Planning Committee
Thursday 24 June 2021

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa on Thursday 24 June 2021, at 6.00pm and available for the public to watch via the Warwick District Council YouTube channel.

Councillor Boad (Chairman)
Councillor Morris (Vice Chairman)

Councillor M Ashford
Councillor G Cullinan
Councillor R Dickson
Councillor T Heath
Councillor O Jacques
Councillor J Kennedy
Councillor V Leigh-Hunt
Councillor N Murphy
Councillor N Tangri

Emergency Procedure

At the commencement of the meeting, the emergency procedure for the Town Hall will be announced.

Agenda
Part A – General

1. **Apologies & Substitutes**

(a) to receive apologies for absence from any Councillor who is unable to attend; and
(b) to receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting.

2. **Declarations of Interest**

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be disclosed during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

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3. **Site Visits**

The Chairman to report the location of the planning application sites visited and the names of the Committee Members who attended.

Part B – Planning Applications

To consider the following reports from the Head of Development Services:

4. **W/18/0643 – Land at Kings Hill Lane, Stoneleigh (Pages 1 to 35)**
Major Application

5. **W/20/2134 – United Reformed Church, Spencer Street, no.5 and Old Dole Office, Spencer Yard, Royal Leamington Spa (Pages 1 to 16)**
Major Application

6. **W/20/2135 LB - United Reformed Church, Spencer Street, no.5 and Old Dole Office, Spencer Yard, Leamington Spa Spencer Street, Royal Leamington Spa**
(Pages 1 to 5)

7. **W/19/1133 - Land at Ward Hill, Warwick Road, Littleworth, Norton Lindsey, Warwick (Pages 1 to 25)**
Major Application

8. **Appeals Report (Pages 1 to 7)**

Please note:

(a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.

(b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.

(c) in accordance with the Council's Public Speaking Procedure, members of the public can address the Planning Committee meeting remotely by joining the remote meeting through their personal device on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please register online at Speaking at Planning Committee any time after the publication of this agenda, but **before 10.00am** on the working day before the day of the meeting and you will be advised of the procedure.

(d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.

(e) occasionally, items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's website, and where possible, the applicant and all registered speakers (where applicable) will be notified.

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For enquiries about specific reports, please contact the officers named in the reports.

You can e-mail the members of the Committee at planningcommittee@warwickdc.gov.uk

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Planning Committee: 24 June 2021 **Item Number:** 4

Application No: W 18 / 0643

Registration Date: 03/04/18
Town/Parish Council: Stoneleigh **Expiry Date:** 03/07/18
Case Officer: Rob Young
01926 456535 rob.young@warwickdc.gov.uk

Land at Kings Hill Lane, Stoneleigh

Outline application with access: Development of up to 2,500 dwellings (C3); 4,000 sq.m. of mixed use floorspace (A1, A2, A3, A4, A5, B1, C2, D1 and D2); Primary School; Secondary School, Open Space and Associated Infrastructure FOR Lioncourt Strategic Land Limited, Lioncourt Homes (Development No.17) Limited De

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This item is being brought to Planning Committee to seek authorisation for a small number of revisions to the requirements of a Section 106 Agreement relating to this development and to the conditions that were previously agreed by Planning Committee.

This is a complex agreement relating to a significant development for which Planning Committee resolved to grant permission on 3 December 2019. A number of parties including the applicant along with various District and County Council Officers are continuing to work on the agreement with a view to finalising it in the near future. The scale of the work involved and nature of those discussions is such that from time to time, the need for revisions to the agreement are identified.

Planning Committee are asked to note that the overriding purpose in securing this agreement is to ensure that it makes provision for all of the infrastructure requirements arising from the development and that they come forward at the appropriate time.

RECOMMENDATION

Planning Committee are recommended to delegate authority to the Head of Development Services to agree and finalise the revisions to the Section 106 agreement set out below and to approve the changes to the conditions set out below.

DETAILS OF THE CHANGES

Section 106 agreement

Increase in the size of the changing facilities associated with the sports pitches from 50 sq m as specified in the original Committee Report, to 150 sq m. Associated increase in the changing facilities cost cap.

Conditions

Various changes to the conditions, summarised as follows:

Condition 5: Reference number for submitted Infrastructure Delivery Strategy added.

Condition 6: Drawing number updated and ordering of applications amended.

Condition 8, 9 & 10 (details of district centre, community centre and community recreation area): Deleted because these replicate requirements that are now included in the section 106 agreement.

Conditions 11 & 12 (masterplan and design code): split into 4 separate conditions to allow for separate higher level site-wide submission and more detailed phase-specific submissions.

Conditions 24 & 29: Wording amended to confirm that they can be discharged on a phased basis.

Condition 32: Wording amended to confirm that the barrier must remain in place for the duration of construction works.

Condition 36: Wording amended to clarify that the condition only refers to the side of the Finham Brook that is within the application site.

Condition 48: To be removed if WCC Highways confirm that the A46 junction scheme has progressed sufficiently.

THE SITE AND ITS LOCATION

The application site is located to the north of the District, abutting the administrative boundary with Coventry.

ASSESSMENT

The change to the section 106 agreement will improve the facilities provided on site compared with that previously agreed (increase in size of the changing facilities from 50 sq m to 150 sq m). WDC Cultural Services advise that this level of provision is needed for the sports pitches that the scheme includes. Therefore it is considered to be necessary for the proposed development and in accordance with the Community Infrastructure Levy Regulations.

The changes to the conditions are mostly minor alterations to the wording that does not change the requirements of the conditions. In most cases this either clarifies what the condition requires, updates drawing numbers or allows for the condition to be discharged on a phased basis.

The exceptions are the masterplan / design code conditions (former nos. 11 & 12), conditions 8-10 that require details of the on-site facilities and condition 48 that relates to the Stoneleigh junction.

The changes to the masterplan / design code conditions are considered to be appropriate because the level of detail originally required on a site-wide basis would not be appropriate at that wider scale. Therefore splitting this into separate conditions to require high-level details site-wide and a greater level of detail for each individual phase is considered to be acceptable.

With regard to conditions 8-10, as work has progressed on the drafting of the section 106 agreement, it has become apparent that these conditions duplicate the requirements of clauses within the agreement. Therefore these conditions are no longer necessary.

Finally, condition 48 may no longer be necessary because work is progressing on the WCC scheme to improve the Stoneleigh junction. Confirmation is awaited from WCC on this and will be included in the update report to Committee.

The updated conditions are set out in full below. There are some changes in the numbering compared with the conditions listed in the original Committee Report. This is due to the deletion of some conditions as proposed in the current report (8-10), the incorporation of additional conditions that were included in the update report to the original Planning Committee and the inclusion of further conditions in relation to the masterplan and design code that are proposed in the current report.

SUMMARY/CONCLUSION

For the reasons set out above, Committee are asked to agree to the recommendation in order to assist officers to bring the discussions on the Section 106 agreement to a conclusion and to issue the decision.

CONDITIONS

1. Reserved Matters to be Submitted

Details of the;

a) Appearance of the building(s);
b) Landscaping of the site;
c) Layout of the site and its relationship with adjoining development; and
d) The scale of building(s)

(hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved.

REASON: To comply with Article 4(1) of the Town and Country Planning

(Development Management Procedure) Order 2015 (as amended).

2. Approved Plans

The development hereby permitted shall be carried out in accordance shown on the site location plan and the approved access drawings and specification contained therein;

1. Figure 2.9 – 01 – Stoneleigh Road/Kings Hill Lane Signalised Site Access Junction
2. Figure 2.11 – 02 – Proposed Bus Gate (No General Site Access)
3. SK048A – 01 (Amended Design) – Proposed Site Access – St. Martin's Rd/Green Lane

REASON: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

3. Time Limit for Reserved Matters

Application for approval of the reserved matters shall be made to the local planning authority not later than fifteen years from the date of this permission.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

4. Time to Commence Development

The development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

IN THE EVENT THAT CCC APPLICATION IS NOT APPROVED

5. Development Restriction (St. Martins Road/Green Lane) (Compliance)

Notwithstanding details contained within the approved documents, no submission of Reserved Matters within the area denoted under 'PHASE 1A (N)' of drawing number L.0384_39 shall commence until such time that full planning permission has been issued for the access arrangements that would provide a connection from the site to the road network within the Coventry City Council's administrative boundary.

REASON: In the interests of comprehensive development and highway safety in accordance with Policies DS15 and TR1 respectively of the Warwick District

Local Plan 2011-2029.

COMPREHENSIVE MASTERPLANNING

6. Site-Wide Framework Plan (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to submission of the first reserved matters application a site-wide framework plan to include;

a) An overall plan of development parcels;
b) Site-wide phasing plan; and
c) Infrastructure delivery strategy (Arup Report reference 247389)

Shall be submitted to and approved in writing by the Local Planning Authority. The subsequent timing and content of applications shall accord with the Framework Plan unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of comprehensive development in accordance with Policy DS15 of the Warwick District Local Plan (2011-2029)

7. Future Order of Applications (Compliance)

Notwithstanding details contained within the approved documents, the sequence of planning applications following determination of this outline proposal shall be as follows;

1) Reserved Matters application for spine road, structural landscaping and drainage
2) Reserved Matters for Phase 1A (North and South) and / or Phases 1B/1C

The phases shall be read in accordance with drawing L.0384_43 Rev B.

REASON: To ensure that the site is developed in a comprehensive manner in accordance with Policy DS15 of the Warwick District Local Plan (2011-2029)

8. Remove Permitted Changes of Use (Compliance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no permitted changes contained therein shall be enacted within the development hereby permitted.

For the avoidance of doubt this shall include changes from C3 dwellinghouse to C4 Houses in Multiple Occupation.

REASON: To manage the balance of sustainable communities in accordance with Policy SC0 of the Warwick District Local Plan (2011-2029).

DESIGN

9. Site Wide Masterplan to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to the submission of reserved matters application for any phase of the development hereby approved, a Site Wide Masterplan to include;

a) Illustrative details of how the proposed layout of development has been designed with due regard to the surrounding urban and rural context;
b) Land use plan and character areas (including densities and building heights);
c) Movement corridors within the site (including principal roads, public transport corridors, footpaths, cycleways and green corridors) and demonstrating how these relate to existing movement networks in the wider area;
d) Key infrastructure (including SUDs, significant utility provision, schools, district/local centres);
e) Landscape corridors and open space network;
f) Structural planting landscape areas;
g) A phasing plan including triggers for delivery of key elements of supporting infrastructure; and
h) A statement establishing how the development proposals accord with the principles set out in the Site Wide Design Code.

Shall be submitted to and approved in writing by the Local Planning Authority. The Site Wide Masterplan shall be used in the assessment of future applications unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029.

10. Phase Wide Masterplan to be Submitted (Pre-Commencement of a Phase)

Notwithstanding details contained within the approved documents, prior to the submission of any reserved matters application for each phase of the development hereby approved, a Phase Wide Masterplan to include (where not already provided);

a) Illustrative details of how the proposed layout of development has been designed with due regard to the surrounding urban and rural context;
b) Land form topography as existing and proposed;
c) Land use plan and character areas (including densities and building heights);
d) Movement corridors within the phase (including principal roads, public transport corridors, footpaths, cycleways and green corridors) and demonstrating how these relate to existing movement networks in the wider area;
e) Key infrastructure (including SUDs, significant utility provision, schools, district/local centres);
f) Landscape corridors and open space network;

g) Public open space;
h) Structural planting landscape areas;
i) Street lighting arrangements and any other lighting to public space;
j) A phasing plan including triggers for delivery of key elements of supporting infrastructure; and
k) A statement establishing how the development proposals accord with the principles set out in the Site Wide Design Code.

Shall be submitted to and approved in writing by the Local Planning Authority. The Phase Wide Masterplan shall be used in the assessment of future applications unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029.

11. Site Wide Design Code to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to the submission of reserved matters application for each phase of the development hereby approved, a Site Wide Design Code to include;

a) Hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas);
b) Development blocks including built form and massing and relationship with adjoining development areas/blocks including areas of transition between development parcels (including the relationship between built form and adjoining open space);
c) Sustainable Urban Drainage features;
d) Key spaces, open spaces and green features;
e) Architectural language and detailing;
f) A scheme of strategic landscaping (including site sections, site visuals, site levels, structural landscaping and hedgerow retention)
g) Design principles for street tree planting and other structural planting landscaping areas;
h) Design principles on hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long-term management;
i) Design principles on waste disposal and recycling;
j) The principles shall include a regulating plan on an ordnance survey base at a scale no greater than 1:1250;
k) A mechanism for periodic review and refinement if necessary, of the approved Design Code

Shall be submitted to and approved in writing by the Local Planning Authority. The Site Wide Design Code shall be used in the assessment of future applications unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029.

12. Phase Wide Design Code to be Submitted (Pre-Commencement of each phase)

Notwithstanding details contained within the approved documents, prior to the submission of reserved matters application for each phase of the development hereby approved, a Phase Wide Design Code to include (where not already provided);

a) Hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas);
b) Development blocks including built form and massing and relationship with adjoining development areas/blocks including areas of transition between development parcels (including the relationship between built form and adjoining open space);
c) Building types;
d) Building heights;
e) The means to accommodate the parking of vehicles and cycles;
f) Sustainable Urban Drainage features;
g) Key spaces, open spaces and green features;
h) Architectural language and detailing;
i) A scheme of strategic landscaping (including site sections, site visuals, site levels, structural landscaping and hedgerow retention)
j) Design principles for street tree planting and other structural planting landscaping areas;
k) Design principles on hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long-term management;
l) Design principles on waste disposal and recycling;
m) Design principles on the colour and texture of external materials and facing finishes for roofing and walls of buildings and structures;
n) Design principles for street lighting and any other lighting to public space (including parking areas);
o) The principles shall include a regulating plan on an ordnance survey base at a scale no greater than 1:1250;
p) A mechanism for periodic review and refinement if necessary, of the approved Design Code

Shall be submitted to and approved in writing by the Local Planning Authority. The Phase Wide Design Code shall be used in the assessment of future applications unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029.

13. Landscaping Standards (Compliance)

Notwithstanding details contained within the approved documents, the landscaping scheme(s) approved under any subsequent reserved matters application(s) shall be;

a) Carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation;
b) Any tree(s) or shrub(s) which within a period of five years from the

completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted;

c) All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.

REASON: To ensure a satisfactory standard of appearance of the development and to protect and enhance the amenities of the area, in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.

14. Details of BREEAM Rating (or equivalent) to be Submitted

Notwithstanding details contained within the approved documents, prior to construction on the site for the District Centre, details of a pre-assessment and design stage assessment by an accredited BREEAM assessor demonstrating;

a) How the development will be designed and constructed to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent)
b) That the development achieves as a minimum BREEAM standard 'very good' (or any future national equivalent)

Shall be submitted to and approved in writing by the Local Planning Authority to discharge (a).

The development shall not be occupied unless and until a completion stage assessment by an accredited BREEAM assessor demonstrating that the development achieves as a minimum BREEAM standard 'very good' (or any future national equivalent) has been submitted to and approved in writing by the Local Planning Authority to discharge (b).

Should the BREEAM standard not be used as the performance measure, then the applicant shall appoint a suitably qualified professional for the assessment.

REASON: To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan (2011-2029).

15. Details of Water Consumption to be Submitted

Notwithstanding details contained within the approved documents, prior to construction of the development within its relevant phase. A scheme showing;

a) How a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved.

Shall be submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved

scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

REASON: To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan (2011-2029)

16. Details of Energy Hierarchy to be Submitted

Notwithstanding details contained within the approved documents, prior to commencement of development within its relevant phase. A scheme based on the following energy hierarchy;

1) Reducing the need for energy;
2) Energy efficiency;
3) Maximising the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives; and
4) Efficiently using fossil fuels from clean technologies

To include;

a) Proposed methods of heating/cooling;
b) Details of the infrastructure to incorporate the measures;
c) Details of management/ownership; and
d) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

No further development phases shall be inhibited from shared heating/cooling systems unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of the National Design Guide (2019)

17. Sustainability Statement to be Submitted

Notwithstanding details contained within the approved documents, prior to construction of each phase of development. A Sustainability Statement to include;

a) How the development will reduce carbon emissions and utilise renewable energy;
b) Address overheating issues;

c) How proposals will de-carbonise major development;
d) Details of the building envelope (including U/R values and air tightness);
e) How the proposed materials respond in terms of embodied carbon;
f) Address air quality issues; and
g) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The development phase shall subsequently be implemented in accordance with the approved details and retained thereafter.

