

Planning Committee: 10 January 2023

Observations received following the publication of the agenda

Item 4: W/19/1133 - Land at Ward Hill

Additional Information

An updated Transport addendum has been received on 9 January 2023 from the applicant seeking to address the outstanding matters relating to Highways.

Whilst the Highways Authority have not had opportunity to fully review the information provided, they have indicated that their earlier objection contained the following:- *In order therefore to fully assess the proposal, the Highway Authority will require confirmation from the feed suppliers of their vehicle and also details of the bird collection company in order to establish exactly which vehicles will need to access the site. Once this has been conformed, further swept path analysis of these vehicles will need to be provided.*

Although the addendum contains a table of vehicles, this still has no confirmation from the companies involved, so Highways cannot be sure that those are the actual vehicles and not a supposition on the part of the applicant. The Swept path provided is still only for the one vehicle and not for all vehicles as requested above.

From this preliminary review, it appears that insufficient information has been provided to allow the objection from Highways to be lifted.

Item 5: W/22/1038 Rosswood Farm

There's a minor error on page 2 of the Officer Report - the gigafactory application approved on the site to the east (Coventry Airport) is W/**21**/1370 not W/**20**/1370.

Surface Water Drainage

Following amendments to the drainage basin as detailed in the officer report, the LLFA were consulted and submitted updated comments of an objection, due to insufficient information to demonstrate that there is a viable surface water outfall.

The applicant has confirmed that in the first instance, surface water will be discharged to a watercourse (which is the preference of Severn Trent Water) – this is shown on the proposed drainage strategy, and the LLFA accept this solution in principle. However, the developer requires third party agreement to link to the watercourse as it is located within the site to the north, which they do not have at present.

An alternative option would be to discharge the surface water to an existing combined sewer network owned by Severn Trent Water to the west of the site.

However, Severn Trent Water will only consider this, once all other options (i.e. linking to an existing watercourse) have been explored and discounted.

Therefore, at present, there is no confirmed viable surface water outfall solution, and the LLFA maintain their objection. However, the LLFA have confirmed that infiltration on site could still resolve the surface water drainage concerns, and there are also the aforementioned solutions which are also likely to resolve matters. The LLFA have stated that they recognise that there are several options for the developer to explore in regards to an outfall, and that it is just a matter of exploring them to ensure proposals utilise a viable outfall, and providing sufficient information in support of this.

On this basis, the application is still recommended for approval, subject to the conditions listed in the committee report, a Section 106 Agreement to secure the necessary financial contributions/obligations, and subject to the developer being able to demonstrate an acceptable surface water drainage scheme. If a suitable outfall cannot be agreed, then authority is delegated to Officers to refuse planning permission on the basis of a conflict with Local Plan Policy FW2 (sustainable drainage) and paragraph 167 of the NPPF. The other recommendations contained within the committee report regarding Officer recommendations remain the same.

Questions from Councillors

Questions (in black) raised by member of planning committee regarding the application in advance of the meeting and answers provided (in blue) from the Case Officer:

1. Are Housing correct to suggest that the new First Homes policy does not form part of our approved Local Plan and should therefore be given little or no weight? Your report (page 5) seems to take a different view. [This to my knowledge is the first application where we have had to deal with the First Homes requirement as part of the application \(or the first one where the developer has requested the inclusion of First Homes as part of the affordable housing\). Initially our Housing Team were reluctant to agree to allow the applicant to provide First Homes in lieu of other types of affordable housing. However, after a discussion between the head of Housing, DM management and our planning policy team, there has been an acknowledgement that we need to follow updates to the PPG which requires the provision of First Homes - on 24th May 2021, the Government published a Written Ministerial Statement \(WMS\) to set out the Government's plans for the delivery of First Homes and how they define this tenure of housing as part of delivering a range of affordable housing products. To support the future development of First Homes, the Government also set out changes to planning policy within an update to Planning Policy Guidance \(PPG\) published on 24th May 2021. The PPG provides further detail on first homes and their implementation. These changes came into effect from 28th June 2021. Our Housing Team now recognise the requirement and therefore the need to provide First Homes,](#)

in line with the requirements of the PPG, which we must offer weight. Therefore, the recommendations of my report are in line with the recommendations of the PPG. I understand that a guidance note is being prepared on this matter by our policy team.

