PLANNING COMMITTEE 10 November 2015

OBSERVATIONS RECEIVED FOLLOWING PREPARATION OF AGENDA

Item 5: W/15/0905: Station Approach, Leamington Spa

Royal Leamington Spa Town Council: No objection, subject to the enforcement of all conditions recommended by the Planning Officer.

Viability Report update: An independent assessment of the applicant's viability appraisal has been undertaken. That assessment demonstrates a deficit within the scheme such that there is no scope for planning contributions over and above the significant level of affordable housing proposed as a key part of the scheme.

WCC Flood Risk: Additional supporting information has been submitted for assessment. Members will be updated on this at the meeting.

Cycleways: Objection. The access to the far west [onto Park Drive] uses steps and is an inaccessible access point excluding cyclists, people with pushchairs, mobility scooters and wheelchair users. No safe crossing is indicated to Victoria Park opposite.

Officer response: The proposed stairway provides the least intrusive solution to introduce an access to the western end of the site (a steep bank some 3-4m high separates the site from the highway at this point). The access is located in the conservation area and a street scene characterised by soft landscaping. It is considered that a ramped structure would be visually detrimental in this location. Officers are mindful that the western access seeks to complement the enhanced pedestrian/cycle access points to the eastern end of the site, which is part of National Cycle Route 41. The proposal will widen this existing route to 3m making it suitable for pedestrians and cyclists and this form the key access point for the new development and Railway Station. It is therefore considered that cyclists or members of the public unable to negotiate the western access point will not be unreasonably prejudiced.

Item 6: W15/1022 – Rugby Tavern, Rugby Road, Leamington Spa

One further objection has been received, raised concerns similar to those listed in the "Summary of Representations" section of the Committee Report.

Item 9: W/15/1091 St Nicholas Park, Warwick

This application has been withdrawn by the applicant.

Item 10: W/15/1294 Land at Wasperton Lane, Barford, Warwick

Additional comments have been received from Barford, Sherbourne & Wasperton Joint Parish Council stating that they object on the following additional grounds:

A1 – The JPC considers that the proposed "heritage detail" of ventilators, corbels, hay lofts and tie bars to be purely pastiche and inappropriate in a new build situation. It does nothing to enhance the setting of the heritage asset.

A2 – The JPC has concerns about how the proposed "parkland gardens" will be maintained in perpetuity and not degenerate into standard domestic curtilage. This concern extends to tree survival and maintenance, maintenance of the steel fencing and maintenance of the pasture. Furthermore the JPC contends that there should be no consideration of any domestic garden provision outside the Barford Village Envelope as proposed in the emerging Local Plan.

A3 – The JPC has concern that the applicants' arboricultural report seems to have been accepted without comment or review. There are many maturing trees which are of value and the proposal is to fell the vast majority. These will be a significant loss to the landscape and the proposed replacements with semi-mature alternatives is less than satisfactory.

A4 – The JPC is concerned at the lack of any detail of the reinstatement of the eastern/allotment boundary which is simply shown on the layout plan as "brick wall". This is currently in very poor repair having suffered many years of total neglect and this should be fully reinstated to its original height.

A5 – The JPC continues to have concerns over the loss of significant portions of the roadside wall, whilst understanding the fact that "if" development is permitted there must be satisfactory sight lines. The JPC welcomes the move to a higher wall, and suggests that it should be to the original height which can be determined at various points on the perimeter of the land; but still regrets the stepping back of the reinstatement. If the wall is to be rebuilt the JPC requests that it must be with re-used bricks, or at least bricks to comparable heritage standards.

A6 – The JPC notes the Examiner's recent favourable comments on its Draft Neighbourhood Development Plan and points out that the proposal fails to meet its parking standards as detailed in Policy B13 which requires parking provision exclusive of tandem parking, which as everyone knows is seldom correctly utilised and leads to further on-street parking and associated obstructions and congestion.

