

PLANNING COMMITTEE: 5th NOVEMBER 2019
OBSERVATIONS RECEIVED FOLLOWING PREPARATION OF AGENDA

Members are advised that a WCC Highways representative will be present at the meeting to assist with the consideration of the agenda items.

Item 5 – W/18/2123 – 200 Warwick Road

Highways

WCC Highways submitted a revised consultation response on 31/10/19 clarifying their position as Highway Authority. Of note, the response states that the quantum of development considered is five dwellings, that the resulting vehicle movements from the development would not have an adverse impact and that the road width is sufficient to accommodate a shared surface space for vehicles and pedestrians.

Conservation Area & Listed Building

200 Warwick Road is a Grade II Listed Building adjacent to the application site. The Council's Conservation Team consider that should outline permission be granted, further detailed proposals for up to 5 dwellings are capable of coming forward in a manner which will not impact upon the setting of that Building or upon the character and appearance of the Conservation Area.

Item 6 – W/19/0933 – Land on the North Side of Birmingham Road, Hatton

Impact on the Canal Conservation Area

The proposal sits opposite the boundary of the Canal Conservation Area that takes in the properties fronting the Birmingham Road at the south of the site. The Conservation Officer has considered the proposal and is satisfied that the development would not result in harm to the setting of the Canal Conservation Area.

Section 106 Contribution List

An additional contribution of £32,639 towards police infrastructure to mitigate for the development has been requested and is therefore included in the list of contributions.

Allotments Contribution

The allotment contribution is to be offered to the Parish Council for a period of three years from the payment being received for the purposes of establishing local allotments in Hatton. If after this period, there is no take-up of this offer, the money will thereafter be transferred to Warwick Town Council to be put towards improvements to allotments within Warwick.

Third Party Representations

5 additional letters of objection received.

- Will result in impact on residential amenity by having a car parking space behind property. Would result in noise from residents, their cars doors opening/shutting, see headlights etc.
- Questionable how £150,000 contribution towards bus service will last for and what will happen after?
- Fail to see how air mitigation measures will reduce pollution levels.
- Residents will experience pollution over the next three years while HGV's wait to gain access to site.
- Issue of pedestrian safety has not been addressed and no crossing is proposed.
- Loss of hedgerow not adequately dealt with.
- Not satisfied that alternative construction access has been adequately considered.
- Does not comply with recently announced climate emergency.
- Hatton Park was ranked lowest of all growth villages due to lack of amenities.
- Bus service has been reduced since site was allocated.
- Still lacks adequate link between sites.
- Land has not been surveyed correctly for contamination.
- Local healthcare facilities are full.
- Local schools are full with no space for additional pupils from the development.
- Mix of small and medium housing has been ignored.
- No provisions are made for housing and transport for the disabled, the elderly, young people and others with mobility problems so will not create a socially diverse community.
- No presumption in favour of sustainable development such as solar heating.
- No measures in place to reduce car usage or encouraging use of public transport.
- No encouragement for sustainable cycling/walking.
- There has not been extensive consultation. No responses to the many objections have been received.
- Objections have not been adequately reported to the Members.
- Proposal does little beyond the required 10% reduction in carbon emissions set out in the 2013 Building Regulations standards.
- No mention in submission of current consultation on updated Building Regulations requirements of 31% reduction requirement.
- Does not meet the aspirations of Councillor Andrew Day, Leader of Warwick District Council as set out in his inaugural address on the 15th May 2019.

Item 7 – W/19/0990 – Land off Seven Acre Close, Bishops Tachbrook

Revised landscape drawing (Rev.M) received in response to final comments from the Open Space team. This has now resulted in 'No Objection' in respect of all details and specifications shown (path, benches, bins, bollards, knee rail and 'white' area of open space) on the Landscape Concept Plan.

Condition 1 will therefore be amended to reflect the updated Landscape Concept Plan Rev.**M**

Condition 3 is to be amended so that it now reads as a compliance condition rather than a pre-commencement condition (in accordance with revised plan Rev.M)

The associated Deed of Variation in respect of biodiversity offsetting has been drafted and agreed in line with the recommendation set out in the report and is ready to be completed in the event that permission is forthcoming.

Additional third party representations have been received regarding the updated Bishops Tachbrook Housing Needs Survey 2019.

