

## **Planning Committee: 16th January 2024**

### **Observations received following the publication of the agenda.**

#### **Item 05 – 26 Wathen Road, Warwick**

#### **Question from Councillor Richard Dickson**

1. Was 24 Wathen Road (W19/1343) in either Flood Zone 2 or 3?
2. Is it a valid legal reason to refuse permission on grounds that the proposal is contrary to flood zone policy when WCC Flood Risk Management LLFA has raised no objection?

Officer Response:

24 Wathen Road is in Flood Zone 2 and 3.

However, in the period following the making of that decision, clarification has been provided by both the Environment Agency and the Local Lead Flood Authority on the manner in which such issues should be considered. The recommendation in this case arises from that revised approach.

Paragraph 168 of the NPPF requires decision-makers to steer new development to areas at the lowest probability of flooding.

Therefore, it is the Local Planning Authority's role to use the sequential test to consider the siting of a proposed new development, and if it is proposed in a site with a higher probability of flooding, i.e. Flood Zone 2 or Flood Zone 3, officers should consider if other sites, with a lower probability of flood risk are available.

The LPA has met its five-year land supply requirement, and there are more appropriate locations for new housing in areas with a lower probability of flooding. As such, the proposed location in this instance is inappropriate.

Whilst the LLFA have raised no objection in this case, there remains an objection in principle to the location of new residential development and the recommendation is in line with national planning policy guidance.

#### **Consultation response received from Environment Agency (16/01/2024):**

The LPA should consider assess proposals using the sequential test. Development should not be allocated or permitted within areas with an increased likelihood of flooding if there are reasonably available alternative sites in areas with a lower risk of flooding. The submitted FRA fails to provide sufficient information to confirm

that the proposed development will be safe for its lifetime taking account of the vulnerability of its users.

**Item 06 – Mace Buildings Ltd, Long Itchington Road, Hunningham, Leamington Spa, CV33 9ER**

**Alteration to wording in report:**

(DETAILS OF DEVELOPMENT) Should read:

“... Resubmission of planning application W/22/1701.”

**Question from Councillor Richard Dickson**

Are there any artists' impressions drawings available for the proposal extension?

Officer Response: The only drawings provided are the existing and proposed elevations.

**Emails From agent 10/1/2024 and 15/01/2024**

These emails refer to alternative NPPF criteria which the author requests that the Committee consider. They also refer to the proposed extension being in place of an existing skeletal frame housing a travelling crane and associated paraphernalia and proposes that the extension will not have a greater impact on the openness of the Green Belt.

It is suggested that the use of the building could be restricted to the applicant company.

**Officer Response**

The appropriate criterion in this case is NPPF Paragraph 154 (c), which states “the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;”.

The proposal would contribute to extensions that lead to a 344% increase in Gross Internal Floor area and comprises a disproportionate addition over and above the size of the original building. As such the proposal comprises inappropriate development within the Green Belt to which there is an objection in principle.

The condition which is suggested would not overcome the harm to the Green Belt.

**Item 07 – 15 Beaufort Avenue, Cubbington**

**Questions from Councillor Gifford:**

Are room sizes accurate based on comments made by an objector?

Officer response:

The Room sizes as indicated on the plans are:

Kitchen: 2.5m x 2.1m (5.25 sqm)

Dining: 3m x 3m (9 sqm)

Living: 4.7m x 3.6m (16.92 sqm)

DS WC: 0.8m x 1.9m (1.52sqm)

Front Bedroom Lrg: 4.8m x 3.1m [+1.7m x 0.6m] (15.9sqm).

Front Bedroom Sml: 3m x 2.4m (7.2 sqm)

Rear Bedroom: 3m x 3.7m (11.1 sqm)

Bathroom: 2.2m x 1.7m (3.74 sqm)

Additional officer comments:

The layout of the property including room sizes are not a material planning consideration in this matter and are controlled under a separate regulatory regime for such uses.

A further consultation response has been received commenting on the size of the premises and raising the potential concerns of noise with the adjoining property and availability of parking.

### **Item 08 – 6 Lillington Avenue, Leamington Spa, CV32 5UJ**

The report notes that a tree (London Plane) planned for removal is TPO'd. However, this is not the case – a notification was received relating to the removal of this tree which is within a Conservation Area. The Council as Local Planning Authority raised no objection to this proposal as set out in the report.

#### **Public Comment**

It has also been brought to Officers attention that the submitted Parking Survey is not fully compliant with the Parking Standards SPD.

A member of the public has further noted that this would impact the total overall percentage of parking stress. However, Officers are confident that this would not materially change the parking stress level. Therefore, Officers remain of the view that the parking survey does demonstrate that there is sufficient capacity locally to meet the parking demand from the proposal, without affecting the capacity or safety of the public highway'.

#### **Questions from Councillor Richard Dickson**

What is the requirement for provision of cycle spaces and Electric Vehicle Charging Points (EVCs)?

Officer response: In accordance with the Parking Standards SPD, 13 cycle parking spaces - 1 space per bedroom – are required. Officers consider that there is ample

space to the rear in which this can be accommodated, and therefore which is to be secured via a planning condition.

