

Planning Committee: 23 June 2015

Item Number: 5

Application No: [W15/0634](#)

Town/Parish Council: Leamington Spa

Registration Date: 28/04/15

Case Officer:

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Expiry Date: 28/07/15

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**Sydenham Industrial Estate Sydenham Drive & St Mary`s Road
Leamington Spa, CV31 1PH**

Outline planning application for the erection of up to 66 no. affordable dwellings and up to 36 no. low cost dwellings (Use Class C3) to include siting and vehicular access from St Mary's Road with all other matters reserved for subsequent approval including landscaping; car parking and all other ancillary and enabling works. FOR Orbit Group Ltd & CHS Developments Ltd

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to conditions and subject to the submission of a satisfactory Unilateral Undertaking to restrict the use of the units on Ramsey Road that are within the control of the applicant.

DETAILS OF THE DEVELOPMENT

This is an outline application for the redevelopment of the site for residential purposes to provide a total of up to 102 dwellings. This would consist of up to 66 affordable dwellings and up to 36 low cost market dwellings. The affordable dwellings would comprise 53 affordable rented units and 13 shared ownership units.

Whilst this is an outline application, details of access and layout have been provided. Details of appearance, landscaping and scale are reserved matters and so are not provided at this stage.

The proposed development would comprise predominantly terraced and semi-detached houses, with a small proportion of bungalows and flats. The application indicates a mix of 1, 2, 3 and 4 bedroom houses, flats and bungalows. The detailed housing mix would be confirmed at reserved matters stage. The Design and Access Statement submitted with the application indicates that the development will be predominantly two storey, with a small number of bungalows and three storey flats.

The development would be accessed off St. Mary's Road. The proposed layout includes an area of public open space alongside the canal.

The key differences between this revised scheme and the scheme that was refused planning permission in November 2014 are as follows:

- the revised application is an outline application whereas the refused scheme was a full detailed application;
- the site has been reduced in size to omit the areas alongside Ramsey Road, notably those areas adjacent to and opposite the Bellagio Stone premises;
- there has been a corresponding reduction in the number of dwellings from 143 down to 102;
- there is now a single vehicular access from St. Mary's Road, with no vehicular access from Ramsey Road; and
- the existing commercial units on Ramsey Road that are within the control of the applicant are now proposed to be retained and restricted to light industrial or warehousing use (Use Classes B1 or B8).

THE SITE AND ITS LOCATION

The application relates to land forming the north-eastern corner of the Sydenham Industrial Estate. The site comprises an amalgamation of various different parcels of land and buildings that are now vacant. When occupied the buildings were used for a variety of purposes included light industrial, general industrial, warehousing and car sales and repairs. The existing buildings on the site are industrial buildings that are utilitarian in appearance.

The Grand Union Canal runs along the northern boundary of the site. There are houses on the opposite side of the canal. The land on the opposite side of the canal is situated within the Leamington Spa Conservation Area. Sydenham Drive runs along the eastern boundary of the site. There are houses, flats and the designated Stanley Court Local Shopping Centre on the opposite side of Sydenham Drive. There is a wide grass verge separating the site from Sydenham Drive. St. Mary's Road runs along the southern boundary of the site. There are warehouse premises on the opposite side of St. Mary's Road.

The western boundary of the site runs along the rear and side boundaries of the commercial premises on the eastern side of Ramsey Road. The majority of these adjoining commercial premises are vacant and are within the control of the applicant. The exception is Magnet, which is in use as a trade warehouse (Use Class B8).

There are further commercial premises on the western side of Ramsey Road. These premises are separated from the application site by the premises on the eastern side of the road that are referred to in the preceding paragraph. This includes the Bellagio Stone premises, which are used for general industrial purposes (Use Class B2). The Sydenham Industrial Estate continues on the opposite side of St. Mary's Road.

There are a number of trees and shrubs along the boundary with the canal. There are also a number of trees in front of the site on St. Mary's Road and Sydenham Drive (within the highway verge).