Six Public responses have been received objecting to the amended plans:

- Previous objections to the proposals still stand.
- NPPF para.130 states that deliberate neglect should not be taken into account in any decision.
- Barford House is secluded within its parkland setting, with each of its elevations having a different role in its function, the southern side formed part of the pleasure grounds and economic life of the house.
- The repositioning of the wall will mean that the historic character of the estate boundary and street is lost and will become part of the design of the new development and have no link to Barford House.

- It is unclear if the heritage tree planting plan will replace original tree planting. Trees within Barford house should not form part of the proposals. There should be taller trees close to the northern properties.
- The proposed dwellings and their "formal" gardens should be well within the north boundary of the flats to reduce their visual impact on Barford House.
- The area will effectively be residential gardens. These areas will become devalued by future occupants. It is questionable whether future occupants will have the means to maintain the up-keep of the heritage asset.
- What future protection will be given to the retention of the rockery.
- The area should be handed to an organisation or trust to maintain the asset for future wellbeing.
- The right of access to Plot 3 from Wellesbourne Road has formed a separate plot of land.
- There is scope to enhance ecology on site rather than pay a contribution to off-site enhancement.
- The proposed houses will have an impact on the setting of Barford House and views southward from it.
- The development neither enhances nor protects this heritage area and its assets.
- Proposals remove the southern side of the registered parkland.
- The previous refusals and heritage protection policies should refuse this application.
- Proposals result in removal of mature tree group. Proposals could be amended to remove two of the proposed plots and the loss of these trees is not outweighed by the benefits of these 2no. dwellings.
- The principle of development on the site is fine though the submitted scheme does not respond adequately to local characteristics and would therefore harm local character and distinctiveness.
- Proposals not consistent with the NPPF
- No consultation with Landscape Architect, Tree Officer or Urban Design Officer has been carried out.
- Proposals will impact on car parking and impact on free flow of traffic along Wasperton Lane.
- Development should have a larger entrance splay to reduce impact on car parking.
- Impact on services, schools, internet.
- Impact on wildlife habitat.

<u>One response has been received raising the following concerns with the proposals and the Officer Report:</u>

- Amenity value of mature trees to south-west corner has not been acknowledged.
- Advice has not been sought on the local landscape character or distinctiveness and the role the tree group plays in it.
- No consideration has been given to how the scheme may be amended to avoid the loss of the mature tree group.
- Advice in relation to compensation tree planting has not been sought. Proposed planting will be in gardens and have limited impact on the public realm. It is notoriously difficult to enforce the establishment and management of trees within private gardens in perpetuity.
- Needs to be considered whether the proposals represent good design in terms of Section 7 of the NPPF (Para 64) Removal of 2no. units could reduce local harm.

Officer's response:

- The amenity value of the existing trees within the context of the surrounding area has been assessed as part of the proposals. Consultation has been undertaken with the Conservation Officer and the Tree Officer. Whilst noting that the removal of these trees will have an impact on the character of the area the trees have not been identified as being ones which should be subject of a TPO.
- Consideration has been given to how the scheme may be amended however this has been balanced with considerations in terms of impact on the heritage asset.
- A condition is recommended in relation to replacement tree planting and landscaping on the site, including to the site frontage with Wasperton Lane and advice would be sought at the time details are submitted to discharge this condition on specific landscape matters.
- The design and layout of the dwellings is considered to represent good design and consultation has been undertaken with the Conservation Officer. Amendments have been made to the rear elevations of plots facing Barford House to improve their overall quality and design.

Tree Officer

Trees are clearly visible from the highway and so have an amenity value. Trees to the north of the site are also clearly visible from many vantage points in the village and its environs.

Proposals are to remove all but 1 of the trees within the red line, an oak tree. Ideally a larger area would be protected as this is a young tree capable of continuing to grow. The Tree Protection measures will prevent possible damage to the Root protection areas, as well as accidental damage to the trees canopy and crown. The tree is to the north of Plot 1 so will not cast direct shade but may lead to repeated requests for branch removal as the crown expands, perhaps with the risk of abrasion damage to the new property.

Accept the proposal with a condition that requires detailed tree protection measures for retained trees.