2. Presumably if the Committee are permitted to take a different view on this issue of tenure mix from that proposed, that could be secured by condition? Yes this is a decision for committee, but I would strongly advise caution again going against the advice set out in the PPG which requires that First Homes are provided. Just as a point of clarification the affordable housing is being secured through the Section 106 Agreement, rather than by condition.
3. To the extent that the Ministerial Statement can be given weight at Planning, to what extent can our emerging DPD on climate change, also not part of our approved Local Plan, also be given weight? For example by setting out specific expectations for the implementation of approved policy CC1 to include solar panels, heat pumps, maximum emission standards? The DPD in terms of its progress means that we cannot offer it any more than very limited weight (I just checked this with the head of the policy team). What I would however note is that in terms of the requirements of policy CC1, I have added condition 9 for a sustainability statement which requires the applicant to demonstrate how they have complied with the requirements of this policy.
4. At what stage will the WDC Housing requirements for minimum internal space standards (their submission bottom of page 3) be checked and applied? Can the requirement be made an explicit condition at this stage (similar to your mix of sizes condition 17)? And will it apply to all units, not just affordable? We do not have a policy requirement for new development to meet the National Minimum Space Standards, we do however require that new development provides acceptable levels of amenity. We had legal advice a while ago which confirmed that we cannot require minimum internal space standards unless this is set out in policy or guidance (which we don't have). So no, we cannot apply this. Notwithstanding this, I would note that the development is submitted in outline, so the layout and size of the dwellings is not decided at this stage in any event.
5. The previous approved application for the adjacent site from the same applicants sought to reduce s106 obligations by submitting a viability assessment. Is it confirmed that no viability assessment will be submitted for this application? If that is not certain, can you confirm that any such submission will be subject to the same 4-week deadline as is being given for reaching a s106 agreement; and that in those circumstances the Committee will be required to give final S106 approval? (Presume this will have to be spelt out as a condition?) That is correct – there has been no viability assessment provided for the application, and as such the developer will be paying the contribution requests in full. There is no viability assessment expected – this will not change at this stage of the application (any viability assessment would be expected at validation of the application).
6. Can you please confirm the density of dwellings per hectare on this proposal (it seems to be below 35 whereas the adjacent plot seems to be over 50)? The density of the application site is 29dph and the site to the north is 31dph.

7. Will your requirement for the development to meet SHMAA and WDC market housing mix sizes also enable a greater density of dwelling to be achieved? [No – if granted, the approval would permit a maximum of 63 dwellings, so the density won't change at the reserved matters stage.](#)

Item 6: W/22/1546 16 Cross Street

Additional Consultation Responses Received:

Councillor Cullinan: Objection:

- Local parking without a permit will result in increased problems with parking in Kennedy Square and Holly Walk.
- The bedrooms have a lack of cross ventilation and will result in overheating which is experienced elsewhere. Mechanical ventilation will result in noise disturbance and will cost occupants and cause pollution.
- Future residents may well be students causing further noise disturbance and waste storage issues for surrounding neighbours.

Additional comments from the Environmental Health Officer in response to above comments:

According to Approved Document O, cross-ventilation is provided by open windows on opposing sides of a building. It would be possible to open windows on both facades, however, the front façade (Cross Street) would be exposed to noise levels above the BS8233:2014 guidelines. The proposed mechanical ventilation system would provide an alternative method for cooling the habitable rooms on the front façade without the need for opening those windows. The rear façades have also been provided with a light well that would provide openable windows to the kitchen/living/dining spaces whilst still achieving recommended internal noise guidelines.

The supplementary information document from Inacoustic Ltd dated 15th November 2022 provides details on the sound output from the mechanical ventilation system. The extent of noise generated by this is dependent on the chosen operating speed of the system which ranges from 20% to 100%. The noise output of the system will increase at higher speeds. At 20-40% speed, the system would still likely achieve the recommended internal noise guidelines for night time. At higher speeds, noise from the system may be more audible. The supplementary information document says that the ventilation ducting will be accommodated in the ceiling void and that the mechanical ventilation unit itself will be housed in a dedicated partitioned internal space that will help mitigate noise levels. If further noise reduction is required, this could potentially be mitigated by using fan silencers. In general, we would expect the mechanical ventilation system to achieve Noise Rating (NR) level 25.

Additional Public Responses:

2 Objections:

- Overdevelopment – cramming as many units in as possible to maximise profit. Will add to existing difficulties of parking, refuse collection, access and general noise.
- It will be student housing.
- It will impact negatively on quality of life for existing residents.
- Development of Imperial House will have a large impact on this proposal and may make the design details incorporated to allow for existing office building obsolete.
- Lack of ventilation mean inhabitants having to open their windows onto Cross Street and experience noise and pollution.
- Loss of privacy and light to neighbouring amenity.
- It will open the way for 16b Cross Street to be converted at some point.
- Renovation of Bravissimo will turn Cross Street into a building site.

