

**PLANNING COMMITTEE: 29 JANUARY 2019**

**OBSERVATIONS RECEIVED FOLLOWING PREPARATION OF AGENDA**

**Item 5: W/18/0522 – Gateway South**

Highways England and WCC Highways have confirmed that they have no objection to the proposed changes to the conditions.

**Item 6: W/18/1141 Land Rear of 177-179 Chesetts Wood Road**

Following the submission of additional information from the applicant's arboriculturalist, the Tree Officer is now satisfied with the details provided and has no objection to the proposed development, subject to a condition ensuring that the proposed works are carried out in accordance with the details provided.

**Item 7: W/18/1811 Land south of Lloyd Close, Hampton Magna**

Revised response received from WCC Education which reduces the amount of their S.106 contribution request from that previously requested as set out within the committee report. The revised contribution request is now £277,485.00. This is broken down as follows:

- Primary education: £236,070
- Primary SEN: £19,365
- Secondary and Post-16 SEN: £22,050
- Early years/Pre-school, Secondary and Post-16: Nil

WCC Education, in considering their request, have taken into account all three allocated sites in the catchment area (this one, the other Hampton Magna allocation and the Hatton Park allocation). This revised and reduced request reflects the level of existing surplus capacity at Budbrooke Primary and Aylesford School and results, overall, in a reduced request for primary and no request for secondary contributions.

Two additional letters of objection received (one on behalf of the Hampton on the Hill Residents Association) reiterating comments previously submitted related to highway safety, residential amenity, noise, drainage and ecology.

Additional representations received from a neighbouring resident which provides commentary on the following areas:

- the position and connectivity of the secondary access, pedestrian connections and levels differences between areas of the site,
- land ownership and procedural issues as far as the application is concerned,
- the fact the application site extends beyond the boundary of the allocation,
- the SUD's are proposed outside the allocation, in the Green Belt,
- the proposed density of the development,
- sustainable transport options, particularly in respect of bus services,
- ecological surveys undertaken,

- highway safety, transport and highways assessments.

Revised site edged red location plan submitted including the land up to the edge of the carriageway at Mayne Close where the emergency access is proposed.

A neighbouring resident has expressed some concern that Hampton Magna is no longer served by a bus route as the No.68 bus service was discontinued earlier in the month by Stagecoach. The Transport Planning team have since confirmed that the

Service 68 was withdrawn with effect from January 2019 but a new service 16 was introduced as a partial replacement for Hatton Park & Hampton Magna. The service operates to Warwick with certain journeys extended to Warwick Hospital & Kenilworth. The service operates every two hours during the daytime and every hour during the morning & evening peaks. It is envisaged that the S.106 contribution would be used to upgrade this service to every hour throughout the day.

Correspondence has been received from the applicant's agent regarding the recommended conditions set out in the report. A number of the conditions have been challenged as to their necessity and/or wording. All conditions have been reviewed and will remain as per the report which is in line with the recommendations of the relevant statutory consultees who requested them.

However, there are some minor corrections made to the following conditions:

1. Omission of the reference to the means of access as access is applied for as part of the outline permission
4. Addition of the words "method statement" to bullet point (2)
11. This remains a pre-occupation requirement but allows occupation of the first 49 dwellings before the emergency access needs to be provided
18. This condition has been deleted as it duplicates an obligation within the S.106 agreement
25. Condition re-worded to be more precise, having regard to the specific requirements of the Budbrooke Neighbourhood Development Plan as well as Local Plan policies (including a requirement for bungalows and self or custom build homes)

There is also an additional condition, similar to condition 11, requiring the provision of the main access in accordance with the approved drawings.

### **Item 8: W/18/1929 49 High Street, Leamington Spa**

Contract Services - Note the waste/recycling store and also the fenced off area at the front of the premises which could be used for waste storage. Confirmation of who will be providing containers for this application and where the waste will be located for collection ensuring bins/bags are not just placed outside of this building on days prior to collection which can cause environment problems.

