

PLANNING COMMITTEE 22 JULY 2014

OBSERVATIONS RECEIVED FOLLOWING PREPARATION OF AGENDA

Item 5: W/14/0775 – Land south of Fieldgate Lane, Leamington Spa

The Leamington & County Golf Club has submitted a letter of objection with a risk assessment report which concludes that a 30 metre high net would be required along part of the 18th fairway in order to safeguard future residents from stray golf balls. It is noted that a planning application has been received for this netting.

It has also responded to the revised site layout plan as follows:

Leamington & County Golf Club (L&CGC/the Club) maintains its strong objections to this planning application and so requests that this letter be read in conjunction with its earlier letters dated 30th June & 16th June 2014.

The Club appreciates that Bovis Homes has finally made efforts to acknowledge and to address the safety issues presented by the location of certain planned new dwellings within range of stray golf balls hit from the Club's 18th tee. Indeed, the Club has itself been reviewing and taking such practical measures as are feasible in attempts to reduce the incidence of stray balls.

However, it remains clear that the adjustments to the proposed site layout (namely the realignment of 4 dwellings numbered 52, 53, 54 & 55) will not prevent the property and future residents of these dwellings being at risk from damage and injury.

Having given the amended plans to consultants Mackenzie & Ebert, the Club quotes their expert response:

"I would like to emphasise that the yellow dots on the diagrams in my report, which Bovis Homes has used in its overlay, principally represent the impact of the elevation of the 18th tee. On a day of strong wind, the balls would travel further."
"The newly positioned plots will remain at risk from stray golf balls and this risk will be heightened by the possibility of golf balls landing on the hard surfaces and driveways to the front of the affected properties." (Tom Mackenzie, Mackenzie & Ebert)

Furthermore, Mr A Watkins of 1 Fieldgate Lane, while able to say that it has been a year since a ball landed in his property, has very recently seen new golf balls in the corner of the development site.

For L&CGC, the situation is relatively clear:

- In order to continue as a viable, insurable and valuable amenity, the Club must ask Development Services and the Planning Committee to pursue all possible measures to ensure the safety of the occupants of the proposed development. L&CGC requests the Planning Committee to defer the decision of this application until a solution agreeable to both Bovis Homes and the Club is established.
- Based upon all of the evidence that the Club has been able to assemble, the area of the development site that needs to be made safe continues to encompass the following plots as designated in Bovis Homes' site plan: 52, 53, 54, 55 & 74.
- While recognising that 30 metre golf ball stop fencing can provide a solution, it will be at its most effective if erected on the "dead ground" of the Bovis development site.
- While the Club has made overtures and proposals to Bovis Homes in a sincere search for the basis of an amicable co-existence, no workable solutions have yet been found.

The Club therefore continues to object to this application, will register to speak at the Planning Committee on 22nd July 2014 against the recommendation to grant approval, and will seek deferral of this application by Planning Committee in order that solutions can be defined and agreed between the two organisations.

A letter has been received from **Chris White MP for Warwick and Leamington** requesting that most serious account is taken of the Golf Club's submission that the application should not be granted until mutually satisfactory agreements can be reached.

Bovis Homes has submitted **two Legal Statements**.

The first concludes that the issue of 'stray golf balls' is a material consideration for this Reserved Matter Application, and makes the following points:

'In summary, the Council should address its mind to the Golf Club's concerns when it determines the reserved matters approval. However, based on all of the evidence, including the MacKenzie & Ebert report, there is no lawful reason to refuse permission. The risk was assessed as so low as to warrant the grant of the outline permission even when housing was proposed much closer to the boundary with the golf course, and the deficiencies contained within the MacKenzie & Ebert report mean that this finding cannot be displaced on the basis of this report alone.'

Bovis Homes has now moved the housing further from the boundary and proposed additional planting to further protect properties. The Golf Club's new fence (if granted permission) would provide even further protection. There is no lawful reason to refuse the reserved matters application on the basis of the Golf Club's concerns.'

The second refers to the increase in houses from the Outline Permission to the Reserved Matters Application, and concludes as follows:

In summary, the increased number of dwellings cannot be used as a reason for refusal of the reserved matters application. This is because, in addition to being occasioned by the Council's own request, it does not fall outside the scope of the outline permission. The outline permission did not limit the number of dwellings, nor did it specify the type. As to the additional community benefits triggered by the re-categorisation of the development, these have not been justified and do not take account of the substantial open space provision already proposed as part of the development, nor the fact that the reserved matters application proposes an increase in the area of total open space compared to the outline permission.

Public response – There are now a total of 24 responses with the additional comments as follows:

- The additional houses proposed compared to the outline application and the high density of houses;
- The visibility of the site from the railway line and the impact on the wider rural landscape;
- The extra traffic generated on Golf Lane;
- The need for bungalows;
- The blocked sewers in the field and flooding of the field;
- The lack of local infrastructure including school places and capacity in GP surgeries;
- The vehicular access from Fieldgate Lane;
- The proposed footpath along the northern boundary which requires the removal of 3 trees;
- The use of two and a half storey houses;
- The preferred use of Renewable Energy instead of energy saving methods; and
- Problems caused by stray golf balls in existing gardens.
- Contractor's compound should not be located at the south end of the site due to access problems on the southern section of Golf Lane and amenity problems to immediate residents.
- No provision has been made to provide a good quality cycle route into Leamington Spa

The Highway Officer has made the following comments:

The response of WCC as Local Highway Authority to the above application is one of **NO OBJECTION**, subject to conditions.