REASON: To ensure the creation of well-designed and sustainable buildings and in accordance with Policy CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance.

18. Scheme of Open Space to be Submitted

Notwithstanding details contained within the approved documents, prior to commencement of development under each reserved matters consent, a scheme of open space for that reserved matters consent to include details of;

a) How mixed open space facilities will be incorporated into the development
b) Informal open space;
c) Appropriate children's play facilities;
d) Outdoor sport facilities
e) Allotment gardens;
f) Management arrangements; and
g) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.

REASON: To ensure appropriate open space and recreational facilities are provided to serve the development in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029.

HISTORIC ENVIRONMENT

19. Details of Archaeological Evaluation to be Submitted

Notwithstanding details contained within the approved documents, prior to the submission of any Reserved Matters applications for any phase of the development hereby permitted:

a) a programme of archaeological evaluation shall be undertaken in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the local planning authority. A report detailing the results of this fieldwork is to be submitted to the Local Planning Authority prior to, or concurrently with, the Reserved Matters submission;
b) An Archaeological Mitigation Strategy document shall be submitted to the

Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development. Dependent upon the results of the trial trenching, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits of national importance.

Unless otherwise agreed in writing with the Local Planning Authority, no development shall take place in any development phase until the Archaeological Mitigation Strategy document for that development phase has been approved in writing by the Local Planning Authority and any fieldwork detailed in the approved Archaeological Mitigation Strategy document has been completed to the satisfaction of the Local Planning Authority. The post- excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the approved Mitigation Strategy document.

REASON: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.

20. Details of the SAM Landscape Management to be Submitted

Notwithstanding the details contained within the approved documents, prior to the commencement of any development within land at the 'Deserted Medieval Village located to the east of the site adjacent Kings Hill Lane' SAM, a Landscape Management Plan to include;

a) Proposed path surfaces and routes;
b) Details of street furniture;
c) Information/interpretation panels;
d) Planting; and
e) Management of the SAM

shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape management plan shall be implemented in full thereafter. Any subsequent transfer of ownership/management shall maintain the approved scheme of landscape management unless otherwise agreed in writing by the Local Planning Authority.

REASON: To manage the future harm and public benefit of the Scheduled Ancient Monument in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029.

AMENITY

21. Details of Noise Mitigation to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to the submission of any Reserved Matters applications for any phase of the

development hereby permitted, a noise mitigation scheme to include;

a) Detailed arrangements to protect residents of the development from noise arising from the activities at Finham Park School and the Alvis Sports and Social Club entering habitable rooms together with the provision of quiet garden areas shielded from noise; and
b) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and retained thereafter.

REASON: To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

22. Details of Flood Light Mitigation to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to the submission of each Reserved Matters applications for any phase of the development hereby permitted within a 100m radius of Alvis Sports Club or other sports provision, a lighting assessment for;

a) Flood lights at Alvis Sports and Social Club;
b) A scheme of mitigation for the layout and orientation of residential dwellings; and
c) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

REASON: To ensure appropriate levels of amenity for residents of the development and to protect them from potential adverse effects of luminance levels from outside the development in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

23. Low Emission Strategy to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to the submission of any Reserved Matters applications for any phase of the development hereby permitted, a Low Emission Strategy for that phase to include;

a) Proposed mitigation measures; and
b) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The Low Emission Strategy shall thereafter be in accordance with the approved details.

REASON: To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029 and the aims and objectives of national guidance within the NPPF.

NATURAL ENVIRONMENT

24. Ground Investigations and Mitigation to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to the commencement of development under each Reserved Matters Consent, ground investigations to include;

a) A site investigation has been designed for that phase 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; and
d) Program of delivery (if applicable)

Shall be submitted to and approved in writing by the Local Planning Authority. Any remediation shall thereafter be carried out in accordance with the approved details.

REASON: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

25. Contamination not Previously Discovered (Compliance)

Notwithstanding details contained within the approved documents, if during development, contamination not previously identified, is found to be present at the site;

a) No further development shall take place within that area of Reserved

Matters Consent (unless otherwise agreed in writing with the planning authority for an addendum to the method statement);
b) This addendum to the method statement must detail how this contamination shall be dealt with; and
c) Program of delivery (if applicable)

Shall be submitted to and approved in writing by the Local Planning Authority. Any remediation shall thereafter be carried out in accordance with the approved details.

REASON: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

26. Verification of Remediation to be Submitted

Notwithstanding details contained within the approved documents, in the event that any phase of future development requires land remediation agreed through an approved method statement;

a) Upon completion of the remediation 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; and
b) A post remediation sampling and monitoring which 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.

Shall be submitted to and approved in writing by the Local Planning Authority. Any mitigating/monitoring works shall be carried out in accordance with the approved details.

REASON: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

27. Construction Method Statement to be Submitted (pre-construction)

Notwithstanding details contained within the approved documents, prior to commencement of development under any Reserved Matters Consent, a Construction Method Statement to include;

a) Any temporary measures required to manage traffic during construction;
b) Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction;
c) Dust management and suppression measures – level of mitigation determined using IAQM guidance;
d) Wheel washing;
e) Noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites – Part 1 and

2;
f) Concrete crusher if required or alternative procedure;
g) Delivery times and site working hours;
h) Site lighting;
i) Access and protection arrangements around the site for pedestrians, cyclists and other road users;
j) Restrictions on burning and details of all temporary contractors' buildings;
k) Plant and storage of materials associated with the development process;
l) External safety and information signing notices;
m) Complaints procedures, including complaints response procedures and dedicated points of contact; and
n) Best practicable means shall be employed at all times to control noise and dust on the site including:
    - Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays.
    - Delivery vehicles should not be allowed to arrive on site before 8 am or after 4.30 pm Mon – Fri, 8 am - 1 pm Sat and not on Sundays or Bank Holidays.

Shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period.

REASON: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR3 and NE5 of the Warwick District Local Plan 2011-2029.

28. Details of Electrical Charge Points to be Submitted

Notwithstanding details contained within the approved documents, prior to commencement to each Reserved Matters for residential development, a scheme of electrical charge points to include;

a) Specification and location of charge points;
b) Measures to safeguard the future installation of charge points; and
c) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved.

REASON: In the interests of decarbonising private transportation in accordance with Policy CC1 of the Warwick District Local Plan 2011-2029 and the Air Quality Supplementary Planning Document 2019.

LANDSCAPING & OPEN SPACE

29. Scheme of Tree & Hedgerow Protection to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of development under any Reserved Matters Consent that includes the operation of heavy equipment, machinery or materials being brought onto the site for any phase of development hereby approved, a scheme of tree and hedgerow protection to include details of;

a) The protection of all existing trees and hedges to be retained on site
b) The erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction

Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority.

Shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

REASON: To protect trees and other features on site during construction in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.

30. Strategic Landscaping Scheme to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to submission of each Reserved Matters application for each phase of development, a scheme of strategic landscaping to include;

a) Site sections;
b) Site visuals;
c) Site levels;
d) Structural landscaping; and
e) Hedgerow retention

Shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be adhered to through the future submission of Reserved Matters application.

REASON: To manage the landscape character impacts of the proposal in accordance with Policy NE4 of the Warwick District Local Plan 2011-2019.

ECOLOGY

31. Ecological and Landscaping Scheme to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of development under each reserved matters consent a

combined ecological and landscaping scheme to include details of;

a) Accordance with the principle Biodiversity Impact Assessment;
b) Landscaping including a river corridor strategy (if applicable);
c) Any lake/pond creation;
d) Retention of the Veteran Trees and species rich hedgerows; and
e) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.

REASON: In accordance with NPPF, ODPM Circular 2005/06 and Policy NE2 of the Warwick District Local Plan 2011-2029.

32. Landscape and Ecological Management Plan to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of development under each reserved matters consent, a Landscape and Ecological Management Plan for that reserved matters consent to include details of;

a) Accordance with the principle Biodiversity Impact Assessment;
b) Planting and maintenance of all new planting;
c) Species used and sourcing of plants;
d) Invasive plant species eradication and biosecurity for invasive plant species;
e) Habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement;
f) Provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles, hedgehog shelters and passes); and
g) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.

REASON: To ensure a net biodiversity gain in accordance with Policy NE3 of the Warwick District Local Plan 2011-2029 and the NPPF.

33. Scheme of Protection for the Ancient Woodland/Local Wildlife Site to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of development under any reserved matters consent which has an uninterrupted site boundary that adjoins an Ancient Woodland, a scheme of protection for any ancient woodland or local wildlife site within the vicinity of the development to include details of;

a) A barrier, such as a wire fence, which should be erected before works start and remain in place for the duration of the construction works. This fenced area should include a buffer zone of at least 50 metres between the development and the boundary of the local wildlife site. It is important NOT to allow access, or storage of materials within this buffer zone, otherwise soil compaction is likely to occur, with subsequent damage to the ground flora;
b) Mitigation measures in the event of damage; and
c) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.

REASON: To ensure the protection of important habitats during development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

34. Bats & Lighting Mitigation Scheme to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of development under any reserved matters consent, a Bats and Lighting Mitigation Scheme to include;

a) Land parcel mitigation plan;
b) Site-wide integration measures; and
c) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.

The Local Planning Authority expects lighting to be restricted along Finham Brook corridor and all around the development especially to the north west where it will be located at least 50 metres from Wainbody Ancient Woodland, and to be kept to a minimum at night across the whole site and include dark areas where appropriate and around the Ancient Woodland and Finham Brook in order to minimise impact on emerging and foraging bats. This can include measures such as;

- Narrow spectrum lighting should be used to avoid the blue-white wavelengths
- Lighting should be directed away from vegetated areas
- Lighting should be shielded to avoid spillage onto vegetated areas
- The brightness of lights should be as low as legally possible;
- Lighting should be timed to provide some dark periods;
- Connections to areas important for foraging should contain unlit stretches

REASON: In accordance with the NPPF and Policies BE1 and NE2 of the Warwick District Local Plan 2011-2029.

35. Bat Survey to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of development under each Reserved Matters consent, a further bat survey to include;

a) Survey of the medium and low potential trees, to include appropriate activity surveys in accordance with BCT Bat Surveys – Good Practice Guidelines;
b) A detailed mitigation plan including a schedule of works and timings;
c) Where applications are within 100m T143 a full detailed survey shall be conducted; and
d) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.

REASON: To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

36. Construction & Ecological Management Plan to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of development under each Reserved Matters consent, a Construction and Ecological Management Plan (CEMP) to include;

a) Details concerning pre-commencement checks for badger, bats, breeding birds, great crested newts, reptiles and otters;
b) Great crested newt mitigation plan;
c) A reptile mitigation plan;
d) Bat mitigation plan including a method statement if required for tree felling;
e) Otter mitigation;
f) Badger mitigation plan;
g) Appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site; and
h) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

REASON: To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

37. Scheme of Protection for Finham Brook to be Submitted (Pre-

Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of development under any reserved matters consent, a scheme for the provision and management is required to be agreed to protect a 5-metre-wide buffer zone within the application site's side of the Finham Brook Tributary and an 8-metre-wide buffer zone on the application site's side of the Finham Brook. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The scheme shall include:

a) Plans showing the extent and layout of the buffer zone;
b) Details of any proposed planting scheme (for example, native species);
c) Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan;
d) Details of any proposed footpaths, fencing, lighting; and
e) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.

REASON: Development that encroaches on watercourses has a potentially severe impact on their ecological value, e.g. artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected in accordance with Policies NE1 and NE2 of the Warwick District Local Plan 2011-2029.

38. Scheme of Great Crested-Newt Mitigation to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of development under each reserved matters consent, a scheme of schedule of great crested-newt mitigation measures to include;

a) A method statement;
b) Timing of works;
c) Protection measures;
d) Enhancement details;
e) Monitoring;
f) Further survey if deemed necessary); and
g) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

REASON: To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

39. Scheme of Reptile Mitigation to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of development under each reserved matters consent, a scheme of schedule of great crested-newt mitigation measures to include;

a) A method statement for translocation;
b) Timing of works;
c) Protection measures;
d) Enhancement details;
e) Monitoring;
f) Further survey if deemed necessary); and
g) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

REASON: To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

HIGHWAYS

40. Construction Management Plan to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to the commencement of development under each Reserved Matters applications hereby permitted, a Construction Management Plan to include;

a) Construction Phasing Plan;
b) Details and measures to prevent mud, debris and obstacles on the highway network;
c) HGV Routing Plan, with no construction traffic heading west along Stoneleigh Road past Woodfield Primary school, nor travel north west past Finham Primary School in the interests of highway safety;
d) Identify the location of the site compound, deliveries and serving area, HGV holding area, and car parking provision for contractors within the development site; and
e) A Communication Strategy with the Local Community with a point of contact for residents to raise matters with.

Shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and retained thereafter.

REASON: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.

41. Highway Restrictions During Construction (Compliance)

Notwithstanding details contained within the approved documents, the following restrictions relating to the road network shall be observed through the construction phase of the development;

a) No HGV movements during the construction phase will take place Monday to Friday during the time periods 07:30 – 09:15 and 16:30 – 18:00, to ensure that HGV movements are limited during the peak travel periods.
b) No construction traffic will wait on the adopted Highway managed or maintained by Warwickshire County Council or Coventry City Council in the interests of highway safety.

Shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and retained thereafter.

REASON: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.

42. Details of Protected Walking & Cycling Routes to be Submitted

Notwithstanding details contained within the approved documents, prior to the commencement of development of each Reserved Matters applications hereby permitted, scheme of protected routes to include;

a) Identified walking and cycling routes between the northern and southern development parcels during the construction phase,
b) Relevant development required to implement protected routes;
c) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and retained thereafter.

REASON: in order to provide and maintain access to the new primary school within the development site. In order to prevent additional vehicular traffic and promote sustainable modes of transport in accordance with Policies BE3 and TR1 of the Warwick District Local Plan 2011-2029.

43. Details of Access to Phase 1A (S) to be Submitted (Stage 1)

Notwithstanding details contained within the approved documents, prior to occupation of dwellings within the area denoted under 'PHASE 1A (S)' (Stoneleigh Road Access) of drawing number L.0384_39 site access details to include;

a) Detailed access proposal; and
b) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be carried out in accordance with the approved details as evidenced by the issuing of a Certificate of Substantial Completion by the relevant Highway Authority.

REASON: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

44. Details of Access to Phase 1A (S) to be Submitted (Stage 2)

Notwithstanding details contained within the approved documents, dwellings within the area denoted under 'PHASE 1A (S)' (Stoneleigh Road Access) of drawing number L.0384_39, no more than 100 dwellings shall be occupied until site access details to include;

a) The second phase (signalisation) site access arrangements from the Stoneleigh Road; and
b) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be carried out in accordance with the approved details. No more than 300 dwellings shall be occupied on any part of 'PHASE 1A (S)' until the approved highway access works have been completed as evidenced by the issuing of a Certificate of Substantial Completion by the relevant Highway Authority.

REASON: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

45. Details of Access to Phase 1A (N) to be Submitted

Notwithstanding details contained within the approved documents, prior to occupation of dwellings within the area denoted under 'PHASE 1A (N)' (St. Martins Road Access) of drawing number L.0384_39 site access details to include;

a) Detailed access proposal; and
b) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be carried out in accordance with the approved

details as evidenced by the issuing of a Certificate of Substantial Completion by the relevant Highway Authority.