There have been 17 additional letters of objection from residents of Packington Place on the grounds of anti-social behaviour and crime in the area and potential problems arising from the proposed use. Two of the objections have also stated they are concerned about the position of the site notice and the limited

extent of public consultation, with a further stating that there would be pre-application consultation. Concerns are also raised about the management of the facility and security and CCTV requirements.

One further general comment raising concerns about the summarisation of the Police comments, the need for fire safety and waste management.

#### Officer Response.

Matters relating to anti-social behaviour and fear of crime are considered in the main report.

The comments of the Police have been fully considered however, both these and fire safety matters are dealt with through separate legislation (principally building regulations, housing act and environmental health regulations); further CCTV provision falls under Permitted Development – Part 2 Class F - and therefore does not need planning permission. As stated by national planning policy (Paragraphs 55 and 183), planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Where matters are dealt with through other legislative regimes a condition would not be considered to meet the tests. Policy also states that it should be assumed that these regimes will operate effectively.

The comments of Contract Services are noted and with areas included for waste management, the need for a planning condition is not considered necessary as this can be controlled through the management of the facility.

The site notice was placed at the public walkthrough between the site and High Street in a clearly visible location related to the application site. There was no pre-application advice sought but this is not mandatory for such an application.

No changes are therefore proposed to the recommendation.

#### **Item 10: W/18/2002 68 Clarendon Street**

Private Sector Housing: No objection following assessment of amended plans.

A member of the public has raised concern regarding the details contained within the application form, namely that the applicant is related to an elected member. The agent has confirmed that the applicant is related to a Warwick Town Councillor and Warwick County Councillor. The application form has been filled out correctly as the applicant is not related to a Warwick *District* Council elected member, they are related to an elected member of the *County* Council.

A member of the public states that complaints have been made regarding fly tipping by the existing residents of the application property. The member of the public therefore asserts that the details in the Officer Report to committee members are incorrect. However, the Report states that no complaints have been made to Environmental Health Officers in relation to noise and disturbance, which is the case. Fly tipping would be reported to Waste Management. Officers have checked whether complaints have been made in reference to fly tipping, however, Waste Management's records are linked to the individual who a complaint is made

against, rather than the property address and therefore, Officers are unable to verify whether the complaint was made regarding the occupiers of the application property or whether any action was taken against them.

The parking survey was undertaken during term time over 2 nights in October 2018 at 12.30am and 2am over an area within 200m (a 2-minute walk) of the application site in accordance with guidance issued by the Highways Authority. The survey shows that there is sufficient capacity within nearby on-street, unrestricted parking areas to accommodate the parking requirement for the change of use. The parking survey focused on the unrestricted parking areas within walking distance of the site.

The unilateral taking is required in order to prevent the occupiers from obtaining permits in on-street restricted parking areas which is at capacity and should also encourage the use of other more sustainable transport methods.

### **Item 13: W/18/2218 Land Adjacent to 2 Mill Road**

Following on from the submission of additional information by the applicant, the LLFA have withdrawn their objection, subject to the inclusion of a condition requiring the provision of a detailed surface water drainage scheme and a condition requiring the provision of a detailed maintenance plan for surface water systems.

The agent has requested that the following matters are raised before members of the Committee:

1. The Approved Scheme is not positioned at the front of the site.
2. The eaves on proposed design are not higher than the neighbouring property. They are the same as the middle block of No.2 and lower than the main block of No.2.
3. The proposed building does not take up more green space. This scheme has much more green space than the previous scheme.
4. You can't see the proposal from Jephson Gardens, even in a winter landscape trees are in the way.
5. The design is very much a contemporary coach house with a single window to top. This is not unusual in a coach house.
6. It is not comparable to previous refused/withdrawn applications as they were for three bedroomed properties and filled entire width of the site for all two storeys.