WDC Contract Services have made detailed comments regarding waste collection requirements and confirmed that they have no objection to the scheme.

The Council's Drainage Officer has confirmed that there is no objection to the scheme.

Reference is made in the report to dwellings in the district being heavily weighted towards smaller accommodation. To clarify, the current mix of house types and sizes shows that within the District there is a slightly higher than average proportion of 1 and 2 bed houses but a significantly higher proportion of 4+ beds (compared with the Housing Market Area of Coventry & Warwickshire).

Housing Mix – 2011 Census				
% Dwellings	1-bed	2-bed	3-bed	4+bed
Warwick	10.3	27.8	37.1	24.5
Housing Market Area	8.6	26.1	45.7	19.3

Item 6 W/14/0572 1 Tulip Tree Avenue, Kenilworth

A letter of support from the applicant has been received which has been emailed to Members of the Planning Committee. The contents refute the objections received in relation to the design of the extension; impact on neighbouring amenity through loss of light, over bearing effect and loss of view; impact on the character of the area and the use of BRE 209 guidelines.

A further email from the objector's surveyor has also been received and this comments on the applicant's response to their initial findings. It states that BRE guidelines do relate to mains windows which for the purpose of sunlight are the side facing windows and confirm that no confirmation has been given that the Daylight Distribution test has been satisfied. This email has been distributed to Members of the Planning Committee.

Item 8 W/14/0863 Avon Court

Leamington Spa Town Council has clarified that they have not objected to this application.

The report should therefore read: "This application is being presented to Committee due to the number of objections received."

The Barwell Close Residents Association advise that the wall in question collapsed in May 2012 and that they have been in discussion with the occupants on the 27 flats at Avon Court requesting that it be returned to its original height.

They raise concerns about the visual condition of the lane; the absence of the wall having been appropriately secured; and the security of properties should the wall not be returned to its original height.

Item 9 W/14/0887 Vine Lane, Warwick

Warwick Town Council: Raise objection. The footprint of the new application very much follows the previous application (W14/0035) and would introduce an unsympathetic mass to the street scene which would not positively contribute to the character of the area and would be detrimental to the amenity of the area. The layout and design will clearly permit the units to be occupied as three bedroomed homes and as such fail to meet design criteria or parking requirements.

The introduction of 2 units based upon 3 storeys is not in keeping with the area and will overlook existing adjoining properties. The attempt to develop the site for more than a single house results in the development failing to make adequate provision for safe, easy and inclusive access which would enable the development to be accessed by all members of the community. The Town Council would welcome a site visit.

WCC Archaeology: Recommend a photographic record of the air raid shelter in the rear garden. An additional condition is therefore recommended to Planning Committee as follows:

"No works shall take place unless and until the applicant has secured and implemented a programme to photographically record the air raid shelter in the rear garden, in accordance with a written scheme which has been submitted to and approved in writing by the local planning authority. **REASON:** To ensure the appropriate recording of features before development commences that are important to the understanding of the Districts historical development in accordance with Policy DAP4 & DP3 of the Warwick District Local Plan 1996-2011."

WCC Highways: No objection subject to conditions requiring protection of highway drainage, footway crossing and removal of permitted development rights for alterations to the car ports, to ensure they are retained for parking at all times. This is covered by recommended condition 9.

This latest application proposed for the erection of 2 semi-detached dwellings has been submitted with an option for either dwelling to have an integral car port or a garage. During pre-application discussions with the agent, the Highway Authority indicated their preference for the car ports. The explanation for this preference was that the car ports would enable residents to enter/exit the public highway without creating any unnecessary obstruction to other vehicles travelling along Vine Lane. This is an issue which would be created by the installation of garage doors which would require the driver to wait within the limits of the public highway for the doors to open whether undertaken manually or automatically. It is acknowledged that Vine Lane is a lightly trafficked residential road and that this situation would most probably occur with the existing garages, although with the garages being integral to the residential development the occasions of this occurring would be more regular. Whilst this would create a nuisance for vehicular traffic travelling along Vine Lane, this is unlikely to result in a highway safety issue.

The proposal does not meet the LPA's Parking SPD in terms of the required parking provision for a 2 bedroomed property (1.5 spaces per unit). The location of the site is within walking distance of the town centre, local services (schools, hospital, etc) and rail station/bus links which would again potentially reduce the need for a private car. However the Planning Statement acknowledges concerns with respect to the current parking situation within the Residents Parking Zone which includes Vine Lane, and has indicated that their client would accept the proposed properties eligibility for parking permits being reduced. Whilst the demand for additional on-street parking will not create a highway safety issue this is potentially an amenity issue for which the LPA may seek to reduce the number of permits associated with the development.

In the event that concerns are raised with respect to the provision of car ports to service the site, the Highway Authority's response would remain one of No Objection to the proposed layout with the garages with the addition of a condition requiring the garages to be available at all times for the parking of cars (not for general storage), and for the installation and continued maintenance of powered roller-shutter type garage doors to minimise the obstruction created by on-street parking upon entry of the garages.

Public response: Ten further objections have been received raising issues previously raised plus the following:

- The public consultation expires after the committee date so the decision should be deferred to the following meeting.
- The front doors only provide access to stores, not to the house.
- Side windows overlook gables of neighbours in contravention of distance separation standards.