

Application No: [W 20 / 1464](#)

Town/Parish Council: Leamington Spa  
Case Officer: Andrew Tew  
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Registration Date: 18/09/20  
Expiry Date: 13/11/20

**Shires Gate Trade Park, Unit 1, Tachbrook Park Drive, Warwick, CV34 6SA**

Application for new vehicular access point, fencing and internal remedial works for site security FOR JPP

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This application is being presented to Committee due to the number of objections received.

**RECOMMENDATION**

Planning Permission is recommended to be GRANTED.

**DETAILS OF THE DEVELOPMENT**

The proposed development is seeking to create a new site access point for heavy goods vehicles (HGVs) at the north west area of the site, a new parking area, new fencing and additional access gates.

The proposed development is seeking to create a new site access point for heavy goods vehicles (HGVs) at the north west area of the site. Currently HGVs enter the site at the south east access point off Kingsway, Leamington Spa. The proposed development would extend the route that HGVs are required to take in order to access the site and will divert HGVs closer to the residential apartments at Queensway Court.

New fencing will be installed from the existing north-western access, along the northern boundary to the proposed access to the north-east of the site. New fencing will also be installed to the south-west of the site. The two existing access and the new access will also have new gates installed. Fencing and gates will consist of 2.4m high weldmesh panel fencing.

**THE SITE AND ITS LOCATION**

The application site is located within an existing industrial and commercial area to the west of Royal Leamington Spa. The site benefits from access for vehicular traffic via Tachbrook Park Drive, Queensway and Kingsway.

The existing site consists of an established Travis Perkins Builders Merchants along with other builder’s merchants surrounded by hard surfaced areas used for vehicle parking. The building complex acts as a barrier between the development

and the residential Queensway Court for much of the parking, though the parking to the North West does abut Queensway Court. The road to be used in relation to the new access appeared to be used for parking at the time of the site visit.

HGV traffic currently enters the site from the south eastern access. Customer vehicles can either use the same access or use the site access to the north-west of the site. All vehicles exit to the south-east access/egress.

### **PLANNING HISTORY**

W/19/0138 - New 2.4m high boundary fence

### **RELEVANT POLICIES**

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- NE3 - Biodiversity

### **SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** No objections

**Leamington Spa Town Council:** No objections

**WCC Highways:** No objections

**Environmental Health:** No objections; recommend conditions

**WDC Tree Officer:** No objections

**Public Response:** 5 No. objections summarised as:

- Noise impact on Queensway Court flats
- Validity of data in noise assessment
- Residents of Queensway Court not informed
- Lorries park outside Queensway Court
- Fumes from lorries

Objections received from County Councillor Johnathan Chilvers and Town Councillor Nick Wilkins relate to:

- Noise impact on Queensway Court flats
- Validity of data in noise assessment
- Residents of Queensway Court not being informed of the proposal.

## **Assessment**

### Design and Impact on the Surrounding Area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

The original application included a 2.4m high fence that would surround the entire site. To the North-East of the site, next to an existing cycle way and public path, it is deemed this would create an enclosing effect that would be detrimental to public amenity. On consultation with the agent, this has been reduced to 1m. The agent has intimated that the requirement for the fence is for H&S reasons with vehicles mounting the pavement. However, a 1m fence would be sufficient to deter such behaviour. The continuation of a 2.4 high paladin fence around the remainder of the site is deemed acceptable as there is sufficient separation from the fence and public realm.

The development is therefore considered to be in accordance with Local Plan Policy BE1.

### Residential Amenity

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or noise disturbance.

The proposed development is seeking to create a new site access point for heavy goods vehicles (HGVs) at the north west area of the site. Currently HGVs enter the site at the south east access point off Kingsway, Leamington Spa. The proposed development would extend the route that HGVs are required to take in order to access the site and will divert HGVs closer to the residential apartments at Queensway Court.

Environmental Health have been consulted and raised concerns that the proposed development will give rise to adverse noise impacts to residents of Queensway Court particularly those with habitable rooms located nearest to the proposed north west site entrance. As the Shires Gate development had not been constructed at the time, the noise report for Queensway Court does not appear to propose any specific noise mitigation measures to protect its residents from large commercial vehicle movements.

Having reviewed the floor plans of the Queensway Court development, Environmental Health do note that few habitable rooms are located opposite the existing south east access point as a number of offices and communal rooms have been positioned nearest to this junction. Further information in the form of a Noise Assessment Report was requested from the agent.

On receipt of the Noise Assessment, Environmental Health highlighted that the noise assessment had not considered the impacts of night time L<sub>Amax</sub> noise events. These are the peak night time noise events that would have the potential to cause sleep disturbance or awakening to local residents. The revised noise assessment did not consider these impacts, however, it has stated that the existing vehicle access route would be used during the night time period. Whilst this seems counterintuitive to the purpose of the application, it appears to be necessary in order to minimise the noise impacts on local residents. On this basis, Environmental Health deem it appropriate that a restriction on vehicle movements during sensitive hours will be necessary in order to prevent adverse noise impacts on existing local residents. It is recommended that HGV vehicle movements are restricted to the hours between 07:30 and 19:00 in order to minimise adverse noise impacts on local residents.

Subject to a condition restricting vehicle movements, the proposal is therefore considered to be in accordance with Local Plan policy BE3.

### Highway Safety

Local Plan policy TR1 states that development will only be permitted that provides safe, suitable and attractive access routes for pedestrians, cyclists, public transport users, emergency vehicles, delivery vehicles, refuse vehicles and other users of motor vehicles. Development proposals must not have a detrimental impact on highway safety.

The applicant has provided drawings showing vehicle tracking which have been assessed by WCC Highways. The Highways Authority have confirmed that they have no objection to the proposal on the grounds of highway or pedestrian safety, subject to condition that public highway verge crossings are laid out, prior to use. The condition is considered to be reasonable and necessary for the purposes of the development.

The development is therefore considered to be in accordance with Local Plan policy TR1.

### Other Matters

The proposed development will result in the loss of an immature tree to the North East of the site. The Tree Officer has been consulted and raises no objection.

The consultation of neighbours has been queried. A site notice was posted on 03/11/2020.

Objectors to the application include County Councillor Johnathan Chilvers and Town Councillor Nick Wilkins.

**Conclusion**

The proposed access is not considered to pose harm to highway or pedestrian safety and would have an acceptable impact in visual and amenity terms. The development should therefore be approved.

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
  
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 21827-P03A, 21827-P04A and 21827-P07A and specification contained therein, submitted on 03 December 2020 **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
  
- 3 The access to the site for HGV's shall not be used unless public highway verge crossings have been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** To ensure highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
  
- 4 HGV vehicles are only permitted to use the permitted access between the hours of 07:30 and 19:00 hours in order to minimise adverse noise impacts on local residents. **REASON:** To ensure there would be no unacceptable disturbance to the detriment of the amenities of nearby residents in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

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