Warwickshire Gardens Trust have objected to the proposals. The details can be summarised as follows:

- Detrimental impact on the setting of Grade II* Barford House and its locally listed landscape.
- The grade of the listing puts it into the class of 'exceptional' under the NPPF and the public benefits of the proposed development should be weighed against the damage to significance.
- The area of the locally listed garden was only established very recently and includes this application site. The Council have made this decision 3years ago and defended it at two appeals.
- The applicants arguments in relation to the site not being visible from Barford House are not supported by the NPPF which states that the setting of a heritage asset is the surroundings in which it is experienced.
- This argument has not been accepted by Inspectors on previous decisions.

- The Inspector said that this side was less sensitive, not that it was not sensitive at all.
- There is strong interconnection between this site and Barford House with historic ornamental gateway, use of the area as a kitchen garden and the presence of a rock garden.
- The site was part of the earliest land bought for the estate and formed part of its landscape from the time the house was built.
- The wall forms part of the setting of Barford House. Proposals to rebuild the wall on a different line will destroy its character and is recognised by the Council's refusal of permission for the wall on Wellesbourne Road to be rebuilt rather than repaired.
- The adjacent flats were built possibly before the listing. The NPPF states that the cumulative impact of development should be considered. The presence of the flats is not justification for permitting further development in this area.
- Shrubbery forms part of the earliest design elements of the garden and development will have a detrimental impact on this locally listed garden which together with the application site forms part of the setting of the house.
- NPPF states that deliberate neglect should not be allowed to justify a planning consent.
- Damage that will be caused to the conservation area and setting of Barford house outweighs any public good in the provision of eight houses and the removal of the dereliction of the land.

<u>Barford Neighbourhood Plan – update</u>

The Inspector's final report and recommended modifications to the Barford Neighbourhood Plan has been received. A full copy of this document is available to view on the Council's webpage. However in relation to this current application the most relevant sections are considered to be as follows:

Policy B1 of the NP – Future Housing Development

In Para. 29 & 30 the Inspector outlines the modifications he considers necessary to this policy. In order to support sustainable development the Inspectors considers the policy needs to be modified so that neither the three preferred sites, nor numbers in the new Local Plan when adopted, is necessarily the maximum.

Policy B10 – Protection and enhancement of Local Green Spaces.

In Paras. 34, 35 & 36 the Inspector outlines the modifications he considers necessary to this policy.

Para 34. Relates specifically to the current application site and states:

'Site A1 includes the walled garden site (site H20 in WDC's Submission Draft Local Plan). The NDP may remove this from preferred sites and I have therefore not recommended modifying paragraph 5.7. However that does not mean that it is appropriate to go further and prevent development on it should the need arise. I note that in his submission, Mr Toby Jones, among other things, pointed to the absence of evidence as to why this land was worthy of protection as local green space. I have seen no evidence to the contrary. I am also concerned that if development of this site were to be categorically excluded, there would be greater pressure for development outside the settlement boundary, perhaps on best and

most versatile agricultural land. Should development on this land be proposed, consideration would, as a matter of law, have to be given to Planning (Listed Buildings and Conservation Areas) Act 1990 s66 and s72 and to the judgment of the Court of Appeal in East Northamptonshire District Council v Secretary of State for Communities and Local Government.7 The draft NDP's paragraph 5.39 (4), which I consider should remain, would also require consideration'

Para. 36 recommends that policy B10 be modified to remove site H20 in WDC's Submission Draft Local Plan to be removed from the map on Page 31 of the NP.

Additional condition: to clarify the use of area to the north of the site is proposed:

Additional Officer comments in relation to Heritage Assets

In meeting its statutory duties under s66(1) and 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990, when considering a planning application for development which affects the setting or character of a listed building or conservation area, the Local planning Authority needs to demonstrate that it has paid special regard to the desirability of preserving or enhancing the building and its setting or the Conservation Area. The NPPF substantiates this importance in the first part of paragraph 132 which states that when considering the impact of a proposal on the significance of a designated heritage asset, "great weight" should be given to the asset's conservation.

