

PLANNING COMMITTEE 24th September 2013

OBSERVATIONS RECEIVED FOLLOWING PREPARATION OF AGENDA

Item 6: W13/1016 – Land between Myton Road and Europa Way, Warwick

Letter from applicant

A letter has been received from the applicant requesting that the application be deferred to allow more time for them to respond properly to the issues raised by the Council. They are concerned that significant requests for further information and amendments have been received at a late stage in the process, which has not given them sufficient time to respond. They consider that deferring the application would still allow the application to be determined within the Government's recommended time period.

Officer response

The applicant's request for a deferment raises 3 key issues:

1. The timing of the requests for the provision of land within the site for a sixth form facility and a doctor's surgery.
2. The availability of the report from the Council's viability consultants.
3. Whether the Council would meet Government-imposed targets for determining the application if it was deferred at tomorrow's Committee.

Timing of the requests: The applicant makes reference to two important issues that they consider to have been raised at a late stage: the request for land to be made available for a sixth form facility (4ha) and a doctor's surgery (0.47ha). The requests for the provision of these sites were received from the relevant consultees on 10 September and were forwarded to the applicant on the same day. This was two weeks prior to the Committee date but since that date no further information has been submitted in relation to the provision of the necessary land. As this is an outline application with all matters reserved for future consideration apart from access, allowing two weeks for a response on this issue is not considered to be unreasonable. This is considered to be a straight forward request; either the applicant agrees that they will reserve the land for the community facilities that the relevant consultees have advised are necessary, or they do not. This is a large greenfield site with no particular constraints that would suggest that it should take any longer to decide whether to include the necessary infrastructure.

Council Officers have had a number of meetings with developers and landowners of the major sites coming forward through the local plan, and have been developing a tariff approach for infrastructure provision to ensure that there is equalisation of values across all of the sites. As all of the sites will need to contribute to the secondary school provision, whichever site provides the land, this will be addressed through the equalisation approach.

Availability of the Council's viability report: The Council's viability consultant has confirmed that there is scope for further affordable housing on this site. However, they have not yet been able to complete their full report due to the fact that insufficient viability information was submitted with the application and due to subsequent delays by the applicant in responding to the Council's requests for further viability information. The Council requested further viability information from the applicant on 30 July but did not receive a response until 21 August. That response did not include any further viability information but requested a meeting with the Council's viability consultant. Conscious of the Committee deadline an attempt was made to arrange a meeting involving the Case Officer, the Council's viability consultant and the applicant on 4 September to discuss the lack of viability information but no-one was available on the applicant's side. A meeting was subsequently held on 9 September when some further viability information was tabled by the applicant (although not all of the information requested). Further viability information was subsequently submitted by the applicant on 10th and 12th September. The late submission of this viability information has not given the Council's viability consultant time to complete their full report in advance of the Committee meeting. This is a significant piece of work, and the Council's consultant is having to undertake more work than usual due to the lack of viability information that has been submitted by the applicant. However, the Council's consultant does now have enough information to advise the Council with certainty that there is scope for further affordable housing provision on this site.

In considering this issue, it is important to have regard to the fact that securing affordable housing is one of the Council's key priorities in relation to new residential developments. This application must also be considered in the context of other nearby greenfield development sites that have all included affordable housing in accordance with the Council's policies (both in terms of amount and tenure split). Against this backdrop, the applicant chose to submit a planning application that included only 20% affordable housing and not including any social rented housing, with very little information to support their argument that such a limited affordable housing offer is all that is viable. In this context, it is considered that deferring the application would send out the wrong message to this developer and to other developers of greenfield sites around Warwick and Leamington in relation to the importance that the Council places on securing the necessary provision of affordable housing and infrastructure.

