

PLANNING COMMITTEE 20 AUGUST 2014

OBSERVATIONS RECEIVED FOLLOWING PREPARATION OF AGENDA

Items 12 & 13: W/14/0958 & 0959/LB – Abbotsford School, Bridge Street

Cllr Blacklock has confirmed her objection to the revised proposals including the following comments:-

- *The height of some of the new houses has been reduced by 0.8 metres which is not significant*
- *Additional parking places have been added making the site more prone to pollution and compromising the outlook and amenities of the new residents in favour of the residents of the main house whose re-development has not been granted planning permission.*
- *The additional small strip of landscaping will not satisfy the concerns of Pears Close residents.*
- *I see no reason to change the previous decision. This is an important site and great care should be taken to bring about a sensitive and appropriate scheme here.*

Kenilworth Town Council have submitted an additional document to clarify and amplify their objections to the application including the following comments:-

- *The design of the buildings is still considered to be inappropriate to the Grade II* Listed Building.*
- *There are concerns about highway matters and how the site will be serviced and accessed.*
- *The scheme is inappropriate and comprises back land overdevelopment.*
- *It will be unneighbourly overlooking to the properties in Pears Close.*
- *The relationship to the properties in Kenilworth Hall Mews has not be taken into account.*
- *There is no drawing to show the impact on the wall.*
- *The flat over the archway will alter and compromise the street scene.*
- *There are concerns about the living conditions for residents adjacent to the main road with regards to pollution levels and noise impacts on the occupiers of the proposed dwellings.*
- *There are concerns about the main house and the viability of the scheme.*

English Heritage has commented further and states that the revised proposals are acceptable subject to a condition and/or drawing showing the boundary wall to be retained at full height.

Highways have confirmed that they have no objection subject to their standard requirements and to a condition preventing construction traffic from being permitted to enter or exit the site before 9am and after 4.30pm, Monday to Friday. This is due to traffic levels on this area of the network at peak times and the conflict that would occur between normal users of the public highway and large slower moving vehicles entering and existing the site this condition has been recommended for the period of construction.

Item 16 : W/14/0982 – 66 Mercia Way

An **objection** has been received from **Warwick Town Council** stating that the garage should be refused on the grounds of the high flood risk to the adjoining properties. To add more development would only exacerbate the flood risk further as confirmed when a previous application was refused on appeal.

Residents are concerned that if the garage is allowed it could be converted into a house.

The Town Council strongly recommends a site visit, as there have been changes in WDC Membership and those Members may not be aware of potential problems in the area.

Additional correspondence has been received from **Warwickshire County Council Highways** confirming that they have no objection to the proposal.

In response, officers would further comment that in view of the nature of the proposal and the key issues in the consideration of this matter, a site visit would be of limited assistance in determining this application.

Officers have been advised by your Health and Community Protection Team that historically in approximately 1998, an issue with a malfunctioning valve in the surface water drain from the site into the river resulted in flooding in the vicinity of the site. Officers understand that it is this event which may have resulted in the level of objection received in respect of this scheme on flood risk/drainage grounds.

Your Health and Community Protection Team have advised that this matter was resolved at the time and that subject to appropriate maintenance by Severn Trent Water, there is no reason to consider that there will be any reoccurrence.

It is also of note that the during the major flooding event within the District in 2007, there was no reoccurrence of that problem.

Item 17 – W/14/0915 Hybrid Arts, Riverside, Leamington Spa

Further objections have been received regarding noise and disturbance from the premises on behalf of the residents of Portland Place West which raises the following issues:-

- The Residents of Portland Place West have been used to the occasional noisy party at the Irish Club and the Royal Naval Club.
- In March 2013 WDC granted LAMP use of the building on Riverside as a space for arts and creative work, with a view to showcasing work on an occasional basis, and a late night around once a month.
- LAMP describe themselves as a “concert venue” on their facebook page and between 1st March and 31st July there are 29 listed music events and only 2 non music events. This doesn’t include private parties or band practices on weekend afternoons.
- This application is retrospective; their own noise assessment states that they do not have adequate noise insulation. The issue with noise is not limited to inside the building, it also relates to an external smoking area.
- Noise is not only the main issue but with noise and disturbance when participants are leaving the venue in around the adjacent car park, including anti-social behaviour, cars revving, singing and arguments. No effort has been made to clear this area after the venue closes.
- The residents support LAMP as a concept, however, the residents are objecting to the increased number of music events and the noise and disruption which is having a detrimental effect on their quality of life.

The applicant has submitted further information in support of their application:-

The Mission Statement of LAMP is to improve people’s lives through opportunities and education. To provide and improve access to quality cultural provision for all. To generate cultural capital in our regions and set positive examples for others. To build capacity in the creative industries.”

The applicant has proposed revisions to their planning application as follows:-

1. Live music currently ends at 11pm and this will continue after sound proofing has been undertaken. (LAMP have a license until 12.30am on Friday and Saturday but they currently operate to 11pm as requested by Environmental Health.
2. The premises are proposed to close at 1am rather than 3am

In response to the above comments by the applicant: Environmental Health have requested the imposition of a condition formally restricting live music to end by 11pm until the sound proofing is installed. Once sound proofing is installed the restriction to 11pm can be revised to coincide with the licence arrangements.

Item 18: W/14/1084 – Milverton Service Station, 130 Rugby Road, Leamington Spa

Further consultation responses

The following further comments have been received:

Town Council: No objection, but comment that restrictions should be placed on the tanker delivery hours to reduce anti-social disturbance to neighbouring properties.

Public response: 6 further objections have been received, raising concerns similar to those summarised in the Committee Report.

Further comments from applicant

The applicant has advised that they consider the recommended conditions to be overly restrictive. In particular they are concerned about the restrictions on the hours of use of the shop and the hours of deliveries. Their initial application sought 24 hour use for all parts of the operation, including fuel sales and the shop. However, they have suggested a compromise which would have permitted their original proposals on a temporary basis to enable the impact of this to be assessed.

Environmental Health have considered the suggested compromises, but have raised concerns about any further relaxation of the proposed conditions because of the potential impact on the amenities of nearby residents.

Nevertheless, Officers have given further careful consideration to this matter and discussed the proposal further with Environmental Health colleagues.

On reflection, the recommendation proposing to permit 24 hour opening for petrol and ancillary sales only presents difficulties in terms of the practicalities and

enforceability of operating in that manner. For that reason, it is proposed that the proposed condition no. 2 be revised so as to permit the sale of petrol and other goods on a 24 hour basis for a 12 month temporary period excluding the operation of the car wash, jet wash and jet inflator at the site:-