In determining the current application significant weight has been attached to the preservation and enhancement of the Heritage assets, Barford House, the Locally listed park and garden, features such as the rockery and wall to Wasperton Lane and the Barford Conservation area.

The proposed development respects the importance of Barford House by restricting built development to the southern area of the site and including the area to the north within the site boundary to bring forward a historically informed landscaping scheme, enhancing the setting of the listed building, Conservation area and protecting key views.

The proposals are considered to have a 'less than substantial' impact on the setting of Barford house for the above reasons and those discussed in the Case Officer Report.

The inclusion of the area to the north within the site and the landscaping scheme to be secured will bring forward reinstatement of key features, such as the rockery with soft landscaping to reflect and respect the status of the land as a Locally listed park and garden enhancing its context and relationship to Barford house and the Conservation area.

The wall to Wasperton Lane is considered a key feature and one which the proposals seek to retain. Amendments have been sought which see the wall retained at its current height with the minimum break for the new access provided.

Whilst repositioned, this section of wall is considered to have less impact in terms of its relationship to Barford House as the two are not viewed readily in conjunction with one another. With regards to the Conservation area the wall will be retained and overall its visual impact will not be significantly altered from the existing ensuring a neutral impact on the streetscene and overall character of the Conservation area.

The development does result in the loss of existing trees and landscaping and this will have an impact on the character of the Conservation area. The proposals however will reinstate trees to the Wasperton Lane frontage, retain a key Oak tree within the site and include significant landscaping to the north of the site. The detailed landscaping scheme will seek to ensure stock sizes are such that the bosky character of the site is maintained and overall there is a neutral impact on the Conservation area.

It is Officer's opinion that the proposals successfully addresses its relationship to the heritage assets, principally Barford House and the Barford Conservation Area and that there will be a less than substantial impact on those assets and therefore Paragraphs 132 and 134 of the NPPF should be applied.

Item 11: W/15/1325 7 Upper Rosemary Hill, Kenilworth

Two letters of support have been received from the occupiers of 5 & 5a Upper Rosemary Hill. The details of which can be summarised as follows:

- Support the proposals subject to conditions relating to windows being obscure glazed, no windows to side elevation. This does not appear to have been addressed.
- There is discrepancy between the submitted floor and elevation plans though it is noted that this issue would be addressed at Reserved matters stage.
- Condition requiring details to be submitted showing existing and proposed levels and construction details along the whole western site boundary.
- Condition should restrict the planting to the western site boundary to avoid adverse impact on daylight to neighbouring properties. This does not appear to have been addressed.
- Suitable traditional materials should be approved.
- The density of the development is in keeping with the surrounding properties.
- It would provide additional housing without being intrusive or 'over-development'
- A brick boundary of 1.8m should be included to the western site boundary to protect adjacent properties from headlight glare, traffic noise, maintain security, act as a retaining wall and reflect the building style of the surrounding area.
- Understand that the Inspectors report for the approval at 'The Paddock' made reference to a brick wall to the boundary of that property and noted it's presence prevented headlight glare and road noise for adjacent properties. This mitigation should be replicated on the current site.

Item 13: Former Honiley Airfield, Wroxall

WCC Ecology: No objection, subject to conditions, as indicated within the Officer report.

Solihull MBC: No observations received.

In response the Cycleways objection the applicant has provided the following response:

- Provision is being made within the proposed development for shower/changing and storage facilities for employees who choose to cycle to work.
- Cycle parking provision has been incorporated within the layout of the proposed development to encourage this mode of transport.
- The proposed access road into the site includes good cycle provision, including a 3m combined footway cycleway into the site.
- There are no National Cycle Network routes or any designated cycle routes within the local vicinity of the development upon which proposals could have created enhanced connectivity from the proposed scheme.
- Given the above it is reasonable that the existing implemented planning permission for much larger scale development on the site (the Fulcrum permission) did not stipulate the need for any off site cycle improvements to the local highway network.
- The majority of the local highway network consists of quiet routes on which cycling can be relatively safely undertaken.
- The local topography is such, with relatively modest gradients, that the surrounding area is conducive to cycling.
- The design of the offsite roundabout has included enhanced cycle provision through this junction and makes good provision for taking cyclists off the carriageway and directing them safely into the site on the combined footway cycleway as noted above.

