

Planning Committee: 8 November 2022

Observations received following the publication of the agenda

Item 13: W/22/1425 Forge Farm

Shrewley Parish Council response: After further consideration of the Officer's report on this application, Shrewley Parish Council wishes to withdraw its objection to this application and therefore will not be making a representation to the Planning Committee on Tuesday 8th November.

Therefore, this item has been withdrawn from the agenda.

Item 6: W/22/0484 Tachbrook Country Park

Additional consultation responses received:

Councillor Day: Supports application, I welcome this far-reaching planning application which will bring significant benefits for residents who live locally and across the district. The thoughtful and carefully considered combination of new community facilities and open spaces are supported by the Bishop's Tachbrook Neighbourhood Plan. This welcome new Country Park will provide access for all abilities, enhance biodiversity and encouraging active travel.

WCC Landscape: Updated plans have mostly taken onboard comments. Additional planting will be required within school. Query regarding planting on sheet 10 of landscape plans.

WCC Ecology: Agrees with comments from WCC Landscape. No further information required.

WCC LLFA: No objection, subject to conditions.

Green Spaces: Welcomes changes to plans and points of clarification made by the applicant. Suggests Construction and Environmental Management Plan and Landscape and Ecological Management Plan are secured by condition. Requests height restrictor at northern access. Some queries regarding labelling on plans. Queries surfacing around the refreshment centre. Public safety is a concern and the team welcomes the conditions which seek to provide additional information on this point. Requests condition to ensure footpaths and interfaces between the school site and Country Park are complimentary, to ensure sustainable travel and connectivity.

Officers wish to confirm that in response to the Green Spaces Team's comments, that conditions for a CEMP and LEMP are already attached. A height restrictor is already secured by condition 22. Plans have been updated to address queries regarding labelling. Surfacing around the refreshment centre will be dealt with at

the reserved matters stage. An additional condition is proposed to address the point on connectivity and the interface between the Country Park and adjacent school site.

Amendments to plans:

- Sheet 5 – Amendment to key (bench added) following request from Green Spaces.
- Sheet 9 - Amended path location (near Bennett Grove) and associated planting following request from neighbour to change layout of footpath.
- Sheet 10 - Provision of wildflower meadow strip to the south of the path following request from WCC Landscape.
- Overview plans/Reference plans have been updated to reflect the above changes.

The above changes are considered to have addressed all of the points made by WCC Landscape on the proposal.

It has been brought to Officers' attention that an area within the Country Park has been recently reprofiled using land from the nearby residential development. In order to ensure that this land is not contaminated, the Environmental Health Officer has recommended that a condition is attached to ensure that the soil is checked before use or development within this area.

Conditions:

Additional condition to address reprofiled area of land within the Country Park:

No development shall commence or be used for the approved purpose within the area identified as 'AC Lloyd Reprofiling Area' (hereafter 'reprofiled area') as shown on drawing 807055-WOOD-XX-XX-DR-L-00046 submitted to the Local Planning Authority on 7th October 2022, unless and until the following components of a scheme to deal with the risks associated with contamination of the site have each been submitted to and approved, in writing, by the Local Planning Authority:

1.(a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:

§ A risk assessment to be undertaken relating to human health

§ A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected

§ An appropriate gas risk assessment to be undertaken

§ Refinement of the conceptual model

§ The development of a method statement detailing the remediation requirements

(b) The site investigation has been undertaken in accordance with details approved by the planning authority and a risk assessment has been undertaken.

(c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the planning authority. The method statement shall include details of how the remediation works will be validated upon completion.

This should be approved in writing by the planning authority prior to the remediation being carried out on the site.

2. All development of the site shall accord with the approved method statement.

3. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.

4. Upon completion of the remediation detailed in the method statement a report shall be submitted to the planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

In order to address the Green Spaces Team's comments regarding connectivity and the interface between the Country Park and school site, the following condition is proposed:

Prior to first use of the site, details showing the relationship between the Country Park and the 'periscope access road' serving the education land and the relationship between the Country Park and pedestrian access to the west of the school site shall be submitted to and approved in writing by the Local Planning Authority. Details should include large scale plans and sections showing the layout and vertical alignment and a programme of works. The development shall be carried out only in accordance with the approved details.

Officers have requested that the LLFA reword their proposed conditions so that the development can be delivered in phases, but have not yet had a response from them – Councillors are recommended to delegate authority to the Head of Development Services to agree the wording of conditions recommended by the LLFA.

Concern has been raised by the applicant in relation to the requirements of Condition 21 (general crime prevention), notably the requirement for entrances to footpaths to include barriers such as kissing gates to prevent the use of offroad motorcycles as requested by Warwickshire Police. The applicant raises concern that this would become a deterrent for cyclists who wish to use the Country Park and also could result in access issues for disabled individuals. The applicant notes that other parks within the District do not have similar restrictive barriers and that there are likely to be other locations within the park where motorcyclists could enter it in any event.

The applicant provided an article from Sustrans (<https://www.sustrans.org.uk/our-blog/opinion/2020/june/why-removing-restrictive-barriers-must-be-part-of-our-response-to-covid-19>) which identifies that barriers restrict those who need to get outdoors most, create bottlenecks, create a discouraging rather than welcoming entrance to open spaces, and prevent full and fair access.