REASON: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

46. Details of Bus Gate/Emergency Access to Phase 1A (N) to be Submitted

Notwithstanding details contained within the approved documents, prior to occupation of dwellings within the area denoted under 'PHASE 1A (N)' (St. Martins Road Access) of drawing number L.0384_39 access details to include;

a) Detailed bus gate and emergency access onto Green Lane; and
b) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be carried out in accordance with the approved details as evidenced by the issuing of a Certificate of Substantial Completion by the relevant Highway Authority.

REASON: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

47. Details of Spine Road to be Submitted

Notwithstanding details contained within the approved documents, no more than 400 of the dwellings hereby permitted shall be occupied across the development site until the detailed design and technical drawings for the Link Road between St Martins Road and Stoneleigh Road (the Spine Road) to be designed to;

a) Carriageway width of 7.3 metres;
b) With 2 metre verges;
c) 3 metre footway / cycleways either side of the carriageway

Shall be submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be carried out in accordance with the approved details.

REASON: In order to provide and maintain access to the new primary school within the development site. In order to prevent additional vehicular traffic and promote sustainable modes of transport in accordance with Policies BE3 and TR1 of the Warwick District Local Plan 2011-2029.

48. Development Restriction for Spine Road Completion (Compliance)

Notwithstanding details contained within the approved documents, no more than 700 of the dwellings hereby permitted shall be occupied across the development site until the Spine Road detailed within the condition titled

'Details of Spine Road to be Submitted' has been implemented in accordance with the approved details as evidenced by the issuing of a Certificate of Substantial Completion by the relevant Highway Authority.

REASON: In order to prevent additional vehicular traffic and promote sustainable modes of transport in accordance with Policies BE3 and TR1 of the Warwick District Local Plan 2011-2029.

49. Development Restriction for Any Dwelling Occupation (Compliance)

Notwithstanding details contained within the approved documents, no dwelling shall be occupied until such time that a scheme of improvement comprising of either;

a) Signalisation of the A46/Stoneleigh Junction; or
b) A46 Stoneleigh Junction Scheme; or
c) An equivalent scheme of highway improvement

Has become operational unless otherwise agreed in writing by the Local Planning Authority. In the event that a scheme of highway mitigation is implemented at the A46 Stoneleigh junction, this condition will not be considered relevant.

REASON: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

50. Development Restriction for Operation of Stoneleigh Junction (Compliance)

Notwithstanding details contained within the approved documents, no more than 700 dwellings shall be occupied until such time that;

a) Warwickshire County Council's A46 Stoneleigh Junction Scheme; or
b) An equivalent scheme of highway improvement

Has become operational unless otherwise agreed in writing by the Local Planning Authority. In the event that an agreed scheme of highway mitigation is implemented at the A46 Stoneleigh junction, this condition will not be considered relevant.

REASON: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

51. Mitigation at the B4115/Birmingham Road/Stoneleigh Road to be Submitted

Notwithstanding details contained within the approved documents, prior to occupation of dwellings within the area denoted under 'PHASE 1A (S)' (Stoneleigh Road Access) of drawing number L.0384_39 details of the mitigation to include;

a) A scheme at the B4115 / Birmingham Road / Stoneleigh Road offset crossroads junction;
b) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The mitigation scheme shall thereafter be carried out in accordance with the approved details as evidenced by the issuing of a Certificate of Substantial Completion by the relevant Highway Authority.

REASON: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

52. Mitigation at the B4113 St Martins Road / B4115 Priority Junction to be Submitted

Notwithstanding details contained within the approved documents, prior to occupation of dwellings within the area denoted under 'PHASE 1A (N)' (St. Martins Road Access) of drawing number L.0384_39 details of the mitigation to include;

a) A scheme at the B4113 St Martins Road / B4115 priority junction;
b) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The mitigation scheme shall thereafter be carried out in accordance with the approved details as evidenced by the issuing of a Certificate of Substantial Completion by the relevant Highway Authority.

REASON: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

53. Details of Bus Infrastructure to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of development under each reserved matters consent, a scheme of bus infrastructure to include;

a) Detailed plans for the location of bus infrastructure;
b) The design of any bus shelters;
c) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and retained thereafter.

REASON: In order to prevent additional vehicular traffic and promote sustainable modes of transport in accordance with Policies BE3 and TR1 of the Warwick District Local Plan 2011-2029.

54. Interim Transport Assessment to be Submitted

Notwithstanding details contained within the approved documents, in the event that an interim scheme of signalisation at the A46 Stoneleigh Junction has been implemented, prior to the occupation of the 701st dwelling, an interim transport assessment to include;

a) Investigation of highway capacity for the remaining 1800 dwellings;
b) Details of highway mitigation if required; and
c) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The mitigation scheme (if applicable) shall thereafter be carried out in accordance with the approved details as evidenced by the issuing of a Certificate of Substantial Completion by the relevant Highway Authority.

The requirement of this condition shall only be applicable if the interim scheme at the A46 Stoneleigh Junction is implemented.

REASON: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

55. Safeguarded Transport Route Details to be Submitted

Notwithstanding details contained within the approved documents, prior to occupation of the 701st dwelling a safeguarded route for a dedicated transport method to include;

a) Alignment of the route;
b) Utility presence within the proposed route;
c) Details of landscaping and drainage;
d) Details of management/ownership; and
e) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The approved route shall be retained free of development to an agreed timescale with the highway authority to allow for the integration of a future mode of transport.

REASON: In order to prevent additional vehicular traffic and promote sustainable modes of transport in accordance with Policies BE3 and TR1 of the Warwick District Local Plan 2011-2029.

56. Interim Development Restriction for Phase 1A (N) (Compliance)

Notwithstanding details contained within the approved documents, dwellings within the area denoted under 'PHASE 1A (N)' (St. Martins Road Access) of drawing number L.0384_39, no more than 200 dwellings within PHASE 1A (N) shall be occupied until a secondary emergency access / bus gate onto Green

Lane has become operational unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

57. Development Restriction for Phase 1A (N) (Compliance)

Notwithstanding details contained within the approved documents, dwellings within the area denoted under 'PHASE 1A (N)' (St. Martins Road Access) of drawing number L.0384_39 shall be limited to no more than 300 dwellings shall be occupied in total until such time that the spine road linking the access at Stoneleigh Road to the vehicular access at Green Lane is operational unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

58. Development Restriction for Phase 1A (S) (Compliance)

Notwithstanding details contained within the approved documents, dwellings within the area denoted under 'PHASE 1A (S)' (Stoneleigh Road Access) of drawing number L.0384_39 shall be limited to no more than 400 dwellings shall be occupied in total until such time that the spine road linking the access at Stoneleigh Road to the vehicular access at Green Lane is operational unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

59. A Scheme of Highway Improvements to be Submitted

Notwithstanding details contained within the approved documents, no more than 400 dwellings shall be occupied within the area denoted under 'PHASE 1A (N)' (St. Martins Road Access) of drawing number L.0384_39 until a programme of highway improvements to include;

a) a programme defining trigger points for the implementation and completion of highway schemes at A46 Stoneleigh Junction and A45/A46 Stivichall Interchange;
b) Assessment of the improvement scheme Stivichall Interchange associated with the Whitley South development (Drawing Reference: 15-0752 0100-101 Rev E);
c) Scheme of highway improvements including further schemes identified for the Stivichall Interchange; and
d) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The program shall be implemented in accordance with the approved details.

REASON: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

60. Residential Travel Plan to be Submitted

Notwithstanding details contained within the approved documents, prior to the 1st occupation of any dwelling within each Reserved Matters application that includes residential development, a detailed Travel Plan to include;

a) Measures to reduce single occupancy car trips to/from the site;
b) Encourage modal shift; and
c) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved details.

REASON: In order to prevent additional vehicular traffic and promote sustainable modes of transport in accordance with Policies BE3 and TR1 of the Warwick District Local Plan 2011-2029.

61. Non-residential Travel Plan to be Submitted

Notwithstanding details contained within the approved documents, prior to occupation of the District Centre, any Employment Uses or Educational Facilities under any reserved matters consent, a detailed Travel Plan to include;

a) Measures to reduce single occupancy car trips to/from the site;
b) Encourage modal shift; and
c) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented

REASON: In order to prevent additional vehicular traffic and promote sustainable modes of transport in accordance with Policies BE3 and TR1 of the Warwick District Local Plan 2011-2029.

RAILWAY

62. Risk Assessment & Method Statement to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of any phase of development hereby approved that would involve development within 10m of the operational railway. A Risk Assessment and Method Statement to include;

a) Details of a suitable trespass proof steel palisade fence of a minimum height of 1.8m adjacent to the boundary with the railway/railway land. The fence including foundations must be wholly constructed and maintained within the applicant's land ownership footprint;
b) Measures to ensure that their proposal, both during construction and as a permanent arrangement, does not affect the safety, operation or integrity of the existing operational railway / Network Rail land;
c) Drainage management to ensure that drainage does not increase Network Rail's liability, or cause flooding pollution or soil slippage, vegetation or boundary issues on railway land;
d) Details of all excavation and earthworks within 10m of the railway boundary to determine if the works impact upon the support zone of Network Rail land and infrastructure as well as determining relative levels in relation to the railway;
e) Details of proximity of future development to the railway boundary. Less than 2m from the railway boundary to the edge of structures could result in construction and future maintenance works being undertaken on Network Rail land;
f) Proposals for the site should take into account the recommendations of, 'BS 5837:2012 Trees in Relation to Design, Demolition and Construction', which needs to be applied to prevent long term damage to the health of trees on Network Rail land so that they do not become a risk to members of the public in the future.

Shall be submitted to and approved in writing by the Local Planning Authority. The Risk and Method Statement shall be adhered to in accordance with the approved details.

REASON: To protect railway assets in accordance with the National Planning Policy Framework.

WATER MANAGEMENT

63. Surface Water Drainage Scheme to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of each phase of development hereby approved, a Surface Water Drainage Scheme based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development to include;

a) Site-wide surface water drainage strategy/accordance with approved site-wide strategy;
b) Provide provision of surface water attenuation storage in accordance with 'Science Report SC030219 Rainfall Management for Developments';
c) Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753;
d) Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate

the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year and 1 in 100 year plus climate change return periods;
e) Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network;
f) Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event;
g) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details.

REASON: To prevent the increased risk of flooding; to improve and protect water quality and to improve habitat and amenity in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029.

64. Foul Drainage Scheme (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of each phase of development hereby approved, a Foul Drainage scheme to include;

a) A drainage strategy for the disposal of foul sewage; and
b) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented in accordance with the approved details prior to the first occupation of the relevant phase of development.

REASON: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies BE1, FW2 and NE5 of the Warwick District Local Plan 2011-2029.

65. Details of Sustainable Drainage Design to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of each phase of development hereby approved, details of sustainable drainage design in line with the SuDs manual CIRIA C753 and ES Addendum Appendix 1.3 Groundwater monitoring to include;

a) Site-wide sustainable drainage design principles;
b) Measures to ensure the required storage capacity remains available during times of high groundwater;
c) Assess the impact of fluvial flooding on groundwater levels adjacent to the Finham Brook tributary corridor; and
d) Measures to mitigate the risk of groundwater mounding adjacent to

Sustainable Drainage Systems.

Shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented in accordance with the approved details prior to the first occupation of the relevant phase of development.

REASON: To prevent groundwater ingress into the development drainage system, and prevent the increased risk of flooding in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029.

66. Details of Ditch Network Management to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of each phase of development hereby approved, details of ditch management to include;

a) A management and maintenance strategy for construction materials from entering or silting up the ditch network
b) Details to ensure that no silt or chemicals can leave the phase being constructed shall be provided and any detrimental impact to the ditch network shall be repaired; and
c) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented in accordance with the approved details prior to the first occupation of the relevant phase of development.

REASON: To ensure the development does not have impacts off site to flood risk and that the ditch network downstream can function as intended in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029.

67. Details of Finished Floor Levels to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of each phase of development hereby approved, details of finished floor levels to include;

a) Finished floor levels being set at 600mm above the 1% flood event plus relevant climate change allowance; and
b) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The floor levels shall be implemented in accordance with the approved details prior to the first occupation of the relevant phase of development.

REASON: To reduce the risk of flooding to the proposed development and future users in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029.

68. Treatment of Surface Water during Construction to be Submitted (Pre-Commencement)

Notwithstanding details contained within the approved documents, prior to commencement of each phase of development hereby approved, details of surface water treatment to include;

a) A scheme to treat and remove suspended solids from surface water run-off during construction works;
b) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance the with approved details.

REASON: To ensure there is no deterioration in water quality from sediment run-off during construction in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029.

69. Surface Water Maintenance Strategy to be Submitted

Notwithstanding details contained within the approved documents, prior to occupation of each phase of development hereby approved, details of surface water drainage measures will be maintained to include;

a) How surface water systems shall be maintained and managed for the life time of the development;
b) The name of the party responsible, including contact name and details; and
c) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented in accordance the with approved details.

REASON: To ensure the future maintenance of the sustainable drainage structures in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029.

70. Details of Water Supplies and Fire Hydrants to be Submitted

Notwithstanding details contained within the approved documents, prior to occupation of each phase of development hereby approved, details of firefighting provisions to include;

a) Details of adequate water supplies;
b) Details of fire hydrants; and
c) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented in accordance with the approved details.

REASON: In the interests of Public Safety from fire, and the protection of Emergency Fire Fighters.

71. Works in Accordance with Flood Risk Assessment (Compliance)

Notwithstanding details contained within the approved documents, the development shall be carried out in accordance with a Flood Risk Assessment (FRA) specifically adhering to;

a) Limits to the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 411l/s for the entire site. Individual parcel discharge rates should be derived accordingly;
b) Finished floor levels are set no lower than 150mm above existing ground level; and
c) Surface water is to be provided via a minimum of two trains of treatment using the proposed above ground drainage features within the drainage design

REASON: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policies FW1, FW2 and NE2 of the Warwick District Local Plan 2011-2029.

Planning Committee: 24 June 2021 **Item Number:** 5

Application No: W 20 / 2134

Registration Date: 22/12/20
Town/Parish Council: Leamington Spa **Expiry Date:** 23/03/21
Case Officer: Andrew Tew
01926 456555 andrew.tew@warwickdc.gov.uk

United Reformed Church, Spencer Street, no.5 and Old Dole Office, Spencer Yard, Leamington Spa, CV31 3NE
Extensions, alterations and change of use to office space (Use Class E). FOR Complex Development Projects

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This application is being presented to Committee because Warwick District Council own the site and due to the number of public objections received.

RECOMMENDATION

Planning Permission is recommended to be GRANTED.

DETAILS OF THE DEVELOPMENT

The proposal seeks extensions, alterations and change of use to office space (Use Class E) for three buildings within Spencer Yard.

Specifically, the details can be summarised as:

United Reform Church (URC)

- Open up staircase well to basement, with staircase to serve upper floors
- Reinstate windows
- Reroof and insertion of 4 No. conservation rooflights
- Works to basement to create office space
- Steps and new entrance for rear elevation

The Old Dole Office

- Extension to create an additional floor at second storey
- New aluminium windows and doors
- New stair and ramp with metal balustrade to Southern elevation
- Paint brickwork to Southern elevation
- Addition of perforated metal panels at various angles to one corner of the building

The Nursery

- Single storey, flat roof extension
- New aluminium windows and doors
- New rooflights to match existing
- New stair with metal balustrade to Northern elevation
- Metal balustrade to roof terrace
- Paint brickwork

THE SITE AND ITS LOCATION

The application site, known as Spencer Yard, lies within the town centre of Leamington Spa, within the Conservation Area and forms an integral part of "The Creative Quarter". The site is situated within a predominantly commercial part of Leamington Town Centre.

The application site comprises 3 elements; the Grade II listed United Reform Church (URC), the former benefits office building (the Old Dole Office), and the Nursery.

The site is adjoined to the east by the Grade II listed buildings comprising Victoria Colonnade and Victoria Terrace. These contain a variety of residential and commercial uses and include a number of windows overlooking the site.

Further Grade II listed buildings adjoin the site to the south in Spencer Street. The Loft Theatre adjoins the site to the north.

Vehicular access to the rear of the site is gained off Spencer Street via Spencer Yard; there is presently no public access into Spencer Yard via Victoria Colonnade.

