

Planning Committee: 13 February 2024

Item Number: 7

Application No: [W 23 / 1461](#)

Town/Parish Council: Leamington Spa
Case Officer: Kie Farrell

Registration Date: 01/11/23
Expiry Date: 27/12/23

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Milverton School Playing Field, Lillington Avenue, Milverton, Leamington Spa, CV32 5TS.

The widening of an existing vehicular access (permanent) and the formation of a new access (temporary, for construction) off Lillington Avenue, Leamington Spa, required in connection with the construction of an underground storage system FOR Severn Trent Water Limited

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

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the widening of an existing vehicular access (eastern, permanent) and the creation of a new access (western, temporary for construction) off Lillington Avenue, Leamington Spa. The works are required in connection with the construction of an underground water storage system, which should be noted is to be carried out under permitted development rights for statutory undertakers and does not require planning permission in itself. The work is part Severn Trent Water's Green Recovery Programme (which aims to improve water quality within watercourses within Warwickshire).

The following assessment therefore relates only to the proposed new and widened access points.

The proposed development subject of this application comprises the following elements:

1. Existing (Eastern) main vehicular access point to be widened (to 10m wide) by removing part of an existing brick wall (majority to be re-instated on completion of the project).
2. New (Western) temporary 10m wide access to be created by removing part of existing brick wall (to be re-instated on completion of the project).

THE SITE AND ITS LOCATION

The application site relates to land to the north of Lillington Avenue and to the south of a playing field belonging to Milverton Primary School.

The site is within the Royal Leamington Spa Conservation Area.

PLANNING HISTORY

None relevant.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- HE1 - Protection of Statutory Heritage Assets
- NE1 - Green Infrastructure
- Royal Leamington Spa Neighbourhood Plan 2019-2029

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection.

WCC Highways: No objection, subject to conditions.

WDC Conservation Officer: No objection.

WDC Tree Officer: No objection, subject to tree protection condition.

WCC Ecology: No objection.

Public Response:

Five objections have been received on grounds that the proposal would result in the loss of the Milverton Primary School Playing field during the period of construction works.

One neutral comment has been received with concerns about the impact of the proposal on parking on Lillington Avenue.

ASSESSMENT

Impact on the character and appearance of the conservation area

The application site is within the Royal Leamington Spa Conservation Area.

The proposal involves the removal of parts of an existing brick boundary wall on Lillington Avenue in order to widen/create the proposed access points.

The Council's Conservation Officer has been consulted and raises no objection to the proposal.

Impact on the character and appearance of the surrounding area

The National Planning Policy Framework, December 2023 (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

Furthermore, Warwick District Council's Local Plan 2011 - 2029 Policy BE1 seeks for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The proposal seeks to widen an existing access into the site and to create a temporary second access into the site. This will be done by removing sections of the existing brick boundary wall along Lillington Avenue. Officers do not consider that the proposal will have detrimental impact on the overall character and appearance of the site and surrounding area.

The proposal would therefore comply with the aforementioned policies.

Impact on the amenity of the neighbouring uses

Local Plan Policy BE3 requires development to have acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. This aims to prevent any unreasonable effect on the neighbouring dwelling, by reason of loss of light, unneighbourly effect or disturbance/intrusion from nearby uses.

The closest neighbouring residential dwellings are the flats adjacent to the existing eastern access point on the north side of Lillington Avenue. There are also residential properties on the southern side of Lillington Avenue.

It is not considered that the proposed access works will result in material harm to the residential amenity of the occupiers of these neighbouring properties and therefore the proposal complies with Local Plan Policy BE3.

Highway Safety

Local Plan Policy TR1 states that development will only be permitted that provides safe, suitable and attractive access routes for pedestrians, cyclists, public transport users, emergency vehicles, delivery vehicles, refuse vehicles and other users of motor vehicles. Development proposals must not have a detrimental impact on highway safety.

The Highways Authority have been consulted and raise no objection to the proposal, subject to the conditions attached to any granted approval. They have also requested that informative notes are also attached to any approval given.

It is considered that the proposal will not give rise to issues of highway safety and therefore accords with Policy TR1.

Trees

The Council's Tree Officer has been consulted and raise no objection to the proposal, subject to a Tree Protection condition being attached to any permission given.

Ecology

The County Ecologist has no objection to the proposal, subject to a note being added in relation to hedgehogs.

Response to Objections

Five objections have been received on grounds that the proposal would result in the loss of the Milverton Primary School Playing field during the period of construction works.

The proposed access works will not directly result in the loss of the use of the playing field, rather this will be due to the construction of the underground water storage system, which will be implemented using permitted development rights afforded to Severn Trent Water as a statutory sewerage undertaker.

However, the applicant's agent has advised that during construction of the underground water storage system the school will utilise the playground on site for PE lessons and after school provisions.

The school is in the process of looking at alternative venues for the Year 6 fun day in the summer that is usually held on site as well as the sports day. These details are yet to be confirmed; however, Severn Trent Water will look to support the transport and venue costs once confirmed.

In regard to the private football coaching and after school activities that currently take place on the playing field outside of school hours, alternative locations are currently being explored.

The playing field will be restored and brought back into use once construction of the underground water storage system is complete.

The temporary loss of the playing field during the construction period is not considered to constitute a reason for refusal of the application proposal for the new and widened access. This is a necessary development for infrastructure improvements and the impact is for a limited period only.

CONCLUSION/SUMMARY

The proposal will not result in an unacceptable impact on the character of the surrounding area or amenity of any nearby neighbouring uses. Nor will it have a harmful impact on the Conservation Area, Highway Safety or existing Trees on or adjacent to the site.

Therefore, the proposal is deemed acceptable and in accordance with the aforementioned policies and, as such, is recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 0004-S2- Rev P03, 0005-S2- Rev P01, 0006-S2- Rev P02, 0007-S2- Rev P02, 0008-S2- Rev P01, 0009-S2- Rev P01, and specification contained therein, submitted on 1st November 2023. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 The parts of the existing brick boundary wall removed in order to provide the proposed access points shall be re-instated on completion of the works - as shown on drawing 0009-S2- Rev P01. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 4 Prior to the commencement of the development hereby approved (including all preparatory work), the tree protection measures as proposed by Ligna Consultancy in their Tree Protection Scheme document reference P3391-TPS01 V1 dated 22 September 2023 and as illustrated on their Tree Protection Plan, together referred to as the scheme of protection, shall be adopted.

The development thereafter shall be implemented in strict accordance with the approved scheme of protection, which shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
- 5 The accesses to the site hereby permitted shall not be used unless public highway footway/verge crossing have been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** To secure a satisfactory form of development in the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 6 Upon completion of the works hereby permitted, all parts of the accesses within the public highway not included in the permitted means of access

shall be closed and the kerb, footway and verge reinstated in accordance with the standard specification of the Highway Authority. **Reason:** To secure a satisfactory form of development in the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.