

Planning Committee: 20 March 2012

Item Number: 20

Application No: W 11 / 1668

Town/Parish Council: Old Milverton
Case Officer: Rob Young

Registration Date: 28/12/11
Expiry Date: 22/02/12

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

Minor material amendment to planning permission W/10/1250 for demolition of existing school buildings and construction of 53 new houses and 5 apartments with access road infrastructure and 'open space' facilities (the proposed amendments relate to various plots and include the following changes: revised orientation of houses; provision of additional garages; substitution of garages for car ports; addition of extensions; and alteration to design details and roof pitches (all plots). FOR A C Lloyd Builders Ltd

This application is being reported to Planning Committee because it is recommended that planning permission be granted subject to the completion of a legal agreement.

SUMMARY OF REPRESENTATIONS

Old Milverton and Blackdown Parish Council: No objection.

Leamington Spa Town Council: Neither support nor object, but make the following comments. The Town Council express concern about how the proposed extensions will affect the density of the site.

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

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

WDC Waste Management: No objection. Make detailed comments about access for refuse vehicles.

WDC Greenspace Development Manager: No objection.

RELEVANT POLICIES

- SSP2 - Major Developed Sites (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)

- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Affordable Housing (Supplementary Planning Document - January 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Planning Policy Guidance 2 : Green Belts

PLANNING HISTORY

In July 2011 planning permission was granted for "Demolition of existing school buildings, and the construction of 53 new houses and 5 apartments with access road infrastructure and 'open space' facilities" (Ref. W10/1250).

Prior to that the site had been developed for school purposes over a long period of time until the school moved to its new site off Sandy Lane in 2010.

KEY ISSUES

The Site and its Location

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

The site was previously occupied by North Leamington School. The buildings have recently been demolished and the site is now vacant. The school buildings were up to four storeys in height and were prominent on the skyline when viewed from Park Road and from the open countryside. Along the south-eastern boundary of the site is a cycleway linking Park Road with the new school to the north-east that is accessed off Sandy Lane.

Details of the Development

This is an application for a minor material amendment to the recent planning permission for the demolition of the existing school buildings and the construction of 53 new houses and 5 apartments with access road infrastructure and 'open space' facilities (Ref. W10/01250). The application proposes the following amendments to the approved scheme:

- re-orientation of the roofs of plots 28 and 30 so that the ridge would run parallel to the road, thereby reducing the height of the rear elevation relative to No. 10 Garway Close;
- provision of an additional garage on plots 19, 25, 28 and 30;
- house type E (plots 8 and 11) modified to incorporate a garage instead of a car port;

- house type A (plots 31, 32, 36, 37 and 38) provided with a small two storey rear extension to incorporate a downstairs WC and first floor ensuite;
- alteration to elevations of certain house types to make the heads of all windows brick arches and the cills of all windows blue brick, in place of the reconstituted stone heads and cills that were approved on some of the house types; and
- alteration to the roofs of all house types to change the roof pitch to 38-degrees.

A consequence of the above amendments is that the development has moved 1.5m closer to the south-western boundary with the adjacent Castel Froma site.

This application has been amended following submission to provide pitched roofs to the two storey rear extensions to house type A. These were initially shown to have flat roofs.

Assessment

As planning permission was granted for a very similar development very recently, the same decision should be made on the current application unless there has been a material change in circumstances relating to the proposals to indicate that a different decision should be made now. In the short time since the previous decision was made there has been no material change in circumstances that would affect the assessment of the proposals. Therefore, the development remains acceptable in principle for the reasons stated in the previous Committee Report. The only matters that need to be considered in the assessment of the current application relate to the impact of the proposed amendments.

The amendments would have no greater impact on the living conditions of neighbouring dwellings than the approved scheme. The proposed dwellings would remain the same distance from the neighbouring dwellings as previously approved. One of the amendments, re-orientating the ridges of plots 28 and 30, would result in a small improvement in the impact on the neighbouring dwelling in Garway Close.

The amendments would move the development 1.5m closer to the adjacent Castel Froma site. Nevertheless, I am satisfied that the amended proposals would retain an appropriate relationship between the 2 proposed developments.

Moving the development closer to the south-western boundary would also bring the proposed dwellings closer to the line of trees alongside that boundary (within the adjacent Castel Froma site). However, the Council's Greenspace Development Manager has not objected to the proposals and therefore I am satisfied that the amended proposals would retain an appropriate relationship with the adjacent trees.

I note the concerns of the Town Council about the impact of the proposed extensions on the density of the site. However, the extensions represent minor additions in the context of the size of the overall development and the development would retain an appropriate layout and density for this location. In the context of this established major developed site, I do not consider that the minor extensions proposed would have any material impact on the openness of the Green Belt.

