

## **Addendum for Planning Committee 11 December 2018**

### **Amendment to Minutes of the Meeting 6 November 2018**

#### **Item 4: Minutes**

The resolution to minute number 109 needs amending to reflect the updated wording of conditions 7, 8 and 23 as it follows:

##### Condition 7

Any reserved matters application for any residential phase of the development shall be submitted in accordance with the details of the Design Code for the approved development as set out in the document titled "Design and Access Statement incorporating Site Wide Masterplan & Design Code March 2018" unless otherwise agreed in writing through the submission and approval of a revised Site Wide Masterplan. **REASON:** In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029.

##### Condition 8

Any reserved matters application for any residential phase of the development shall be submitted in accordance with the details of the Design Code for the approved development as set out in the document titled "Design and Access Statement incorporating Site Wide Masterplan & Design Code March 2018" unless otherwise agreed in writing through the submission and approval of a revised Design Code. **REASON:** In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029.

##### Condition 23

The mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the Strategic Housing Market Assessment at the point of submission. **REASON:** To ensure that the housing meets the needs of the District as required by Local Plan Policy H4 of the Warwick District Local Plan 2011-2029 and the NPPF.

## **Observations received following preparation of the Agenda**

### **Item 5: W/18/1489 – Tesco (McDonalds Restaurant Proposal)**

Further Public Responses received:

2 of Support: most of the issues raised have been addressed; traffic around Queensway and Greville Road will be alleviated; the development will not increase pollution; litter is the responsibility of the individual or a community litter pick should be organised; the development will create job opportunities and lead to additional businesses investing in Warwick.

9 Objections:

- There are 2 McDonald's within a 2 mile radius of the site;
- There issues relating to litter and anti-social behaviour at the existing McDonalds which will increase at the proposed site;
- The Tesco car park is often full and the loss of spaces / increased traffic will affect local residents;
- There will be a detrimental impact on Warwick's restaurant and take away businesses;
- Increase in traffic and highway safety concerns;  
Increased air pollution;
- Promotion of unhealthy lifestyles and is contrary to the interests of public health;
- Impact on the canal;
- Increase in the number of rodents;
- The net employment gain will be minimal with decreased trade to local businesses;
- Concerns regarding flood risk - the FRA does not take into account the impact on the area of the Emscote Gardens Estate where there is a flood defence - as identified in the Warwick District Council Strategic Flood Risk Assessment of 2013.

Officers would like to clarify that the access to the restaurant would be through the existing car park serving Tesco, not from the service road. The service road would be used only for deliveries for McDonald's and Tesco, and for customers who have used the Tesco "Click and Collect" service to exit the site only.

The Council's Vehicle Parking Standards guidelines require that 5% of the parking provision should be for disabled parking. The proposal would result in a net loss of 6 disabled parking spaces across the site, and the disabled parking provided for Tesco would reduce to 4%. The applicant has agreed to a condition which would require that the parking layout for Tesco is amended to provide 5% disabled parking, prior to occupation of the restaurant. WCC Highways have confirmed that this would be acceptable in terms of the parking provision for Tesco.

### **Item 6: W/18/1756 – Tesco, Emscote Road**

Revised drawings were received on 21<sup>st</sup> November 2018 removing the right hand turn arrow from the access road.

Condition 6 is to be updated to reflect those revised drawings.

### **Item 9: W/18/1759– Tesco, Emscote Road**

Revised drawings were received on 21<sup>st</sup> November 2018 changing the left hand arrow directional sign to an ahead arrow.

Condition 6 is to be updated to reflect those revised drawings.

### **Item 13: W/18/1817 – Riverside House, Milverton Hill, Leamington Spa**

1 additional letter of objection received making the following comments;

- Agree with content of earlier objection.
- 7am to 7pm seems rather excessive, especially Sundays.
- An open but empty car park raises security concerns.
- Pedestrian Safety is compromised by the lack of separation access.
- A Guided Pedestrian route would be better in an alternative location along Grove St.
- Support improvements to crossings as the current situation is dangerous.
- Will increase traffic throughout the day.
- Would affect current maintenance regime that takes place at weekends.