The eastern half of the site is situated within Flood Zone 2. The church building is situated within an Air Quality Management Area, and the vehicular and pedestrian access to the site is through this Area.

PLANNING HISTORY

W/06/1718/LB & 1719 - Part demolition, conversion, refurbishment and extension of existing building for use as theatre and associated facilities

W/09/0081 & 0082/LB - Formal approval of amendments to application No. W06/1718LB & W06/1719 Part demolition, conversion, refurbishment, and extension of existing building for use as theatre and associated facilities

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS1 - Supporting Prosperity
- DS5 - Presumption in Favour of Sustainable Development

- PC0 - Prosperous Communities
- TCP1 - Protecting and Enhancing the Town Centres (Warwick District Local Plan 2011-2029)
- EC1 - Directing New Employment Development
- SC0 - Sustainable Communities
- HS8 - Protecting Community Facilities
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS7 - Crime Prevention
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS3 - Conservation Area
- RLS12 - Air Quality
- RLS6 - Protection of Community Facilities
- RLS13 - Traffic and Transport
- RLS16 - Royal Leamington Spa Town Centre
- RLS17 - Royal Leamington Spa Creative Quarter

SUMMARY OF REPRESENTATIONS

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection. Note condition attached to previous scheme regarding limit on overall height and wish to see this carried forward.

Environment Agency: No comments received.

WCC Highways: Unable to offer a response either in favour or against due to it not being possible to conduct a full assessment in the absence of a parking survey. It is not possible to undertake a parking survey at present due to Covid altering normal parking patterns. Note that the on-site parking falls well short of the number of spaces required by the Council's Parking Standards and raise concerns that employees are likely to seek out spaces in residential streets beyond the Residents' Parking Zone.

WCC Landscape Officer: No objection.

WCC Ecology: No objection, subject to mitigation measures.

WCC Flood Risk Management: No objection.

WDC Conservation: No objection, following amendments, and subject to conditions.

WDC Environmental Health: Request further information in relation to air quality. Recommend conditions in relation to noise, contamination and odour.

WDC Contract Services (Waste Management): No objection.

Warwickshire Fire and Rescue: No objection, subject to hydrant condition.

Public Response: 7 letters of objection (including one from WCC Cllr Chilvers), 6 support received and 1 neutral;

Objections

- Lack of parking
- Wants the installation of a yard gully at the bottom of the driveway prior to the closing of the existing outlet.
- No Air Quality Management Plan
- Insufficient travel plan
- More support for small creative businesses
- Wants a cafe
- Wants an orchestral hall
- More parking provision
- Too much office space in town
- No risk assessment for emergencies
- Safety issues caused by increased density
- Road safety issues

Support comments

- Bringing listed building back into use
- Community use would be beneficial but cost would be prohibitive
- Want railings at front of URC re-installing and disabled parking space retaining
- Good to see development
- Address drainage in Spencer Street
- Minimise disruption to business
- Good to regenerate area
- Transport not an issue as good links available
- Welcomes development, but would like to see a music and film studio with upmarket coffee shop

ASSESSMENT

Principle of Development

Policy EC1 states that new office development will be permitted within the town centres. Policy HS8 allows for the redevelopment or change of use of a community facility that is redundant and that no other user is willing to acquire or manage provided there are similar facilities accessible to the local community by means other than the car.

The Old Dole Office's current lawful Use Class is A2 and B1, or a mixed use of E(c) and E(g) under the recent changes to the Use Classes Order.

The Nursery already benefits from Use Class E.

The URC remains in Use Class F1, meaning this is the only element that requires a change of use.

The site sits within the Town Centre Boundary and is surrounded by other employment uses. Therefore, in this location, Officers are satisfied that an E Class use is in accordance with Policy EC1.

The United Reform Church has sat redundant for many years. Furthermore, in this town centre location there are similar community facilities accessible to the local community by means other than the car. Moreover, this is not one of the community facilities that is protected by Neighbourhood Plan Policy RLS6. Therefore bringing this building back into use as an office accords with Local Plan Policy HS8.

Impact on the Listed Building

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 explains that in considering whether to grant permission for developments affecting listed buildings or their setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Policy HE1 of the Warwick District Local Plan 2011-2029 states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

The URC in its current state has been left empty for many years. It is starting to fall into a state of disrepair. The structural report accompanying the application suggests that water ingress and lack of maintenance is starting to affect the building, including main roof trusses.

The application, as amended, proposes to recover the roof, saving as much of the original tiling as possible. The insertion of 4 no. conservation rooflights has

required careful consideration because this impacts the historic fabric of the listed building and the existing largely unbroken traditional roof form. The applicant has demonstrated that the rooflights are essential to provide sufficient light to the proposed redevelopment, as the basement will be opened up as well, and light needs to penetrate to all levels of the building. The rooflights therefore make a critical contribution to bringing the listed building back into use and securing its long term future. Furthermore, the size and profile of the rooflights has been reduced to minimise the impact.

The proposed mezzanine will make use of the existing balcony structure and columns, which are cast iron. New steel supports will be inserted over the top of the existing structure and could be reversed.

The opening up of the basement and the incorporation of a new stairwell connecting all floors has also required careful consideration. Site investigation suggests the basement foundations are shallow and the installation of a new insulated slab would mean no remedial works would be necessary. The area of the ground floor that will be punched through into the basement has previously been infilled. Removing this brickwork will not have a detrimental effect on the masonry of the vaults spanning parallel. Again, it is also important to consider that facilitating the use of the basement is a critical element in securing the viable re-use of the listed building.

WDC Conservation have been consulted throughout the course of the application. They are happy with the principles contained within a submitted window repair document; a full schedule of proposed repairs can be covered via condition. The roof lights now proposed are noticeably smaller and the overall level of harm has been appropriately mitigated and, combined with the ventilation strategy, Conservation feel this provides sufficient justification for this element of the scheme. Conservation note that the proposed staircase looks to appear relatively lightweight in appearance and consider this to be acceptable subject to a condition requiring large scale details (including colour finishes).

On this basis, WDC Conservation raise no objection. All things considered, it has been concluded that the proposals would preserve the character and appearance of the listed building.

The proposed works would facilitate the reuse of a listed building that has been vacant for a number of years. As such, the proposal accords with the NPPF and Policies HE1 and RLS3.

Design and impact on visual amenity and the character of the conservation area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area. Furthermore, the provisions of the NPPF and Policy HE1 that have been outlined in the preceding listed building section apply equally to the assessment of the impact on the conservation area.

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The application site has been unused for many years. The theatre complex which shares the Spencer Yard site would seemingly benefit from the redevelopment of the surrounding buildings to make the area more welcoming, with improved lighting and safety. This is supported by comments from users of the facility.

Public views of the site are limited due to the location of the site where it is flanked by existing development. Efforts have been made, particularly with the Old Dole Office, to acknowledge the past of the building. A unique façade will be incorporated as part of this. This facade will be made of perforated metal panels in different patterns.

A single floor extension will be added to the Old Dole Office. This will use glass panels within aluminium frames for the Southerly and Westerly elevations. The Northerly and Easterly elevations will consist of brick with no fenestration. New aluminium windows and doors will be fitted into existing openings. A new stair and ramp with balustrade will be fitted to the principle elevation to allow for better access.

The extension to the Nursery consists of a large, flat roof extension. A flat roof is necessary because a pitched roof would block views of the listed URC from within the site. This affect was deemed damaging to the URC. Therefore, on balance, a flat roof extension is deemed appropriate.

It is noted by Officers that the site will be read against the backdrop of existing commercial buildings. The conversion of buildings for office use on this site would not be out of character with the surrounding area. Bringing the disused buildings back to life will have a positive impact on the visual amenity of the area. Whilst the changes to the URC are sympathetic to the listed building, a bolder approach has been applied to the Old Dole Office to acknowledge its past, but also make it a future destination area.

All things considered, the design of the scheme is judged to be appropriate for this unique location within the conservation area. Therefore it has been concluded that the proposals would preserve the character and appearance of the conservation area.

On this basis, the application accords with Local Plan Policies BE1 and HE1 and Neighbourhood Plan Policy RLS3.

Impact on adjacent properties

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

The conversion of the URC raises no specific concerns in relation to impacting adjacent properties. The building has been empty for many years and there is evidence of squatting within the building. Bringing it back into use would have a positive impact on the adjacent properties.

The conversion and extension of the Nursery again raises no specific concerns in relation to the adjacent properties. The extension is single story and will not overlook any of the closest properties on Spencer Street, which are predominantly commercial. Similarly, the proposed roof terrace is considered to be appropriate for this predominantly commercial location.

The extension to the Old Dole Office consists of a single floor extension to create a 3-storey building. It is noted that the Old Dole Office is currently 3 storeys in places and the extension will effectively join these 3 storey areas to create another useable floor. Glass panels within aluminium frames will be used for the Southerly and Westerly elevations, which will look into the courtyard of the proposed development, and not cause any issues of overlooking adjacent properties. The Northerly and Easterly elevations will consist of brick with no fenestration. The Northerly elevation is the closest to a neighbouring building, backing onto the rear of Victoria Colonnade. However, the proposed extension has no fenestration to the northerly elevation and parts of the Old Dole Office are already 3 stories. Furthermore, the extension is at least 12m from the nearest residential windows in Victoria Colonnade, which complies with the Council's Distance Separation Guidelines. Therefore the impact is deemed acceptable.

The part of the Old Dole Office building closest to the adjacent buildings in Victoria Terrace is already 3 storeys in height. As the proposals will only amount to a small increase in the bulk of this part of the building it is not considered that the alterations will have a material impact on those properties.

For the above reasons, it has been concluded that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings. On this basis, the application accords with Policy BE3.

Parking and Highway Safety

Policy TR1 of the Warwick District Local Plan requires all developments to provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

WDC Parking Standards for the proposed development would require 88 allocated parking spaces and 11 cycle spaces. The development provides for 7 allocated car parking spaces and 18 cycle spaces.

Officers note that this application relates to the conversion of existing buildings within the town centre and therefore it is not possible to provide any more parking. The re-use of the buildings for any purpose will impact on parking and will not comply with the Parking Standards. This is common with conversions within predominantly commercial parts of the town centre.

The lack of parking must be balanced against the benefit of bringing redundant - and listed - town centre buildings back into use. Furthermore, it is important to have regard to the fact that the current lawful use of the premises do not comply with the Parking Standards and any proposed use is unlikely to be able to comply with Parking Standards.

WCC Highways have been consulted but are unable to provide a response in favour or against. They advise that they are unable to conduct a full assessment on the grounds that COVID-19 prevents a parking survey from being undertaken because shops, offices and other businesses have not been operating at full capacity. They note the shortfall in parking provided, as per requirements in WDC's Parking SPD, as well as the applicant's justification for the shortfall in that the site is in a highly sustainable location for public transport, as well as the availability of town centre car parks and limited on-road parking within 200m due to TRO's.

The applicant has provided an updated transport statement in light of WCC Highways comments which reiterates the sustainable nature of the location within a short walk of bus and rail services, that the net increase in trips comparative to the current lawful Use Class is minimal, that there is capacity within public car parking facilities to meet the increase and that a strong travel plan will be implemented by occupiers, controlled by condition if necessary.

The applicant's transport statement has been considered, along with the issues raised by WCC Highways. It is noted that WCC Highways comments must focus solely on highway matters, whereas in determining this planning application the local planning authority must weigh parking in the balance with all other material considerations.

In this regard it is notable that this is a key project in the regeneration of Leamington Creative Quarter. Moreover, the Creative Quarter is one of the Council's corporate priorities. The regeneration of this area will bring significant economic, social and environmental benefits. As touched upon before, the scheme will also secure the long term future of an important listed building that has been vacant for some time and is falling into disrepair. This all weighs heavily in favour of the scheme in the planning balance.

Against this, it is recognised that there is the potential for some negative impacts from increased commuter parking in residential streets beyond the current Residents' Parking Zones. WCC Highways point out that this is more likely for an office than may be expected from other commercial uses because

office workers may be more likely to seek out parking further afield due to the long term and regular nature of their visits.

Concerns have also been raised about the robustness of the draft Travel Plan measures that have been submitted with the application. This can be addressed by a condition requiring a detailed Travel Plan to be submitted for approval prior to occupation.

Another important consideration on this issue is that the site is situated within the commercial core of the town centre. The District Council's established approach to commercial schemes in such locations has been that visitors would be expected to use the public car parks. Also of note is the fact that the NPPF and Local Plan Policy EC1 direct new office development to the town centre, where the Parking Standards are unlikely to be met.

Finally, and perhaps most significantly for this particular issue, the site is situated within the most sustainable location in the District, being a short walk from both the main railway station and the point at which most of the bus routes in the District converge.

Taking all of this into account, it is considered that any potential negative impacts of increased on street parking are far outweighed by the benefits of the scheme.

Subject to the imposition of appropriate conditions, the application is considered to comply with Policies TR1 and TR3 of the Local Plan.

Impact on Ecology/Protected Species

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly. Policy NE2 deals with the impact on protected species.

The initial ecology report supplied showed an inspection of three buildings was carried out to establish their potential to support a bat roost. Suitable access and roosting features were present in all three buildings and evidence of roosting bats was found in the church. The report's conclusion was that further bat surveys are necessary to establish whether the nursery and Old Dole Office support a bat roost and to characterise the bat roost present in the church. With the agreement of WCC Ecology, the applicant has submitted a mitigation strategy based on a worst case scenario for the presence of the species of bat that have been identified.

For Brown Long Eared Bats this comprises:

- A roof space they can fly in. The ideal roof dimensions are apex height in excess of 2.8m and a length and width of 5m or more. The minimum should be void height (floor to ridge board) 2m and a length and width of at least 4m.
- Access retained into this loft space provided by bat access tiles and holes in roof lining- best position for BLE would be situated near the gable ends but also include some elsewhere on the roof as well;

- Use of bitumen felt 1F for roof lining. No other type of roof lining can be used. Roof lining must not be used where access tiles into the loft space are proposed as free access needs to be possible for the BLE bats at all times.
- A sensitive lighting strategy that provides a dark corridor from the roosts to the River Leam.

The Pipistrelle species roost in both the loft space and more often between the roofing felt and the tiles as they are crevice dwelling. The mitigation for the Pipistrelle species will need to include:

- Provision of modified bat tiles as close to the location of existing access points/slipped and missing tiles etc
- Use of bitumen felt 1F for roof lining. No other type of roof lining can be used.
- A sensitive lighting strategy that provides a dark corridor from the roosts to the River Leam.

In addition to the above requirements for loft space and tiles etc:

- Mounted or hanging bat boxes on site suitable for both Pipistrelle species and BLE will need to be installed on site before works commence. This is to provide a temporary roosting place whilst works on the existing roost is undertaken, although the boxes should stay in place post development as well.
- The existing roost(s) will be made unsuitable under the supervision of a licensed ecologist and under a European Protected Species Licence (EPSL), once granted by Natural England post planning.
- Integrated bat boxes within the finished development, if possible.
- Wildlife friendly landscaping to provide foraging habitat.

WCC Ecology have been consulted on the proposed mitigation methods and raise no objection subject to a condition requiring further surveys and a detailed mitigation plan. Subject to this condition, Officers are satisfied that the development is acceptable having regard to Policies NE2 and NE3 of the Local Plan.

Air Quality

The proposed development is located within an air quality management area (AQMA) that covers Bath Street, High Street, Clemens Street, and Spencer Street in part. Existing air quality monitoring results in the vicinity of Spencer Street have generally been below the national annual mean objective level for nitrogen dioxide (NO2), however, other nearby locations have continued to exceed this level.

Health and Community Protection – Safer Communities Section have been consulted and have requested further information in relation to expected traffic associated with the proposed development. The applicant has submitted this information and furthermore comments are awaiting from Health and Community Protection. These will be included in the Update Report to Committee.