The WCC Highways Cycle Officer was consulted and stated that they agree with the applicant that barriers are unnecessary, and that the latest guidance should be referenced (LTN1/20 - Government cycle infrastructure design guidance) in order to restrict motor vehicle movements but enable access for people with cycles, mobility scooters, wheelchairs, pushchairs etc.

Warwickshire Police were consulted on this matter and stated that the removal of the suggested barriers opens the path up to offroad motorcycles as well as the anticipated Ebikes. They have concerns regarding collisions between vehicles and pedestrians. They note that in the North of Warwickshire they have seen an increase in the number of anti-social behaviour incidents relating to the use of off-road motorcycles in similar areas and along public footpaths where there are no restrictions. Warwickshire Police are working with local councils and policing teams to address these issues, and this includes the recommendation of the installation of barriers. They therefore maintain their recommendation of including this requirement of the condition.

Officers have considered the above viewpoints and note both being valid considerations. However, given that barriers are likely to discourage cycling and hinder disabled access to the site, this is significant given that one of the primary functions of the Country Park is to provide connectivity and access for all. Furthermore, owing to the size and nature of the park it is simply not possible to prevent motorcycle access, thus rendering any barriers to the footpaths somewhat redundant. Moreover, this matter is primarily a management issue, and if in future this became a more significant issue, the Council could at that time reconsider the need for alternative measures to prevent motorbike access. On balance Officers consider that a requirement for barriers at the entrances to the footpaths is not necessary, given the disbenefits which they would have.

Condition 21 should therefore be worded to:

Prior to first use of the hereby approved development a crime prevention statement must be submitted to and approved in writing by the Local Planning

Authority detailing how the development has been designed to minimise the potential for crime and anti-social behaviour. The statement does not require reference to the 'refreshment centre', but should include consideration of the following (but not limited to):

- *entrances to car parks should be protected by height restricted barriers that are permanently secured in place;*
- *entrances to paths should be designed to discourage any passenger vehicle designed for operation on ordinary roads to gain access and should include signage which indicates that use of paths within the Country Park is restricted to bicycles and/or pedestrians.*

The approved crime prevention measures shall be installed in full prior to first use of the hereby approved development and shall be retained in perpetuity.

Condition 4 (plan numbers) should be amended to include the following drawing numbers (and replace the previous revision referred to in the condition):

807055-WOOD-XX-XX-DR-L-00006 P03 (Landscape Plans Sheet 5),

807055-WOOD-XX-XX-DR-L-00010 P03 (Landscape Plans Sheet 9),

807055-WOOD-XX-XX-DR-L-00014 P03 (Landscape Plans Overview Sheet),

807055-WOOD-XX-XX-DR-L-00023 P03 (Planting Plan Sheet 9),

807055-WOOD-XX-XX-DR-L-00024 P03 (Planting Plans Sheet 10),

all submitted on 4th November 2022.

Questions from Councillors and Answers:

1. *Following comments from some residents, I checked the proposed park against our Local Plan and the layout seems to be slightly different - strips added to north and south but no longer butting up to Oakley wood road on the East; but the overall land area allocated now the same or greater than in the Plan? Can you confirm all this please?*

Officer Response: Yes, the layout of the Park is different to that which is shown in the Local Plan. The Local Plan was prepared before application W/19/1030 was submitted which approved changes to the layout of a section of the Park. Whilst the current application is not submitted as reserved matters to W/19/1030 (it is a standalone application because it includes the whole park not just the smaller section considered under the outline application), I would recommend reading the "Principle of Development" section of the report for W/19/1030 as this provides useful context for understanding the changes to the Park and why the education land had to come forwards in this location. The changes have resulted in an increase in Park land in comparison to that which is shown in the Local Plan.

2. *If this is correct, could you also confirm that the East end reduction is due to housing development the relocation of the proposed school towards Bishops Tachbrook with housing replacing the original school site on the main road junction to the north?*

Officer Response: That is correct.

3. *Again if so, can you please confirm the planning status of those two sites - both already outline approved?*

Officer Response: Application W/22/1250 is the reserved matters application for the school and is going to the 15th Nov planning committee (unless the Parish Council withdraw their objection) and W/22/1104 is the reserved matters for the 150 dwellings to the north of the Country Park – this one will go to the December planning committee at the very earliest.

4. *Would it also be possible to highlight the proposed cycle tracks not just through the Park but with connections to Whitnash, housing to the north and village to the south (they may already be very visible on a full screen presentation of the slides - not so easy on a laptop!).*

Officer Response: On slide 11 of the committee presentation, I have included the “masterplan” drawing which also shows the nearby cycle routes in orange into the nearby housing areas – this is also available as a plan to view online.

Item 9: W/22/0928 – Third Floor Flat, 28 Clarendon Square

Clarification on refuse and recycling

Refuse and recycling is currently stored in the flat and presented on Clarendon Square on collection day. This arrangement will continue.

Item 10: W/22/1106 – 32 Russell Terrace

This application has been withdrawn.

Item 12: W/22/1345 – Althorpe Enterprise Hub, Althorpe Street, Leamington Spa

The proposed colour of replacement uPVC window units has been revised from white to grey. This revision is considered acceptable in design terms and the description of development has been updated accordingly.

Item 11: W/22/1276 – 25 Beverley Road

Revised plans have been submitted increasing separation distance to neighbouring boundary (with No. 23) by 70mm - from 930mm to 1000mm, to ensure compliance with Residential Design Guide.