Compliance with Government performance targets: The applicant is incorrect in stating that the Council would still meet government performance targets if the application was deferred. Deferring the application to the 15 October Committee would mean that the determination date would be outside of the 13 week period. The Government's target date for this application (the 13 week date) is 15 October, which is the day of Committee. Therefore whatever resolution was made on the night, the Council would not be physically able to issue the decision on that date (the determination date is the date that the Decision Notice is sent out, not the date of the Committee resolution). In any case, a Committee resolution on the evening of 15 October would not leave any time for completing the Section 106 agreement or making any changes that Committee may request in relation to conditions, Section 106 requirements etc.

The key issue here is that the application should not have been submitted in its current form with so many significant outstanding issues. Furthermore, if the applicant feels that strongly that they do not wish the application to be determined at this time they have the option to withdraw the application. However, they have declined to do so.

Further representations

Public response: One further objection has been received, raising concerns similar to those listed in the summary of representations in the Committee Report.

Western Power Distribution: No objection. Make various detailed comments about designing the detailed layout around the 132kV overhead line. Welcome the proposals for open space under the line of the 132kV overhead line.

Air quality

Further information has been submitted in relation to air quality in response to queries raised by WDC Environmental Health. Environmental Health have considered this further information and have now advised that sufficient information has been submitted to demonstrate that the proposals be acceptable in terms of air quality impact.

Public open space

The applicant has agreed to make a contribution of £255,569.50 towards off-site public open space provision. WDC Neighbourhood Services have confirmed that this is sufficient to ensure that the development makes adequate provision for public open space. In terms of area, the on-site provision exceeds the requirements of the Council's Open Space Supplementary Planning Document, but there are deficiencies in some types of open space. The agreed off-site contribution would make up for these deficiencies.

Any other issues relating to the detailed layout of the public open space on site would be dealt with in the assessment of any reserved matters application or would be subject to the requirements of a Section 106 agreement.

Section 106 agreement

If this had been a recommendation for approval, it would have been expected that a Section 106 agreement would have been based on the following Heads of Terms (NB. These have not all been agreed by the applicant, as referenced in two of the recommended reasons for refusal):

1. Preparation and agreement with the local planning authority of an Employment & Training Strategy to link local people with employment, training and contract opportunities arising from the development during its construction phase.
2. Preparation and agreement with the local planning authority of the design, management and maintenance of SUDS, adoption of SUDS and payment of

- the management/maintenance fees for 13 years from the date on which planning permission is granted.
3. Preparation and agreement with the local planning authority prior to the commencement of development of a Biodiversity Offsetting Scheme for off-site compensation to be identified in a Biodiversity Offsetting Report. The applicant would then deliver the agreed Scheme by funding the offsetting measures and their management/maintenance costs for at least 25 years from the date on which planning permission was granted.
 4. Preparation and agreement with the local planning authority of a Site Wide Infrastructure Design, Management and Maintenance Strategy for areas of public open space within the site which shall provide for public access to open spaces in perpetuity. Payment of the management/maintenance fees for 13 years from the date on which planning permission was granted.
 5. Contribution of £255,569.50 towards off-site public open space provision or enhancement.
 6. Requirement for details of children's play space to be submitted for approval and implemented.
 7. Contribution of £6,000 per open market dwelling towards the cost of off-site highway improvement schemes as required by WCC Highways.
 8. Contribution of £608 per dwelling towards the provision of a bus service to the site.
 9. Contribution of £13,850 towards the cost of improvements to public rights of way within 1.5 mile radius of the site as required by WCC Rights of Way Team.
 10. Contribution of £50 per dwelling for sustainable welcome packs to help promote sustainable travel in the local area as required by WCC Highways.
 11. Contribution of £6,410,485 towards funding new primary, secondary, sixth form, early years and special needs school places.
 12. Provision of a 1.1 hectare site for a primary school.
 13. Provision of a 4 hectare site for sixth form provision.
 14. Contribution of £784.61 per dwelling to fund improvements to indoor sports halls and swimming pools within Warwick District.
 15. Contribution of £56.73 per dwelling to fund improvements to outdoor sports facilities within Warwick District.
 16. Contribution of £1,678 per dwelling towards funding a new ward block at Warwick Hospital and additional outpatient, diagnostic, treatment and inpatient facilities, including hubs for community health care teams at Warwick and Leamington hospital sites as required by the NHS Foundation Trust.
 17. Provision of 40% affordable housing, to deliver a tenure mix of 50/30/20 social rent/affordable rent/shared ownership. The level of affordable rent should be restricted to 65% of open market rent.
 18. Contribution of £329,775 towards the capital costs of construction of a new 5 GP surgery by a phased approach as required by NHS Property Services.
 19. Provision of a 0.47 hectare site for a doctor's surgery.
 20. Contribution to fund the legal costs of the local planning authority in drafting the Agreement and in monitoring it.

