers

The applicant has provided a noise assessment in support of the application relating to the likely impacts of noise on the future occupiers of the development at the request of Environmental Health Officers. Under the previously withdrawn application Environmental Health Officers expressed concerns relating to the

impact of road noise on the future occupiers, however, the noise assessment has demonstrated that mitigation measures could be provided which achieve the recommended internal noise levels relating to the impact of road noise, which could be controlled by condition. Environmental Health Officers however still have concerns as with the previous application in relation to the neighbouring industrial site run by Kate's Boats and the internal layout of the proposed development.

There is a boatyard which operates next to the application site, with a "boat building" which is located immediately in front of the application site on the canal, which is used for boat repairs. Environmental Health classify the activities associated with this use as "industrial noise sources", which include mechanical grinding, reversing alarms, clatter and bangs, and manoeuvring vehicles. These types of incidents are more likely to create noise disturbance and complaint as opposed to the noise from a passing canal boat. Paragraph 182 of the NPPF states that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

Environmental Health objected to the previous application due to the anticipated adverse noise impacts from the existing boat repair unit immediately north of the proposed development site and the lack of a sufficient noise assessment accompanying the application. A new noise assessment report was prepared for the resubmitted application.

The boat yard activities have been assessed in accordance with relevant British Standard which considers the impact of commercial and industrial noise sources on residential receptors. The noise report details the findings of a noise assessment completed over six days (including 4 working days). The proposed development has been revised by removing 3no proposed dwellings and increasing the separation distances of properties away from the existing boat repair unit. The updated assessment report has assessed the noise impacts of the boat repair unit on nearby proposed residential dwellings and gardens.

The noise assessment has identified that a number of plots near to the boat repair unit would experience adverse noise impacts of up to +6dB above background level. The dwellings affected by this are Plots 13, 14, 15, and 16. The noise assessment also indicates that significant adverse noise impacts would occur if the boat repair unit was operated in the late evening and night time. Environmental Health Officers understand that activities do not currently take place at these times, however, there are no restrictions to prevent this. Officers do concur with the assessor's comments, however, that night time and evening repair activity are unlikely to take place due to safety implications.

Environmental Health however cannot rule out, that repair activities could intensify during the day time and/or that the repair unit could be used more frequently. A

2.5 metre brick wall noise barrier has been included along the northern boundary as part of the noise assessment to reduce the noise impacts from the boat repair unit, however, adverse noise impacts are still predicted in residential gardens. No additional measures have been proposed to mitigate the identified adverse noise impacts. Environmental Health have therefore objected to the proposal on the basis that the development fails to provide adequate living conditions for the future occupiers of the development and that the boat building could likely have an adverse impact, which could also lead to complaints against an existing business which could lead to restrictions being placed on that business.

The applicant considers however that the development accords with the requirements of the NPPF as currently proposed. Paragraph 180 of the NPPF requires development to mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development. It is noted that the policy does not require *adverse* impact to be avoided (unlike *significant* adverse impacts), but they must be reduced to a minimum. Whether the developer has reduced the impacts to a minimum is therefore the key question.

The agent informs that the applicant has reduced the impact to a minimum by:

- reducing the number of proposed units in comparison to the originally proposed scheme by two and has amended the layout accordingly.
- Increased the height of the boundary wall serving the properties affected by the boat building to 2.5m.
- The applicant has also considered whether any further changes could reduce further the adverse impact. However, it has not been possible to achieve this and to achieve the quantum and design of development the applicant wishes to secure in order to satisfy other consultees (most notably the views of the Conservation Officer).

The agent also informs that the Environmental Health Officer suggested a reorientation of the site plan, however shielding the gardens of plots 13-16 behind the dwellings would result in close boarded fences alongside the private road which is not considered to be good design. Removing the four affected dwellings altogether is also suggested, however the agent considers that this would go beyond the policy requirement in avoiding an adverse impact altogether. Further, the proposal as a whole would then not be deliverable with 4 less affordable dwellings.

The views of the Environmental Health Officer were sought regarding the applicant's comments above who nevertheless still consider that the site layout has not been sufficiently revised to address the adverse noise impacts. They state that the issue is that a satisfactory noise environment could be achieved at the site under an alternative and/or reduced scheme, and therefore they do not consider that noise impacts have been reduced to a minimum. The applicant argues that further revisions to the scheme would make the development undeliverable. That may be the case in terms of the applicant's desired scheme, however, it does not prohibit alternative schemes being developed at the site provided that they are mindful of the noise constraints.

