Planning Committee: 15th September 2021
Observations received following the publication of the agenda

Item 5 – W/21/0169 Castle Farm

Should Councillors resolve to grant planning permission, in accordance with the Town and Country Planning (Consultation) (England) Direction 2009, the application will need to be referred to the Secretary of State. This is because the development is considered to represent inappropriate development in the Green Belt and is over 1,000sqm, which is the threshold required for referral.

N.B. The updated Town and Country Planning (Consultation) (England) Direction 2021 applies to applications received after April 2021. The application would still need to be referred the Secretary of State under the updated Direction.

A consultation response from WCC LLFA is expected later today – Officers will update Councillors on this during the Officer presentation.

Additional consultation responses:

WDC Director for Climate Change: No objection.

Historic England: No objection, the updated information demonstrates that in visual terms, the potential impact of the scheme on the setting of Kenilworth Castle is limited even with the trees in their leafless winter state. This has successfully allayed Historic England's concerns regarding the visual impact of the development upon the significance of Kenilworth Castle through changes to the Castle's setting.

WCC Ecology: Confirmation that following submission of additional information on lighting, no further information / conditions are required.

Natural England: No objection to updated details.

Kenilworth Town Council: Objection, the volume of additional traffic down narrow residential roads presents an unacceptable impact on the amenity of nearby residents, which was contrary to Neighbourhood Plan Policy KP7 and Local Plan Policy BE3.

In addition to this objection, Members raised the following strong concerns -

Travel Plan

- Members felt there had been little effective change. They considered there remained a disconnect between the Design and Access Statement and the "WCC Healthy Travel Choices in Warwickshire" document https://api.warwickshire.gov.uk/documents/WCCC-630-956
- Initially, most visitors may be expected to arrive by car but provision for cycling/pedestrians should be prioritised and fully integrated with this development.

- No detail on safe cycle/pedestrian movement is provided. Members felt pedestrians and cyclists should be given clear priority as part of the attempt to minimise vehicular flow and promote active travel.
- Members raised specific concerns over vehicular drop off points within the site. These should be clearly defined, with road markings and fully integrated with safe cycle access provision.
- Members are aware of the significant effect of local developments on the transport links in the town and are aware of the affects of transport on the health and wellbeing of local residents. They would urge WCC to formulate an integrated transport plan to mitigate these changes.

Energy

Members expressed great disappointment at the lack of meaningful progress on this issue.

- As regards CC3 it is argued that while BREEAM accreditation 'Very Good' is not followed -many aspects exceed these and reach 'Excellent'. This is misleading and seems to constitute cherry-picking of easily attainable targets. Members understand that the proper accreditation should be BREEAM New Construction.
- No Energy Life Cycle analysis has been forthcoming since KTC made comments in March. However, there is an Energy Strategy report by Mechanical and Electrical Services that recommends VRF (variable refrigerant flow) air pumps for entrance/cafe and solar panel array to reduce carbon emissions. With regards the air pumps, "From early thermal modelling it is evident the building has issues with overheating due to high occupancy and solar gains to various activity spaces. The use of ASHP's is recommended as an energy efficient means to resolve the overheating issues and provide space heating in winter. No further analysis of specific energy benefits has been carried out as it is felt the inclusion of ASHP's is a requirement for this scheme." But only the solar panels are included in final Sustainability report by Turley– not the air pumps.
- WDC is trying to get as close to zero emissions by 2030 – so an 8% reduction will make little contribution to this target. Members felt this constituted short termism, with expensive retroffiting inevitable within 10 years.

Environmental Concerns

- Members could not see a published assessment of any Net Biodiversity Gain, as required.

Other Matters

- Whilst not part of this development, Members felt that this application presented an opportunity to enhance outdoor facilities for all generations including extensions and improvements to the existing BMX track and skateboard park, both of which lie within the curtilage of the site.
- With specific reference to the 'Very Special Circumstances Case Report, Turley, 28.05.2021', Members questioned whether this represents adequate justification for such significant development on green belt land. This is set against a background of major development in Kenilworth, with ample opportunity to develop sporting facilities outside highly residential neighbourhoods.

In response to the above, the applicant has provided the following information:

Energy Life Cycle Costing for this project was requested by Members some years ago. It is a complex process whereby the energy costs of each element of a construction are assessed throughout the life of that element. So, for example, a brick would be assessed on the energy required to dig up the sand, heat the furnace, make the brick, transport it to the site, install it in the building, look after it throughout its life, demolish the building and destroy the brick.

