

PLANNING COMMITTEE: 22 MAY 2019

OBSERVATIONS RECEIVED FOLLOWING PREPARATION OF AGENDA

Item 7: W/18/2390 – Woodlands House, Ashow Road, Ashow

In the interests of clarification, the Parish Council supported this application with the proviso that the access splay conforms to the Highway Authority's specifications.

Item 8: W/19/0182 – Land Adjacent to The Rising

Updated response from the Parish Council who maintain their objection because of the adverse impact on the character and appearance of the area and increased density which is out of keeping within the local area.

The Parish Council conducted a public consultation prior to publishing a Parish Design Statement in December 2017. Over 100 responses were received; representing approximately 26% of residents. Key findings included that there is a strong desire to maintain the open-space character of the area; and where infill developments are considered, they should reflect the general character of the surrounding buildings and the parish in general.

The Inspector for the 2014 appeal on the application site concluded that the proposed infilling of the site would be harmful to the character of the area. The approval of a detached dwelling to the north west of the site along Old Warwick Road and also to the north of the site along the Avenue have no impact on the openness of properties along the Old Warwick Road.

Properties are spaced at intervals of at least 20m and the site context continues to represent a "dispersed pattern of development". The proposed building reduces the gap between adjacent properties to less than 4m, thereby destroying the open character of the street scene. The open application site is a defining feature of the village. The character of the site represents an integral part of the village and its loss would be harmful to the distinctiveness of the area, notwithstanding the more recent development allowed nearby.

Officer's Response:

Officers consider that the construction of three new dwellings within close proximity to the application site have affected the character of the area. As clarified in the Officer Report, the proposal is considered to represent limited infilling.

It should be noted that the Parish Design Statement has not been adopted and therefore can only be offered limited weight in determining the application.

Additional Neighbour Responses: 1 Sustained Objection: The reduction in the scale of the development does nothing to reduce the impact of an infill development creating a ribbon development along this part of Old Warwick Road. Concern has been expressed regarding the parking provision, the ability to leave the site in a forward gear and visibility splays.

Response from WCC Highways:

From measured speeds, the visibility requirement is 85 metres, not 120 metres as suggested by neighbours, and the method of calculation is clear in the Transport Statement. The splays have been measured by Highways Officers on site with the applicant in line with the guidance in Manual for Streets 2 and they are achievable.

In respect of turning facilities, Highways Officers professional judgement is that there is sufficient turning space available within the site boundaries, without the requirement for a swept path analysis. They consider that there is sufficient space available outside of the area allowed for parking to facilitate turning to take place, therefore this meets with their requirements.

Officer Update on Amended Plans and the Officer Report:

Officers wish to confirm that the overall height of the dwelling has been increased by 1 metre since the original proposed plans, however, this still remains lower than the ridge height of the dwelling to the south of the site, creating a "step" between the properties to the north and south of the site, which sits comfortably within the street scene.

The gaps between the proposed dwelling and the boundaries were originally a maximum of 1.4 metres. The gaps are now 3.1 metres to the south and 5.8 metres to the north.

In the Officer Report under the section entitled, *"Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified"*, application reference W/16/0383 is noted. However, the correct reference number is W/16/0838.

Item 9: W/19/0430 – 24 Vicarage Lane

Amended plans have been received removing the proposed timber cladding from the outbuilding which is to be replaced by matching brick. Condition 2 (plan numbers) has been updated to include the amended plans and Condition 3 (matching materials) has been updated to omit timber cladding.

Item 11: W/19/0475 – Land off Leam Street, Leamington Spa

Typing Correction in Report: The second sentence in the final paragraph under the heading *"Impact on the Character and Setting of the Conservation Area"* should read:

*"The Conservation Officer has not raised any objection to the demolition of the wall. He considers the wall **does not** make a positive contribution to the Conservation Area and does not bear any historical significance."*

Further comments received from 1 local resident: Further to previous comments, it is confirmed that a legal notice under section 11A of the Landlord

and Tennant act 1987 has been served by the tenants of Albert Court on Ballinger Properties which challenges Ballinger Properties' legal right to buy this piece of land and to deny the residents access to it. Request that the application is not discussed at the committee meeting until the outcome is known?

Officer Response:

As this is a civil legal matter regarding the sale of land and the rights of third parties to use the land and as such is not relevant to the planning merits of this application. Any material change in the use of the land under planning legislation will be subject to planning permission.