In addition to addressing the above, Health and Community Protection note the proposals for a mechanical ventilation system with heat recovery (MVHR) for the office accommodation to be provided within the basement/crypt of the United Reformed Church building. As the building is located within an AQMA they would wish to ensure that any fresh air inlet for this system is located away from sources that may draw in contaminated or polluted air. Whilst the air quality monitoring results on Spencer Street have largely been below the national air quality objective in recent years, this level is based on an annual mean therefore there are daily and seasonal fluctuations that can take place when vehicle emissions could be higher. Health and Community Protection recommend that any fresh air inlet is located at sufficient height, away from the roadside façades, as well as ensuring that the inlet is located away from any kitchen or mechanical exhaust systems that will draw in unpleasant odours. This can be secured by condition.

Subject to conditions controlling these aspects of the development, it is considered that the proposals would be acceptable from an air quality point of view and accords with Neighbourhood Plan Policy RLS12

Contaminated Land

The proposed development is a redevelopment of a brownfield site. Community Protection – Safer Communities Section's current records do not indicate that contamination is present, although the brownfield nature of the site means that some localised contaminants may be present due to previous historical uses or the construction of the existing structures. On this basis they would recommend that a watching brief is maintained throughout the development in the event that any contamination is discovered. Should this occur the applicant will need to notify the local planning authority and agree how the contamination will be dealt with. This could be secured by a planning condition.

Odour

The proposed development now falls under the recently introduced Class E use therefore the premises could be used for a number of additional purposes if planning permission is granted. One of these purposes includes the sale of food and drink for consumption (mostly) on the premises which would have previously fallen under a Class A3 use. As these premises often require the installation of mechanical extraction systems and emit cooking odours, Community Protection – Safer Communities Section recommend a suitably worded planning condition that shall require the details of any such extraction system to be agreed with the local planning authority to prevent adverse impacts on residential amenity.

Other Matters

<u>Flooding</u>

Warwickshire County Council as the Lead Local Flood Authority (LLFA) have been consulted and raise no objection. The Environment Agency have also been consulted on the recommendation of the LLFA. However, no comments have been

received. It is noted that the proposals are for a type of development that the Environment Agency do not normally expect to be consulted upon. Furthermore, when compared to the existing lawful uses of the buildings, the proposed uses are either the same or lower risk in terms of the government's flood risk vulnerability classification. Therefore, the proposals are considered to be acceptable from a flood risk point of view.

Noise

To ensure that any external plant or equipment installed as part of the proposed development does not result in adverse noise impacts on nearby existing residential dwellings or other noise sensitive premises, Environmental Health recommend a condition is placed on the equipment.

Leamington Neighbourhood Plan

The Neighbourhood Plan includes a specific policy on the Creative Quarter. The proposals comply with all of the requirements of this policy. Indeed, the proposals positively contribute to some specific objectives in relation to re-using empty buildings and in particular redeveloping two of the opportunity sites that are named in the policy: Spencer Yard and the United Reform Church.

SUMMARY / CONCLUSION

The proposals would generate significant public benefits, including making a major contribution to the regeneration of the Creative Quarter and securing the long term use of an important listed building. The proposals are considered to be acceptable in terms of design, the impact on heritage assets, the impact on neighbouring properties, parking / highway safety, ecological impacts, air quality and the other detailed matters assessed above. Therefore it is recommended that planning permission is granted.

CONDITIONS

1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 2362.04.3-P2, 2362.03.6-P3, 2362.03.3-P4 and 2362.03.5-P5, and specification contained therein, submitted on 22nd December 2020 and 2362.03.7 P1, 12000 SK02 A, 2362.01.10 P6, 2362.01.12 P4, 2362.01.13 P4, 2362.01.15 P1, 2362.01.16 P1, 2362.01.4 P7, 2362.01.5 P7 , 2362.01.6 P7, 2362.01.7 P6, 2362.02.4 P4, 2362.02.5 P4, 2362.02.6 P4 and 2362.00.04 P2, and specification contained therein, submitted on 27th May 2021. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in

accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

3 Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To project the living conditions of nearby dwellings, in accordance with Policies BE3 and NE5 of the Warwick District Local Plan.

4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.

Reason: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

5 The development hereby permitted shall not commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists- Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development, in accordance with Policy NE2 of the Warwick District Local Plan.

6 No development shall be carried out above slab level unless and until samples of the external facing and landscaping materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029.

7 No development shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges, rainwater goods, railings, parapets, cladding and the internal staircase at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details.
Reason: To ensure a high standard of design and appearance for this Listed Building and the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.

8 All rainwater goods for the development hereby permitted shall be metal.
Reason: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.

9 The roofing material for the pitched roof parts of the development hereby permitted shall be natural slate. **Reason:** To ensure a high standard of design and appearance for this Listed Building and Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.

10 No part of the development hereby permitted shall be used for any purpose falling within Class E (b) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), unless and until:
a) an odour assessment has been undertaken to assess the impact of odour arising from cooking and any proposed fume extraction system that is required to serve the premises;
b) the results of the odour assessment carried out to comply with criteria (a), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority; and
c) any necessary mitigation measures approved under (b) have been implemented in full accordance with the approved details. The mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority.

Reason: To project the living conditions of nearby dwellings, in accordance with Policies BE3 and NE5 of the Warwick District Local Plan.

11 The United Reform Church shall not be used for the purposes hereby permitted unless and until a mechanical ventilation system with heat recovery has been installed in strict accordance with details that shall have been submitted to and approved in writing by the local planning authority. The mechanical ventilation system with heat recovery shall thereafter be operated and maintained in strict accordance with the

approved details at all times that the building is used for the purposes hereby permitted. **Reason:** To ensure appropriate air quality within the building, in accordance with Policy NE5 of the Warwick District Local Plan.

12 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.

13 The development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details. **Reason:** In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029.

14 The development hereby permitted shall not be occupied or brought into first use unless and until:

(a) a Green Travel Plan has been submitted to and approved in writing by the local planning authority; and
(b) the Green Travel Plan approved under (a) has been implemented in strict accordance with the approved details.

Once implemented the Green Travel Plan shall not be withdrawn or amended.

Reason: In the interest of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029.

Planning Committee: 24 June 2021 **Item Number:** 6

Application No: W 20 / 2135 LB

Registration Date: 22/12/20
Town/Parish Council: Leamington Spa **Expiry Date:** 23/03/21
Case Officer: Andrew Tew
01926 456555 andrew.tew@warwickdc.gov.uk

United Reformed Church, Spencer Street, Leamington Spa, CV31 3NE
Internal and external alterations for creation of new office space. FOR Complex Development Projects

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This application is being presented to Committee because Warwick District Council own the site and due to the number of public objections received.

RECOMMENDATION

Listed building consent is recommended to be GRANTED.

DETAILS OF THE DEVELOPMENT

The proposal seeks consent for internal and external alterations for creation of new office space. These alterations comprise:

- Open up staircase well to basement, with staircase to serve upper floors
- Reinstate windows
- Reroof and insertion of 4 No. conservation rooflights
- Works to basement to create office space
- Steps and new entrance for rear elevation

THE SITE AND ITS LOCATION

This application for listed building consent forms part of a wider scheme relating to 3 buildings around Spencer Yard. This area lies within the town centre of Leamington Spa, within the Conservation Area and forms an integral part of "The Creative Quarter". The site is situated within a predominantly commercial part of Leamington Town Centre.

The 3 buildings forming the wider scheme are; the Grade II listed United Reform Church (URC), the former benefits office building (the Old Dole Office), and the Nursery.

The site is adjoined to the east by the Grade II listed buildings comprising Victoria Colonnade and Victoria Terrace. These contain a variety of residential and commercial uses and include a number of windows overlooking the site.

Further Grade II listed buildings adjoin the site to the south in Spencer Street. The Loft Theatre adjoins the site to the north.

Vehicular access to the rear of the site is gained off Spencer Street via Spencer Yard; there is presently no public access into Spencer Yard via Victoria Colonnade.

PLANNING HISTORY

W/06/1718/LB & 1719 - Part demolition, conversion, refurbishment and extension of existing building for use as theatre and associated facilities

W/09/0081 & 0082/LB - Formal approval of amendments to application No. W06/1718LB & W06/1719 Part demolition, conversion, refurbishment, and extension of existing building for use as theatre and associated facilities

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS3 - Conservation Area

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection. Note condition attached to previous scheme regarding limit on overall height and wish to see this carried forward.

WDC Conservation: No objection, following amendments, and subject to conditions.

Public Response: 7 letters of objection, 6 support received and 1 neutral;

Objections

- Lack of parking
- Request the installation of a yard gully at the bottom of the driveway prior to the closing of the existing outlet.
- No Air Quality Management Plan
- Insufficient travel plan
- More support for small creative businesses
- Would prefer a cafe
- Would prefer an orchestral hall
- More parking provision
- Too much office space in town
- No risk assessment for emergencies
- Safety issues caused by increased density

- Road safety issues

Support comments

- Bringing listed building back into use
- Community use would be beneficial but cost would be prohibitive
- Request that railings are re-installing at front of URC and disabled parking space retaining
- Good to see development
- Address drainage in Spencer Street
- Minimise disruption to business
- Good to regenerate area
- Transport not an issue as good links available
- Welcomes development, but would like to see a music and film studio with upmarket coffee shop

ASSESSMENT

Impact on the Listed Building

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 explains that in considering whether to grant permission for developments affecting listed buildings or their setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Policy HE1 of the Warwick District Local Plan 2011-2029 states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

The URC in its current state has been left empty for many years. It is starting to fall into a state of disrepair. The structural report accompanying the application suggests that water ingress and lack of maintenance is starting to affect the building, including main roof trusses.

The application, as amended, proposes to recover the roof, saving as much of the original tiling as possible. This will include the insertion of 4 no. conservation rooflights. The applicant has demonstrated that the rooflights are essential to provide sufficient light to the proposed redevelopment, as the basement will be opened up as well, and light needs to penetrate to all levels of the building. The rooflights therefore make a critical contribution to bringing the listed building back into use and securing its long term future. Furthermore, the size and profile of the rooflights has been reduced to minimise the impact.

The proposed mezzanine will make use of the existing balcony structure and columns, which are cast iron. New steel supports will be inserted over the top of the existing structure and could be reversed.

Turning to the opening up of the basement, site investigation suggests the basement foundations are shallow and the installation of a new insulated slab would mean no remedial works would be necessary. The area of the ground floor that will be punched through into the basement has previously been infilled. Removing this brickwork will not have a detrimental effect on the masonry of the vaults spanning parallel. Again, it is also important to consider that facilitating the use of the basement is a critical element in securing the viable re-use of the listed building.

WDC Conservation have been consulted throughout the course of the application. They are happy with the principles contained within a submitted window repair document; a full schedule of proposed repairs can be covered via condition. The roof lights now proposed are noticeably smaller and the impact has been appropriately mitigated and, combined with the ventilation strategy, Conservation feel this provides sufficient justification for this element of the scheme. Conservation note that the proposed staircase looks to appear relatively lightweight in appearance and consider this to be acceptable subject to a condition requiring large scale details (including colour finishes).

On this basis, WDC Conservation raise no objection. Therefore it has been concluded that the proposals would preserve the character and appearance of the listed building.

The proposed works would facilitate the reuse of a listed building that has been vacant for a number of years. As such, the proposal accords with the NPPF and Policies HE1 and RLS3.

CONDITIONS

1 The works hereby permitted shall begin not later than three years from the date of this consent. **Reason:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 2362.04.3-P2, 2362.03.6-P3, 2362.03.3-P4 and 2362.03.5-P5, and specification contained therein, submitted on 22nd December 2020 and 2362.03.7 P1, 12000 SK02 A, 2362.01.10 P6, 2362.01.12 P4, 2362.01.13 P4, 2362.01.15 P1, 2362.01.16 P1, 2362.01.4 P7, 2362.01.5 P7 , 2362.01.6 P7, 2362.01.7 P6, 2362.02.4 P4, 2362.02.5 P4, 2362.02.6 P4 and 2362.00.04 P2, and specification contained therein, submitted on 27th May 2021. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in

accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

3 No development shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges, rainwater goods, railings, parapets, cladding and the internal staircase at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **Reason:** To ensure a high standard of design and appearance for this Listed Building and the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.

4 The roofing material for the pitched roof parts of the development hereby permitted shall be natural slate. **Reason:** To ensure a high standard of design and appearance for this Listed Building and Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.

Planning Committee: 24 June 2021 **Item Number: 7**

Application No: W 19 / 1133

Registration Date: 20/06/19
Town/Parish Council: Norton Lindsey **Expiry Date:** 19/09/19
Case Officer: Dan Charles
01926 456527 dan.charles@warwickdc.gov.uk

Land at Ward Hill, Warwick Road, Littleworth, Norton Lindsey, Warwick, CV35 8JD

Hybrid planning application consisting of:
Full planning application for the erection of two replacement poultry houses for poultry rearing (pullets) and the repositioning of existing access;
Outline planning application for the erection of a farm manager's dwelling. FOR Mr A Audhali

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RECOMMENDATION

It is recommended that planning permission is granted, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The proposal seeks the demolition of the existing poultry houses and the erection of two new poultry houses. In terms of footprint, each poultry house is proposed to be 60m x 12.14m providing a gross floor area of 728.4 sq metres per building giving an overall footprint of 1,456.8 sq metres. In comparison, the existing buildings measured 67.3 metres long x 11 .1 metres wide West building) and 64.2 metres long x 11 metres wide (East building) giving a total footprint of 1453 sq metres for the two buildings.

Each building has an eaves height of 2.5m and a proposed ridge height of 4.7m compared the overall height of the existing buildings of 3.7 metres ridge height (West building and 2.5 metres ridge height (East building). Each building has a total of 10 vent towers extending to an overall height of 6.5 metres.

The proposed buildings are to be constructed of a low brick riser wall with chevron timber cladding walls under a corrugated metal sheet roof. The buildings each have double doors at each gable end of the building together with two personnel doors on the front (north) elevation.

The proposal also includes the provision of an on-site worker's dwelling. Whilst only in outline form the plans indicate a single storey property with a gross floorspace of 77 sq metres.

The application also includes the creation of a new vehicular access and on-site parking and turning space together with all ancillary works.

THE SITE AND ITS LOCATION

The application site lies to the North East of the village of Norton Lindsey and is situated within the West Midlands Green Belt.

The site currently contains 2 dis-used poultry houses of low-profile timber construction.

The site is flanked on three sides by agricultural fields. To the west the boundary is shared with a single dwelling. The dwellinghouse is set away from the site boundary.

The site is predominantly flat with the land gently rising to the rear in a southerly direction. The site has a variety of trees and hedging to the roadside boundary, but the remaining side and rear boundaries are undefined with features, although there is a marked change in the character of the land at the boundary.

The site has an existing lawful use for agricultural purposes which notwithstanding an extended period of vacancy continues to subsist. Planning permission is not therefore required for the continuing use of the site for agricultural purposes.

PLANNING HISTORY

W/17/2372 - Demolition of 2no. chicken sheds and the proposed residential development of 2no. single storey dwellings with a new footpath link to the village – **Refused 01.03.2018.**

W/16/1970 - Demolition of 2no. chicken sheds and erection of 9no. dwellings – **Refused and appeal dismissed 12.09.2017.**

W/08/0146 - Erection of two replacement poultry sheds and relocation of vehicular access and erection of farm manager's dwelling – **Refused and appeal dismissed 24.05.2010**

W/08/0145 - Erection of farm manager's dwelling - **Refused and appeal dismissed 24.05.2010**

W/07/1931 - Erection of replacement poultry sheds & relocation of vehicular access – **Withdrawn 08.01.2008**

W/07/1930 - Erection of farm manager's dwelling – **Withdrawn 08.01.2008**

W/05/1755 - Erection of dwelling for poultry farm manager and erection of 2 replacement poultry sheds – **Refused and appeal dismissed 04.04.2007**

W/05/1754 - Erection of 2 replacement poultry sheds - **Refused and appeal dismissed 04.04.2007**

W/04/1049 - Erection of a replacement poultry shed – **Refused 20.10.2004**

The history of the site includes 2 earlier applications for the erection of replacement poultry sheds. In 2005, the application reference W/05/1754 was refused and appeal dismissed on the grounds that the proposed sheds would result

in material harm to the landscape and further harm to the living conditions of local residents, in particular, the dwelling to the immediate west of the site that, in the Inspectors judgement, would not be outweighed by the benefits of the proposal in promoting agriculture and none of the suggested conditions would overcome the identified harm.