At the time we explained in a Finance and Audit meeting and again at a Members' Working Group on the project that the process was expensive and that it did not, in the opinion of the Design Team, add anything additional to the appraisal of the project. We had chosen instead to look at a 'fabric first' approach to the design, which sought the most sustainable materials and a design which provided the most sustainable operation of the building. We had then added a full appraisal (within the planning documents) of each additional item we could add to improve the reduction in carbon as much as possible, and included each item which produced a manageable cost and pay-back period.

We felt that the substantial sums to be spent on an Energy Life Cycle Costing exercise would be better spent on introducing these sustainable items.

Page 13 of the Turley report provides a list of the active energy efficiency measures included within the design, this confirms that the "Use of efficient ventilation systems including VRF systems in areas with high heat gains including the main entrance, café, staffrooms and activity spaces and fitness studios." have been included within the design to reduce energy use.

Table 4 then includes the items for which we undertook a cost benefit analysis, before deciding whether to add them to the design of the scheme. As noted in DDA's report, we didn't undertake a cost benefit analysis for the ASHP for heating and cooling as we knew that it would be beneficial to include it as best practice. That's why the text below table 4 notes that PV and voltage optimisation were added to the scheme, and not the other systems mentioned on page 13, as these weren't reviewed as part of the cost benefit analysis.

The Air Source Heat Pumps for heating and cooling are shown in the documentation as being so fundamental to the scheme that we did not appraise their worth as part of the sustainability exercise. They are in the design and will be included in the construction.

Officers wish to confirm that a Biodiversity Impact Assessment was received on 9th August 2021 and is available online to view. This was assessed by WCC Ecology who have no concerns regarding this matter, and conclude there would be a small net biodiversity gain.

6 further Objections received:

- It does not meet the scrutiny of the impact on the target for a net zero carbon Warwick District by 2030 in accordance with the commitments made by the District Council as part of their Climate Emergency motion in 2019.
- A full whole life costing assessment should be carried out in addition to an assessment of the costs associated with retrofitting the building to be zero carbon in the next 10 years. The results should then be used to modify the current design.
- Additional energy saving measures should be used (air source heat pumps, ground source heat pumps, PV panels, heat stores, battery storage, passivehaus design.
- BREEAM new construction should be used for the development.
- Soft landings should be used to reduce 'performance gap'
- Provision should be made at the start of construction for a robust Building Performance Evaluation (BPE) process.
- Sustainability credentials suggested in the submitted information from the applicant are misleading - A BREEAM bespoke accreditation should be used based on BREEAM New Construction and not cherry picking BREEAM Excellent as recommended in the report.
- WDC should insist on the highest BREEAM accreditation in order to ensure the most sustainable building with the lowest performance gap.
- Urges Planning Committee to defer this application and ask for whole life cost assessment to be undertaken including an assessment of the cost of retrofitting the building to be net zero carbon followed by a re-design.
- The Council are not seriously taking local residents' thoughts and views into consideration.
- Roads are not wide enough, traffic survey not taken at a busy time of year and day, and is not robust.
- More properties will now have an extra car due to COVID so this will impact parking stress.
- Queries where the Wardens development will be located.
- Lack of consideration of local residents' mental health.
- Queries why the development is on this side of town. This sports facility should be built on this land by the A46 perhaps adjacent to the new school. Innovative schemes for shared facility use could be designed to ensure better cost-effective use of both the sports centre and the school grounds.
- Poor quality of the development.
- The 'KEY FACTS FOR PLANNING COMMITTEE MEMBERS' is purely a subjective opinion of the agent and is no more relevant than the planning arguments pointed out by the objectors.
- This development process has been extremely hard for many local residents who have been unable to take part in "online" consultations. Holding any sort of support gathering or communicating with groups of objectors. This proposal has been driven from the beginning by WDC and has always seemed to put "the cart before the horse" residents including myself are fully aware of the flaws and would whole heartedly ask members to refuse.
- Not sustainably located.
- Not accessible by public transport, no cycle connectivity.
- The scale of increase will impact on the openness and is not proportionate nor appropriate in the green belt. There are no 'very special circumstances' for its construction.
- Comments from Castle Farm Action Group refer Councillors to previously submitted comments from them available on the Council website.