#### Additional Condition

A condition is proposed to limit the hours of use from 7am to 7pm as per the agents covering letter.

### **Item 14: W/18/1846 - Victoria Car Park**

The Friends of Victoria Park –have provided an updated response which is one of Objection:

The applicant has not:

- Prepared plans for optimising Victoria Park;
- Considered alternative options or the fate of Victoria Lodge;
- Consulted widely with park users and local residents or referred to the extensive park user survey in April 2018;
- Rigorously referenced the proposal against its own Green Space Strategy or Local Plan;
- Presented strictly objective comments in the revised Heritage Statement.

Public Responses: 40 further Objections have been received:

- Reference is made to national funding for improvements to open space and how this has been used in Leamington Spa, stating that the proposals would

- conflict with the aims of this work.
- The development is harmful to Registered Park and Garden.
- The safety of park users has not been considered.
- The lighting scheme is not adequate and would obstruct users of the park.
- The development breaches Local Plan policy HS2 and has not been thought through by consulting all users of the park.
- The annual season of British Cycling cycle races will now not be able to be held for safety reasons.
- Concerns regarding the plans.
- The proposals do not solve the displacement parking problem in the centre of town.
- Loss of trees and shrubs.
- Irreversible damage to the Conservation Area in terms of loss of the garden from Victoria Lodge.
- Increased pressure on traffic and nearby junction, increasing congestion.
- An extension to the car park is not required.
- Cycle paths should be improved, and parking should not be increased.
- The Council has failed to consult with park users and local residents.
- The Officer Report is misleading and concerns regarding procedural matters.
- Discrepancies with the plans.
- The Council's Green Space Vision has not been considered.
- Consideration of the benefits of the car park proposal can and should include a relative assessment of the possibility of returning the Lodge garden to the Park.
- Light pollution to people nearby to the park.
- Concerns regarding HQ relocation plans.

Councillor Naimo: Wishes to confirm that she is not in support of the proposals. Previous comments referred to the positive elements of the scheme, such as cycle racks and lighting. The report contains irrelevant information such as the fact that the applicant is making a £200k contribution to Victoria Park, which is misleading and should not be taken into consideration. This money is not for additional green space as policy HS2 is required to provide but improvements to the leisure facilities within the park.

The applicant should be treated like any other and therefore should be providing additional green space to replace that lost. The lodge was inhabited until very recently and the Council has not stated what alternative use this building could be made of it. Currently it is a residential building and therefore should be treated as such for this application and amenity policy BE3. The proposals are contrary to Local Plan policies HE1 and HE2.

Councillor Clarke: Objection to the use of tarmac and loss of green space. The proposal breaches Local Plan policy HE2. Detrimental impact on traffic and highway safety.

Councillor Chilvers: Objection, the development conflicts with HE2, HE4 and HS2. The proposal would tarmac over garden land without consultation with user groups or being part of the improvement plans. It is unlikely to provide more town centre parking.

Conservation Area Forum: CAF does not consider the scheme to be acceptable as proposed and it is contrary to the NPPF paragraph 97, which seeks to protect recreational open space from development, Local Plan policy HE2, which seeks to protect Conservation Areas, and policy HE1, which seeks to protect designated heritage assets (including Registered Historic Parks and Gardens) and their setting.

Concerns were raised that parking spaces for park-users would be lost to long-stay commuters, and concerns were also raised about the proposed lighting scheme, which would appear brutal in this context, and harmful to the appearance and setting of the historic park, the lodge, and the riverside. It was considered that only bollard style lighting would be appropriate within the Grade II listed historic park. It is recommended that some of the existing garden to the lodge be retained to protect its setting and its significance, but it might be possible to extend the carpark into the wider triangular parcel of land to the north and east of the existing car park, which is visually contained by mature trees.

Advice from Legal Services has recently identified that the proposed lighting within the car park and along the path through Victoria Park does not require planning permission.