

PLANNING COMMITTEE: 9 JANUARY 2018

OBSERVATIONS RECEIVED FOLLOWING PREPARATION OF AGENDA

Item 5: W/17/1614 – 19-21 Wise Street, Leamington Spa

Consultation response received from Community Safety Manager confirming no objections to the application.

Letter received from Delta Planning on behalf of the applicant citing the differences, in their view, between this proposal and the proposal at the nearby Priors Club for which the Planning Committee refused planning permission for 3 HMO cluster flats in December 2017. The letter also highlights the benefits of regenerating the area. Finally, the letter comments on the content of Policy H6 and disputes the way in which the 10% calculations have been carried out, stating that the development should not be classed as 48 HMO's.

Item 7: W/17/1700 – Covent Garden Multi-Storey Car Park

Conditions

The relevant approved drawing numbers have been added to condition 2.

Timescale for completion of section 106 agreement

The Committee Report sets a deadline of 18 January for completion of the section 106 agreement. The applicant has requested that this date is extended to 18 February. The recommendation has been changed accordingly to read:

Planning Committee are recommended to GRANT planning permission, subject to conditions and subject to the completion of a satisfactory section 106 agreement. Should a satisfactory Section 106 Agreement not have been completed by 18 February 2018, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposals make inadequate provision in respect of the issues that are the subject of that agreement.

Section 106 / CIL clarifications

The agreed section 106 contribution for sustainable travel packs is £3,300.

With regard to CIL, contrary to what is stated in the Committee Report, the scheme is CIL liable. This is in addition to the section 106 contribution towards sustainable travel packs that is identified in the Committee Report and above.

It is estimated that the CIL charge for this development would be approximately £189,000.

Updated noise report

An updated noise report with LAeq comparison for Altoria Bar has been submitted. The view of Environmental Health is that the proposals remain acceptable from a noise point of view, subject to the noise conditions that are included in the Committee Report.

Further comments

4 further objections have been received, mostly raising concerns similar to those that are already included in the "Summary of Representations" in the Committee Report. However, there are also additional concerns about:

- the Committee Report is merely a justification for the recommendation and not a balanced summary of the pros and cons;
- the viability report should be made public, as least in redacted form;
- residential development should not take up land that is suitable for commercial development;
- the lack of section 106 contributions; and
- the report does not address a number of the objections.

Item 8: W17/1701 – Riverside House

Timescale for completion of section 106 agreement

The Committee Report sets a deadline of 18 January for completion of the section 106 agreement. The applicant has requested that this date is extended to 18 February. The recommendation has been changed accordingly to read:

Planning Committee are recommended to GRANT planning permission, subject to conditions and subject to the completion of a satisfactory section 106 agreement. Should a satisfactory Section 106 Agreement not have been completed by 18 February 2018, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposals make inadequate provision in respect of the issues that are the subject of that agreement.

Section 106 / CIL clarifications

The request from WDC Green Space for an open space contribution was for £393,940.93.

The agreed section 106 contribution for sustainable travel packs is £12,750.

With regard to CIL, contrary to what is stated in the Committee Report, the scheme is CIL liable. This is in addition to the section 106 contributions towards street tree planting and sustainable travel packs that are identified in the Committee Report and above.

The estimated CIL charge for this development would be approximately £1.3m.

Further comments

Public response: 7 further objections have been received, mostly raising concerns similar to those that are already included in the "Summary of Representations" in the Committee Report. However, there are also additional concerns about:

- the lack of section 106 contributions;
- conflict with Local Plan Policy H4 in relation to housing mix;
- harmful ecological impacts;
- the Committee Report is merely a justification for the recommendation and not a balanced summary of the pros and cons;
- the Committee Report is not fair, balanced or accurate;
- the report does not address a number of the objections;
- the viability report should be made public, as least in redacted form;
- the proposed siting would not be in keeping with the historic pattern of development in the area because the site was originally occupied by detached villas set back from the road;
- the storey heights are not in keeping with the storey heights of the adjacent listed buildings;
- the Committee Report grossly underestimates how visible the development will be from Victoria Park;
- the proposals would contravene a 45-degree line from the angled bay windows of the adjacent property at Feldon House;
- the replacement tree planting is inadequate and conflicts with the established pattern of tree planting along Milverton Hill;
- the scheme does not directly fund the replacement multi-storey car park, so that is not a public benefit of the scheme;
- the public benefits could be achieved by other, less harmful schemes;
- the 60 additional parking spaces under the amenity space are unlikely to be provided;
- the condition requiring a construction method statement will not adequately control construction impacts;
- the Committee Report accepts the assertions of the applicant too easily, with minimal questioning or testing; and
- increased crime.

Cllr Gifford: Objects on the following grounds:

- contrary to the newly adopted Local Plan;
- lack of provision of affordable housing;
- lack of section 106 contributions and subsequent harm to local services;
- 170 dwellings far exceeds the local plan allocation for 100 dwellings; and
- loss of trees and subsequent harm to the conservation area, which would not be necessary if the number of dwellings was nearer to the 100 allocated.

Leamington Society: Object on the following grounds:

- lack of provision of affordable housing;
- the information relating to viability has been kept confidential and therefore is not subject to public scrutiny;
- 170 dwellings far exceeds the local plan allocation for 100 dwellings; and
- whilst this is described as an outline application only including details of access and landscaping, many other detailed aspects of the development are

included in the application, all of which will inevitably contribute to there being a less than acceptable scheme in the end.

Revised Arboricultural Impact Assessment

A revised Arboricultural Impact Assessment (AIA) has been submitted. This has addressed the issues that had been raised by the Council's Tree Officer and the County Council's Tree Officer. As a result the Council's Tree Officer and the County Council's Tree Officer have now raised no objection, subject to a condition to require a detailed method statement. Therefore it has been concluded that the proposals will have an acceptable impact on trees to be retained.

The AIA confirms that a total of 42 trees will be removed from within the site (in addition to the 2 copper beech trees from in front of the site). Of these, 22 are category B, 15 are category C and 5 are category U.

Three of the trees to be removed are included in the existing Tree Preservation Order covering the site. This includes two early mature beech trees (category B) and a dead horse chestnut (category U). However, the majority of the remaining TPO trees on the site are proposed to be retained, including all of the most significant specimens, e.g. the substantial cedars.

The loss of the two living TPO trees would be a negative impact of the development that must be weighed in the planning balance. However, being smaller specimens and situated away from the site boundaries, they are less prominent in public views than the copper beech trees on Milverton Hill. Therefore they do not make such a significant contribution to the character and appearance of the area as those trees. Furthermore, the majority of existing trees on the site are proposed to be retained, including all of the more significant TPO trees. Together with the new planting that is proposed, this will ensure that the site retains a heavily landscaped character. Therefore, whilst the loss of these TPO trees would be a harmful impact of the development, this harm is not judged to be significant. As a result, it is concluded that the public benefits of the scheme as outlined in the Committee Report clearly outweigh the limited harm that has been identified in relation to this issue.

In addition to the revised AIA, amended versions of the Design and Access Statement, Site Massing Plan, Proposed Building Zones Plan and landscape drawings have been submitted to correct inconsistencies in any references to the trees and to ensure that the retained trees are outside of the building zones.

Item 10: W17/2087 – Talisman Square

3 further objections have been received, raising concerns similar to those already summarised in the "Summary of Representations" section of the Committee Report.

Item 12: W/17/2166 – 154 Rugby Road, Cubbington

Parish Council – no objection