

PLANNING COMMITTEE 23rd July 2013

OBSERVATIONS RECEIVED FOLLOWING PREPARATION OF AGENDA

Item 5: W/13/0607 Land North of Harbury Lane, Heathcote, Warwick

Nine further public responses received objecting on grounds already raised with additional objections as follows:

- The application makes no reference to proposed phasing over the next 17 years
- The decision must not be taken in isolation as it is part of wider proposals for development in the area. It must be judged in combination with all other present and known future applications
- This and similar applications should be held in abeyance until after the Local Plan consultation is complete
- The housing is not required by local people, but due to net in-migration to the District

WCC Footpaths have provided further evidence to support their request for a contribution of £3,300 towards rights of way improvements and this is now considered to be CIL compliant and will be included in the proposed Section 106 heads of terms.

NHS Public Health have provided further evidence to support their request for contribution of £1572.95 per dwelling towards hospital and outpatient infrastructure and this is considered to be CIL compliant and will be retained in the proposed Section 106 heads of terms.

NHS Property Services have requested that payment of the requested £700 per dwelling towards a new GP facility is made prior to commencement of development so that construction of the facility can proceed with the construction of new dwellings, which will minimise the number of residents forced to temporarily register with GPs outside the local area whilst awaiting the new facility. Also request a ten year payback period to ensure there is sufficient time for land to come forwards for the facility.

Cultural Services have provided further comments of the requirement for a contribution towards outdoor sports facilities, since these cannot be provided on site, of £24.35 per resident. It is therefore recommended that condition 10 is deleted and replaced as an additional item under the S106 heads of terms.

WCC Education has informally advised that they would require a contribution of £8,005 per dwelling towards the provision of primary and secondary school places.

The WCC Head of Physical Assets has submitted an objection. WCC own c.22.5ha. immediately north of Gallows Hill, within the proposed Myton Garden Suburb.

- The determination of this application is considered prejudicial to the outcome of the emerging Local Plan, particularly with respect to the delivery of key infrastructure and the allocation of employment land
- The preferred location for the proposed employment land within the RDS has not been finalised and all potential options have not been properly assessed. The Employment Land Review Update does not provide robust evidence to conclude that the best location for employment land is either to the east or south of the Technology Park.
- There is insufficient justification for the loss of the employment land. The evidence base does not justify the loss of this site, and the Employment Land Supply Update site assessment gives this site a relatively high overall score and it scores well for market attractiveness, planning status and economic constraints. Further evidence of marketing the site should be requested.
- Land that is reserved for employment that could come forward later in the Plan period should be located towards the outer edge of the 'Southern Sites' growth area, to avoid prejudicing or interrupting the early delivery of residential development.
- The application, including EIA, does not take account of the potential cumulative impacts of all potential developments, in assessing the potential impacts on and implications for infrastructure in the area.
- The application is not supported by sufficient information relating to the statutory consultation responses from the Highways Agency (who have issued a holding direction), English Heritage (who have recommended further assessment of the impact on heritage assets) and WCC Ecology (who requested a reptile survey).

The applicant has responded to these objections as set out below:

- The objection places considerable reliance on the provisions of the emerging Local Plan, but given the stage this has reached the application should be determined in the context of the NPPF (para.14) which sets out the presumption in favour of sustainable development, and requires that where the relevant development plan policies are out of date, that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole or if specific policies in the Framework indicate development should be restricted.
- The Local Plan only covered the period 1996-2011 and is therefore out of date, therefore the NPPF is a significant material consideration. There are no restrictive policies applicable to the proposals, and no adverse impacts that would significantly and demonstrably outweigh the benefits, therefore the site benefits from the presumption in favour of sustainable development.
- The Council cannot demonstrate a 5 year supply of deliverable housing sites therefore relevant policies for the supply of housing are out of date. Appeal

decisions have shown this includes policies which restrict residential uses on sites, which includes Policy SC2.