The substandard living conditions provided by the development are further exacerbated by substandard garden sizes provided for six of the dwellings. Plots 2, 3, 4 and 16 require a private amenity area of 50sqm, however the garden sizes proposed are between 33.3 - 38.6sqm. Plots 18 and 19 require a private amenity area of 40sqm and are provided with gardens of 32.1sqm and 29.4sqm respectively. Plot 16 is most severely affected by the substandard conditions provided as they are likely to be the most impacted by noise disturbance from the boat yard and would have a substandard sized private amenity area.

It should be noted that none of the flats have access to any areas of private amenity space. However, the Residential Design Guide does stipulate that, "*For flats amenity space may be communal but should form a consolidated area. Provision of amenity space and gardens must be set within the context of ensuring that inefficient use of land is avoided. Therefore in situations where the standards cannot be achieved e.g. high density housing developments the Council will seek to work jointly in agreement with developers to provide an upgrade to nearby off site amenity space which will be available to the general public.*" Officers concur that for the proposed flats, mitigation off site would be acceptable, because even if an area of amenity was provided, this would never be solely private and would be shared by multiple occupants.

Based on the inadequate garden sizes provided and the adverse noise impact from the boat building use, Officers are minded to agree with the Environmental Health Officer that a further reduction in the number of units would likely provide improved living conditions which would adequately mitigate the level of harm to the future occupiers. This would allow the garden sizes to be increased and the development to be located further from the boat building use. The applicant considers that reducing the number of units to accommodate the required sizes would therefore represent an inefficient use of land. However, Officers disagree with this conclusion as the proposal would allow for adequate living conditions to be provided.

Therefore, the proposed development is considered to provide unacceptable substandard living conditions for the future occupiers of the dwellings.

Impact on an existing industrial use

The proposal could also likely lead to complaints being made against an existing lawful neighbouring business and whilst the current occupiers do not object to the proposal, the nature of their future activities are unknown, and another future occupier may take over the site and increase their operations. This would adversely impact on the continuing operation of the business (or any future business) and could ultimately lead to the business closing or residents having to endure excessive levels of commercial noise if the business demonstrated best practicable means. These concerns have also been expressed by the Canal and River Trust who own the site occupied by Kate's Boats.

The proposal is therefore considered to be contrary to the NPPF and Local Plan policy BE3.

Impact on the Character of the Area and the Conservation Area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

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

The explanatory text for policy HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area.

Supporters of the proposal consider that the development would lead to an enhancement of the Conservation Area.

The existing site consists of a traditional industrial building, with little architectural merit, with the main building being a fairly long rectangular structure, and a smaller detached section towards the west. The property is however of its time and sits comfortably within the industrial context of the canal setting, thus having a neutral impact on the setting of the Conservation Area. The Conservation Officer has stated that this particular length of the Conservation Area, as explained in character length 3 in the Canal Conservation Area appraisal, is predominantly characterised by a mixture of late twentieth-century buildings and industrial structures dating from between the late eighteenth to late nineteenth-century, the earliest of which (the Bridge House) is Grade II Listed dating from 1781 to the west.

The most notable structure near to the site however is the wharf building and its industrial character and form contributes towards the overall appearance and character of the Conservation Area. Its setting should therefore be preserved as much as possible. Industrial architecture is characterised by prominent built form with consistent, horizontally running frontages and well-proportioned symmetrical

window and door apertures, with features including arches, chimneys and wide gables.

The wider area to the south is characterised by residential properties of varied design, with a mixed palette of materials and residential properties to the west. To the east is further industrial development and to the north (across the canal) is the WCC depot and Ridgeway School, where planning permission was relatively recently refused for the residential development of the allocated housing site.