Following this application, application reference W/08/0146 was refused on the grounds of the impact on the rural character and appearance of the area, impact on the amenity of neighbours as a result of odour emissions and the adequacy of surface water drainage proposals. This application was dismissed at appeal with the Inspector upholding the first two reasons for refusal but was satisfied that adequate drainage could be secured by condition.

In both appeals, the Inspectors were clear that the development was for an agricultural use and therefore, the replacement chicken sheds are classified as appropriate development within the Green Belt.

The associated worker's dwelling was dismissed on appeal on the basis that the Inspector dismissed the appeals for the poultry houses and therefore, no dwelling was justified.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DS1 - Supporting Prosperity
- DS5 - Presumption in Favour of Sustainable Development
- DS18 - Green Belt
- PC0 - Prosperous Communities
- H1 - Directing New Housing
- EC1 - Directing New Employment Development
- EC2 - Farm Diversification
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities
- CC1 - Planning for Climate Change Adaptation
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources

Guidance Documents

- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Norton Lindsey Parish Council: Objection on the following grounds;

- Environmental Impact - odour during day to day operations and cleaning, dust in the atmosphere, increased vermin, noise from ventilation fans etc. Not convinced by the methodology and findings of the odour report that suggests minimal impact on houses.
- Negative effect on highway safety - increased heavy traffic movement and poor visibility on Warwick Road. Not clear in proposal how vehicles will access site.
- No details of feed storage hoppers.
- Inconsistencies on plans regarding closure of existing access.
- Concern about manager's bungalow and how it will operate. Is the manager always expected to be on duty? How will the site operate when the manager is away? Regular visits would surely suffice?
- Openness of the Green Belt will be affected. Not satisfied that the exceptions exist for this development.
- If granted, recommend occupancy condition and removal of permitted development rights.

Additional comments received

- Grave concerns over the environmental impact of the site from odour, dust, increased vermin, noise from ventilation fans and particularly bio-aerosols.
- Lack of adequate water management plans.
- Negative effect on highway safety from increased lorry movements.
- No clear case for on-site worker.
- Do not consider proposal represents sustainable development.
- Any change from pullets (to broilers etc) could result in further issues.
- Application remains unchanged from previous refusals.
- Existing buildings have been redundant for 20 years so application should be viewed as a new and inappropriate new development.

Councillor Jan Matecki: Object to the scheme;

- Fully agree with the comments made by local residents, the Parish Council and the local MP, Matt Western.
- Application has been heard several times previously under one guise or another, and been rejected on every occasion. I particularly draw your attention to 2 previous applications, W/05/1754 and W/08/0146 which were heard in 2007 and 2010 respectively which were rejected by the WDC and the decisions were upheld by different Inspectors, appointed by the Secretary of State to review the appeals made in both of these applications.
- The fundamental reasons for rejecting the applications, and subsequently verified by the Inspectors after appeal, are still valid, if not more so, today.
- In application W/08/0146 the poultry sheds had a size of 48m long, 12m wide and 4.5m high. The Inspector found that sheds of this size would have an "unacceptable impact on the area's character and appearance". This new application has sheds even longer, wider and taller and so will have an even more drastic effect on the character and appearance of the area.
- In both of the previous applications, the overriding factors were the development criteria in the Green Belt and not due to health reasons. The

Inspector's report in the 2007 review also pointed to the fact that there were old disused poultry sheds on the site, but dismissed their relevance due to their state and so reviewed the application as if it were a new application.

- The existing sheds in the reports are now in an even worse state than 13 years ago and so their relevance, if any, is even more diminished today. Moving the buildings around on the plot does not alter the fundamental principles of development on Green Belt land.
- This application, as it has done previously, fails to mitigate any circumstances under NPPF policies which would allow it to succeed. As the Inspectors in their reports said at the time, which still holds true today, there are no exceptional circumstances to this application to justify the approval of this application
- Heavy goods vehicles (HGVs) cannot turn around on site and will require the HGVs to either reverse in or out into the road contrary to Policy TR1
- Policy NE5, which requires any development to "not give rise to soil contamination or air, noise, radiation, light or water pollution where the level of discharge, emissions or contamination could cause harm to sensitive receptors". Air and water pollutants, together with noise pollution can not be eradicated by the current proposals.
- Since the last similar application was heard in 2010, a lot more is now known about the detrimental effect on public health created by bio-aerosols. The moving of the worker's dwelling to the west side of the site still does not satisfy the need, as reported by many authorities around the world, that poultry sheds should be at least 150m away from residential properties. One property lies within 50m of the nearest proposed shed, and numerous more within 150m so the 150m threshold cannot be achieved.
- Reference in the Bio-Aerosol report makes reference to broilers and not pullets, which would have a greater turnover leading to increased potential harm.
- Suspect that the site would very quickly turn from pullet to broiler production in order to recover the investments made. This would greatly affect the air quality on a much more regular basis than minimalistic suggestion of the applicant.

In summary, together with the new found hazards of bio-aerosols which have been identified as a risk to public health, by commentators and confirmed by the WDC Environmental Health team after consultation with Public Health England, this application does not meet any of the Green Belt development requirements of the District's Local Plan or the NPPF to enable it to be approved. It is not sustainable and would create a safety hazard to the many other road users, including car drivers, pedestrians and horse riders.

<u>Further comments received</u>

- As confirmed by two previous Appeal Inspector's reports, due to the abandoned and derelict state of the land, any previous use of the land bears no relevance to this application and should not be used in the forming of any opinion on the suitability of the application.
- Any permitted agricultural use on Green Belt land must be sustainable. Although the applicant has another poultry breeding business, located near Hatton, it is for the rearing and slaughter of broilers. Pullets do not fit in

with the current business model of the applicant, and therefore the sustainability of such an enterprise must be judged independently. I suggest that the applicant states that he intends to rear pullets only in order to limit the damaging reports that bio-aerosols will have on the neighbouring properties.

- A report that was conducted by the Ohio Department of Health, USA states that residents located within half a mile of a poultry farm had 83 times the insect infestation compared to properties that were not located near to a poultry farm. A half mile radius from the application site will take in nearly the whole of Norton Lindsey Village which lies within the WDC boundary. With the increased insect infestation come all the other unsavoury inflictions associated with insects such as flies. The health and wellbeing of the residents of the village must be paramount.
- With regards to the agricultural dwelling, no grounds for a workers dwelling on the site and nothing has changed in the last 10 years which would warrant a workers dwelling on site. Applicant has another, and much larger, poultry business only 5 miles away - so the site can be monitored and accessed within a 10 minutes drive of the existing business, further negating the need for a stand alone dwelling on site.
- This application should be refused at the earliest opportunity in order to enable the local residents to get on with their lives, in the peace and clean environment that attracted them to the village in the first place.

- Reports submitted on behalf of applicant are biased towards the applicant.
- Restriction on cleaning of sheds at weekends is not practicable.
- Restriction on cleaning of sheds when winds are easterly or north-easterly is not feasible.
- Sniff Testing as recommended is difficult to control or enforce.
- Cost implications of appropriate mitigation are for the applicant to determine if a venture is worthwhile.
- Ricardo recommendations should be adhered to in full.

WDC Environmental Health: Following discussions with the applicant's consultants and clarification of details, raise no objection, subject to conditions to control use of site. Following receipt of Odour and Bio-Aerosol Assessments, scheme has been reviewed by an independent specialist who, following clarification on some elements, raises no objection to the proposal. This has been reviewed by the EHO who raises no objection subject to conditions.

WDC Tree Officer: Landscape and Visual Assessment is thorough but application lacks detail on mechanisms to protect roadside hedge. Recommend tree protection plan.

WCC Highways: No objection, subject to conditions and notes regarding construction of the access.

WCC Ecology: Recommended Ecological Appraisal has been submitted and satisfied with results. Recommend conditions to protect protected species.

WCC Landscape: May require removal of trees. Tree/hedgerow protection will be required. If new planting is proposed, needs to be maintained.

Natural England: Based on the information provided within the Ammonia report, Natural England considers that the proposed development is unlikely to damage or destroy the interest features for which the Sherbourne Meadows Site of Special Scientific Interest (SSSI), Railway Meadow, Langley SSSI and Snitterfield & Bearley Bushes SSSI have been notified and has no objection.

Public Health England: Would not normally comment on this application as it is below the threshold to be considered an intensive poultry farm. We understand there are nearby residential receptors, with one located within 40metres of the proposed poultry farm application site.

With poultry farming, the main emissions of public health significance are emissions to air of bioaerosols, dust including particulate matter and ammonia. It should be noted that available health evidence is associated with larger, intensive farming practices, and for poultry this would be for farms with 40,000 poultry rearing places or more.

The applicant has considered potential emissions from the site, including particulate matter, dust and odour. Their modelling assessment of these potential emissions has found that the impact of the proposed site is low and adverse effects are unlikely at residential properties. The methodology used appears appropriate.

We would ask the planning authority to consider applying suitable conditions to ensure mitigation measures are in place to control and minimise particulate matter and dust emissions from the site. It is proposed that monitoring/visual inspections of the site will be undertaken, with action taken should odours, litter, dust be detected above set thresholds. Any dust complaints should be investigated by the site and control measures put in place.

Manure spreading: to avoid the potential for off-site odour impacts, the locations for manure spreading on land should be considered to avoid a potential source of nuisance and annoyance in the community.

Any Odour Management Plan (OMP) should indicate that regular olfactory monitoring locations will be agreed as part of the site's planning application, and be at locations around the site boundary and at the nearest residential properties. PHE supports that any OMP proposes regular meetings in the community to review performance and address any issues raised.

The response outlined in this representation is based on the assumption that the applicant shall take appropriate measures to prevent or control pollution, in accordance with industry guidance and best practice.

Public Response: 106 letters of objection have been received on the following grounds:

- Site is abandoned.
- No benefit to community.
- Have not overcome previous reasons for refusal.
- More akin to an industrial use than agricultural.
- Green Belt means dwelling should not be allowed.
- Can operate without manager on site.

- Unsuitable location for poultry business.
- Lack of animal welfare and cruel to animals.
- Less demand for meat products.
- Modern technology means that dwelling on site is not necessary.
- Not a viable unit at this scale.
- Harm to highway safety from lorries servicing the site.
- New access is in a worse position than the existing.
- Use of site will result in harm to pedestrians, cyclists and horse riders due to increased traffic.
- Adverse impact on the openness of the Green Belt.
- Will detract from the quality of the landscape.
- Harmful to biodiversity.
- Harm to bat species that use the site.
- Will result in light pollution.
- Environmental reports are inadequate.
- Previous operation of site caused odour nuisance.
- Odour report is based on a computer model.
- Odour will be an issue despite reports.
- Increased vermin and flies causing harm to amenity of area.
- Will be a significant noise disturbance.
- Inadequate drainage measures on site.
- Potential contamination of water courses.
- Water treatment details are inadequate.
- Potential for spread of airborne bacteria.
- Will result in dust disturbance.
- Hazardous to health of local residents.
- Will have negative impact on residential properties.
- Harmful impact on residential amenity.
- Contrary to EA Advice on emissions.
- Not satisfied that the submitted Bio-Aerosol Assessment is robust.
- Intensive chicken farming results in increased levels of disease posing a direct threat to the local community.
- The increase in ammonia emissions negatively influences environmental and public health, and is also a major contributor to climate change.
- Applicant has failed to provide robust and objective, independent evidence on the potential for adverse odour impact.
- The data that has been provided to support and substantiate this proposal is flawed: out of date, geographically incorrect and fundamentally ignorant to the largest risk of impact on residents.
- No mention of the inevitable on-site operation of an incinerator.
- The health effects on vulnerable individuals (frail/elderly/sick) should form the sole basis for the exposure risk classification. It is of no relevance whether a "robust individual" might be able to cope with the projected Bioaerosol exposure. The affected residential properties are home to people of all ages and levels of frailty.
- The proposal does not indicate where the spent litter would be taken. "Spent litter would be taken off-site" could also mean the field next door.
- In order for the Planning Committee to make an informed decision on the impact of the proposals, they must visit a similar site to the one proposed, so that they can experience the bio-aerosol health issues (& associated odours) for themselves.

- The hazard of bio-aerosols are a 'risk to health, as confirmed by WDC's Environmental Health Team in consultation with Public Health England.
- Odour and bio-aerosol contaminants will collect in the area and will not be dispersed by wind.
- We will suffer significant, unpleasant odour, vermin and noise from the ventilation fans, particularly at times when the sheds are cleaned.
- There are inadequate plans for the containment and management of foul water on the site.
- Animals and wildlife including deer, will be threatened.
- The dangers of salmonella, clostridium perfingens and other diseases spreading onto our land and infecting our animals is significant.
- The site has not been used for poultry farming for over 20 years. No investment has been made into the facility. Indeed, it meets the criteria for 'abandonment'.
- In the intervening period the nature of the village and surrounding area has changed.
- Not more than a few years ago, the owner applied for permission to build houses on the site.
- There is no clear case for on-site accommodation for a manager:
- The volume of poultry, coupled with modern communications means there is no need for on-site accommodation for a manager.
- The owner previously sold the original Manager's house as a domestic residence as it was not required.

Development should result in a Biodiversity Net Gain.

ASSESSMENT

History/Background

The application site has been the subject of multiple applications for replacement chicken shed buildings. The latest application from 2008 was dismissed at appeal for the following reasons: -

- Impact on the character of the area.
- Issues relating to control of odour.

The associated worker's dwelling was dismissed on appeal on the basis that the Inspector dismissed the appeals for the poultry houses and therefore, no dwelling was justified.

In all appeals, it was clearly acknowledged and agreed by all parties that the development constitutes agriculture.

Since these appeals were determined, the National Planning Policy Framework has been introduced which gives guidance on development within the Green Belt. The introduction of the NPPF set out a framework for new agricultural development together with guidance on the impact on the Green Belt which is discussed in further detail below.

Principle of Development

The Use of Land

The use of the land falls within the definition of agriculture and whilst the existing buildings are not capable of operating for their intended purpose, the subsisting use of the site remains as agricultural. The default position for any land is agriculture and this use of land cannot expire or be abandoned unless an alternative use of the site is in place.

Agricultural Buildings

The proposed buildings would be 60m x 12.14m with a ridge height of 4.79m. Each building has a gross floor space of 728.4 square metres giving a combined overall floorspace of 1456.8 sq metres.

There is no specific policy within the Local Plan that relates to new agricultural development. As the Local Plan is silent, the proposal must be assessed against the guidance contained within the NPPF. Paragraph 83 of the NPPF supports the development and diversification of agricultural and other land-based rural businesses. It is acknowledged that the buildings are considered to fall within the definition of agriculture and these buildings would replace the existing buildings on the site for new buildings within the same use. The buildings represent a minor increase in overall floorspace of less than 5 square metres compared to the previous buildings on site, but the height has increased compared to the existing to meet modern agricultural standards. The height increase equates to an overall ridge height of 1 metre.

Officers are therefore satisfied that the principle of new buildings on this site is acceptable.

Worker's Dwelling

Policy H12 refers to new dwellings for rural workers. This policy sets out a range of criteria that must be met in order for a dwelling to be located in a rural area as an exception to Policy H1 that seeks to ensure that new dwellings are located in sustainable areas.

Paragraph 79 of the NPPF also affords exceptions for rural housing where it is demonstrated that there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.

Local Plan Policy H12 sets out 5 tests that must be met in order to be considered acceptable in principle;

a) there is a clear functional need for the person to be readily available on the site at most times;
b) the worker is fully or primarily employed on the site to which the proposal relates;
c) the business is financially sound and has a clear prospect of remaining so;
d) the dwelling sought is of an appropriate size commensurate with the established functional requirement; and
e) the need cannot be met by an existing dwelling on the unit, or by other existing accommodation in the area.