- There is no reasonable prospect of the site being used for employment. Para.22 NPPF states policies should avoid the long term protection of sites for employment use where there is no reasonable prospect of the site being used for that purpose, and in such circumstances applications for alternative uses should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. The application should be considered against the significant material considerations of there being no prospect of employment uses coming forwards on the site, the need to contribute towards the 5 year supply and the presumption in favour of sustainable development. The District Council has also recently granted permission for a C2 use on adjoining land when it did not raise issue with the loss of employment land.
- The proposal is not premature as the granting of permission would not prevent, hinder or prejudice the preparation of the Local Plan given the stage it has reached. Refusing on the grounds of prematurity would be contrary to para.186 NPPF which requires authorities to approach decision taking in a positive way to foster the delivery of sustainable development and para.187 which requires authorities to look for solutions rather than problems and approve applications for sustainable development where possible.
- There is no sequential approach contained within the NPPF which requires housing to be sequentially closer to urban areas than employment. If the application were refused this would prejudice and interrupt the early delivery of residential development.
- WCC Ecology have not objected, they recommend a condition requiring a Construction and Environmental Management Plan (CEMP).
- English Heritage are concerned about the impact of considerably increased traffic movements on Castle Bridge, but this application will not create this and not result in demonstrable and significant harm which outweighs the benefits
- It is anticipated that the Highways Agency holding direction will be withdrawn.

WCC Highways have confirmed they have no objection subject to conditions requiring visibility splays, access locations as agreed and scheme for the location of bus stops on Harbury Lane. A S106 would also be required for the payment of £6000 per market dwelling towards strategic highway infrastructure and measures to improve walking and cycling, with payment on occupation of 50% and 100% of market dwellings, and £50 per dwelling for sustainability welcome packs to promote sustainable travel in the local area. Further bus infrastructure will be required for the two sites to the south but is not triggered by this development; therefore this item will be removed from the S106 heads of terms. Further conditions are therefore recommended as follows:

23) Accesses to the site shall be located and laid out in general accordance with plan SK-007 C.

24) Visibility splays to be provided at the vehicular accesses to the site shall have 'x' distances of 2.4 metres and 'y' distances of 120 metres onto Heathcote Lane, 160 metres onto Harbury Lane and 43 metres onto Gallagher Way/Macbeth Approach to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

25) Prior to commencement of the development, the applicant is required to submit a scheme detailing the form and location of bus stops to be provided on Harbury Lane. These stops shall then be implemented in full prior to occupation of the first dwelling on the site.

Recommended condition 22 is deleted as it duplicates condition 8. Recommended conditions 6, 7 and 19 have been amended to reflect any phasing of development agreed under condition 5 as follows:

6) No development shall take place under any relevant phase of development until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority....

7) No phase of the development shall take place under any reserved matters consent until a scheme for that reserved matters consent and phase of development showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the local planning authority. That phase of development shall not be first occupied until all the works within this scheme have been completed

19) Any landscaping (other than the planting of trees and shrubs) approved including boundary treatment, paving and footpaths referred to in condition one shall be completed in all respects for that phase of development, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of the dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of that first use....

Item 6: W/13/0611 3 George Street, Leamington Spa

Condition 5 seeks to reduce the amount of parking permits future residents can apply for, however having taken legal advice the condition cannot be enforced as the properties need to be taken out of the Traffic Regulation Order in their entirety removing all rights of future occupiers to apply for any parking permits. In light of this and given that the scheme provides no off-street parking provision, it is

recommended that all the standard planning condition below be applied to replace Condition 5:

The development hereby permitted shall not be occupied unless or until a Traffic Regulation Order has been made by the Highway Authority to remove the application property from the existing Traffic Regulation Order thereby securing the removal of the rights of the applicant/ future owner/ tenants of the application property to apply for residents parking permits. REASON: To ensure the proposed development does not result in an increase in on-street parking pressure in an area with already high demand to the detriment of highway safety and residential amenity in accordance with Policies DP8, DP2 and the Vehicle Parking Standards SPD of the Warwick District Local Plan 1996-2011.

Community Protection: No objection subject to conditions to safeguard future residents within Flood Zone 2.

Item 9: W/13/0769 -15 Smythe Grove Warwick

1 further neighbour objection letter received on the grounds of impact on highway safety; street scene; and parking.

Item 10: W/13/0827 Victoria Park, Archery Road, Leamington Spa

One comment neither supporting nor objecting to the scheme. Reference made to on-street parking limits on Archery Road not material to the consideration of this application.

One objection received. Proposed store buildings would block future potential for vehicular access from Avenue Road into the parking area.

WCC Highways: No objection