Under the previously withdrawn scheme, the current design of the development was negotiated between the applicant and Conservation Officer. Concern was however raised in relation to the materials proposed, in that the use of uPVC for windows and rain water goods would not be supported in the immediate setting of the Conservation Area, nor would concrete roofing materials. The Conservation Officer did express concerns in relation to the impact of the previously 2.2m high brick wall proposed on the canal side and Conservation Area, although the reasons for this following the Environmental Health Officer's comments were noted. He concluded that when considering the scheme as a whole, any harm arising from this element is considered to be less than substantial; the combination of the design proposed and boundary treatments for blocks 1-10 facing the canal suitably mitigated the impact of a hard boundary to blocks 11-19, particularly with the input of blue brick detailing and coping, to an extent that he considered that the proposal preserved the appearance and character of the Conservation Area. It is noted that the proposed wall would be higher under this scheme than the previously proposed development, at a height of 2.5m, however, the wall would also be shorter, only serving plots 11 - 17. Therefore, overall the increase in height is considered to be mitigated by the reduction in length of the proposed wall.

The Conservation Officer has no objection to the proposal and recommends that in the event of an approval, conditions are attached which secure the provision of sample materials for all boundary treatments, in addition to all facing materials and large scale details of doors and windows. These could be added if the application were recommended for approval.

WCC Landscape consider that there should be a strong landscaped road frontage that includes additional replacement tree planting to soften the impact of the new development along Nelson Lane and that all trees removed should be replaced. However, Nelson Lane is generally characterised by much hard landscaping, with built form sitting nearby or adjacent to the road frontage. It is not considered that additional tree planting adjacent to Nelson Lane would be characteristic or necessary in this particular location. The trees of highest importance which add value to the Conservation Area next to the canal are retained. The applicant has amended the landscaping scheme to accommodate the comments made by the Landscape Officer, increasing the soft landscaping where possible. WCC Landscape have no objection to the amended proposal.

Therefore, although use of hard boundary treatments would cause a low level of harm, there would also be benefits to the scheme, through provision of appropriately designed built form and layout which outweighs the harm. The provision of affordable housing would also represent a significant material public

benefit of the scheme. Therefore, the low level of harm is balanced by the high quality design of the scheme as a whole which responds well to the Canal Conservation Area and Nelson Lane, thus leading to the development being considered to preserve the character and appearance of the Conservation Area.

The scheme is considered to accord with the NPPF and Local Plan Policies BE1 and HE1.

Car parking and highway safety

Members of the public have objected to the proposed development for the following reasons: concern regarding the impact on parking from construction vehicles; the impact on congestion, parking and highway safety; there have been accidents along nearby highway networks which aren't recognised by the environment desk report; there would not be a reduction in HGV traffic as suggested by the Transport Statement along Nelson Lane; and there is inadequate access for emergency services. Supporters of the proposal consider that the development will reduce commercial traffic.

Under the previously refused scheme, initially WCC Highways objected to the proposal owing to a lack of assessment on the wider traffic network and lack of clarity regarding tracking information of refuse vehicles. The applicant submitted an additional technical note and entered into discussion with WCC Highways. It was agreed that £15,000 could be provided towards a sustainable cycle scheme on Coventry Road. Further information on the tracking for large refuse vehicles was also provided. This information satisfied the concerns of WCC Highways who had no objection to the development, subject to conditions and the aforementioned financial contribution. The scheme remains similar to that which was previously proposed, apart from a reduction in the number of units, which would lower the number of trips to the site. WCC Highways therefore have no objection to the proposed development, subject to the same financial contribution, which could be secured by a Section 106 agreement.

The proposed development provides sufficient parking in accordance with the Council's Vehicle Parking Standards guidance. It should be noted that some of the parking is accommodated within car ports which are located underneath flats fronting onto Nelson Lane. These meet the Council's size requirements and are not counted as garages in this instance. Separate secure cycle storage is provided for residents.

The proposals is therefore considered to be in accordance with Local Plan policies TR1 and TR3.

Waste

Sufficient waste storage has been provided within the site boundaries and waste management have no objection to the proposed development.

Housing mix

The NPPF states that local planning authorities should plan for a mix of housing, based on current and demographic trends, market trends and the needs of different groups in the community. It goes on to state that local planning authorities should identify the size, type, tenure and range of housing that is required in different locations. In accordance with these requirements, the Council has adopted development management policy guidance on "Provision of a Mix of Housing (June 2018)".

The housing proposed in the current planning application comprises: 20.7% 1 bedroom apartments, 44.8% 2 bedroom apartments / dwellings and 34.5% 3 bedroom houses. The housing mix requirements are: 30-35% 1 bedroom properties, 25-30% two bedroom properties, 30 - 35% three bedroom properties and 5-10% four bedroom properties.