Item 7: W/13/0036 Harbury Gardens

- English Heritage: "My original recommendation was:

The scheme should be supported by an appropriate assessment of the impact of it on the relevant heritage assets by reference to their setting as a part of their significance. At the same time measures need to be taken to ensure the conservation of the Castle Bridge and its setting. The impact on the significance of Warwick Castle Park in this instance would appear to be low.

I have now had sight of the further document prepared by Wessex Archaeology, dated August 2013, in which the applicant has commissioned further work on the impact of the proposed development on the setting of the significant heritage assets in the area. This new piece of work is thorough in its approach to the question of visual setting, and satisfactorily demonstrates that the impact on the setting of Warwick Castle and the associated park is low. It has also taken into account heritage assets not previously considered in any meaningful way, such as the Chesterton Windmill and demonstrated that the impact in that case will also be low.

I note the discussion at section 6 of the impact of traffic on the historic environment, as predicted in the relevant part of the Environmental Statement. The question of the cumulative impact from this scheme and from the other schemes which are currently in the pipeline needs to be the subject of careful planning by the highways authority to ensure that that impact is appropriately managed. There has been concern over many years from a wide variety of stakeholders as to the increasing levels of traffic and their impact on the historic town of Warwick. Similarly, we have also raised the question of the impact on the main bridge. You need to ensure that these matters are satisfactorily addressed”.

- Eight further objections raising similar comments to those identified within the report.
- One objection from Barwood Strategic Land who control land bound by Europa Way and Banbury Road to the south of Gallows Hill known as ‘the Asps’. Concerns relate to outstanding consultee responses from English Heritage and Ecology. Whitnash and Warwick Town Council concerns also highlighted. The objection concludes that there are more suitable, alternative sites including ‘the Asps’ to deliver the proposed level of growth.
- Objection from Campaign to Protect Rural England (CPRE) regarding impact upon rural character, open countryside, coalescence of Bishop’s Tachbrook with urban areas and lack of local need. It should be clarified that the public response to the RDS will inform the policies within the Draft Local Plan, which is scheduled for public consultation in spring 2014 and not late 2013, as specified within the ‘current Policy Position’ section of the report.

Item 8: W13/0897 – Parmiter House, Arlington Avenue, Leamington Spa

The applicant has written a letter to all members of the Planning Committee outlining the benefits of the proposed development, explaining why any further affordable housing or Section 106 contributions would render the scheme unviable and justifying the parking provision. The letter reiterates that they have increased the on-site parking provision from 17 to 22 spaces and that they have increased their offer of an off-site affordable housing contribution from £125,554 to £225,554 (the applicant still maintains that the evidence demonstrates that a financial contribution of £125,554 is all that is viable, however an increased contribution has been offered in the interests of commercial expediency and in an effort to bring forward the development in a timely manner). The applicant has also advised that they would agree to the Council applying the £225,554 affordable housing contribution to other services if this was deemed to be a higher priority (e.g. public open space or medical facilities).