The amendment to the current application to provide pitched roofs to the two storey extensions to house type A will ensure that the proposed dwellings retain an appropriate design and appearance that would be in keeping with the Council's Residential Design Guide. The change in materials for some of the window heads and cills would be acceptable. There is no justification for insisting upon the use of reconstituted stone heads or cills because the site is not situated within a Conservation Area and such features are not characteristic of the adjacent residential area.

The applicant has agreed to enter into a revised Section 106 agreement to cover the matters that were included in the Section 106 agreement associated with the existing planning permission.

RECOMMENDATION

GRANT, subject to the satisfactory conclusion of a Section 106 agreement to cover the same matters as the Section 106 agreement associated with the existing planning permission (i.e. to secure the affordable housing element and the sums of money necessary for education and library facilities and additional policing infrastructure), and subject to the conditions listed below.

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Subject to condition 3 below, the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 1320/09M, 1320-BR-110E, 1320-BR-112B, 1320-BR-114B, 1320-BR-116B, 1320-BR-118B, 1320-BR-120B, 1320-BR-122B, 1320-BR-124B, 1320-BR-126B, 1320-BR-128B, 1320-BR-133B, 1320-BR-136B, 1320-BR-138B, 1320-BR-145A & 1320-BR-146B, submitted on 28 December 2011 & 27 February 2012, and approved drawings 1320/11A, 1320/12A, 1320/16 & 1320/17 that were submitted on 22 September 2010 in association with planning application no. W10/1250, and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 3 Notwithstanding the landscaping details shown on drawing 1320/09M, a landscaping scheme for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted.

REASON : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

- 4 Prior to commencement of the development on the site, excluding the associated demolition works, the developer is required to carry out the junction improvement works in general accordance with the details as shown on drawing no. 202-3 that was approved under planning permission no. W10/1250. **REASON:** In the interests of highway safety and to meet the requirements of policy DP6 of the Warwick District Local Plan 1996-2011.
- 5 Prior to first occupation, the applicant / developer is required to provide each dwelling with sustainable welcome packs to help promote sustainable travel in the local area. The contents of the sustainable travel packs shall first be agreed in writing with the Local Planning Authority following consultation with the Highway Authority. **REASON:** In the interests of highway safety and to meet the requirements of policy DP6 of the Warwick District Local Plan 1996-2011.
- 6 Before the development hereby permitted is begun, the further written approval of the District Planning Authority shall be obtained for details of the design and construction of the estate roads and footways serving the development. These details shall include large scale plans and cross and longitudinal sections, showing design, layout, construction of the estate together with surface water drainage to outfall. **REASON** : To ensure compliance with the Council's standards, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 7 Details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON** : To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011.
- 8 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan for the proposed open space areas within the site has been submitted to and approved in writing by the District Planning Authority. The plan should also include details of habitat creation measures including creation and management of bat roosting opportunities (e.g. setting up bat boxes), nesting bird opportunities (e.g. setting up bird boxes), creating areas of wild flower grasslands (including the protection of the existing rare plant species on site), as well as details of managing the whole site for wildlife. It should also include details of enhancement of existing habitat – in particular supplementary planting of suitable buffer zones with appropriate native species. Details of species used and sourcing of plants should be included. The plan should also include details of long-term monitoring of the site, including further species-specific monitoring surveys such as an additional bat survey 1 year after completion of works. Such

approved measures shall thereafter be implemented in full and the open space areas shall be retained as such at all times thereafter. **REASON:** To ensure a net biodiversity gain in accordance with PPS9 and Warwick DC Policy DP3.

- 9 No work of any kind shall be begun on the site until the protective fence(s) around the trees identified as being retained on the approved plans, have been erected and the fencing has been confirmed in writing to be acceptable by the District Planning Authority. Within the approved fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no site huts, no fires lit and no excavation of trenches for drains, service runs or for any other reason. **REASON :** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 10 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.
- 11 No dwelling shall be occupied until the estate road including footways serving it has been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority. **REASON:** In the interests of highway safety and to meet the requirements of policy DP6 of the Warwick District Local Plan 1996-2011.
- 12 The development shall be carried out in accordance with the facing material details that were submitted on 14 October 2011 to discharge Condition 4 of planning permission no. W10/1250, unless agreed otherwise in writing by the District Planning Authority. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
- 13 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme approved under planning permission no. W10/1250 has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

INFORMATIVES

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reason(s) for the Council's decision are summarised below:

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