

Planning Committee: 21 September 2005

Item Number: 02

Application No: W 05 / 0944

Registration Date: 10/06/05

Town/Parish Council: Leamington Spa

Expiry Date: 05/08/05

Case Officer: John Beaumont

01926 456533 planning_east@warwickdc.gov.uk

Quicks Site, Station Approach, Leamington Spa, CV31 3PS

Re-development for 3 linked buildings to provide for 170 apartments, alterations to access and associated works. FOR Miller Homes & Quicks Finance Ltd

This application is being presented to Committee due to an objection from the Town Council having been received, at the request of the Ward Member, Councillor Gifford, and due to objections received from neighbours.

SUMMARY OF REPRESENTATIONS

Town Council: Object.

Density: Does not comply with Planning Brief - Development Principles for the Station Approach area which states 70 units.

Overbearing: Main part of building is on five floors. This size is considered intrusive and will overdominate the surrounding streetscene.

Overshadowing: Loss of light especially to the Bowling Club and other residents on Avenue Road.

Under provision of affordable housing: There should be a provision of significant number of units of social housing of no less than 40%.

Location: Many units face either the railway or Stagecoach; these units should be triple glazed to help overcome noise nuisance.

Unreasonable increase in traffic: This development will greatly increase the flow of traffic in the area, significantly increasing traffic congestion in the area.

Lack of amenity space: The proposal is considered to provide a poor level of amenity through inadequate levels of out-door recreation space.

Neighbours: Five letters of objection have been received stating that the proposed density is unacceptably high at 127 dwellings per hectare (above the range of 30-50 dwellings per hectare recommended by Government and above that recommended in the Planning Brief); design unacceptable and out of keeping with the architectural style of neighbouring properties and Leamington Spa generally; the proposal would be overpowering; resulting in an unacceptable loss of light and privacy to neighbouring properties; flats

would not meet the need for family houses; adverse effect on the Conservation Area and setting of the 'listed' station; loss of trees; adverse effect on traffic/car parking and creating 'rat running' down York Road (particularly if further development takes place on adjoining land for employment/station car parking); unacceptable noise from railway lines/Stagecoach depot; detrimental to setting of open space to north of station.

CPRE: Objects.

"1. It is not the usual practice of CPRE to comment on applications for sites within towns. However, we believe that development of this site as proposed will block the opportunity to make public transport more attractive to the people of Leamington Spa.

2. It is important for the countryside that now or in the very near future the use of motor cars is reduced. Traffic and noise and other pollution are a real and growing threat to the landscape and enjoyment of it.

3. We believe that development on part of this site to provide access to the station from the "town side" of the railway would make travel by rail much more attractive to a significant proportion of people. This would lead to more use of rail transport and less use of cars. We do not propose to put forward a detailed plan but we would ask the District Council to block this application and develop a planning brief which would provide for access for passengers to the station by providing limited short term parking and access for buses and other facilities."

Leamington Society: "In February the WDC Planning Committee rejected an application for 183 dwellings on the Quicks site, on the grounds:

"the proposed development would constitute an unacceptable over-development of the site which by reason of its excessive height (accentuated by its elevated position above Station Approach) and the density of the development would have an overpowering bulk and mass being both unneighbourly and seriously detrimental to the character and appearance of this locality."

The new application by Miller Homes, W2005/0944, is only better to a negligible degree.

Density: At 170 dwellings (instead of the previous 183) the density is almost 21/2 times the 70 specified in the adopted Development Principles for Station Approach area.

Overbearing nature of development: The building is reduced by one floor just at the front edge of the building (overlooking the houses in Avenue Road). Elsewhere the building remains at 5 floors (4 1/2 storeys if a mansard floor is counted as 1/2 storey). For developments on the old Goods Yard, the Development Brief specifies that any new buildings must be only two floors so as not to overwhelm the Avenue Road houses. The proposed development of 5 floors will be at least as close to the Avenue Road houses.