PLANNING HISTORY

In November 2014 Planning Committee refused planning permission contrary to officer's recommendation for a residential development comprising 143 dwellings. This related to a larger site, incorporating further commercial premises along Ramsey Road. That larger site included land adjacent to and opposite the Bellagio Stone premises. The reason for refusal was as follows:

"In the opinion of the Local Planning Authority, the proposed development would result in a detrimental impact on the amenities of the future occupants of the new residential units by virtue of their positioning close to commercial premises and the associated use of Ramsey Road and would impact upon the use of those commercial premises for employment purposes to their full extent contrary to the National Planning Policy Framework and the following Development Plan policies:

The Warwick District Local Plan 1996 - 2011

- *Policy DP1: Layout and Design;*
- *Policy DP2: Amenity;*
- *Policy DP6: Access; and*
- *Policy SC2: Protecting Employment Land and Buildings*

The Emerging Warwick District Local Plan 2011 - 2029

- *Policy BE1: Layout and Design;*
- *Policy BE3: Amenity;*
- *Policy TR1: Access and Choice; and*
- *Policy EC3: Protecting Employment Land and Buildings."*

An appeal against the refusal has been submitted and that will be the subject of a public inquiry scheduled for October 2015.

Prior to the above application there had been a significant number of previous planning applications relating to the various industrial and car sales premises across the application site. However, none of these are relevant to the consideration of the current proposals.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS8 - Employment Land (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS10 - Broad Location of Allocated Sites for Housing (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS17 - Supporting Canalside Regeneration and Enhancement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- EC3 - Protecting Employment Land and Buildings (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE7 - Use of Waterways (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DM2 - Assessing Viability (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Affordable Housing (Supplementary Planning Document - January 2008)
- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)

SUMMARY OF REPRESENTATIONS

Town Council: No objection. The Town Council welcomes the revised proposal, but would like to see the inclusion of provision for allotments.

Public Response: 10 objections and 1 representation in support have been received.

The objections are from nearby residents as well as from the occupier of the nearby Bellagio Stone industrial premises.

Local residents have raised the following concerns:

- harm to the character and appearance of the adjacent Conservation Area;
- more bungalows and lifetime homes are needed;
- concerns about the mix of housing;
- increased traffic, particularly along St. Mary's Road;
- detrimental to highway safety;
- loss of trees and other vegetation along the canal;
- harmful ecological impact;
- overdevelopment;
- harm to the character and appearance of the area;
- flood risk;
- detrimental impact on the future operation of adjacent businesses;
- existing services cannot cope with this number of new dwellings;
- the development should make financial contributions towards local services;
- the viability appraisal used to justify non-payment of financial contributions should be scrutinised further; and
- concerns about the lack of a well-defined border between the industrial estate and the new residential area.

The occupier of the Bellagio Stone premises has raised the following concerns:

- the company is growing and is making an important contribution to the local economy, employing 30 people;
- the company is keen to expand further;
- their premises benefit from unrestricted B2 use (general industrial);
- typical working hours are 6am to midnight weekdays but it has been increasingly necessary to continue production at weekends and bank holidays and in the early hours of the morning;
- a B2 use is, by definition, unacceptable in a residential area;
- the proposals represent inappropriate piecemeal development;
- the industrial estate should be redeveloped in a comprehensive manner;
- the applicant's noise report is flawed;
- the noise generated by Bellagio Stone would have a serious and adverse impact upon residential amenity;
- the Council required Bellagio Stone to relocate from their previous property due to noise complaints from neighbouring residents; and
- if the proposed houses are built this will result in the company having restrictions imposed on them by Environmental Health and this will have a severe and detrimental impact on their business and their employees.

The supporter has made the following comments in support of the development:

- more housing is needed in the town;
- the site is convenient for shops and schools and is close to the town centre; and
- the improvement to the area is welcomed.

Natural England: No comment.

Environment Agency: No objection, subject to conditions.