Questions from Councillors

Questions (in black) raised by members of planning committee regarding the application in advance of the meeting and answers provided (in blue) from the Case Officer:

1. What are the internal sqm dimensions for each of the flats and do they conform to the WDC housing guidelines (as set out in their response to the Baginton application) ? [The guidelines set out by our Housing Team are in relation to their requirements for affordable housing, so not applicable to this development, which is solely for market dwelling \(as the development is for less than 10 dwellings it's not reasonable to require affordable housing\). I would refer to my comments relating to the lack of policy requirement to insist on the development meeting the national minimum space standards regarding application W/22/1038 – Rosswood Farm. Notwithstanding this, to answer your question, the internal dimension of the flats are as follows:](#)

[Unit 1: 44.96sqm](#)

[Unit 2: 47.1sqm](#)

[Unit 3: 48.67sqm](#)

[Unit 4: 69.57sqm](#)

[Unit 5: 80.61sqm](#)

[Unit 6: 73.47sqm](#)

[Unit 7: 43.15sqm](#)

[Unit 8: 42.12sqm](#)

2. What is the precise relationship to no 19 in terms of separation distances and overlooking? [The distance is 12.7 metres, but at an indirect angle. Please see drawing below which the applicant has provided – I will be including this in my presentation to Councillors which highlights the relationship with the nearby residential properties and distances between them – I have crudely marked on the proposed windows in red:](#)



3. Given the widespread concerns about how the flats can be kept cool, could condition 3 be strengthened to request specific proposals for a level and type of thermal insulation of roof and walls capable of blocking incoming summer heat, in addition to the proposed mechanical ventilation? [We would need justification to do so – the proposed mechanical ventilation has been assessed by the Environmental Health Officer who considers that it has been demonstrated that it would be adequate in ensuring that the property will not overheat. Unless there is evidence to suggest that this would be insufficient in some way, I do not think it would be reasonable to amend the wording of the condition to require measures over and above this.](#)

4. In relation the holding objection from environmental health, has any more information been forthcoming from the applicant about improved cross ventilation in the habitable rooms? [Yes, the applicant provided additional information on the mechanical ventilation \(dated 15th Nov – Post-Submission Noise Response v2\). This was assessed by the Environmental Health Officer, who provided an updated consultation responses of no objection on the basis of this additional information, which is dated 1st Dec – you will see he references this document in his response.](#)

Item 7 – W/22/1666 - Land Adjacent to Kingswood Farm, Old Warwick Road

Additional consultation response received.

WCC Ecology: Raises no objection to the proposed scheme, subject to the two pre-commencement conditions and notes below;

No development shall commence until an ecological mitigation and enhancement scheme for the development has been submitted and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details of the following: reasonable avoidance measures during works with regard to nesting birds, amphibians and badgers, timing of works and full details of proposed biodiversity enhancement features as identified within the submitted EcIA carried out by FPCR dated December 2022. This must include long term management for all habitat enhancement measures, and location, installation timescale, and type for other features proposed to increase biodiversity, such as the proposed bird boxes. The works and ecological enhancement shall thereafter be carried out in accordance with the approved details and maintained in perpetuity. ***Reason: In accordance with NPPF, ODPM Circular 06/2005***

The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and long term maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles or hedgehog features). Such approved measures shall thereafter be implemented in full. ***Reason: To ensure a net biodiversity gain in accordance with NPPF.***

Notes:

Lighting can significantly affect the behaviour of some animals such as bats and other nocturnal mammals, moths and birds, even to the extent of jeopardising their survival or reducing their breeding success. We recommend that where lighting is to be installed or updated, lights should be low pressure sodium with a full cut-off lantern in order to minimise the spread of the light. We also recommend that the lights are put on a timer so that they can be switched off as soon as possible in the evening. We recommend that floodlighting is avoided wherever possible, particularly in rural areas. Lighting should be directed away from vegetated areas, lighting should be shielded to avoid spillage onto vegetated areas and connections to areas important for foraging should contain unlit stretches.

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully

protected under the 1981 Wildlife and Countryside Act and the Habitat Regulations 1994 (as amended 2007), making them a European Protected Species. It is a criminal offence to recklessly disturb or destroy a known or suspected bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a license may be necessary to carry out any works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0845 601 4523. If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 01453 764450 for advice on the best way to proceed.

Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. The main nesting season, lasts approximately from March to September, so work should ideally take place outside these dates if at all possible. NB. Birds can nest at any time, and the site should ideally be checked for their presence immediately before work starts, especially if during the breeding season.

Additional comments from a neighbouring property.

Additional correspondence received from a neighbour brings to Officers attention the commencement of an enforcement investigation on 14th June 2021 and the ongoing investigation into the alleged widening and use of an access into the application site from the Old Warwick Road, with accompanying photographs sent on 8th February 2021, showing the original gate. The neighbour considers that the enforcement outcome in August 2021 was incorrect, with complaints not being investigated properly.

Please note that enforcement action is a separate issue to the assessment of this planning application. The access is clearly shown on the submitted drawings, as a pedestrian access, therefore any issues surrounding enforcement are to be considered separately to this planning application.

Further correspondence from the neighbour questions the effect of the new dwelling on the neighbouring properties, in terms of light and outlook. Officers note that there has been no change in the height of the dwelling from the originally approved scheme. Officers also note the Council's Residential Design Guide would allow 15.0m separation distance for a front-to-front relationship. In this case the properties located on the opposite site of the Old Warwick Road are between 21.0m and 23.0m away, therefore Officers consider the proposal to comply with the Council's RDG.