Overshadowing: Miller Homes has obtained a shadows study which shows that in the winter months virtually the whole of the bowling green in Avenue Road will be in shadow with reduced light intensity. This gives the ideal conditions for disease to get into the green, grow and spread. While disease may be treatable it will be costly and continual treatment can give problems with the grass itself culminating, in the extreme, with the loss of the green as an acceptable playing surface, potentially make the Bowling Club unviable. Likewise the houses along Avenue Road will be in shadow all day through the coldest months of the year. This is acknowledged by Miller Homes.

Location: The residents in many/most of the dwellings will be far too close to the railway line; passenger services operate until midnight and freight continue throughout the night. Bus traffic: This continues until 2 am, and restarts at 5 am. Old cold winter mornings the bus drivers must run their engines to warm them for five to ten minutes before starting out.

Unreasonable increase in traffic: Traffic due to this development, of 170 dwellings, will swamp the roads in the vicinity, ie Avenue Road and Adelaide Road. Provision of traffic lights will do nothing to alleviate the greatly increased flow of traffic due to the development, merely regulate and slow it. The full scale of the increased traffic will only become apparent when all the other developments in the area now under way become fully occupied later this year.

Chiltern car park: Chiltern has submitted earlier this month an application for 150 car parking places on the North side of the station, accessed from Station Approach. This will further significantly worsen the traffic congestion and hence pollution in the immediate area, which already has one of the worst pollution problems in the Midlands. The two applications should be considered in conjunction."

CLARA: Object.

"1. Density of the proposed development

We would refer the Planning Committee to Warwick District Council's Adopted Policy that has been re-adopted in December 2004. This indicates that the maximum density on the proposed Miller Homes site of between 65 to 70 dwellings, well below the proposed 170 dwellings. Therefore, approval of the Miller Homes development proposal would be in breach of Warwick District Council's own Adopted Policy for the site.

2. Type of accommodation provision

The type of accommodation being provided within the proposed development is of a kind that is already in oversupply within Leamington Spa. The requirement is for reasonably priced, affordable family accommodation, particularly for young families wishing to get on to the property ladder. The Miller Homes development clearly does not cater for this market being mainly of one and two bedroom flats with small rooms unsuitable for family occupation. In addition, the development makes no provision for safe play

areas for children whilst the location next to the railway line and station makes it unsuitable due to noise from trains stopping and starting, station announcements and pollution from diesel fumes from both trains and buses. Finally, the quality of design is of a poor standard and below the standard specified for social housing by Warwick District Council. All of this will contribute to the likelihood of the development becoming a slum within a relatively short time and not conducive to the area being recognised as a "gateway" to the town by the increasing number of rail users.

3. Height of the proposed development

The height of the proposed development is not in keeping with the height of existing buildings in the area. The result will be that the proposed development will dominate the area. Existing homes in close proximity to the development will be overlooked and shadow from it will affect the greens of the Leamington Spa Bowling Club. It should also be noted that the light industrial site that adjoins the Miller Homes development site have a height restriction limiting development to two storeys, thus setting a precedent. It is acknowledged that the developers have made an attempt to lower the height of the proposed development but are unable to make any significant reduction in height to the levels appropriate to the area.

4. Traffic congestion and environmental pollution

It is important to recognise that the housing developments within close proximity to Station Approach, when added together, will create substantial additional traffic in what is an already heavily congested area. These include the development of what was the Manor House Hotel, the proposed Chiltern Railway Car Park and the development of the site next to the Bowling Club on Avenue Road. Future plans for residential conversion of the old library and the Warwickshire College will add further to the problem. Pollution levels are already of concern in parts of the town close to the proposed development and the density of development will only exacerbate the situation. With environmental issues becoming increasingly important, the pollution caused by excess traffic must be a major concern.

5. Conditional Contract

Residents have had frank and useful discussions with representatives of Miller Homes. Residents appreciate that Miller Homes have accommodated their views as far as they can. However, it is clear that no further concessions can be made without making the scheme unprofitable for the developers. The density (and size, height and type) of the proposed development is directly related to the conditional contract between Miller Homes and the vendor of the site. A refusal by the Planning Committee may lead to this being revised with a subsequent decrease in the land value. In this case a development more in keeping with the area that meets the housing needs of families and Warwick District Council, becomes a possibility."