Severn Trent Water: No objection, subject to a condition to require drainage details.

Warwickshire Police: No objection. Make detailed recommendations in relation to security measures.

Canal and River Trust: No objection, subject to conditions.

Inland Waterways Association: No objection, provided the screening and green areas shown on the plans along the canal frontage are retained and enhanced as indicated on the site plans.

South Warwickshire NHS Trust: Request a contribution of £1,678 per dwelling towards acute and community healthcare facilities.

WCC Highways: No objection, subject to conditions and a contribution of £75 per dwelling towards the provision of sustainable travel packs. Confirm that the proposed development will result in a decrease in traffic compared with the current lawful use of the site (if fully occupied).

WCC Fire & Rescue: No objection, subject to a condition to require details of water supplies and fire hydrants.

WCC Ecology: The site is adjacent to Ecosite 22/36 and the Grand Union Canal potential Local Wildlife Site. Recommend that the development is set back at least 8m from the canal. Other than that, the findings of the applicant's Ecological Surveys report are accepted. Various conditions and informative notes are recommended in relation to protected species and ecological enhancements.

WCC Archaeology: No comment.

WCC Flood Risk & Water Management: Object on the grounds that the Flood Risk Assessment does not comply with Severn Trent Water's revised requirement for a 30% reduction in drainage flows compared with the previous 20% requirement.

WDC Environmental Health: No objection, subject to conditions in relation to noise, air quality, contamination and subject to the submission of a Unilateral Undertaking to restrict the use of the commercial units in Ramsey Road that are in the control of the applicants to B1 or B8 use (i.e. light industrial or

warehousing). Also recommend that the Unilateral Undertaking restricts the hours of use of those units to between 0700 hours and 1900 hours.

WDC Housing Strategy: Fully support this substantial proposal for affordable housing from one of the Council's preferred Registered Provider partners.

WDC Waste Management: No objection. Make detailed comments about provision for refuse and recycling storage and collection.

WDC Tree Officer: No objection.

ASSESSMENT

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

- loss of employment land and the principle of development;
- the impact on the living conditions of nearby dwellings;
- provision of a satisfactory living environment for future occupants of the proposed dwellings;
- impact on the character and appearance of the area and the setting of the nearby Conservation Area;
- car parking and highway safety;
- the mix of market and affordable housing;
- Section 106 contributions;
- public open space;
- impact on trees;
- ecological impact; and
- health and wellbeing.

Loss of employment land and the principle of development

Local Plan Policy SC2 states that redevelopment or change of use of existing and committed employment land and buildings for other uses will not be permitted unless one of four criteria are met. Criterion (d) is not relevant because it relates to proposed non-housing uses. The other criteria are:

(a) the location and / or nature of the present employment activity has an unacceptable adverse impact upon adjacent residential uses, and an applicant can demonstrate that it would not be desirable to seek to replace this with any other employment use; or

(b) the applicant can demonstrate that there are valid reasons why the use of a site for the existing or another employment use is not economically viable; or

(c) the proposal is for affordable housing provided in accordance with the definition contained in policy SC11.

In assessing the proposals against Policy SC2, it is first important to note that a large part of the site has a lawful use for car sales, which is not an employment use. Therefore Policy SC2 does not strictly apply to that part of the site.

Criterion (c) of Policy SC2 allows for affordable housing schemes to be constructed on employment sites. However, whilst the applicant is an affordable housing provider, the scheme proposed is not 100% affordable housing as defined in the NPPF. A proportion of the units are market housing, albeit these will be relatively low cost market houses. Therefore the proposals do not fully comply with the exemption in Criterion (c).

The Council's Employment Land Review in 2013 identified the northern part of the Sydenham Industrial Estate (including the current application site) as being potentially suitable for a housing-led redevelopment. This stated as follows:

"The estate appears tired and has a high level of vacancies, most notably the northern half of the estate. Residential areas adjoin to the north and east. Potential for rationalisation and consolidation of the estate and redevelopment of the northern half of the estate for residential led development".

