

PLANNING COMMITTEE 12th September 2017

OBSERVATIONS RECEIVED FOLLOWING PREPARATION OF AGENDA

W/17/1094 - 135 Warwick Road, Kenilworth

Revised plan received on 31.08.2017 that clarifies a discrepancy over the height shown of the single storey extension of Plot 10. This plan proposes no changes to the scheme and is intended for clarification purposes only.

W/17/0998 - Elisabeth the Chef, St Mary's Road, LSpa

Clarification of Principle Balance

At the time of writing, the proposal must be assessed against the Policies within the existing Local Plan. The proposal does not accord with the provisions of the existing Local Plan when assessed against the current policies insofar as the scheme does not adequately meet the exceptions under Policy SC.2.

The planning balance has afforded significant weight to the NPPF and emerging Local Plan that is due for adoption on the 20 September 2017. In particular, the emerging Local Plan identifies the site as a housing allocation and the findings of the Housing Land Review 2013 that identifies the site as appropriate for housing led development.

In conclusion, the scheme does not comply with the policies in the existing Local Plan but the weight afforded to the emerging Local Plan for decision making purposes has tipped the planning balance in favour of the planning application.

Access/Parking

For clarification, the report refers to 51 spaces in the description of development section but 52 spaces being provided within the access and parking section.

The proposed layout plan indicates 51 spaces.

The proposed development has a requirement for 52 spaces based on 1 space per 1 bed and 1.5 spaces per 2 beds. Therefore, there is 1 space below the required standards across the 40 units. Officers are satisfied that the 1 space difference would not be a reason to object to the application.

Noise

In concluding a comment of no objection, the Environmental Sustainability Officer has advised that the proposed development is located further away from Bellagio Stone than the consented residential development on Ramsey Road. The Ramsey Road development also established that residential dwellings can be located in this area therefore it would be very difficult to justify an objection in

this instance. The applicant has submitted a noise assessment which considers the noise impacts from Bellagio Stone and has indicated that the recommended internal noise levels can be achieved. Further noise survey and mitigation works have been requested by condition to fully address the potential noise disturbance from the adjacent site.

Contaminated Land

The words "appropriate mitigation can be secured with an adequately worded condition" after "the Officer is satisfied that"

Updates to Condition Wording

Condition 14 – add "occupied" after the word "be" on the first line.

Condition 23 – add "shall be implemented" after the word "permitted" on the second line.

W/17/0935 - 28 Home Close, Bubbenhall

For clarification, the reason that this application is being presented to the Planning Committee is due to the number of neighbour objections received only. The Parish Council have no objection.

One new letter of objection has been received from a previous objector concerning points already by neighbours raised about overlooking concerns.

W/17/1278 - The Orchard, Coventry Road, Stoneleigh

The design of the development has been amended to reflect the Conservation Officer's recommendations which include the following changes:

- Revised palette of materials to mainly brick built building, with timber cladding features.
- Replacement of the bonnet hipped roof with traditional gable roof with clay roof tiles.
- Introduction of sympathetic traditional features such as curved archways above doors and windows.

The Conservation Officer has confirmed that he has no objection to the amended design, subject to a condition requiring sample materials. Officers are of the view that the amended design is now more appropriate and sits comfortably within the street scene. The proposed design reflects the character of the street and the Conservation Area. Therefore, the reason for refusal in respect to design is withdrawn.

Additional Consultation Responses:

Public Response: 1 objection on grounds that the Green Belt protects natural environments and the unique character of Stoneleigh. This piece of land is a habitat for plants and wildlife. The development could set a precedent for other development.

Health and Community Protection - Environmental Sustainability Section: The applicant has informed Environmental Health Officers that they have been growing crops on the land for a number of years and has queried any adverse health effects. The only way to assess with any certainty would involve intrusive sampling of the ground on the orchard site by contaminated land experts coupled with detailed quantitative risk assessment using information on any contamination found, the crops grown and the quantities consumed as well as the potential for direct contact with contamination during digging/planting etc. The other consideration is any risk of contamination of water supply pipes passing through contaminated ground. Officers note that even if consent for the proposed dwelling is refused the land owners may still need to excavate to establish if there is a pollutant linkage from the petrol station to their ground.

WCC Ecology: No objection, subject to a condition requiring the development to be carried out in accordance with the recommendations in the Construction Methods Statement provided by the applicant. WCC Ecology also recommends a condition to require biodiversity enhancements to compensate for the small biodiversity loss associated with the proposed development. Also recommends suitable tree buffer zone and protective tree fencing as indicated in the arboricultural report, and note in relation to the protection of the nearby watercourse from runoff pollution.

Open Space: No objection, subject to the provision of £1,684 towards the improvement of local open spaces. The contribution will be put toward the development objectives of Stoneleigh and Ashow Parish Council relating to green space provision, which should be decided by the Parish Council.

As no open space contribution has been provided by the applicant, this also represents an additional reason for refusal.

Comments from the agent:

The property will be one storey to accommodate the applicant's needs. The applicants own the section of drive in front of their gate (squaring off the plot) and have a right of access over the remainder of the drive. The applicants would be prepared to carry out appropriate investigation of the application site in relation to contaminated land.

These are comments are note however do not change the Case Officer's recommendations in reference to these matters.