Avenue Bowling Club: Loss of light will adversely affect the playing surface, possibly resulting in the club closing. Unacceptable loss of car parking/traffic. Development will be overbearing, not providing development needed in the town.

Stagecoach: Proximity of development to the depot (used from early morning, 0430 hrs, to late at night, 0230 hrs, in academic term time) likely to result in noise complaints. Additional traffic likely to adversely affect operation of depot.

Congregation of Jehovahs' Witnesses: Whilst building will be a vast improvement on existing commercial premises, concern is that new development will restrict on-site car parking to significant detriment of use of the Kingdom Hall.

Head of Amenities: The submitted plans are weak on their consideration of the existing treescape and the constraints that these place on the development.

No attempt has been made to identify trees within the site that are worthy of retention and to design around these. Instead, wholesale felling is proposed with later replacement, presumably with small ornamentals that have only a limited chance to establish. This is not a sustainable approach.

More worryingly, no account has been taken of significant features outside but adjacent to the site.

Trees along the railway line form part of a significant corridor for wildlife moving into the urban area. The existence of these trees does not even seem to be recognised by the scheme.

The avenue of, primarily, yews lining the adjacent footpath are an important amenity feature of the area. No account appears to have been taken of the potential impact on these. Indeed, the "proposed road for future development" appears to go straight through one. This area is adopted highway and the trees here are under our management. (N.B. In respect of the previous application for the redevelopment of this site, W041281, the Head of Amenities raised no objection but considered a contribution of £3,000 should be made for generally improving the streetscene in Station Approach, CCTV and other visual enhancements including landscaping).

Head of Environmental Health:

I refer to the above application and note that there have been a number of previous similar applications for this site.

The developers appear to have addressed many of the issues of concern in relation to environmental constraints, in reports on noise and vibration, contaminated land and air quality.

Should planning permission be granted, we would be seeking to ensure that the recommendations with regard to mitigation contained in the various reports, are actually implemented.

Noise and Vibration - Mitigation measures including layout of the building, installation of sealed glazing units of a satisfactory standard and mechanical ventilation of habitable rooms should be adopted, as recommended within the report by R.W. Gregory.

Proposals for anti-vibration treatment should be submitted for approval by the EHO once the foundation design has been decided.

Contamination - Remediation of the site should have been carried out according to a Remediation Strategy agreed by the EHO, having regard to the survey work carried out by IGES. On completion of the works a Validation Report should be submitted to the EHO.

Air Quality - The reports prepared by Enviros have been noted and they state that no remedial works are necessary in relation to this aspect. However, I note that, following previous comments from this department, the developers are prepared to agree a sum of money within a S106 agreement to contribute towards air pollution monitoring and I would recommend that this is an appropriate way to deal with this issue. (NB. The sum of money previously agreed with £1,500).

WCC (Highways): The Transport Assessment submitted with the application is a copy of the original TA submitted with the previous refused planning application W041281. In that instance the original TA was substantially amended during the consultation process to a position where the Highway Authority responded in a letter dated 2nd February 2005 with No Objection subject to conditions.

The applicant has been informed that the submitted TA needs to be updated to include those amendments made during the consultation period on the previous application. We are currently awaiting the updated document but we are satisfied that, as the current application reduces the number of dwellings proposed on the previous application, the associated traffic impact on this proposal can be accommodated with an improved highway network as detailed on the previous application.

Therefore, the Highway Authority's response to your consultation in regard to the above application which was received by the Council on 28th June 2005, is one of no objection subject to highway conditions.

Transport Assessment

Whilst the transport assessment has included traffic impact of the proposed developments for the Railing Station car park and rail sidings (albeit as indicative proposals) we are not content that the highway works required as a result of those further developments have been fully assessed. With this in

mind any subsequent applications for the rail sidings or Railway Station Car Park site will be required to submit a full transport assessment. However, we are content that the mitigation measures required as a result of the residential development have been properly assessed and are acceptable in principle.