Regarding the EVCP, as the proposal includes unallocated parking spaces, the requirement is 1 EVCP per 10 spaces. Whilst there are 6 spaces proposed within the application site, there are 13 spaces required overall, therefore it is considered that 2 EV charging points are required.

Given that three of the apartments are to be built in the roof spaces, can you please confirm that the rooms will have sufficient height for residents so as not to contravene Policy BE3 (Amenity)?

Officer response: The apartments in the loft space benefit from the same height as the remainder of the application property. It should be noted that Private Sector Housing were also consulted as part of the application, and they raised no objection to the proposals.

WCC Highways are objecting on the grounds of inadequate parking on site and an inadequate survey completed by K&M in May 2023. The planning portal shows most of the parking assumed to be available in the survey is on Lillington Avenue. Is this reasonable given that Lillington Avenue is a major and busy connecting road between Kenilworth Road and Lillington Road?

Officer response: There are no parking restrictions on Lillington Avenue, which is therefore available for residents to use along with other nearby streets.

### **Amended consultation response received.**

WCC Highways Authority – No Objection to the proposals.

### **Item 09 – Land on the North East side of Birmingham Road**

#### **Questions from Councillor Richard Dickson**

What's the rationale for allowing the applicant six months, and not a shorter time period, to restore the temporary access to its former condition?

Officer Response: This would allow sufficient time for works to take place to close the access which requires works within the highway verge together with new planting etc. The key element is that the use of the access must cease on the substantial completion of the access.

What's the definition of 'substantial' in sentence 3 of Condition 17?

Officer Response: This would be at the point where the main access is available for safe use by the public.

What are the arrangements for monitoring development of the site in order to be able to enforce the new Condition 17?

Officer Response: We monitor occupations for housing delivery purposes so this data can be used. In addition, the position on site can be monitored by the Council's Enforcement Team.

Public Response: One additional objection comment received: -

The topics raised within the additional comment made are already reflected within the Committee Report. No additional reasons for objection are contained within the submitted comments.

Members will have also received an email from Elaine Kemp on Monday morning advising that she was unable to attend committee. A request was made to have these comments read out at the Planning Committee. As Members have all received this correspondence directly, it is not intended to read the comments out.

### Applicant Supporting Statement

We write on behalf of the Applicants to clarify points which were made at the last Committee meeting when Members deferred the above application for further assessment.

Since the last meeting, a transport note has been produced to assist Members in their understanding of the use of the temporary access. Key points referenced by Members are dealt with below:

1. Members sought clarification on the number of anticipated HGV movements using the temporary access. We confirm it is anticipated that there will be up to 8 HGV movements per day during the period in question.
2. The safety measures proposed to be put in place respond to the recommendations of the Road Safety Audit (RSA). Over the last week, the independent team responsible for the production of the RSA has visited the site to review the proposals with the temporary roadworks in place and have confirmed that their recommendation does not alter.
3. Existing vehicle movements into the Shell Filling Station or Ugly Bridge Road will not change as a result of the proposed amendments to the temporary access.
4. Assuming permission is granted, not all 40 homes will be occupied on 'day 1'. It is broadly anticipated that in March 2024, 13 new homes would be occupied (resulting in 8 morning peak movements – covering both into and out of the site) and by July 2024, 21 new homes would be occupied (resulting in 13 morning peak hour traffic movements – covering both into and out of the site).
5. The transport note identifies that assuming a very worst case scenario of all 40 homes being occupied up to the time the main access is implemented, this would result in less than one vehicle per minute (both construction and residential) using the access in the morning peak hour; and this would be split between access and egress.
6. The temporary lights operate 24 hours per day and are capable of manual adjustment during the hours of 7am to 7pm. The lights will continue to be monitored and can be adjusted, albeit it is not expected to be needed on the basis of the minimal increase in traffic.

7. It is important to understand that this is having an impact on real people and the provision of affordable housing also. As affordable housing is located throughout the site, the first 40 homes will include affordable housing (the delivery of which is a corporate Council priority). Therefore, as well as private homeowners who now find themselves unable to complete on their properties due to uncertainties on delivery, affordable housing cannot be delivered on programme either.

We therefore summarise that this proposal does not place traffic on to the network that isn't already planned to be there through the delivery of the existing planning consent. It is simply seeking to use the temporary access for a short period (upgraded to accommodate residential traffic), which has been proven is designed to an acceptable standard and with more than adequate safety measures in place, to serve the first homeowners and occupiers for the site. As soon as the main access is completed, the temporary access will be closed with the new planting laid out.

Email from Road Safety Engineer to Applicant dated Monday Jan 15<sup>th</sup> 2024 (supplied by agent – 16<sup>th</sup> January 2024)

*"We revisited the site at approximately 8am and 5pm on Friday 12 January. As discussed, there were temporary signals adjacent to the access and a significant amount of temporary traffic measures.*

*Following the site visit, we have no road safety concerns to raise further to those previously listed in the audit reports"*