W/17/1362 – Hillcroft, Red Lane, Burton Green

Additional consultation responses:

WCC Ecology: No objection, subject to the inclusion of conditions requiring the works to be carried out in accordance with the details contained within the Preliminary Ecological Appraisal and the submission of a combined ecological and landscaping scheme prior to commencement of works on site. They also recommend a note relating to sensitive lighting.

WCC Highways: Objection - the widening of the access overcomes previous concerns regarding the ability for two opposing vehicles to pass each other. However, the required visibility splays still cannot be achieved. Highways Engineers have advised that a speed survey must be carried out to establish the actual speed of traffic in the vicinity in order that an accurate splay requirement based on the guidance outlined in Manual for Streets can be calculated. They note that until such time as the speed survey results are known, the Highway Authority objects to the development.

Open Space: No objection, subject to the provision of £4,212 towards the improvement of local open spaces. At the time of responding, Abbey Fields only scored average in the latest Parks Audit and no Section 106 agreements have been assigned to any of the projects within the park.

As no open space contribution has been provided by the applicant, this also represents an additional reason for refusal.

Note from Parish Council to Planning Committee:

Although the access is to be widened, the visibility splays still cannot be achieved in an already hazardous location. The access to the proposed dwelling passes in front of Hillcroft. The development does not constitute limited infilling. Whilst there are many supporters of the proposal, the Parish Council considers that their objection represents a broad consensus of Burton Green residents.

Comments from the applicant:

The shared driveway in no way affects us and having the drive widened will make the driveway easier and safer to use. Highways Engineers think that the speed survey will show that people do not drive 40mph, however, Officers will not allow time to get this completed. Burton Green needs more eco houses.

Notes regarding the Case Officer Report:

- The application site is positioned to the north of Hillcroft (rather than West).
- The balcony faces the rear of the application site (rather than the front).

The Agent has submitted comments to say that they consider that there are Health and Wellbeing benefits created by the development, suggesting that the sustainable character of the house is a benefit as well its relationship with the surroundings.

W/17/1245 – Land South of Briardene, Honiley Road, Beausale

The applicant has submitted a statement in lieu of speaking at committee. This states that the current dwelling is unsuitable due to ill health and the proposed dwelling has been designed around the applicant's needs. The proposed dwelling also meets with green belt policy. The full statement can be seen in the application file.

The Parish Council have reiterated their objection to the proposal.

W/17/1411 – Whitley South

Amended condition and informative note

The following informative note has been added to address the concerns of the Highway Authority:

The developer should note that any mitigation works that may be required by the Highway Authority under the conditions of this permission should not be prejudiced by any site preparation or earthworks. In particular, the developer should note that any site preparation or earthworks may need to be removed or altered to allow for the necessary highway mitigation works, depending on the detailed design of those mitigation works.

Condition 25 has been amended as follows to address the concerns of the Highway Authority:

No development shall commence, other than site preparation and earthworks, until a scheme of mitigation for the A46/Stoneleigh Road/Dalehouse Lane Interchange, in general accordance with drawing no. THDA 15-0752 110, has been submitted to and approved in writing by the local planning authority. Thereafter the mitigation scheme shall be implemented in strict accordance with the approved details and permanently retained thereafter.

Further consultation responses:

Baginton Parish Council – Object on the grounds that a desire to ‘start as soon as possible’ can never justify the removal or variation of any of these conditions, especially when they pertain to safety, flooding risks and the openness of historic and educational sites. The applicants have provided no information regarding any change of circumstances or planning alterations that would now make these conditions redundant. Furthermore there have been objections from Highways England and from the Environment Agency.

Stoneleigh and Ashow Parish Council – Object on the same grounds as Baginton Parish Council.

Bubbenhall Parish Council – Object on the grounds that there has been ample time since the original resolution to grant permission (April 2016) for the applicant to comply with the requirements of these conditions. Raise concerns that without completion of the design, there is a danger that extensive earthworks will be carried out and then the development will founder for some reason, such as the feasibility of essential infrastructure. Also, the revised wording for Condition 25 is far too vague.

Public Response – One further objection has been received, raising concerns about the impact of the proposed amendments on traffic on surrounding roads and on the drainage works.

Highway Authority – No objection, subject to an informative note and revised Condition 25.

Revised consultation responses:

Highways England – Raise no objection following the receipt of further information.

Clarification

The variation of condition 11 seeks to reduce the limit on the amount of B1 floorspace that must be occupied prior to the occupation of any ancillary floorspace (car showrooms, retail, hotel etc) from 9,290 sq m to 8,500 sq m. This is to bring this condition into line with condition 13, which requires Jaguar Land Rover to occupy the first 8,500 sq m of floorspace. This small reduction (790 sq m) is not considered to be significant in the context of a scheme of this size and resolves the discrepancy between the 2 conditions as currently worded.

W/17/1301 - 33 Watling Road, Kenilworth

Additional consultation response:

Open Space: A contribution of £2526 would be sought; to be put towards Knowle Hill green space relating specifically to infrastructure improvements and providing better signage and interpretation.

CAAD New Kingswood Farm

That the recommendation be amended to read:-

RECOMMENDATION

That a Certificate of Appropriate Alternative Development be approved and issued.

HS2 objects to the approval of the Certificate on the grounds of insufficient information and that the mitigation scheme for the HS2 scheme would affect the access.