In order to carry out the assessment of the submitted business plan, the proposal has been considered by a specialist rural consultant instructed by the Local Planning Authority to carry out an independent assessment of the submitted documentation.

The consultant has assessed the proposal against the policy requirements of H12. In response, it has been concluded that;

In response to criterion a), there would be an essential need for a worker to be readily available at most times as the needs of the business would require close monitoring and a rapid response to ensure that any issues that arise are dealt with swiftly to avoid harm to the birds. The infant birds will arrive as day olds, and will need to be kept under heat in broiler rings with heated lamps, for the first week or thereabouts and any faults with these systems needs to be urgently repaired. In addition, where birds are reliant upon mechanical ventilation, any failures need to be addressed rapidly to prevent heat and ammonia build up within the building. Breakdowns in heating systems, feed chain, drinking supplies etc. all require swift action.

Whilst many of these systems will be alarmed, there is still a requirement for swift action should any of the alarmed elements fail. This can only be reasonably dealt with by an on-site presence.

In response to criterion b), the standard man hours for the operation of the site would be equivalent to a full time worker based upon the assessment by the specialist agricultural consultant.

In response to Criterion c), it is acknowledged that this development is to work in conjunction with the applicants existing chicken businesses. These businesses are well established and financially sound and this business would be in addition to the existing sites which have operated on a sound financial basis for many years. The consultant is satisfied that the expansion of the business has been planned on a sound financial basis and as an addition to the existing successful businesses operated by the applicant, has a clear prospect of remaining so.

In response to criterion d), it is noted that the dwelling proposed is sought on an outline basis at this stage. The guidance on rural worker's dwellings requires a dwelling to be commensurate with the needs of the unit for the worker and their family. As a general rule, a dwelling of up to 140 square metres is considered commensurate with the needs of the unit and provides adequate accommodation in a price bracket considered to be generally affordable on a rural worker's wage. The proposed dwelling is identified as a bungalow and is noted as having a floor area of 77 sq. metres which falls well within the accepted threshold as appropriate for a rural worker.

The proposed development is to increase the capacity of the applicants existing business by replacing the existing buildings and reintroducing the poultry use of the site. The proposal for this site is the rearing of pullets for the egg production industry. The site will rear the birds from chicks to close-to-lay birds at which point they will be transferred off-site to a specialist egg-production location. This would be an 18 week cycles with a period of 4 weeks between batches to allow for specialist cleaning to be carried out between batches. The two buildings would

have a combined capacity of 20,478 birds per cycle and there would be on average 2.3 batches per year.

In response to criterion e), there are no other dwellings within a functional distance to meet the needs of the business on site that would be financially viable for an on-site worker. It is also noted that the general price of properties within the local area would be significantly in excess of a price that would be affordable for an agricultural worker.

The proposal has been assessed by an independent agricultural consultant who is satisfied that the development meets all of the criteria as set out in Policy H12 and is therefore acceptable in principle.

Conclusion on Principle of Development

The replacement agricultural buildings are considered to be acceptable having regard to national guidance contained within Paragraph 83 of the NPPF.

The business plan and supporting information has been assessed and the consultant is satisfied that the proposed development is acceptable and has been planned on a sound financial basis. The enterprise would require the presence of an on-site worker.

Subject to conditions to restrict the occupancy of the dwelling, the proposal is considered acceptable in principle having regard to Policy H12 of the Local Plan and guidance contained within Paragraphs 79 and 83 of the NPPF.

Whether the proposal constitutes appropriate development in the Green Belt

As the site lies within the West Midlands Green Belt, the proposal must be assessed against Policy DS18 of the Local Plan. The policy states development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions. Paragraph 145 states that new buildings for agriculture are appropriate development within the Green Belt. Officers are satisfied that the development has been designed specifically for agricultural purposes and therefore, the buildings are considered appropriate development within the Green Belt.

The provision of a new dwelling within the Green Belt is considered inappropriate development within the Green Belt where located outside of a settlement boundary. As the proposal does not fall within any of the categories of appropriate development within the Green Belt, it is considered to be inappropriate development within the Green Belt by definition. In these cases, Paragraph 143 of the NPPF states that development should not be approved except in very special circumstances.

In terms of very special circumstances which would outweigh the harm by reason of inappropriateness, the proposal is for a rural worker where the need for the dwelling has been satisfactorily justified as having an essential need for the worker to be on-site due to the specific needs of the business. Conditions will be imposed

that tie the building to occupation for an on-site worker only to ensure that the dwelling meets with the very special circumstances set out.

On the basis of the above, Officers are satisfied that this is considered to represent very special circumstances sufficient to outweigh the harm by reason of inappropriateness.

Design and impact on visual amenity and the character of surrounding area

Section 12 of the National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

Policy BE1 of the Local Plan reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

Officers note the appeal decisions on the earlier applications and also that the latest of these is in excess of 10 years ago. The Policy Framework at both local and national level has evolved since this time and the assessment of this application takes into account the earlier decisions whilst also assessing against the current legislative framework.

At the time of the 2007 appeal decision, the site was designated as falling within a Special Landscape Area. This designation formed part of the Inspectors reasoning when dismissing the appeal in respect of the harm to the area and the Special Landscape Area. In the 2008 decision, the Inspector opined that the buildings would have a harmful effect on the area's rural character and appearance and would detract unacceptably from the quality of the landscape and the openness of the countryside.

The proposed agricultural buildings are designed for the specific purpose of poultry rearing and as such, are utilitarian in design. The buildings are low-profile with a modest ridge height of 4.79 metres to the ridge. In terms of scale, the new buildings are similar in proportion to the existing buildings on site that measure 66m x 10m approximately with a similar ridge height. The proposal also includes a bulk feed store to each building that extends to approximately 6 metres in height together with flues on the buildings that extend to an overall height of 6.5 metres.

The existing buildings on site are in a poor state of repair and have predominantly now collapsed. In both appeal cases, it was accepted by all parties that the buildings were not capable of re-use and would not have been economical viable to repair in order to meet the up to date standards for poultry buildings. Since that time, the buildings have degraded further and could not be re-used due to the derelict nature of the buildings.

The new buildings will be purpose built poultry houses designed to deliver the appropriate standards of welfare. The external appearance of the buildings will be timber cladding over a brick riser with a corrugated metal sheet roof containing a number of ridge vents.

The appearance of the building will be of a modern agricultural structure compared to the existing, somewhat dilapidated structures that current stand on the site.

Planting is proposed to the boundaries to reinforce the current planting to soften the boundaries of the site to reduce the visibility of the site. The southern boundary of the site will be conditioned to provide a significantly improved planting belt to mitigate the increased visual impact of the buildings.

The bulk feed silos will be taller than the main buildings but of significantly smaller massing. The silos are a typical rural feature in an agricultural landscape and would not represent an incongruous feature in this location.

Overall, taking into consideration the history of the site and the considerations put forward by the earlier Inspectors, Officers note that the NPPF puts significantly more weight into the economy and supporting a prosperous rural economy as set out in Paragraph 83 that supports the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

Furthermore, Paragraph 84 states that in recognising the use of sites, that the use of previously developed land and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

The development will bring a redundant and visually poor site back into the previously established use with new, modern buildings that Officers accept are utilitarian in design by nature of their proposed use. It is therefore proposed to mitigate the visual appearance through appropriate landscaping to offset the appearance of the buildings.

The application was submitted with a Landscape and Visual Impact Assessment that the key areas where visual harm was identified were capable of being mitigated through a robust and appropriate landscaping scheme.

The NPPF has a presumption in favour of sustainable development and Officers consider that taking these factors into consideration and weighed against the earlier, pre-NPPF appeal decisions, on balance, the scheme is considered to be acceptable in visual terms subject to appropriate conditions on landscaping and external materials.

The proposed dwelling, whilst in outline form is identified as being a modest, single storey property of approximately 77 square metres. In additional the land associated with the property is also of limited size and proportionate to the size of the unit.

Officers are satisfied that the proposal complies with Policy BE1 of the Local Plan.

Impact on adjacent properties

Officers note that the earlier schemes were dismissed at appeal due to the potential for odour impact affecting neighbouring properties, in particular, the property to the immediate west of the site. This application has been submitted with supporting reports provided by qualified consultants to seek to address these concerns.

During the course of the application, further potential amenity issues were identified such as the potential impact of Bio-Aerosols. The applicants thereafter instructed appropriately qualified consultants to carry out the required assessments.

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

The proposal has a number of aspects that must be assessed in terms of the impact on adjacent properties including the impact from the built form of the development and the potential environmental harm arising from;

- Bio-Aerosol Impact.
- Noise Impact.
- Odour Impact.
- Dust Impact.

In addition to the assessment from the Council Environmental Health Officer, the District Council also commissioned an external specialist to carry out a full review of all submitted information relating to environmental issues associated with the application. All documentation was reviewed by the specialist and a detailed response was provided to the Environmental Health Officer for consideration of the scheme.

<u>Built Form.</u>
The key property affected by this element is the property that lies adjacent to the site on the western side, known as Ashward House.

The replacement buildings propose structures of a similar scale to the existing structure on the site. However, the key difference is during the course of the application, the site layout was amended to "swap over" the proposed workers dwelling and the chicken shed buildings which will result in an increased separation distance between the dwelling and the chicken sheds compared the existing position on the site.

It is noted that the adjacent dwelling itself is located on its own western boundary and there is an intervening garage to the eastern side of the plot. The site is also separated from the application site by mature hedge and trees boundary.

Taking into consideration the revised proposed site layout, Officers are satisfied that in terms of built form, the development would not result in any demonstrable harm.

Bio-Aerosol Impact

The issue of Bio-Aerosols was raised prior to the earlier committee date and it was not an issue that had been previously considered. In response to this, the applicants commissioned a Bio-Aerosol Risk Assessment which was updated following feedback into the content of the report from the Councils Independent Consultant.
In assessing the submitted documents, the consultants advised that the risk assessment of bioaerosol emissions from pullet rearing identifies moderate risks at nearby receptors and recommended mitigation measures to be incorporated into a management plan including the submission of monitoring reports.

The consultant's report recommends that monitoring of bioaerosol emissions from the vents is carried out within four weeks of the first flock reaching maturity, and annually thereafter.

The monitoring report should be accompanied by an update to the risk assessment in the light of the measured bioaerosol emissions. The updated risk assessment should include modelling of bioaerosol emissions to evaluate potential risks at nearby properties, and confirmation of additional effective mitigation if the need for such mitigation is identified.

In concluding on the matter of Bio-Aerosols, the Consultant was satisfied that risks relating to odour and dust at receptor sites have been assessed following robust methods and suitable mitigation actions have been suggested following best practice guidance. Subject to these being secured via planning condition and correctly implemented in the operation of the poultry houses, the risks to human receptors in relation to health, nuisance and residential amenity are considered likely to be negligible.

Noise Impact.

The submitted noise assessment report prepared by InAcoustics dated 24th October 2019 (Ref. 19-226) which considers various noise scenarios arising from the proposed development and the potential noise impacts on the nearby Ashward House has been assessed by the Environmental Health Officer (EHO).

The noise report has considered the impacts under routine operation, delivery and export activities, as well as mucking out activities. The noise report has concluded that the proposed development would have a low noise impact on nearby residential dwellings.

Overall the EHO is satisfied with the noise assessment report submitted but as above has recommended that noise control measures are included in the wider management plan for the site to ensure that all environmental matters are considered in a single management document which its implementation can be secured by a planning condition.

Odour Impact.

In the appeal decisions, the proposed use of the chicken sheds for both appeals was for a capacity of 39,000 birds in 2005 and 44,000 birds in 2008. The 2008 figure was subsequently reduced to 39,000 birds.

In terms of odour impact, the Inspectors conclusion summary clearly states that *"in the absence of further information, the possibility of unpleasant odours adds further weight to my concerns."*

The submitted odour assessment is based upon the specific use of the site for pullet rearing. The EHO has considered the document and raised no objection to this subject to a condition restricting the site to this use only to prevent the change to a potentially more odorous form of agricultural at the site which has not been assessed.

The odour assessment and addendum odour assessment were assessed by the specialist and considered to be detailed, following good modelling practices and using conservative odour emission rates and odour concentration benchmarks. Following some minor clarifications, the specialist concluded that there are negligible impacts at the identified sensitive locations.

There was some concern regarding the potential impacts from the short-term activities around the cleaning out of the spent litter from the house at the end of the cycle. However, the specialist was satisfied that this can be managed through suitably worded planning conditions to secure a final Odour Management Plan.

The Odour Management plan submitted with the supporting documentation provides a well detailed qualitative assessment and presents a number of suitable mitigation measures following best practice. The specialist recommended that the presented measures and some additional actions should be secured via suitably worded planning conditions to ensure that odour risk associated with the house clean-out is minimised as far as possible.

As stated in the earlier sections, the proposal is recommended to be included with a management plan that sets out the methodology for operating the site.

<u>Dust Impact.</u>

In response to a query from the Environmental Health Officer, a dust assessment report was prepared. The report submitted assesses both the air quality and nuisance impacts of the proposed poultry shed units. Following the clarification of some details, the Environmental Health Officer is satisfied that the proposal is acceptable subject to a detailed management plan to cover the control of dust is submitted to the Local Planning Authority for assessment and agreement and thereafter the development shall be carried out in accordance with the approved details.

The second part of the dust assessment report considers the potential for dust nuisance to occur at nearby sensitive residential dwellings. The report concludes that there is a negligible risk to sensitive receptors based on good management practices being employed. As set out above, the Environmental Health Officer has suggested that the odour management can be secured and implemented through an appropriately worded Management Plan planning condition.

The EHO has advised that any management plan submitted shall be submitted in accordance with the requirements of the Environment Agency Sector Guidance

Note EPR 6.09 Version 1 (March 2011) that contains recommended best practice for dust management at poultry installations.

Conclusion on neighbour impact

The proposal has been assessed regarding the potential impact on the amenity of neighbouring and nearby residents and has been considered acceptable subject to the submission of a detailed management plan that must be submitted and approved prior to any operation of the site. Thereafter, the development must be operated strictly in accordance with the approved plan to ensure that the proposal does not result in harm to the amenity of nearby properties.

Following an independent assessment of the potential impacts by a specialist company who is satisfied with the methodology used and that the assessments are robust, conditions are proposed to secure the final details of the operation of the development to ensure that the identified standards are achieved.

Should the future occupation breach any of the requirements within the approved document, this can be enforced through a Breach of Condition Notice.

It must also be noted that the grant of planning permission does not preclude the use of powers under the Environmental Protection regulations should other issues arise.

Subject to the submission of an appropriate management plan, the proposal is considered acceptable having regard to Policy BE3 and NE5 of the Local Plan.

Highway Safety

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The site is served by an existing vehicular access. As part of the application, a new access point is proposed to increase the available visibility from the access point. The revised access point has improved visibility compared to the existing access point and the County Highways Officer has raised no objection to the scheme as a result. A range of conditions are proposed to ensure that the new access point is built to the appropriate standards.

A condition is proposed to close the existing access point upon completion of the new access point to avoid a proliferation of access points that would be considered detrimental to highway safety.

Subject to the proposed conditions, the proposal is considered acceptable having regard to Policies TR1 and TR3 of the Local Plan.

Impact on Ecology/Protected Species

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The original assessment of the proposal was considered by the County Ecologist who raised objection to the loss of the hedgerow together with the requirement to submit an Ecological Assessment. This was duly carried out by the applicants and assessed by the County Ecologist. The issues relating to protected species were considered to be satisfactorily addressed subject to conditions and notes whereas additional information was requested regarding Tree Protection details, a Biodiversity Assessment.

Tree protection details have been submitted and the Ecologist is satisfied that the development would not have a significant impact on the hedgerow which can be satisfactorily mitigated with replacement planting to the existing access point. Additionally, a Biodiversity Assessment has been submitted that demonstrates that overall, there will be a net gain in Biodiversity.

