

PLANNING COMMITTEE: 3 MARCH 2020
OBSERVATIONS RECEIVED FOLLOWING PREPARATION OF AGENDA

Item 5: W/19/0827 Homebase

Public Responses:

1 Objection: Emscote Road is already congested. The size of the site is inappropriate for a new Lidl store.

1 Support: No comments made.

In error, the following 5 paragraphs were missing from the Committee Report published. The section headed, "Highway Safety and Traffic Generation" should read as follows (the missing information has been identified below in italics for ease of reference):

"Highway Safety and Traffic Generation

Local Plan policy TR2 states that all large-scale developments that result in the generation of significant traffic movements should be supported by a Transport Assessment, and where necessary a Travel Plan, to demonstrate the practical and effective measures to be taken to avoid the adverse impacts of traffic.

Members of the public have raised concerns regarding traffic congestion and highway safety. Members of the public also express concern regarding the access for emergency vehicles, and that there would be a detrimental impact on highway and pedestrian safety. However, supporters of the proposal state that the development is likely to ease traffic congestion.

The access to the site would be slightly amended at the entrance, to accommodate parking spaces. WCC Highways have raised no concerns regarding the proposed access arrangements, or in respect to highway or pedestrian safety.

WCC Highways have objected to the proposed development. In their initial comments, WCC Highways noted that the applicants Transport Assessment and Travel Plan highlighted that the proposal would result in excess of 100 extra trips in comparison to the existing use at peak times. WCC Highways confirmed that the highway network in this location (Emscote Road / Pickard Street junction) suffers from severe congestion at peak times and they determined that insufficient consideration had been given to the surrounding highway network. WCC Highways therefore advised that, as the proposal may have an adverse impact on the highway network, paramics modelling was required. The paramics modelling details were agreed by the applicant and WCC Highways, and then undertaken.

The applicant's assessment of the impacts identifies that there would be a relatively minor highway impact. However, the information submitted by the applicant has been assessed by WCC Highways who disagree with this

assessment and consider that upon detailed assessment of the data, there would be severe levels of delay resulting from additional trips to the site, which would significantly increase journey times.

This analysis is strongly contested by the applicant. The applicants have raised concern regarding the agreed paramics modelling and increase in trip rates, which highlight the impact on the highway network. The applicant believes that standard TRICS data should be used for the paramics modelling, whereas WCC Highways have reservations about adopting the standard trip rates for discount stores available in the TRICS database. WCC Highways decided to develop a database of trip generation information to inform the assessment proposals of certain development types in Warwickshire. This decision was based on the lack of suitably representative and up to date site information being available on the TRICS database. The trip generation linked to certain types of development site has changed significantly in recent years as a result of changes in shopping behaviour and choice of travel modes. This approach has been adopted by other councils on the Midlands Service Improvement Group. Concerns over the apparent increase in footfall and trip generation linked to discount food stores, ensuring sites are geographically representative, a number of recent applications for increased parking provision in the County and known issues with access to discount supermarket sites highlighted this type of development as needing an increased level of scrutiny in the calculation of trip generation.

The applicant suggests that the proposed development should be assessed using the existing trip rates of one other discount store which was surveyed by WCC Highways, as this would be the most representative for the proposed development. However, the data collected by the Highways Authority across 9 sites surveyed shows that trip generation differences between days of the week and geographical location does not present a consistent picture across all datasets. When selecting sites in the TRICS database, the user must select a reasonable range of sites in terms of site size, to be both representative and not overly restrictive, in order to present a reasonable array of sites. Therefore, WCC Highways consider that the range of site sizes surveyed in Warwickshire is considered reasonable for this application, rather than just using one existing site as proposed by the applicant.

The applicant has provided further information using existing TRICS data in order to try and demonstrate that the development would not generate a significant increase in trip rates to the site, however, WCC Highways state that the TRICS data is not as accurate as the information they have collected, as the TRICS data is now three years old, not geographically representative, and has not used a range of discounter stores, using only data from Lidl stores. As the development would be for a discount retailer, rather than a personal permission for a Lidl store, using a broader range of information, to also include Aldi stores for example, would provide a more robust dataset which would be representative of the proposed use. Notably, WCC Highways inform that Lidl traditionally has fewer trip rates, therefore, it is important to consider the trip rates of competitors.

In terms of determining the severity of the impact on congestion, the WCC Model Use Protocol – Model Analysis and Reporting note highlights the following highway impact thresholds:

An impact on the network would be categorised as severe if it exceeds the following thresholds:

Queuing Criteria: An increase over 10 vehicles

Journey Time Criteria: An increase over 10%

The analysis of the "with development" scenario using the WCC trip rates presented "severe increases" of journey times at the approach to Pickard Street junction, with additional delays between 10% and 13% compared to 2024 Reference Case scenario. Whilst the developer offers MOVA (Microprocessor Optimised Vehicle Actuation) as a potential mitigation strategy for this single junction (without sufficient supporting evidence), it is not clear how the knock-on impact of releasing this traffic could be mitigated on the further sections of the corridor which are already on MOVA and options for further mitigation are highly constrained by the built-up environment. Additionally, during the PM post-peak (18:00 – 19:00) the wider network presented "very severe increase" of delays when comparing the "with development" scenario with the Reference Case (+25%) and with the Local Plan scenarios (+30%).