The proposals outlined in the Employment Land Review have been taken forward in the Draft Local Plan. Under Policy DS8, paragraph 2.28 states that the Council has undertaken a review of industrial estates within the District and identified certain areas as being less capable of providing the right type or location of employment land to meet future business needs. The Sydenham Industrial Estate is referred to as one such area. In addition to this, the application site is included as a housing allocation under Policy DS11 of the Draft Local Plan.

Whilst only limited weight can be attached to the Draft Local Plan at this stage, the proposals that it contains in relation to the Sydenham Industrial Estate and the current application site in particular do indicate that this area should be considered suitable for a residential redevelopment. The findings of the Employment Land Review are also a material consideration that should inform any assessment against Policy SC2.

Taking all of the above factors into account, and considering the fact that the majority of the proposed dwellings would meet the NPPF definition of affordable housing, it is concluded that the proposals would comply with criterion (b) of policy SC2 as well as partially complying with Criterion (c).

Now that compliance with Policy SC2 has been established, the proposals must be assessed against Local Plan Policy UAP1.

The application site comprises previously developed land within the urban area. Therefore the proposals would be in accordance with Local Plan Policy UAP1.

In considering the principle of development, it is also important to have regard to the significant benefits that the proposals would generate. The development would provide a substantial amount of affordable housing.

Impact on the living conditions of nearby dwellings

The proposed dwellings would be situated well away from the nearest existing dwellings. The separation distances from existing dwellings would be well in excess of the minimum distances required by the Council's Distance Separation Guidelines SPG. Therefore the proposed development will not cause

unacceptable loss of light, loss of outlook or loss of privacy for nearby dwellings. As a result, it is concluded that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings.

Provision of a satisfactory living environment for future occupants of the proposed dwellings

With this being an established industrial estate, there are industrial and warehouse premises in close proximity to the site. Many of the premises adjoining the site are currently vacant and are in the control of the applicant. The applicant has agreed to complete a Unilateral Undertaking to restrict the use of these premises to light industrial or warehouse use (Use Classes B1 and B8) and to restrict the hours of use of these premises to between 0700 hours and 1900 hours.

That leaves one adjoining commercial unit that is not within the control of the applicant. That unit is occupied by Magnet, a trade warehouse. In addition to this, whilst not adjoining the boundary of this revised application site, the nearby Bellagio Stone unit has been identified as the most significant source of noise in the vicinity of the site. Bellagio Stone is a stone surface manufacturer.

As a general rule, it would normally be considered undesirable to have housing in close proximity to noisy industrial premises such as Bellagio Stone. This matter also requires particularly careful assessment in the current case due to the history of noise complaints associated with the business in question.

Bellagio Stone previously occupied premises elsewhere on Sydenham Industrial Estate, at Units 6 and 7 St. Mary's Road. That resulted in noise complaints from nearby residents. Environmental Health issued a Noise Abatement Notice. Also, as those premises only had planning permission for light industrial use (Use Class B1), the Council took planning enforcement action to require them to vacate that site in 2009. As a result, they relocated to their current premises, which had the necessary planning permission for general industrial use and is situated further away from dwellings.

Bellagio Stone have objected to the current application. Their concerns are summarised in the "Summary of Representations" section above. This includes concerns about the impact of noise from their operation on future residents and concerns about the restrictions that would be imposed on the operation of their business due to dwellings being constructed so close.

Whilst one can sympathise with Bellagio Stone's position, the site boundary for this revised application has been pulled well away from their boundary. This will significantly reduce the potential for conflict. The previous scheme that was refused planning permission included dwellings adjoining the boundary with Bellagio Stone and directly opposite. The nearest dwellings in the revised scheme are now separated from Bellagio Stone by other commercial units within the control of the applicant. Furthermore, vehicular access to the dwellings in the revised scheme is solely from St. Mary's Road; there are no dwellings fronting onto Ramsey Road or accessed from that road. This provides more separation between commercial and residential traffic and activities.