Given the constraints of the site, it is considered that this represents a reasonable mix of dwellings when compared against the Council's guidance. Furthermore, this is for a solely affordable housing scheme which the Council's Housing Team have not objected to. The Housing Team note that as the current scheme is going to be 100% affordable and they recognise that there will be a need for flexibility around our standard requirements, particularly given the constraints on the site.

Therefore the proposals are considered to be in accordance with the NPPF and Local Plan policy H4.

Affordable housing and section 106 contributions

The proposed development of 29 dwellings would create additional demand for local services and to mitigate this, contributions towards community facilities would be required.

This is a proposal for 100% affordable housing. If the application were being recommended for approval, all of the affordable housing would need to be secured in perpetuity as such through a planning condition.

Having considered the available evidence, the contributions are considered to be in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. A development of 29 dwellings on this site would have a material impact on or need for education, open space, health care, sports facilities, monitoring costs, and employment/training for locals and highway matters.

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

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

- Outdoor sports facilities – £2,083 towards the improvement of outdoor artificial sports facilities and £9,028 towards the improvement of grass pitches.
- Indoor sports facilities – £23,256
- Highway infrastructure – £15,000 towards a sustainable cycle scheme on Coventry Road.
- Education facilities - £97,015
- Sustainable travel packs – £290
- Road safety initiatives - £1,450
- Public open space – £145,080 towards the improvement of local open spaces.
- Affordable housing – 100%
- Monitoring fee - £3,171.20

The offsite mitigation cost for the lack of amenity area serving the flats would also be secured by the Section 106 agreement, which would be £64,728. The calculation for this is made on the basis of the contribution rates set out in the Council's adopted SPD for Public Open Space.

Whilst the applicant has verbally agreed to the above costs, there has been no Section 106 agreement drawn up to secure these matters. Therefore, as the contributions have not been secured, the development could lead to an unacceptable impact on local services. This is considered to be contrary to Local Plan policies DM1 and HS4.

Open Space

The additional residents brought into the area by this application will put more pressure upon existing open space, both in the locality and the wider district in relation to destination parks. There is no open space provided within the site boundaries and owing to the constrained nature of the site, this would not be possible. As set out in HS4 of the Local Plan, a contribution is therefore required in order to mitigate the impact of this additional use. The contribution rates are set out in the subsequent 'Open Space Supplementary Planning Document'.

The Council's Open Space team identify that the required contribution would be £145,080. This would be put toward the development objectives of Priory Park in Warwick, relating specifically to path and signage improvements.

Priory Park scored only 'average' in a number of aspects in the latest Parks Audit (2019). The Green Space Strategy sets out the objective of having our public open spaces rated as 'good' or better by 2026.

As stated above, as a Section 106 agreement has not been agreed, this means that the financial contribution requested by Open Space is not secured. The development is therefore contrary to Local Plan policy HS4.

Impact on trees

There are no existing trees of value within the site as evidenced within the Arboricultural Report. However, the majority of the street trees on Nelsons Lane are to be protected, and there are opportunities within the proposed layout to incorporate some new planting to mitigate for the loss of trees.

The Canal and River Trust welcome the fact that the trees to the north east boundary will be protected, but request that Officers consider whether there would be increased pressure for their removal as a result of the proposed development. The Tree Officer has been consulted and has no objection to the proposal, subject to the tree protection measures being implemented in accordance with the tree report submitted. He raises no concern in relation to pressure to remove the trees from new residential properties.

It is therefore considered that adequate tree protection measures could be secured by condition.

Drainage and flood risk

The application site is located within Flood Zone 1. The Local Lead Flood Authority have no objection to the proposed development, subject to conditions. These could be added if the application were being approved.

The Environment Agency also have no objection to the proposal, subject to conditions.

The proposal is considered to be in accordance with Local Plan policies FW1 and FW2. A condition could be added for compliance with Local Plan policy FW3.

Ecological impact

A Preliminary Ecological Appraisal and Bat Survey were submitted with the application. The County Ecologist has accepted the findings of the Ecological Appraisal and Bat Survey and has advised that any ecological issues can be dealt with by conditions and advisory notes. Therefore it has been concluded that the proposals would have an acceptable ecological impact.