Section 106 Agreement

Cycling Contribution

Due to the geometric constraints at the junction of Adelaide Road and Avenue Road it will not be possible to incorporate cycling facilities at the proposed signalised junction. Whilst acknowledging that this does not strictly comply with our current LTP objectives we are minded that this is not an identified cycle route. With this in mind we have agreed with the applicant that in-lieu of the provision of cycling facilities in this location we will secure a contribution via a Section 106 towards works on identified cycling corridors in the vicinity of Avenue Road.

Traffic Regulation Order - One-way Traffic

The section of Station Approach between 26 and 35 Avenue Road will need to be free from traffic flows leaving the development in order for the proposed signals at the Avenue Road/Adelaide Road junction to be effective. Several options have been considered for closing this link, but unfortunately there is not sufficient land either within the limits of the Highway or within the applicant's control to provide an adequate turning area. Therefore, it has been proposed and accepted that a short section at the southern end of the link will be subject to a one-way Traffic Regulation Order. As part of the Section 106 the applicant will be required to provide a contribution to fund the consultation procedure and any subsequent implementation of the order. The order will have the effect of allowing access from Avenue Road towards the development but not in the opposite direction.

It is further proposed that when the development of the Network Rail land comes forward that the opportunity is taken to secure adequate land at that time to provide a turning facility at the southern end of the road in order to prevent any through movement of vehicles.

WCC (Financial Contributions): No contribution for education is requested. However, a sum of £11,774 is requested for library facilities with a sum for 'welcome packs' for residents to encourage the use of public transport.

WCC (Planning): No objection is raised as strategic planning authority.

British Waterways: No objection.

WCC (Archaeology): No objection subject to a planning condition to secure a 'watching brief'.

WCC (Fire & Rescue): No objection subject to a planning condition on water supply/fire hydrants.

WCC (Ecology): No objection subject to 'bird/bat' notes. (NB. The applicants submitted a bat survey with this application confirming no bat roosts were identified on site).

Environment Agency: Having considered a submitted flood risk assessment, raised no objection subject to planning conditions on contamination remediation.

CAAF: Although the proposal has been reduced in scale, it was still felt to be very large and needed significantly breaking up still. The density was felt to be too heavy and it still constituted a 5 storey building. There was felt to be overlooking into Avenue Road properties. It was felt that the layout of the flats was very limiting. Concern was expressed at the poor quality of the design which has led to inappropriate densities and buildings which are inadequate and would soon become substandard housing. Concern was also expressed at the amount of traffic this would generate which would not improve the area in any way.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) ENV3A - Sustainable Development and Energy Conservation (Warwick District Local Plan 1995)
(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)
DP6 - Access (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)
SC9 - Affordable Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP3 - Natural Environment (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

Warwickshire Structure Plan 1996-2011

GD1 - Overriding Purpose
GD3 - Overall Development Strategy
GD5 - Development Location Priorities
TC1 - Town Centre Uses

National Policy Guidance

PPG3 - Housing
PPG6 - Town Centre and Retail Developments
PPG13 - Transport
PPG15 - Planning and the Historic Environment
PPG23 - Planning and Pollution Control
PPG24 - Planning and Noise

Supplementary Planning Guidance

Development Principles for Station Area

TCP7 - Opportunity Sites

PLANNING HISTORY

The site has been in commercial use for many years with the current car showroom premises originally dating from the late 1970's/1980's (and subsequently extended).

A permission was granted for office development in 1992 (W900170).

Alternative applications for 146 apartments were submitted in January 2001 (W20011410) and early in 2003 (W20030183). Both of these applications were withdrawn.

A subsequent application, W041281, for the demolition of all existing buildings on the site and its redevelopment to provide 183 apartments, alterations to access and associated works including the construction of a decked car park was refused by the Planning Committee in February 2005 for the following reason:-

"Policy (DW) ENV3 of the Warwick District Local Plan 1995 requires all development proposals to achieve a high standard of design, harmonising with their surroundings. This is reflected by policies DP1 and DP2 of the Warwick District Local Plan 1996-2011 (First Deposit Version).