Item 8 – W/19/1030 – Oakley Grove Phase 3, Land off Harbury Lane and Oakley Wood Road, Leamington Spa

Officers wish to clarify that in the event that Councillors approve the application, it is also requested that Councillors agree to amendments to the Section 106 agreements relating to the earlier phases of development (ref: W/14/0023 and W/15/0851) relating to public open space and allotment provision. These amendments are also required by the Section 106 agreement for the current application to ensure that they are made.

Councillors are requested that in the event of resolving to approve the application, authority is delegated to the Head of Development Services in conjunction with the Chair of Planning Committee to agree the figure for the open space contribution for the residential element of the scheme.

Officers wish to confirm that the residential element of the proposal would be CIL liable and the likely contribution would be approximately £1.9 million, which would be apportioned between the District and Parish Council.

The applicant has requested that Councillors are made aware that the education land and country park land will be transferred to the District/County Councils at effectively nil cost, and that the education land will replace the historic obligation to transfer the Phase 1 primary school land to the County Council.

It should also be noted that there are ongoing discussion regarding the S106 Agreement heads of terms.

Additional Responses:

Councillor Caborn: Supports the proposal. This is the right project to deliver a secondary school for the Bishops Tachbrook community. The Parish needs infrastructure and vital to this are schools. I believe that local schools help build and bind the community, build community capacity and involvement. This presents all involved with the opportunity to build a signature school with full community access and investment. A green school not needing school buses and designed for walking and cycling access.

Bishops Tachbrook Parish Council have requested that the following information is highlighted to members:

Throughout this process, members of BTPC have been in contact with WDC discussing the impact that this proposal would have on our community as a whole and working to, where possible, mitigate some of the effects.

The November 2018 executive committee meeting made clear that a community investment package would be put together to help manage the impact of this development on our residents. In addition, it has been agreed (either at that meeting or subsequently) that:

- the freehold of the revised country park area would be transferred to BTPC as a condition of permission;
- a curfew would be put on the use of lighting of the sports field;
- community access to facilities would be enshrined;
- construction traffic would not pass through the main settlement areas of our community (instead coming from the Fosse Way access off Harbury Lane);
- the access point as set out within the plans would be fixed and could not be revised; and
- (more recently) that BTPC would be consulted on, and have a voice throughout, the design phase of the school.

Officers can confirm that either by condition, or through the Section 106 agreement, the above items would be enshrined in the event of an approval.

The Parish Council also encouraged Officers to revisit the petition set up by local residents who oppose the development.

Public responses received:

5 Objections:

- the disproportionate allocation of housing in this area compared to the rest of Warwick District Council area is suspicious, unfair and massively damaging to individual health, the environment, its desirability as a place to live and/or work.
- Why is the additional housing being considered if the Council is meeting its 5 year housing supply?
- The proposal is contrary to the Local Plan and there are no material circumstances to justify a departure.
- The separation between Bishops Tachbrook and the south of Leamington will be lost.
- The existing local services cannot cope with the current demands which will be worsened by the proposed development.
- The development will have an adverse impact on health.
- There will be an impact on the existing congested traffic network, highway safety and pollution.
- There will be an impact on wildlife.
- The proposal leads to a reduction in the size of the Country Park.

- The buildings that form part of this development do not meet the WDC Local Plan Policies CC2 and CC3 nor fit as part of the journey to net zero carbon. The design does not make any attempt at mitigating climate change and so it is not fit for the 21st Century. The application does not take into account the emerging Government revision of Part L of the building regulations where the current proposal is to reduce carbon emissions by 31%. The proposal will result in longer journeys for students, increased car movements.
- The proposal will have a harmful impact on Heritage assets.
- The Officer's report to Planning Committee potentially misleads Members in that it implies that the only site for the school is that proposed within the application. The Site Option Assessment only considered the proposed location for the school within the application site. It did not consider whether the school could be located elsewhere within the application site, i.e. whether it could be located on the part of the site proposed for housing or public open space (or a combination of the two). No explanation is given within the report as to why this was not assessed by the Applicant or WCC Education, or why it is not suitable or achievable. The benefits of such a change would largely eliminate the harm to the Heritage Assets.