2 Neutral:

- Removes sports facilities from South Kenilworth for significant length of time.
- The new development will be three times as large as it is presently.
- With a much bigger range of facilities it aims to attract large numbers of customers in to South Kenilworth, but there is no infrastructure to support this - roads are narrow and residential.
- The expansion of Kenilworth is planned for the other side of Kenilworth. That's where a state of the art sports centre should be, for example at the new Kenilworth School campus.
- This is a 'John Lloyd 'type of commercial development; it is likely to eventually price out many current users.
- The cafe will encourage lingering; the parking spaces will not facilitate this as well as 'arrivals'.
- The environmental report does not indicate any significant gains; nor is the protection of great crested newts detailed.
- The application is really part of a larger development; it should not have been split from the Kenilworth Wardens move to Castle Farm, which also entails a two storey sports centre for cricket etc, with catering, modern facilities, access road, car parking, and outlying structures, again all in the Green Belt area. It is incoherent to assess the planning implications of these developments on Castle Farm separately. The combined impact is very significant; and also contains unnecessary duplication.
- Wish to make WDC aware of recent near-miss traffic incident between John O'Gaunt Road and Fishponds Road. A car lost control as they were driving downhill on John O'Gaunt Road into the steep bend at Fishponds Road. The car crossed to the other side of the road and mounted the pavement, narrowly avoiding a resident's front garden wall. This incident occurred during daylight hours and the weather was fine. Fortunately no-one was hurt in the incident. It is of importance to note that there is a local primary school very close to Fishponds Road and the pavement is busy with children walking to and from school and nearby roads are part of national cycle route.
- Requests that the Council considers the surrounding road safety and review whether traffic calming measures may need to be introduced near the steep bend of John O'Gaunts Road into Fishponds Road to prevent future incidents like the one reported above.

<u>Conditions:</u>

WCC Archaeology have agreed to amend the wording of condition 5 as follows:

3a) No development shall take place until a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.

3b) Prior to construction of the building (excluding demolition down to current ground levels) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork,

and confirmation of the arrangements for the deposition of the archaeological archive, shall be submitted to the planning authority.

3c) Should the programme of archaeological evaluation identify significant archaeological remains then, prior to construction of the building (excluding demolition down to current ground levels) an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) will be submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Archaeological Mitigation Strategy document.

The applicant queried whether condition 8 (floor levels – requested by the EA) met the required 6 tests for conditions. They queried whether it was relevant, necessary or precise. They also noted that the proposed levels are provided within the submitted plans. This was discussed with the EA who confirmed in writing that,

"That's fine, if the ground levels are raised we will address this via the permitting regs".

Therefore, condition 8 should be deleted. It should also be noted that in any event, condition 11 requires the provision of details of the finished floor levels.

The applicant requested that condition 2 (construction and environmental management plan) be amended to include the following wording (highlighted) as follows:

The development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition, the LPA expect to see the following during construction; pollution and noise control measures, protective tree fencing, and details concerning appropriate working practices and safeguards for bats, otters, water voles, nesting birds, hedgehogs, reptiles and amphibians that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

WCC Legal Services recommended a slight amendment of the wording of condition 16 (energy efficiency measures) to be more specific:

Within three months of the first occupation of the development, a report shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the energy efficiency measures detailed within the Revised Energy Strategy Report (submitted to the LPA on 31st March 2021) 'low-carbon

strategy' have been implemented in full. These measures shall be retained as per the approved details or replaced with a betterment in energy efficiency terms

Officers consider these changes to be acceptable and recommend that should Planning Committee resolve to grant planning permission, that the conditions are updated accordingly.

Item 4 – W/20/2020 Land At Thickthorn, Kenilworth

Update to Report

On page 20 of the report below the heading "Impact on Heritage Assets" the relevant Paragraph of the NPPF is Paragraph 195 and not Paragraph 129 as stated.

Public Response

1 additional letter of objection received making the following comments;

- Consider the need for a second access road from the development on to the Leamington road to be extremely dangerous and the plans need to be amended to remove the second junction.
- Would make more sense to introduce a small roundabout at the existing junction between the Leamington Road & Bullimore Grove. This would help travel flow and deliver a safer junction solution.
- There are already too many junctions along a very short stretch of the Leamington Road.

1 additional general letter making the following comments;

- Suggest and recommend, that it becomes a further condition of approval for the site to be registered with the Considerate Constructors Scheme for the duration of the construction phase in order to have the benefit of an independent CCS monitor to visit and assess the site against the Scheme's Code of Considerate Practice during demolition and construction.
- Scheme includes the site's impact and contribution to aspects such as Community, Environment, and Appearance, as well as Safety (including public safety) and its Workforce.
- This supports and is wholly compatible with many of the conditions that already appear.