In the opinion of the District Planning Authority the proposed development would constitute an unacceptable overdevelopment of the site which by reason of its excessive height (accentuated by its elevated position above Station Approach) and the density of the development would have an overpowering bulk and mass being both un-neighbourly and seriously detrimental to the character and appearance of this locality.

The proposal is, therefore, contrary to the aforementioned policies."

A Public Inquiry into this refusal is scheduled to take place on 25th April 2006.

KEY ISSUES

The Site and its Location

The site lies immediately to the north of the main railway line and comprises an area of 1.34 hectares. It is currently occupied by a collection of one and two storey part glazed/part metal clad industrial scale buildings, with large areas of open on-site parking.

The area of the site is slightly elevated and is serviced by two roads, one at site level and one adjacent at a lower level.

Adjacent land uses include the Stagecoach Bus Depot to the west, the Grade II Listed Leamington Station and railway hinterland to the south, the rear of predominantly residential properties fronting Avenue Road to the north, with a number of small scale commercial uses in the locality, together with the Physiotherapy Centre, The Jehovahs' Witnesses Kingdom Hall and the Avenue Bowling Club.

Details of the Development

As submitted this was an application for 170 flats; it has been amended to reduce the number of flats to 166 by deleting those flats previously proposed over the 2 entrances to the rear car parking area; the effect of this is that the proposal now forms 3 discrete buildings rather than presenting a solid 'wall' of development to the railway land to the south.

As amended, the scheme now proposed the following:-

- The demolition of all buildings within the site and the closure of the higher (southern) areas road which presently runs east/west across the site.
- The erection of 166 flats on a site of 1.34 hectares (ie. a density of 124 dwellings per hectare). A total of 64 one bedroom flats and 102, 2 bedroom flats are proposed.
- The site would be accessed off an improve Station Approach with access points indicated into the land to the west of the site, the Stagecoach Bus Depot and land to the east of the site.
- A total of 194 car parking spaces are proposed (a ratio of 1.17 per flat) with some spaces being provided in a decked car park to the west of the site, some within an 'undercroft' area below the rear of the blocks adjacent to the railway line with other spaces adjacent to the proposed buildings.
- The building frontage will be set behind a rendered wall, separating the private area from the public realm. To the rear where the station platforms are at a higher level than the site, the building will appear lower and will be glimpsed through the fairly heavy tree screen which exists along the railway boundary.

- In terms of materials, the building would have a contemporary appearance but reflecting elements of Regency architecture with a smooth white render finish, and using various architectural details to create visual interest.
- The height of the buildings has been reduced below that of the previous application W04/1281 and as a consequence the number of flats proposed is reduced from 183 to 166. The development would now have an appearance of 3 storey buildings with further accommodation within a mansard roof behind a parapet to Station Approach and to the railway line with the accommodation in the part of the building linking those frontages being at a higher level comprising 4 storey buildings with further accommodation within a mansard roof behind a parapet. The plans show the maximum ridge height of the buildings fronting Station Approach would now be 12.88m, with the taller 'link' elements being 14.4m, compared with a maximum height of 16.6m on the previous 'refused' scheme.

Assessment

As set out in the Planning History section of this report a previous application for 183 flats was refused planning permission in February of this year by the Planning Committee against officer recommendation. I consider the key issue to be considered by the Planning Committee therefore, is whether this amended scheme for 166 flats has successfully addressed their stated reason for refusal of that application W041281.

My report to that earlier Planning Committee in respect of application W041281, however, addressed a number of key issues which I again identify as follows.

The principle of residential redevelopment

The site clearly constitutes 'previously developed' land, presently being used for commercial purposes and as an access road. I consider the proposed residential use would be consistent with the Governments commitment to promoting sustainable patterns of development particularly given its location close to the town centre and railway station. The residential use of the site would also be consistent with the principle of utilising this site for residential development as set out in the 'Development Principles for Station Area' published in 1999, albeit the precise area and the number of flats now proposed is larger than that envisaged in that study. The site is indicated as an "opportunity" site in the Warwick District Local Plan 1996-2011 Revised Deposit Version. Government guidance in PPG3, Housing, suggests a residential density range of between 30 and 50 dwellings per hectare, albeit no upper limit is given and other design guidance suggests densities higher than the 124 dwellings per hectare now proposed may be appropriate in town centre locations; the determining issue is whether the scheme is compatible with its surroundings, achieves a reasonable residential environment and is acceptable in all other respects. I note the comment from C.P.R.E. that this development may prejudice a future reorientation of Leamington Station to improve access from the north (i.e. town centre) but there are no proposals for