Whilst the applicant disagrees with the paramics data used for assessing the increase in trips rates (although the data was previously agreed by the applicant) and associated impact on congestion, WCC Highways have identified a lack of capacity for the highway network to cope with the additional trip generation, based on up-to-date, representative data from existing discount food stores within Warwickshire. Emscote Road already suffers from significant congestion, and the modelling tools utilised to assess the development indicate the introduction of these additional demands will have a severe impact on the network. The issue of additional congestion would be most severe from between 6:00pm to 7:00pm in the weekday PM peak period, however it is noted that during the AM peak period, or in the Saturday peaks there would be no increased delays. Any severe impact on the highway network is unacceptable.

For these reasons, it is considered that the proposal would result in the generation of significant traffic movements, leading to significant delays and further congestion along a route which already experiences a high level of congestion. Inadequate measures have been proposed which could mitigate the adverse impacts of such additional traffic generation and congestion. The proposal is therefore considered to be contrary to Local Plan policy TR2."

Item 6: W/19/0860 6 Phillippes Road

1 further objection received:

- The site does not experience incidents of anti-social behaviour, dog fouling and littering any more regularly than anywhere else.
- The trees were an eyesore but planted by the previous occupier of the property, and once removed made the area feel more open and safer. The tall fence makes the footpath feel less safe now.
- The Council contractors regularly cut the grass that the site.
- The fence appears out of character with the area and the Woodloes Park open landscape.

Item 7: W/19/1858 Former Tamlea Building

The agent has requested that the following information is presented to Councillors:

Proposed Living Conditions for the Future Occupiers

With reference to Kates Boats, Members have been advised in the report that the Canal and River Trust own the land on which Kates Boats operates. That is incorrect. The freehold of the buildings, car park and the 'boat building' are owned by Mr & Mrs Howes of Kates Boats, and they or their representative intend to speak at the Committee to address this matter next week.

Furthermore, as advised by the Environmental Health Officer at our meeting last year, the owners of Kates Boats intend to cease operations in Warwick with all activities moving to their Stockton Marina. The Applicant has therefore been in discussions with the owners, and now have an agreement with the owners to purchase the Kates Boats land and property.

This has a number of benefits for the proposed development (as well as surrounding residential properties). The removal of the 'boat building' and the source of the noise concerns raised by Environmental Health. Further, the ability to open up more of the view of the canal for some of the proposed properties through negating the need for the proposed brick wall to the rear of the 'boat building'.

This change in circumstances removes the main strand of the first reason for refusal in the recommendation, and the second reason for refusal entirely. If it were to grant permission, the Applicant acknowledges the Council will wish to control the noise environment within the proposed development, and is therefore willing to accept a condition that requires the removal of the 'boat building' prior to occupation of the proposed dwellings. We would be happy to discuss the wording of any condition with you. Such condition would meet the relevant tests as there are now reasonable prospects of the action in question (removal of the 'boat building') being performed within the time-limit imposed by the permission.

In relation to garden sizes, the report refers to garden sizes of plots 2, 3, 4 and 16 being between 33.3 and 38.6 sq.m. That is incorrect, as plot 16 has a garden size of 43.4 sq.m. This garden is therefore only 6.6 sq.m (2m by 3.3m) below the Council's guidance.

The suggestion is made within the report that garden sizes could be increased by removing dwellings. As explained in previous meetings, to comply with the Council's guidance would require the removal of dwellings facing onto the canal to the detriment of the character and appearance of the Canalside Conservation Area. In any event, in the context of the Applicant owning the Kates Boats land, there is potential to increase garden sizes for plots 2, 3, 4, 16, 18 and 19 subject to a subsequent planning application.

Conclusion

Finally, reference is made in the Conclusion to this proposed development setting a harmful precedent for future housing development more widely in relation to garden sizes. As the Council will be aware, each application is considered on its own merits. Indeed, the Council's Guidance itself recognises that garden sizes below the standards can be acceptable in certain cases. No precedent will be set from granting permission in this case.

In response to these comments, Officers wish to clarify that advice has been given from the Council's Legal Services department that the removal of the boat building and cessation of use of this part of the Kate's Boat site would need to be secured through a legal agreement which has not been provided, and could not be secured by condition. Furthermore, Officers have been advised that it would be unreasonable to grant permission on the basis of a suitable legal agreement coming forwards, as Officers have no guarantee that the owners of Kate's Boats would agree to the demolition of the boat building.

Importantly, it should also be noted that the removal of the boat building would not address the other reasons for refusal of the application identified in the report.

Item 11: W/19/2128 – Intwood

This item has been withdrawn from the agenda on the grounds that the objection raised by Cubbington Parish Council is not made on material planning grounds. The objection relates to the loss of trees that were not protected, have been removed and the LPA has no powers to require replacement trees in these circumstances. The removal of the trees whilst the application was being determined was not a breach of planning control and is not a material planning consideration in the assessment of the application for a replacement dwelling.

The application will therefore be determined under delegated powers.