A petition of 1027 signatures against the proposal has been submitted to the Council. The petition reads as follows:

Did you know that Warwick District Council (WDC) and developer AC Lloyd are planning to build an additional 150 homes near Bishop's Tachbrook and Warwick Gates?

It will see the promised Country Park between Bishop's Tachbrook and Warwick Gates reduced to little more than the size of a footpath and means the once open fields will be gone forever.

Plans for the new school on the corner of Harbury Lane have changed drastically. The school has been moved closer to the village to make way for the new homes and its football pitches come right up past the outbuildings by Brookside Farm.

AC Lloyd had originally agreed to gift the council the land for the school as part of the agreement to build the new houses in the area. Now they say they'll only build the school if they can have 150 extra homes.

WDC claim that they aren't reducing the size of the Country Park because the playing fields are 'green land' and form part of the park, but they won't be freely accessible as they will be fenced off as part of the school grounds.

They say the changes are only small and are trying to pass the resolution quickly and quietly.

It's not just about the green space, either.

The new location of the school is not cost effective because steep slopes will need levelling for the sports pitches and extensive road and junction improvements will be needed to manage the significant increase in traffic. Please help us get the school moved back to its original plot, giving us all back our country park and green space. Sign the petition, spread the word - a country park is for everyone to enjoy!

There are also 125 comments attached with the petition, which are summarised as follows:

- The proposal is contrary to the Local Plan and should not be approved unless material circumstances indicate otherwise.
- There are more suitable available sites under District Council ownership.
- The development will result in detrimental impacts on infrastructure (traffic congestion, poor roads), local services (doctors, hospitals, dentists) and local people (mental health, wellbeing, amenity).
- There will be a detrimental impact on village character and identity.
- The loss of green space is harmful, this should be retained for the community and wildlife.
- The Country Park was endorsed by the Inspector as a 'clear separation between the urban area and Bishop's Tachbrook' but this planning application squeezes the park into a narrow strip, no wider than a country footpath.
- The land on which the houses are proposed should have been sold to WDC prior to the initial development for £1. If the developers and WDC have failed to keep their agreements, the current plan is potentially illegal.
- Some consider there is need for the school but no requirement for additional housing. Others consider there is no need for the school as other local schools are undersubscribed.
- There has already been enough / too much housing built in the nearby area. There is no unmet housing need which the housing would satisfy, there is an oversupply of housing.
- The additional housing is driven by greed from developers.
- Concern that the Council and AC Lloyd are working with one another and a formal investigation should be carried out.

Officers note the high number of objections to the proposal. However, Officers consider it important to bring the attention of members to the fact that as detailed above, the wording of the petition does not align accurately with the description of the proposed development, therefore the number of signatures should be considered with this in mind.

Conditions

The wording of conditions 17, 18, 19, 21, 24 and 30 has been changed to enable these to be discharged on a phased basis.

The wording of condition 28 has been changed to require this to be discharged alongside any reserved matters application, rather than beforehand.

The wording of Conditions 6 and 20 was absent from the Committee Report due to a technical error and so is included below:

6. Each phase of the development hereby permitted shall not commence until a Construction and Environmental Management Plan for that phase has been submitted to and approved in writing by the District Planning Authority. The CEMP needs to be compliant with the British Standard on Biodiversity BS 42020:2013 published in August 2013. In discharging this condition the LPA expect to see details concerning pre-commencement checks and any updated surveys that may be required due to the time lapsed between the original survey and the anticipated commencement of development; monitoring for protected and notable species, as deemed appropriate; plus necessary working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

REASON: To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policy NE2 of the Warwick District Local Plan 2011 - 2029.

20. No development or other operations (including demolition, site clearance or other preparatory works) shall commence until adequate measures have been taken to protect existing trees, scrub and ground flora of the adjacent Local Wildlife Site, Tach Brook, during development. A barrier, such as a wire fence, should be erected before works start. This fenced area should include a buffer zone of at least 8 metres between the development and the boundary of the LWS. It is important NOT to allow access, or storage of materials within this buffer zone, otherwise soil compaction is likely to occur, with subsequent damage to the ground flora. It should be ensured that there is no contamination of the watercourse either during or after development. **REASON:** To ensure the protection of important habitats during development in accordance with Policy NE2 of the Warwick District Local Plan 2011 - 2029.