such a reorientation and that did not form part of the 'Design Principles for the Station Area'; I do not consider that the objection from C.P.R.E. would, therefore, be sustained. The scheme would not prejudice future access to the land to the east, adjacent the present northern access to the station, which does not form part of the present application or to the land to the west, beyond the Stagecoach Bus Depot.

The appearance of the proposed development and its impact on neighbours and the setting of the adjacent Conservation Area and 'Listed' station complex

Clearly this is a substantial building, being a mix of 3 and 4 storeys in height with additional accommodation provided within a mansard roof; the scale of the building is also increased due to it being positioned at a higher level than the 'lower' road, Station Approach, fronting the site. The mass of the building, however, has been 'broken' into several elements to allow vehicular access to the rear of the site and its appearance has been carefully designed to introduce changes in the elevations to help provide interest to the building. The design is of a contemporary style in painted render but including 'ironwork' and mouldings to reflect the Regency character of the town. Given the size of the site and its location next to the station, I consider that the site can accommodate a large building without harm to the wider area.

It will be visible from within the Conservation Area with various views available from Avenue Road and the properties fronting that road; given the nature of the architecture proposed, however, I do not consider this effect will be harmful and whilst I am mindful of the views of C.A.A.F., and others as set out in the representations section above, in my opinion, the proposed building will not have an effect on the character or appearance of the Conservation Area such as to justify refusal.

Similarly, whilst it will impact upon the setting of the 'Listed' station, the rear elevation has been designed to address the station and I consider it would constitute an acceptable alternative to the range of commercial buildings which presently occupy the site.

I recognise that the outlook, light and privacy to dwellings and other buildings and sites around the proposed building will be affected but given the distance separation involved, I do not consider that the impact would be such as to justify refusal.

The impact of railway noise and vibration and the living environment created for the new flats, including air quality and land contamination considerations

The applicants have submitted reports to address the issues of railway noise, vibration and land contamination and air quality which have been considered by the Head of Environmental Health who has raised no objection to this proposal. The living room of no flats look directly toward the railway line to the south with only 23 bedrooms having that aspect; generally that southern side of the building is used for access corridors. A number of flats will look into the

internal courtyards created by the scheme but subject to the appropriate landscaping of those courtyards, I consider this outlook will be acceptable.

Parking and access considerations

The proposal contains a proposed 193 car parking spaces on site for the 166 flats, 64 of which would be one bed roomed and 102 two bed roomed. Given the mix of units, a number of which are proposed to be 'affordable dwellings', the location of the site close to the railway station and within walking distance of the town centre and current Government advice in PPG3, Housing, and PPG13, Transport, I consider that whilst noting the representation received regarding possible parking problems in the surrounding area, it would not be possible to sustain an objection on car parking grounds; the scheme also includes an area for the secure storage of bicycles within the proposed 'decked' car park.

Whilst noting the objections raised regarding highway safety, it must be recognised that the site is presently in commercial use and I note the conclusions of the Highway Authority which have been set out in full in the 'summary of representations' section of this report. Clearly the Highway Authority has carefully considered the Transport Assessment submitted by the applicants Highway Consultants and are now satisfied that the scheme is satisfactory on highway grounds subject to their specified conditions. The Highway Authority will also require extensive off-site works to include the signalisation of existing road junctions at each end of Station Approach and making the western end of Station Approach one-way only into the site.