Further comments have been received from an objector who spoke at the previous Committee advising that they will not be able to attend to speak this time and therefore wish the following further comments to be made available to members of the Committee instead:

1. Given the views expressed by Committee it is surprising that Officers are again recommending approval.
2. Unless a firm line is taken with affordable housing requirements, this policy is doomed to failure.
3. From what was said at the meeting, Members visited the garden of No. 14 Kenilworth Road and not no. 14A which is closer and more affected by the development.
4. Further independent assessment of the impact on parking is needed, on-street parking on Arlington Avenue is inadequate during working days.

Item 10: W/13/0800 Bridge Cottage, Rowington

Rowington Parish Council removed their objection and the application has therefore been granted under delegated powers.

Items 11 & 12: W/13/1004/1005/LB The Gate House, High Cross Lane, Rowington

The description of the proposed development has been changed to 'Conversion of barn to dwelling with ancillary home office and guest/staff facilities', to more accurately reflect the proposed works.

Item 13 : W13/1009 77 Coniston Road, Leamington Spa

A critique of committee report has been compiled by the occupants of **94 Coniston Road** making various points which can be summarised as follows:

- Emphasise that semi-detached properties are maisonettes and the driveway is in front of two flats.
- The highway authority does not support the principle of garden parking; only support it in this specific case where a lawful dropped kerb already exists.
- If every front garden becomes a car park or even half of it a car park it would lead to pressure from the owners of the upstairs residents to create car parking in the green island, which if accommodated would unacceptably harm the character and appearance of the street.
- The creation of a drive would in practice result in the loss of more than one space because there is often half a car space left at each end.
- It is not realistic to count the roadside space in front of a dropped kerb as a space.
- In practice often maisonettes are occupied by households with more than 1 vehicle.
- There is poor visibility in this case due to a thick roadside hedge which together with the high use of the footway particularly with children using this section of the footpath from the alleyway and there are tripping hazards
- There is no barrier between the driveway end and the shared path

The **highway authority** taking account of representations of local residents has written to clarify their views. Their no objection is based largely on the fact that the dropped kerb had been granted permission historically which established the principle of vehicles crossing at this point. This in itself would not reduce the amount of parking available and would not set a precedent.

However a proliferation of accesses could exacerbate existing parking problems since they effectively extinguish parking for all users other than those associated with the residence. This becomes more problematic when the road is fronted by maisonettes.

The highway authority increasingly takes issue where proposals would have an adverse effect upon on street parking. Therefore it considers the statement in the committee report that 'the proposal results in an improvement in terms of parking capacity within the crescent' is misleading.

Response to issues raised:

The planning merits of this specific case outweigh the harm primarily by reason of the pre-existence of the dropped kerb and the absence of a highway safety objection. With the particular facts of this case it is not considered that a precedent would be set and that any further applicants would be considered on their individual merits.

Item 14: W/13/1025: 6 Launce Grove, Warwick Gates, Warwick.

Under the planning history section of the report, the reference to the previous application (application no. W13/0333) should refer to a drive length of 8.6 metres rather than the 9.6 metres quoted.

Warwickshire County Council Highway Authority: No objection. The design of the proposed first floor overhanging the driveway supported by a pier would provide sufficient width and length for two vehicle parking spaces.

Item 16: W/13/1066 Co-operative Retail Services Limited, Deansway, Warwick

Under Summary of Representations in the report, 'Warwick District Council' should read 'Warwick Town Council'.

The proposed plans have been amended following publication of the agenda, therefore, the recommendation is changed to APPROVAL in accordance with the amended plans (no. 02) submitted on 19 September 2013. These show the height of the one remaining totem sign adjacent to the Deansway vehicular entrance reduced from 4m to 2m, and the fascia sign on the building reduced in width to the extent of the windows and doors below.

Item 18: W/13/1136 4 Castle Lane, Warwick

Highways raise no objection.

Further representations have been received objecting to the proposed wall on the grounds of safety and the impact on the character of the area.