Consequently the impact of noise from Bellagio Stone will be significantly reduced with this revised scheme.

A Noise Assessment has been submitted with the application. This demonstrates that the proposed dwellings would not suffer unacceptable noise from the nearby commercial premises, including Bellagio Stone. The findings of the Noise Assessment have been accepted by Environmental Health, who have raised no objection to the application.

Whilst the revised scheme still includes dwellings adjoining the rear and part of the side boundary of the Magnet premises, this too is an improved relationship. The revised site does not "wrap around" three sides of Magnet as the previous site did. The Noise Assessment demonstrates that Magnet generates much less noise than Bellagio Stone and so noise itself is less of an issue. That is to be expected given that Magnet is a warehouse use (Use Class B8), rather than general industrial (Use Class B2). Furthermore, with no dwellings now proposed to the front of Magnet, deliveries and commercial activities will be kept more separate from the dwellings than on the refused scheme.

In conclusion on this issue, it is considered that the significant changes to the extent of the application site have satisfactorily addressed the concerns that resulted in the refusal of the previous application. Most notably, the proposed dwellings are much further away from Bellagio Stone which means that the relevant noise criteria are met more comfortably. There is also a much clearer delineation between the areas to be retained in commercial use and the new residential area, including a greater degree of separation between the residential and commercial access routes. Therefore it is considered that the proposals would create a satisfactory living environment for future occupants of the proposed dwellings.

Impact on the character and appearance of the area and the setting of the nearby Conservation Area

The reduction in the site area has also improved the relationship with the adjacent commercial development in design terms. As the revised site no longer "wraps around" three sides of the Magnet unit, there is now a better defined boundary between the new residential development and the parts of the industrial estate that are to remain in commercial use.

In other respects the layout is largely the same as in the previous application and this is considered to be to an appropriate standard of design. The layout shows houses largely fronting onto the streets around and within the development as well as the canal. The design of the houses is a reserved matter.

The proposals would represent a significant improvement in the environment alongside the canal. At present the hard surfaced yard areas of the industrial premises are hard up against the boundary with the canal. In contrast, the proposed layout shows public open space alongside the canal. All of the existing trees along the boundary with the canal are proposed to be retained.

Objectors have raised concerns about the impact of the development on the setting of the Leamington Spa Conservation Area. However, the site is separated

from the Conservation Area by the canal and the associated trees along its bank. Furthermore, a large part of the development adjacent to the canal would comprise open space. Therefore the development would not have a significant visual impact on the Conservation Area. In fact, compared with the existing industrial buildings, the proposals would enhance the setting of the Conservation Area.

Car parking and highway safety

The proposed car parking provision accords with the Council's Parking Standards SPD. Therefore the proposals will not cause unacceptable overflow parking on surrounding streets.

Turning to highway safety, it is noted that local residents have raised concerns about increased traffic as a result of the proposed development. However, the Highway Authority have confirmed that there would in fact be a reduction in traffic compared with the existing lawful use of the site (if fully occupied). Consequently there are no grounds for requiring any highway mitigation measures as a condition of this development. Therefore the proposals are considered to be acceptable from a highway safety point of view.

The mix of market and affordable housing

The scheme will provide well in excess of 40% affordable housing and consequently the proposals are in accordance with Local Plan Policy SC11. In terms of the location and spread of market and affordable housing across the site, this would be a matter to be considered at reserved matters stage.

Objectors have raised concerns about the overall mix of housing proposed and in particular the amount of affordable housing (i.e. too much) and the predominance of low cost market housing. However, the proposed mix is considered to be appropriate for this location, for the reasons stated below.

Looking first at the market units, the Council's Guidance on the Mix of Market Housing identifies the greatest need as being for smaller (2 and 3 bedroom) houses with gardens. The market housing proposed in the current application includes predominantly that type of housing. The Council has no policies that require larger market dwellings.