Affordable housing and other Planning Obligation Issues

Given the number of dwellings proposed this is a scheme which it is the present policy of the District Council to seek to achieve 40% affordable housing. When the application for 183 flats on this site by these applicants was considered by the Planning Committee in February 2005, W041281, it was accepted by the Planning Committee that an offer of 56 units of affordable housing (for a mix of rent and shared ownership sale) be accepted (i.e. some 31%). This decision took into account the particular costs of developing this site, the configuration of the buildings (which meant any other flats would have to be part of a separate block, increasing difficulties of management and maintenance), and the financial package negotiated (which will secure a sustainable mixed tenure scheme). Subject therefore to an equivalent "pro rata" scheme being now agreed by the applicants for this reduced scheme of 166 flats, I consider a reduction from the target of 40% affordable housing remains acceptable.

Other planning obligation remain as £30,000 for CCTV and landscape improvements to Station Approach, £1500 for air quality monitoring, £11774 for library contributions, and monies as requested by WCC to secure improvements to cycleways in the vicinity of the site, to fund a consultation exercise for the necessary Traffic Regulation Order and "Welcome Packs" for occupants of the new flats to promote sustainable transport.

Conclusion

Clearly I am mindful of the objections raised to this proposal and to the refusal by the Planning Committee of an earlier proposal for a larger development of 183 flats on this site (W041281) in February of this year. Nevertheless I remain of the opinion that this site is suitable for residential development as identified in the supplementary planning guidance, "Development Principles for the Station Area" and that the layout and design of the scheme as now amended is acceptable.

REASON FOR RECOMMENDATION

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

RECOMMENDATION

GRANT as amended subject to the satisfactory conclusion of a Legal Section 106 Agreement to secure the provision of affordable housing and financial contributions as set out above and 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 on the approved drawing nos. B2666-200A, 202C, 203C, 204C, 205C, 206C, 207A, 208A, 210A, 211A, 212A, 213, 214A, and specification contained therein, submitted on 10th June 2005 and 30th August 2005 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 Samples of all external facing materials to be used for the construction of the development hereby permitted including details of the proposed render and colour thereof, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. 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 ENV3 of the Warwick District Local Plan.
- 4 Detailed drawings shall be submitted to and approved by the Local Planning Authority before any work is commenced to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved. **REASON** : To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of

Policy ENV3 of the Warwick District Local Plan.

- 5 No development shall be carried out on the site which is the subject of this permission, until large scale details of gates, canopies, balconies, railings, dormer windows, render detailing, parapets, doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 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 ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.
- 6 No development shall be carried out on the site which is the subject of this permission until large scale details of the proposed decked car park, including lighting, 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 ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.
- 7 No external lighting shall be installed on any external wall or roof of any building or within the open land comprised in the application site other than in accordance with details first submitted to and approved in writing by the District Planning Authority. **REASON** : To protect the amenity of the occupiers of nearby properties, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 8 A landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting 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. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:1991. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 9 Unless first agreed otherwise in writing by the District Planning Authority all existing buildings within the site shall be wholly demolished before any part

of the development hereby permitted is first commenced. **REASON** : To protect the amenity of this locality in accordance with the provisions of Policy ENV3 of the Warwick District Local Plan 1995).

- 10 No development shall be carried out on the site which is the subject of this permission, until details of provision for storage of refuse have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policy ENV3 of the Warwick District Local Plan.
- 11 No development shall be carried out on the site which is the subject of this permission, until satisfactory details of boundary treatment have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 12 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.
- 13 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.
- 14 Prior to the commencement of the development hereby permitted a plan to show the layout and surface treatment of a cycle parking area for use in association with the development shall have been submitted to and approved by the District Planning Authority. The cycle parking area shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. **REASON** : To ensure that there are adequate cycle parking facilities to serve the development.
- 15 The proposed car parking areas hereby approved shall be constructed and made available for use concurrently with the occupation of the flats hereby approved in accordance with a schedule of timing first submitted to and approved in writing by the District Planning Authority. **REASON** : To ensure

that adequate car parking facilities are available in accordance with Policy ENV3 of the Warwick District Local Plan.