The development is considered to be in accordance with Local Plan policy NE2.

Other matters

Environmental Health Officers advise that a condition should be attached for the provision of a contaminated land survey. This is considered to be reasonable and necessary, and could be added if the application were being approved.

Warwick District Council has adopted an Air Quality Supplementary Planning Document (SPD). The SPD establishes the principle of Warwick District as an emission reduction area and requires developers to use reasonable endeavours to minimise emissions and, where necessary, offset the impact of development on the environment. The guidance sets out a range of locally specific measures to be

used to minimise and/or offset the emissions from new development, however these are suggestions and other innovative ideas are encouraged. This mitigation could be secured by condition if the application were being approved.

The Canal and River Trust also request that if the development were allowed, that a condition was attached for the provision of a method statement for the construction of plots 1 - 20 inclusive, to ensure that the works did not have a detrimental impact on the stability and structural integrity of the canal. This is considered to be reasonable and could be added if the application were being approved.

Members of the public query how can safe passage along the towpath be achieved. However, the towpath is outside of the ownership of the applicant and therefore this is not a matter for consideration of this application.

CONCLUSION

There are material planning benefits identified as a result of the proposed development, including the provision of 29 affordable housing units, and provision of economic benefits such as employment opportunities and increased spending from future residents within the District. Members of the public consider that the site has been vacant and out of use for a few years, leading to deterioration and degradation of the area, impacting local residents as it creates an unappealing and neglected feel to the area. They consider that the plans would create much-needed regeneration, investment and improve the look of the whole road to become more attractive and useful. Supporters also state that the development supports the desire for the areas around our canals to be improved through regeneration and investment. The scheme is of a sensible size, fitting in well, that will enhance the surrounding area.

Conversely, Officers identify that the level of amenity for the future occupiers of parts of the development is poor and could be adequately mitigated if the number of units were reduced. The proposed garden sizes alone are sufficiently substandard which would warrant reason for refusal. However, this combined with the fact that some of the occupiers would then be subject unacceptable noise disruption, further emphasises the harm caused. This also could preclude a lawful business from operating through noise complaints to the Council. Officers consider that the delivery of affordable housing should not be at the cost of acceptable living conditions. Officers also have concerns that approving such substandard living conditions could set a harmful precedent for future housing development more widely.

Therefore, on balance, it is not considered that the provision of 29 affordable housing units outweighs the substandard living conditions provided by the proposed development. It is recommended that planning permission is refused on this basis.

REFUSAL REASONS

- 1 Policy BE3 of the Warwick District Local Plan 2011-2029 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development.

It is likely that an existing neighbouring industrial use would cause undue adverse noise disturbance for the future occupiers of four of the proposed properties. Furthermore, this is exacerbated by substandard garden sizes provided for six of the dwellings. Plot 16 is most severely affected by the substandard conditions provided as they are likely to be impacted by noise disturbance from the boat yard and have a substandard sized private amenity area. It should also be noted that the gardens serving plots 1 - 4 and 18 - 20 would not be completely "private" as required by the Residential Design Guide as they benefit from railings along the rear boundary which allows views in from passers by along the canal.

It is not considered that the adverse noise impacts have been reduced to a minimum as required by paragraph 180 of the NPPF.

The proposal is thereby considered to be contrary to the aforementioned policies and guidance.

- 2 Paragraph 182 of the NPPF states that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

It has not been demonstrated that the proposal would not lead to unreasonable restrictions being placed on an existing business adjacent to the application site as a result of legitimate noise complaints which would likely be generated by the future occupiers of the development owing to the proximity of the proposed dwellings to an industrial activity.

The proposal is therefore considered to be contrary to the aforementioned policy.

- 3 The application proposes the erection of a significant number of new dwellings and this would place significant pressure on local services. A development of this size would require significant additional capacity in terms of highways improvements, need for sustainable travel packs and road safety initiatives, education facilities, open space and indoor and outdoor sports facilities. No Unilateral Undertaking or Section 106

agreement has been submitted to secure contributions towards these facilities. Therefore, in the opinion of the Local Planning Authority, the application makes insufficient provision for the increased capacity in local services that will be required to serve the proposed development.

The proposal is therefore considered to be contrary to the Policies HS4 and DM1 of the Warwick District Local Plan 2011 - 2029.