During the consideration of the environmental impacts of the scheme, an assessment of the potential impact of ammonia emissions on ecological receptors was recommended by the Environmental Consultant. The applicants have provided an assessment of the potential impacts and this has been considered by Natural England who are satisfied with the results of the survey and have raised no objection to the scheme.

On the basis of the above, the Ecologist has removed their objection subject to conditions and notes. Officers therefore consider that the proposal is acceptable having regard to Policy NE3.

Trees/Hedgerows

A small section of hedgerow is to be removed to facilitate the new access. This is mitigated for by the closure of the existing access and the reinstatement of a native hedgerow and trees to fill in the area. IN addition, planting is proposed to the boundaries to provide additions tree and hedgerow which would result in an overall net gain.

Conclusion

The proposed development is considered to be acceptable in principle insofar as the poultry buildings are acceptable and the provision of a new workers dwelling has been justified under Policy H12 of the Local Plan.

The provision of agricultural buildings is appropriate development within the Green Belt. Whilst a new dwelling in this location is considered inappropriate development within the Green Belt, the very special circumstances have been demonstrated that there is a functional need for a workers dwelling to be provided on the site.

The site-specific issues can be satisfactorily addressed through the use of conditions. The impact on residential amenity in particular has been thoroughly

assessed through the submission of detailed reports. These have been assessed by the Environmental Health Officer who is satisfied that the details can be secured in a management plan.

Subject to the required conditions, the development is considered to be acceptable. The proposal is therefore recommended for approval.

CONDITIONS

1 The agricultural building element of the development hereby permitted shall begin not later than three years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 Details of the means of access to the dwelling and site, appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved.

REASON: To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

3 Application for approval of the reserved matters relating to the dwelling shall be made to the local planning authority not later than three years from the date of this permission.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

4 The dwelling to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

5 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 9411-301-Rev A, and specification contained therein, submitted on 15 June 2021 and approved drawing(s) 9411-201-Rev A, and specification contained therein, submitted on 30 November 2020.

REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

6 The development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.

REASON: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

7 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 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, hedgerow enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes). Such approved measures shall thereafter be implemented in full.

REASON: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.

8 The development hereby permitted shall not commence until a protected species method statement for nesting birds, badgers, amphibians and reptiles (to include timing of works, supervision of vegetation clearance and reasonable avoidance measures) has been submitted to and approved in writing by the Local Planning Authority. Such approved measures shall thereafter be implemented in full.

REASON: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.

9 The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted at the north, west and east parts of the site and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:

- Lighting should be directed away from vegetated areas;
- Lighting should be shielded to avoid spillage onto vegetated areas;
- The brightness of lights should be as low as legally possible;
- Lighting should be timed to provide some dark periods;
- Connections to areas important for foraging should contain unlit stretches.

REASON: To provide an acceptable form of development and to safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.

10 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless and until details of tree protection measures in accordance with BS5837:2012, to include details of off-sets from fixed points for the alignment of the barrier fence, or ground protection measures. and a scheme for the recording and reporting of site monitoring visits by a competent arboriculturist should provide evidence that the control measures as recommended have been implemented and are being maintained and thereafter, the approved details shall be installed and retained 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).

REASON: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

11 The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working on the site in pursuance on-site agricultural business together with any resident dependants. any dependants who reside with such a person.

REASON: Permission is granted, in accordance with Policies H1, H12 and DS18 of the Warwick District Local Plan 2011-2029, because the residential accommodation is needed for occupation by an on-site worker for the purposes of a functional need on the application site and in order to protect the Green Belt, occupation is restricted.

12 The agricultural workers dwelling hereby permitted shall not be occupied unless and until the new poultry houses have been brought into use.

REASON: The dwelling is only justified on the basis of the essential need having regard to Policy H12 of the Warwick District Local Plan 2011-2029.

13 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

REASON: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

14 The new access to the site for vehicles shall not be used unless a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority.

REASON: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

15 The new access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound macadam material for a distance of **7.5** metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority.

REASON: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

16 The development shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of

access have been closed and the verge has been reinstated in accordance with the standard specification of the Highway Authority.

REASON: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

17 There shall be no more than 20,480 pullets in total at the site at any one time and these shall be limited to breeder pullets only and for no other use whatsoever. The site operator shall keep records of numbers of birds at the site and these records shall be made available for inspection by the Local Planning Authority upon request.

REASON: To prevent a more intensive use of the site which could result in adverse odour impacts that would impact on residential amenity having regard to Policies BE3 and NE5 of the Local Plan.

18 The use of the site permitted by this permission shall not commence until an Operational Management Plan relating to the activities to be carried out pursuant to this planning permission has been submitted to and approved in writing by the local planning authority. Upon receipt of the written approval, the agreed Operational Management Plan shall be implemented and thereafter all activities taking place pursuant to this planning permission shall be carried out in accordance with its provisions. The management plan shall include a provision for regular review by the operator in agreement with the local planning authority and shall include, but shall not be limited to, arrangements for the management of pests, noise, dust, and odour emissions from the site.

REASON: To ensure that the site is operated in an acceptable manner to minimise the potential for harmful impact on residential amenity having regard to Policies BE3 and NE5 of the Local Plan.

19 Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

REASON: To ensure that the site is operated in an acceptable manner to minimise the potential for harmful impact on residential amenity having regard to Policies BE3 and NE5 of the Local Plan.

20 No deliveries, waste collections or other noisy external activities likely to cause nuisance to nearby residents shall take place before 0730 hours or after 1800 hours on Monday to Saturday or before 0900 hours or after 1300 hours on Sundays.

REASON: To ensure that the site is operated in an acceptable manner to minimise the potential for harmful impact on residential amenity having regard to Policies BE3 and NE5 of the Local Plan.

Planning Committee: 24 June 2022 **Item Number:** -Urgent

Application No: W 20 / 0617

Town/Parish Council: Whitnash
Officer: Phillip Clarke
01926 456518 dan.charles@warwickdc.gov.uk

Land South of Chesterton Gardens, Leamington Spa

Outline planning application for a residential development of up to 200 dwellings with associated access, landscaping and public open space (all matters reserved apart from access) FOR AC Lloyd (Homes) Ltd.

INTRODUCTION

This report is being brought to Committee as an Urgent Item because it is necessary for a decision to be made speedily prior to your next scheduled meetings whilst work on agreeing some of the final sums continues.

HISTORY

Outline planning application for a residential development of up to 200 dwellings with associated access, landscaping and public open space (all matters reserved apart from access) FOR AC Lloyd (Homes) Ltd. **REFUSED 2.2.2021**

RELEVANT POLICIES

- National Planning Policy Framework
- DM1 – Infrastructure Contributions

ASSESSMENT

This report relates to the above planning application which was refused planning permission by Planning Committee on 2 February 2021 with the decision being issued on 12 February 2021.

The application had been recommended to Committee for approval by Officers subject to the signing of a Section 106 Agreement to secure a range of obligations from the developer. The obligations that are to be included in the Section 106 agreement are as follows:

- Contribution of £2,000 towards sustainable travel promotion for future occupants.
- Contribution of £4,378 towards local library services.
- Contribution of £2,567,447 towards local education provision *(final sum under discussion)*
- Contribution towards off-site highway improvements *(amount under discussion)*.
- Contribution of £200,000 towards off-site cycling network improvements.
- Contribution of £194,396.07 towards delivery of NHS acute and community care infrastructure.
- Contribution towards improvement and/or extension of GP facilities *(amount under discussion)*

- Contribution of £33,645 towards recruitment and equipment, police vehicles and office accommodation by Warwickshire Police.
- Contribution of £157,316 towards expansion and/or improvements of indoor sports facilities.
- Contribution of £75,161 towards provision and/or improvements to artificial and grass pitches.
- Contribution of £67,405 towards Air Quality mitigation measures.
- Contribution of towards upgrade/provision of bus stops *(amount to be confirmed).*
- Provision of 40% Affordable Housing as part of the development.
- Agreement with the LPA on the provision of Open Space, the adoption of Open Space Areas and the payment of management/maintenance fees.
- Noise mitigation measures for dwellings on Brimstone End.
- Agreement with the LPA on the adoption of SUDS and payment of the management/maintenance fees.
- Agreement with the LPA of an Employment and Training Strategy to link local people with employment, training and contract opportunities arising from the development during the construction phase.
- Contribution towards the costs of the LPA and the County Council in monitoring the agreement *(amounts to be confirmed)*.
- Road Safety Contribution of £50 per dwelling

The applicants have appealed against the decision of the Local Planning Authority and the appeal will be heard at a public inquiry from 13 July 2021. As part of the inquiry process a signed Section 106 agreement is required in order to secure the contributions in the event that the appeal is allowed. This has to be submitted by 6 July 2021, prior to the next meeting of the Committee.

Officers do not have delegated authority to sign a Section 106 Agreement where there is no Committee Resolution to grant planning permission for the development.

The authorisation of the signing of a Section 106 agreement does not in any way reflect Committee's views on the merits of the proposed development it merely ensures that, in the event the appeal is allowed, appropriate infrastructure contributions are secured to mitigate the impact of the development and minimise any risk of that not being the case..

CONCLUSION

This report therefore seeks Authority from the Planning Committee to delegate authority to officers to continue to work with the appellant on finalising and signing the Section 106 Agreement in the terms outlined above in order to ensure that in the event that the appeal is allowed, all required infrastructure and contributions are secured.

List of Current Planning and Enforcement Appeals
June 2021

Public Inquiries

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Inquiry	Current Position
W/20/0617	Land South of Chesterton Gardens, Leamington Spa	Outline Application for 200 dwellings **Committee Decision contrary to Officer Recommendation**	DC	Statement of Case: 24 May Proofs of Evidence: 15 June 2021	13 July for up to 4 Days	In Preparation

Informal Hearings

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing	Current Position
W/20/1176	Land on the North Side of Birmingham Road	Variation of Condition to Allow the Removal of a Footpath/Cycle Link on Planning permission for 150 dwellings (W/19/0933)	DC	Statement Due: 29 April 2021	6 July	In Preparation

		Delegated				

Written Representations

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Current Position
W/19/1604	17 Pears Close, Kenilworth	First and Ground Floor Extensions **Delegated**	George Whitehouse	Questionnaire: 19/6/20 Statement: N/A	Ongoing
W/20/1189	12 Warmington Grove, Warwick	Lawful Development Certificate for Use of Mobile Home as Ancillary Residential Accommodation **Delegated**	Andrew Tew	Questionnaire: 25/3/21 Statement: 19/4/21	Ongoing
W/20/0358	Junction of Rising Lane and Birmingham Road, Baddesley Clinton	Erection of 2 Detached Houses **Delegated**	Rebecca Compton	Questionnaire: 10/3/21 Statement: 7/4/21	**Appeal Dismissed**
The Inspector noted that when looking at the site from the west, the site is appreciated within the wider context of built development on the opposite side of Birmingham Road. However, given the juxtaposition of these houses to the appeal site and the road in-between, they are not part of the line of frontage properties along Rising Lane. Consequently, the appeal site is at the end of a line					

of frontage properties. Criterion b) of policy H11 supports the infilling of a small gap fronting the highway. 'Gap' refers to a space between two objects and when reading policy H11 in the round, the 'infilling of a small gap' suggests a space between properties.

Being at the end of a row of houses, the development would not fulfil criterion b). For development to be acceptable, policy H11 requires criterion b) and c) to be met. Given that the development would not meet criterion b), the development would be contrary to policy H11, irrespective of any assessment against criterion c). On this basis, the Inspector found the proposal not to constitute limited infilling and would constitute inappropriate development in the Green Belt. He also found that it would result in harm to openness.

With regards to the impact on the character and appearance of the area, the Inspector noted that the site itself, being a corner plot, is prominent in local views and by virtue of the vegetation growing on it, contributes to the positive effect landscaping has on the character of the village. That said, the site is overgrown and untidy in appearance which reduces its contribution to the visual qualities of the village. Given the prevalence of development around the site, and the busy Birmingham Road which adjoins it, two houses in principle would not appear unduly discordant. He recognised that this view was not shared by an Inspector who found that development on the site would disrupt the rural edge of the village. However, he did not agree that the site creates a rural edge to the village.

However, he did consider that the houses would be highly prominent and much of the plot would be occupied by built development and hardstanding and that the development would therefore appear unduly dominant alongside the more subtle forms of development in the area.

Regarding biodiversity he noted that there would be a loss of habitat. As required by policy NE3 of the Warwick Local Plan (2017), the appellant has not provided any evidence as to why biodiversity cannot be better protected or enhanced. Furthermore, there is no evidence of mitigation measures being explored. Policy NE3 states that only when these options come to no avail should compensatory measures involving biodiversity off-setting be secured. He found that the appellant's financial contribution towards offsetting was premature.

W/20/1504	16 Aylesbury Court, Aylesbury Road, Lapworth	Extension to Garage to form Pool House **Delegated**	Thomas Fojut	Questionnaire: 12/2/21 Statement: 22/3/21	Ongoing

W/20/1716	The Threshing Barn, Finwood Road, Rowington	Extension to Outbuilding **Delegated**	Emma Booker	Questionnaire: 8/4/21 Statement: 28/4/21	**Appeal Dismissed**
In design terms the Inspector considered that while the extension would increase the scale of the garage, it would be a relatively modest extension and the garage would remain subservient to the main building at the site. The extension would retain the simple, agricultural appearance of the garage building, ensuring that it remains appropriate to its context near a converted barn. The extension would be parallel to the existing building, attached to one end, and therefore, a clear separation would remain between it and the barn conversion. It would not result in the garage appearing as a cramped feature within the site and there would be no unacceptable sense of enclosure around the barn, given the retention of the width of the driveway and limited footprint of the proposal. With regards to ecology, the Inspector noted on site that there were gaps between the timber boarding which clad the end elevation. In this light, he found that the potential for protected species to use the building should be addressed and that this should be done prior to permission being granted. In the absence of evidence demonstrating that the proposal would not have a harmful effect on biodiversity, he was unable to conclude that the scheme would not conflict with Policy NE2 of the Warwick District Local Plan.					
W/19/1573/LB	Church Farmhouse, Woodway, Budbrooke	First Floor Extension **Delegated**	George Whitehouse	Questionnaire: 13/3/21 Statement: 27/4/21	Ongoing
W/20/1741	149 – 151 Warwick Road, Kenilworth	Demoliton of Hotel and Dwelling and erection of 9 Dwellings **Delegated**	Helena Obremski	Questionnaire: 13/4/21 Statement: 17/5/21	Ongoing

W/20/0966	45 Brook Street, Warwick	Timber Pergola **Committee Decision in accordance with Officer Recommendation**	Andrew Tew	Questionnaire: 17/5/21 Statement: 14/6/21	Ongoing
New W/20/1497	4 Appletree Cottages, Old Warwick Road, Warwick	First floor extensions **Delegated**	Emma Booker	Questionnaire: 1/6/21 Statement: 22/6/21	Ongoing
New W/20/1732	13 North Close, Cubbington	First floor side extension **Delegated**	Emma Booker	Questionnaire: 14/6/21 Statement: 6/7/21	Ongoing
New W/20/1856	12 Helmsdale Road, Lillington	Hip to gable extension; side extension and dormer window **Delegated**	George Whitehouse	Questionnaire: 8/6/21 Statement: 30/6/21	Ongoing
New W/20/1415	62 Brunswick Street, Leamington Spa	Various extensions and alterations **Delegated**	Helena Obremski	Questionnaire: 26/5/21 Statement: 23/6/21	Ongoing
New					Ongoing

W/20/1683	Former Polestar Foods, St Mary's Road, Leamington	Appeal against the refusal of a lawful development certificate **Delegated**	Helena Obremski	Questionnaire: 9/6/21 Statement: 7/7/21	

Enforcement Appeals

Reference	Address	Issue	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position
ACT 450/08	Meadow Cottage, Hill Wootton	Construction of Outbuilding	RR	Statement: 22/11/19	Public inquiry 1 Day	The inquiry has been held in abeyance

Tree Appeals

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines		Current Position

					Date of Hearing/Inquiry	