Turning to the affordable housing, it is true that there are some limited concentrations of affordable housing not too far from the application site, notably around the Fallow Hill flats on the opposite side of Sydenham Drive. However, looking at the wider area, there is a reasonable mix of tenures. It is also important to note that the affordable housing proposed for the application site comprises affordable rented units and shared ownership units. This would serve to broaden the mix of affordable housing units in the locality, which currently comprises predominantly social rented units. Therefore the proposals would not create a harmful over-concentration of affordable housing in this locality.

Section 106 contributions

Consultees have requested various contributions towards community facilities, including hospitals, education facilities and measures to promote sustainable travel. However, the applicant has argued that these contributions would render the scheme unviable because they are reliant on grant funding to finance the development. The applicant has submitted a viability appraisal in support of their case.

The Council appointed independent viability consultants to review the applicant's appraisal. The Council's consultants have confirmed that the applicant's viability case is robust and that the payment of any Section 106 contributions would render the scheme unviable.

Public open space

The application proposes to create an area of public open space alongside the canal. In total this would amount to an area of approximately 0.36 hectares. This would be short of the amount of public open space that is required by the Council's Open Space Supplementary Planning Document (1.36 hectares). Due to the viability issues that have been referred to above the provision of an off-site contribution to compensate for this under-provision is not feasible. Furthermore, increasing the amount of public open space on site would further adversely affect viability. It is also of note that there are a number of existing public open spaces not too far from the application site. Therefore, considering the significant benefits associated with the provision of a substantial amount of affordable housing, together with the viability issue, it is considered that the open space provision is acceptable in this case.

The Town Council have requested the provision of allotments. However, given the limited amount of open space and its configuration, the provision of allotments would not be practical on this site. There are substantial existing allotments a short distance away on Radford Road.

Impact on trees

The application proposes to retain all of the significant trees around the site. The most important of these are those trees along the boundary with the canal. In terms of the impact of the development on these trees, the Council's Tree Officer has raised no objection to the application. Therefore it is considered that the development would not harm the health of the retained trees, including those within the highway verge in St. Mary's Road and Sydenham Drive.

Ecological impact

An Ecological Survey report was submitted with the application. WCC Ecology have accepted the findings of this report and have advised that the proposals would have an acceptable ecological impact, provided conditions are put in place to impose certain safeguards.

The site is adjacent to Ecosite 22/36 and the Grand Union Canal potential Local Wildlife Site. Therefore, one of the safeguards recommended by WCC Ecology is

that the development is set back at least 8m from the canal. This is achieved with the proposed layout, with this area being protected as part of the public open space.

Health and Well-being

The proposals would provide affordable housing for people in housing need. This is a significant benefit that contributes to health and well-being.

Other Matters

With regard to the issue of contamination, a phase 1 and 2 risk assessment of the site has been undertaken by the applicant. This has identified some potential pollutant linkages which require further detailed investigation and/or remedial action. Environmental Health have recommended a condition to require this work to be undertaken.

Environmental Health have advised that the scheme should include measures to mitigate the impact of the development on air quality. A condition is recommended to deal with this issue.

Objectors to the previous application raised concerns about construction noise. In accordance with the advice of Environmental Health, a condition is recommended to require the submission of a Construction Management Plan to address this issue.

There has been no objection from the Canal and River Trust, subject to certain conditions being imposed. Therefore it is considered that the proposals would have an acceptable impact on the adjacent canal.

There has been no objection from the Council's Waste Management team. The layout of the development is therefore considered to be acceptable from a Waste Management point of view.

It is proposed that the dwellings will be constructed to Level 3 of the Code for Sustainable Homes. This will ensure that the requirements of Local Plan Policy DP13 are met and a condition is recommended accordingly.

With regard to drainage and flood risk, a revised Flood Risk Assessment has been submitted to address the concerns raised by WCC Flood Risk & Water Management. Further comments are awaited from WCC on this issue and will be included in the addendum report to Committee. Subject to this detailed matter being resolved the site is considered to be suitable for residential development in principle because it is situated within Flood Zone 1 (i.e. land at lowest risk for flooding).