Item 18: W15/1597 – Export House, Coventry Airport

Further consultation responses

Baginton Parish Council: Having visited Bellagio Stone's current premises to view their operations, the Parish Council have withdrawn their objection, subject to a condition to require noise mitigation measures if there is an increase in baseline noise at the Air Museum.

WDC Environmental Health: No objection, subject to a condition to require a noise assessment and mitigation measures, if appropriate.

An additional condition is proposed to require a noise assessment to be undertaken prior to the commencement of the use of the premises and any mitigation measures to be implemented and retained to protect surrounding uses and premises.

Item 19: W/15/1680 – 65a Red Lane, Burton Green, Kenilworth

Further Public response: A detailed letter of objection and photographic appendices has been received objecting to the scheme on the grounds of:-

i. The inappropriate size and scale of the extension which is out of scale with the character of the area and the original dwelling and the resulting precedent. Considered contrary to policy RAP2 of the WDLP.
ii. The loss of amenity from both the extension and the raised patio which create adverse overlooking and loss of privacy.
iii. Concerns about the effect of the development on drainage.
iv. Noise pollution
v. Distance Separation
vi. Appendix providing details of an example of overlooking whilst in the garden

Further Public response: A letter has been received in support of the application from a neighbouring property.

Revised recommendation

Planning Committee are recommended to resolve that:

(a) they are minded to GRANT planning permission; and

(b) authority be delegated to the Head of Development Services to determine the application in accordance with the resolution in (a) after the end of the consultation period on 13 November 2015, provided that no significant new issues are raised in any further consultation responses received prior to that date.

Item 20: W15/1738 – Offa House, Village Street, Offchurch

Further consultation responses

Parish Council: No objection.

Public response: 16 representations in support have been received.

One further objection has been received, raising issues similar to those already listed in the "Summary of Representations" section of the Committee Report.

Further information from the applicant

The applicant has submitted further details regarding the proposed use. This includes the following:

- vehicles movements are expected to be 2-3 minibuses per day (refugee arrivals and trips out), 12 cars per day (staff and support services), 15 further cars per week (refuges leaving to permanent accommodation) and 2-3 supermarket delivery vans per week;
- traffic movements for the retreat house use will often have been above those expected for the proposed use;
- 23 bedrooms will be available, accommodated up to 35 refugees, the majority of whom will be women and children;
- each refugee would stay between one and two weeks before being moved to permanent accommodation elsewhere in the country, probably across the West and East Midlands;
- several organisations would be involved in running the programme at Offa House, including Coventry City Council (lead organisation responsible to the Home Office), Warwickshire County Council (on a number of fronts, in particular social care assessments), Warwick District Council (local planning authority and may also be involved in other areas) and the Diocese of Coventry (providing the building, welcoming refugees and providing hospitality);
- a steering group made up of the above organisations will be formed;
- a local liaison group would also be established; and
- most of the funding will come from central government, however it is envisaged that there will be some volunteering and fundraising by churches and other bodies in order to enhance the welcome being offered to these refugees;

The urgency in considering the application prior to the completion of the consultation period was initially considered to be due to a need to accommodate the refugees before Christmas (as report in the Committee Report). However, it is now apparent that Home Office approval will not be forthcoming until planning permission is granted. Therefore, the planning decision must be made at the earliest opportunity to allow the 8 week programme of urgent health and safety works to commence so that this does not delay opening any further.

Revised recommendation

For procedural reasons, the recommendation has been reworded. It now reads as follows:

Planning Committee are recommended to resolve that:

(a) they are minded to GRANT planning permission; and

(b) authority be delegated to the Head of Development Services to determine the application in accordance with the resolution in (a) after the end of the consultation period on 16 November 2015, provided that no significant new issues are raised in any further consultation responses received prior to that date.