- 16 Before the development hereby permitted is first commenced, a scheme to mitigate the transmission of airborne noise and vibration has been submitted to and approved in writing by the District Planning Authority and the development shall be carried out strictly in accordance with the approved details. **REASON** : To protect the amenity of future occupants of the flats hereby permitted in accordance with the provisions of Policy ENV3 of the Warwick District Local Plan 1995.
- 17 No development shall take place until:-
- (a) A desk top study has been carried out that shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced.
- (b) If identified as being necessary having completed the desk top survey, a site investigation has been designed for the site using the information obtained from the desk top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the District Planning Authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:-
- A risk assessment to be undertaken relating to ground water and surface waters associated on and off site that may be affected, and
 - Refinement of the conceptual model, and
 - The development of a method statement detailing the remediation requirements.
- (c) The site investigation has been undertaken in accordance with details approved by the District Planning Authority and a risk assessment has been undertaken.
- (d) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the District Planning Authority. This should be approved in writing by the District Planning Authority prior to the remediation being carried out on the site and all development of the site shall accord with the approved method statement. **REASON** : In the interests of the amenity of future occupancy of the site in accordance with the provisions of Policy ENV3 of the Warwick District Local Plan 1995.
- 18 If during development contamination not previously identified is found to be present on the site, then no further development shall take place (unless otherwise agreed in writing with the District Planning Authority as an addendum to the method statement approved in accordance with Condition 17 above). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with and the development shall then proceed strictly in accordance with the approved method statement and the approved addendum thereto. **REASON** : In the interests of the

amenity of future occupancy of the site in accordance with the provisions of Policy DW ENV3 of the Warwick District Local Plan 1995.

- 19 Upon completion of the remediation detailed in the method statement approved in accordance with Condition 17 above and any addendum approved thereto, a report shall be submitted to the District Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report. **REASON** : In the interests of the amenity of future occupancy of the site in accordance with the provisions of Policy DW ENV3 of the Warwick District Local Plan 1995.
- 20 Two full copies of reports at each stage should be provided to the District Planning Authority as required by Conditions 17, 18 and 19 above. **REASON** : In the interests of the amenity of future occupancy of the site in accordance with the provisions of Policy DW ENV3 of the Warwick District Local Plan 1995.
- 21 No flat hereby permitted shall be occupied until the public highways at Station Approach, Avenue Road and Adelaide Road have been improved so as to provide for traffic signal junctions and a one-way traffic system in accordance with a subsequent scheme detailed of highway works to be first submitted to and approved in writing by the District Planning Authority. **REASON** : In the interests of highway safety in accordance with the provisions of Policy ENV3 of the Warwick District Local Plan 1995.
- 22 Before any of the development hereby permitted is first commenced, written approval of the details of the following matters shall be obtained from the District Planning Authority:-
 - a. completion of a satisfactory Stage 1 Road Safety Audit for the proposed junction improvements at Station Approach/Avenue Road and Adelaide Road/Avenue Road.**REASON** : In the interests of highway safety in accordance with the provisions of Policy ENV3 of the Warwick District Local Plan 1995.
- 23 Prior to commencement of any works on the site a mechanical wheel wash shall be installed adjacent to the site access for the purpose of ensuring that mud and debris will not be deposited on the highway as result of construction traffic leaving the site. Details of the wheel wash (including type, method of operation and control of use) shall be first approved in writing by the District Planning Authority. The mechanical wheel shall be installed as approved and thereafter retained on-site until the completion of the development hereby permitted. **REASON** : In the interests of highway safety in accordance with the provisions of Policy ENV3 of the Warwick District Local Plan 1995.

- 24 Before the development is commenced, the further written approval of the District Planning Authority shall be obtained for the design of the estate road layout serving the development including footways, cycleways, verges and footpaths. These details shall include large scale plans and sections showing the layout, vertical alignment, and surface water drainage including the outfalls. The development shall be carried out strictly in accordance with the approved details. **REASON** : In the interests of highway safety in accordance with the provisions of Policy ENV3 of the Warwick District Local Plan 1995.
- 25 The construction of the estate road serving the development including footways, cycleways, verges and footpaths shall not be other than in accordance with the standard specification of the Highways Authority. **REASON** : In the interests of highway safety in accordance with the provisions of Policy ENV3 of the Warwick District Local Plan 1995.
-