

## **Planning Committee: 20 July 2022**

### **Observations received following the publication of the agenda**

#### Item 8 – W/22/0348 Myton School

##### *Conditions:*

##### Condition 3 (Tree Protection Measures):

An Arboricultural Method Statement was submitted following the publication of the committee report. This has been assessed by the Council's Tree Officer who has confirmed that it is acceptable. Therefore condition 3 should be deleted and replaced with the following compliance condition:

*No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s).*

##### Condition 4 (BREEAM Requirements):

The applicant has provided a "Design Stage Assessment" by an accredited BREEAM assessor demonstrating that the development will be designed and constructed to achieve as a minimum BREEAM standard 'very good'. Therefore, the first part of proposed condition 4 has been addressed and the condition should be updated to require only a "Completion Stage Assessment" by an accredited BREEAM assessor demonstrating that the development achieves as a minimum BREEAM standard 'very good' within 3 months of occupation of the development.

##### Condition 5 (Requirement for provision of a Sustainability Statement):

A Sustainability Statement has been provided by the applicant. Officers have reviewed this and whilst it is broadly acceptable, it requires some minor alterations to ensure that it meets with the requirements of condition 5. The applicant is in the process of making these updates. If Members resolve to grant permission, Officers request that delegation is given to amend condition 5 to a compliance

condition, if an acceptable Sustainability Statement is provided prior to a decision being issued.

**Condition 6 (Requirement for provision of a Protected Species Method Statement):**

An updated Protected Species Method Statement has been provided by the applicant and assessed by WCC Ecology, who have confirmed that it is acceptable. Condition 6 should therefore be amended to a compliance condition with the submitted details.

*Additional Public Responses:*

1 email addressed from 16 neighbours from Myton Gardens referring to matters stated in the summary of representations (supporting documents unclear and misleading; unclear purpose for proposal; previous permission more sympathetic; lack of consideration of neighbours).

1 letter from immediate neighbour referring to matters stated in the summary of representations (lack of masterplan for whole site; unclear aims for proposal; overdevelopment of the site; overshadowing and loss of light; impact on local traffic; lack of adequate parking; build quality; biodiversity report inaccurate; construction management plan unacceptable – impact on nearby residential parking).

Item 9 -23 High Street, Kenilworth

A set of revised plans/elevations has been submitted illustrating minor revisions to the proposed alterations at rear ground floor level of the site. Namely, proposed French doors have been replaced by units featuring glazing panels, and the glazed canopy has been reduced in scale. The proposed first floor rear extension remains unchanged. An additional heritage statement document has also been submitted.

Item 12 – The Old Dole Office, Spencer Yard, L/Spa

*Flooding:*

Warwickshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the application. The LLFA notes that this application proposes to make minor changes to a previously approved application (Ref: W/20/2134) for which the LLFA in response to that application provided no comment. They have advised that having reviewed the information submitted within [W/20/2134] application and given the previous response, the LLFA would be acquiescent to the approval of this planning application.

However, they consider that additional information should be provided in order to better understand the implications of the scheme in regard to flooding:

*'The LLFA would welcome clarification on the below points.*

- The proposed discharge rate from the site into the existing surface water sewer. As per the Warwick District Local Plan it would ordinarily be expected that the discharge rate from the site would be set to QBar but we accept that this may diverge from what was previously approved under planning ref W/20/2134.*
- Following on from the above point, further clarification should be provided on what attenuation/SuDS will be incorporated within the drainage strategy. The LLFA notes that the site masterplan includes small areas of landscaping which could be designed as bio-retention /raingarden SuDS areas and be used to drain the site and perhaps provide betterment of the site or alternatively could permeable paving be used instead of tarmac.'*

The LLFA have advised that their concerns may be overcome through the submission of further information which demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. It is recommended that such information be secured by pre-commencement condition, an approach which has been supported by the LLFA.

#### Parking

Following further scrutiny of the plans, it is considered that the proposed extension to the rear of the building increases the parking requirement (in accordance with the Parking SPD) by 3no. parking spaces. The extension does not trigger the need for an additional cycle space.

As stated in the Officer's report, the development already provides a significant shortfall of parking spaces at the site. Despite a need for a further 3 spaces (35 in total required to comply with the SPD), Officers consider that the same conclusions should be drawn to those set out in the report; despite the increase in parking requirement, significant weight must still be attached to the previous approval for the conversion of the office (W/20/2134), which is extant and could be implemented in the event that planning permission for the current proposal is refused. The public benefits of bringing this redundant building back into use in a highly sustainable location, despite the higher parking requirement, are still considered to outweigh the harm resulting from a lack of parking provision. This is therefore not considered a reason for refusal.

#### Item 16 – W/22/0820 Forge Farm

##### *Additional Public Responses:*

2 Objections:

- The application is in the Green Belt.
- The site of the location has only recently been given a formal name. It is not a farm and never has been. It is a series of wooden stables and barns.
- The surrounding council owned hedge banking Forge Farm, Pinley Lane has been extensively cut back to allow a better visibility although this does not improve the visibility and is detrimental to the wildlife.

- There is evidence that a business is already being carried out at the site; the Applicant states he wants to regularise this. Does this mean that the applicant is currently operating without permission?
- The supporting statement states that the current enterprise is predominantly based as a livery but is to change to that of a farrier business and doggy day care. There is no mention of doggy day care in the planning application and a previous application for doggy day care has previously been refused. This would also generate more traffic on an increasingly busy lane.
- It is stated that the applicant intends to develop and expand the business which would of necessity, significantly increase the amount of traffic on Pinley Lane.
- This road is a lane, has no kerbs or drainage and there is not enough room for two vehicles to pass each other. Should this be necessary then this obviously involves one, if not both, vehicles mounting the verge, thereby eroding the edge of the lane. Mud is often spread across the road causing dangerous conditions. Even riding the horse or bike you are unable to remain on the road when a car comes, let alone a horsebox or trailer.
- Concerns regarding additional traffic and highway safety implications.
- Laminitis is normally treated at the horse's location, so unsure that this claim is reasonable.
- Queries regarding the postcode for the site.