SUMMARY/CONCLUSION

The redevelopment of this part of the industrial estate for residential purposes is considered to be acceptable in principle, in accordance with the 2013 Employment Land Review and the Draft Local Plan. The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the

character and appearance of the area and the setting of the nearby Conservation Area. The proposals would also provide a satisfactory living environment for future occupants and would not unduly impact on the operation of existing businesses adjacent to the site. The benefits of the scheme also outweigh any concerns about the under-provision of public open space and it has been demonstrated that the provision of any form of Section 106 contributions would render the scheme unviable. The proposals are considered to be acceptable in terms of car parking, highway safety, ecological impact and in terms of the impact on trees. Finally, the proposals would generate significant benefits in terms of providing a significant amount of affordable housing and improving the environment alongside the canal. Therefore it is recommended that planning permission is granted.

CONDITIONS

- 1 This permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 as amended, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-
 - (a) scale
 - (b) appearance
 - (c) landscaping

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 as amended.

- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 The development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later.
REASON: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 4 The development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing 2894-100D and specification contained therein, submitted on 27 April 2015. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 5 No development shall commence until details of surface and foul water drainage have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with such approved details. **REASON:** To ensure that adequate drainage facilities are available and to minimise flood risk, in

accordance with the National Planning Policy Framework and Policy DP11 of the Warwick District Local Plan 1996-2011.

- 6 No development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) on the site, or those tree(s) whose root structure may extend within the site. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree(s); no equipment, machinery or structure shall be attached to or supported by any retained tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

- 7 The development shall not begin until a scheme detailing the affordable housing provisions has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- the tenure split;
- (a) the arrangements for the management of the affordable housing;
- (b) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- (c) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

REASON: To meet the requirements of Policy SC11 of the Warwick District Local Plan 1996-2011.

- 8 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the 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.

- 9 No development shall commence until a detailed lighting scheme for the site has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

- (a) low energy LED lighting should be used in preference to high pressure sodium or mercury lamps;
- (b) the brightness of lights should be as low as legally possible;
- (c) lighting should be timed to provide some dark periods; and
- (d) connections to areas important for foraging should contain unlit stretches.

No lighting shall be installed other than in strict accordance with the scheme approved under this condition. The lighting shall be maintained and operated in strict accordance with the approved scheme at all times thereafter.

REASON: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3, DP9 and DAP3 of the Warwick District Local Plan 1996-2011.

- 10 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the District Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

(d) all previous uses

- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they

are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the District Planning Authority. The scheme shall be implemented strictly as approved.

REASON: To ensure the protection of controlled waters and to prevent pollution in accordance with Policy DP9 in the Warwick District Local Plan 1996-2011.

- 11 No development shall commence until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012.
- 12 The development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the office building to the rear of Building 7 (as annotated in the Ecological Surveys report produced by Crestwood Environmental Ltd and dated 18 December 2013). All roofing material on this building is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works shall be implemented within the timescales agreed between the bat worker and the Warwickshire County Council Ecology / Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.
- 13 No development shall commence until a scheme detailing arrangements to protect residents of the development from excessive traffic and industrial noise entering habitable rooms and the provision of quiet garden areas shielded from road noise has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be

retained at all times thereafter. **REASON:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

14 No development shall take place until details of the design; appearance and exact location of the proposed bollards/barriers to prevent vehicles entering the canal have first been submitted to and agreed in writing by the local planning authority. This shall include details of the timing of installation of the bollards/barriers. The bollards/barriers shall be installed in strict accordance with the approved details and timescales and shall be retained at all times thereafter. **REASON:** To ensure the provision of suitably designed barriers in the interests of safety and to protect users on the canal, the integrity of the canal infrastructure and to prevent a detrimental impact on the appearance of the canal, in accordance with Policy DP1 of Warwick District Local Plan.

15 The development shall not begin until a scheme detailing the laying out and future management of the public open space within the site has been submitted to and approved in writing by the local planning authority. The public open space shall be laid out and maintained in accordance with the approved scheme. The scheme shall include:

- (a) arrangements for the future management and maintenance of the public open space; and
- (b) details of how public access will be provided to the public open space in perpetuity.

REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 - 2011.

16 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which shall have been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the anticipated movements of vehicles; the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; measures to limit noise and disturbance; a construction phasing plan; and a HGV routing plan. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.

17 No infiltration of surface water drainage into the ground is permitted

other than with the express written consent of the District Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. **REASON:** To ensure preferential pathways are not created to mobilise contaminants into the underlying groundwater, in accordance with the Policy DP9 in the Warwick District Local Plan 1996-2011.

- 18 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. **REASON:** To protect Controlled Waters and linked receptors, in accordance with Policy DP9 of the Warwick District Local Plan.
- 19 The development shall be carried out in accordance with the Flood Risk Assessment ref. C6247-01 Rev C by Couch Consulting Engineers that was submitted on 5 June 2015. **REASON:** To minimise the risk of flooding on site and elsewhere, in accordance with the National Planning Policy Framework.
- 20 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which shall have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 21 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or

being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

22 The development shall be carried out only in full accordance with sample details of all facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

23 The development hereby permitted shall be built to Code for Sustainable Homes Level 3. **REASON:** Since the application has been approved without 10% renewable energy production on the basis that the development is built to Code for Sustainable Homes Level 3, in accordance with the requirements of Local Plan Policy DP13.

24 The dwellings hereby permitted shall be designed and constructed to ensure that internal noise levels do not exceed the following levels between 0700 hours and 2300 hours:

- 35 dB LAeq,16hour within living rooms;
- 40 dB LAeq,16hour within dining rooms; and
- 35 dB LAeq,16hour within bedrooms.

The dwellings hereby permitted shall be designed and constructed to ensure that internal noise levels do not exceed the following levels between 2300 hours and 0700 hours:

- 30dB LAeq,8hour within bedrooms, with the maximum instantaneous noise level not exceeding 45dB L_{Amax},fast (Night-time L_{Amax} as prescribed by WHO Guidelines for Community Noise, 1999).

The external noise level in all private gardens of the dwellings hereby permitted shall not exceed 50dB LAeq,t between 0700 hours and 2300 hours.

REASON: To provide a satisfactory living environment for future occupants of the proposed dwellings, in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 25 Best practicable means shall be employed at all times to control noise and dust on the site. Work which is likely to give rise to noise nuisance shall not take place before 0730 hours or after 1700 hours on Mondays to Fridays or before 0730 hours or after 1300 hours on Saturdays. No construction work shall take place on Sundays or Bank Holidays. Delivery vehicles shall not be permitted to arrive on site before 0800 hours or after 1630 hours on Mondays to Fridays or before 0800 hours or after 1300 hours on Saturdays. No deliveries shall be permitted to arrive on site on Sundays or Bank Holidays. **REASON :** To protect the living conditions of nearby residents, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan.
- 26 None of the dwellings hereby permitted shall be occupied until the car parking and manoeuvring areas indicated on the approved drawings for that dwelling have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.
- 27 No heavy goods vehicles associated with the construction of the development hereby permitted shall be permitted to enter or leave the site between 0700 hours and 0930 hours or between 1500 hours and 1700 hours on Mondays to Fridays. **REASON:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.
- 28 None of the dwellings hereby permitted shall be occupied until a Green Travel Plan to promote sustainable travel to and from the site has been submitted to and approved in writing by the local planning authority. The approved Green Travel Plan shall thereafter be implemented in full and shall not be withdrawn or amended in any way without the prior written approval of the local planning authority. **REASON:** In the interest of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies SC12 & SC4 of the Warwick District Local Plan 1996-2011.



