

Regulatory Committee

Date: Tuesday 2 February 2021

Time: 10.30 am

Membership

Councillor Mark Cargill (Chair)
Councillor Neil Dirveiks (Vice-Chair)
Councillor John Cooke
Councillor Anne Parry
Councillor Caroline Phillips
Councillor David Reilly
Councillor Clive Rickhards
Councillor Kate Rolfe
Councillor Jill Simpson-Vince
Councillor Adrian Warwick
Councillor Chris Williams

Items on the agenda: -

1. General

(1) Apologies

To receive any apologies from Members of the Committee.

(2) Disclosures of Pecuniary and Non-Pecuniary Interests.

Members are required to register their disclosable pecuniary interests within 28 days of their election or appointment to the Council. A member attending a meeting where a matter arises in which they have a disclosable pecuniary interest must (unless they have a dispensation):

- Declare the interest if they have not already registered it
- Not participate in any discussion or vote
- Must leave the meeting room until the matter has been dealt with (Standing Order 39).
- Give written notice of any unregistered interest to the Monitoring Officer within 28 days of the meeting Non-pecuniary interests must still be declared in accordance with the Code of Conduct. These should be declared at the commencement of the meeting.

- (3) Minutes of the Previous Meeting** 5 - 8
- 2. Delegated Decisions** 9 - 10
Members are asked to note the applications dealt with under delegated powers since the last meeting.

Planning Applications

- 3. Planning application NWB/19CC013** 11 - 50
New fire and rescue training centre including 'fire house' simulator and modular training building, land at DEFRA, Environment Agency Midlands Lea Marston Depot, Coton Road, B76 0BX.
- 4. Planning application SDC/20CC009** 51 - 74
Proposed erection of a modular classroom to replace existing modular building; additional car parking and associated works at Henley-in-Arden CofE Primary School, Arden Road, Henley-in-Arden, B95 5FT
- 5. Planning application NBB/20CC005 –** 75 - 90
Proposed segregation fencing & vehicular access gates for Hydrotherapy Pool area at the former PEARS RNIB site, Coventry

Monica Fogarty
Chief Executive
Warwickshire County Council
Shire Hall, Warwick

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Disclosures of Pecuniary and Non-Pecuniary Interests

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These should be declared at the commencement of the meeting

The public reports referred to are available on the Warwickshire Web

<https://democracy.warwickshire.gov.uk/uuCoverPage.aspx?bcr=1>

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Regulatory Committee

Tuesday 8 December 2020

Minutes

Attendance

Committee Members

Councillor Mark Cargill (Chair)
Councillor Neil Dirveiks (Vice-Chair)
Councillor John Cooke
Councillor Anne Parry
Councillor Kate Rolfe
Councillor Jill Simpson-Vince
Councillor Adrian Warwick
Councillor Andy Jenns

Officers

Helen Barnsley, Democratic Services Officer
Ian Marriott, Legal Service Manager
Sally Panayi, Senior Planning Officer
Scott Tompkins, Assistant Director for Environment Services
Matthew Williams, Senior Planning Officer

Others Present

Carl Hipkiss, Development and Analysis Team Manager
Dawn Mardle, Civic Services Officer

1. General

(1) Apologies

Apologies were received from Councillor Dave Reilly who was replaced by Councillor Andy Jenns for this meeting.

Apologies were also received from Councillor Caroline Phillips, Councillor Clive Rickhards and Councillor Chris Williams.

(2) Disclosures of Pecuniary and Non-Pecuniary Interests.

In relation to Item 3 on the agenda, Councillor Neil Dirveiks confirmed that he had worked at Exhall Grange School for 26 years and was still in touch with some of the staff. It was agreed by the Committee that Councillor Dirveiks would withdraw from the meeting for Item 3.

It was also noted that Councillor Adrian Warwick had worked at Exhall Grange School for four years (ten years ago). It was confirmed that this would not count as an interest but would be noted in the minutes.

In relation to Item 4, Councillor Kate Rolfe confirmed that Stratford High School used to be part of her division and that she was aware of the works around the school. It was confirmed that this would not count as an interest but would be noted in the minutes.

(3) Minutes of the Previous Meeting

The minutes of the meeting held on the 3 November 2020 were agreed as a true and accurate record. There were no matters arising.

Ian Marriott, Legal Service Manager provided an update for the Committee in relation to planning application RBC/20CM002: Land at Ling Hall Quarry Landfill Site; which was discussed under Item 3 at the meeting held on 3 November 2020

The Committee noted that with reference to the Section 106 agreement, changes had been discussed and agreed to reinforce the sanctions on drivers and operators who breach the restrictions in relation to movements to and from the site, and routes taken. The new agreement had been discussed with the local County Councillor, Councillor Heather Timms and approved by the Chair of the Committee.

2. Delegated Decisions

None.

3. Planning application NBB/20CC007- Exhall Grange School, CV7 9JG - Proposed installation of Portakabin building to provide 2 temporary classrooms for a period of 104 weeks whilst asbestos removal takes place to the existing school buildings.

Sally Panayi, Senior Planner presented the report to the Committee confirmed that Exhall Grange was a special needs school for 2-to-19-year olds in Nuneaton and Bedworth Borough, located north of Coventry.

The application is for the installation of a temporary building to provide two classrooms for use during a two-year period while asbestos is removed from areas of the main school building. The temporary building would be placed on the overflow carpark to the south of the main school site. There would be no additional staff or pupils as a result of the proposed temporary classroom.

The following points were highlighted to the Committee

- The closest residential properties are 57m to the east of the site. There is no clear view between the site and the properties due to vegetation.
- No comments have been received from the neighbours in relation to the application.
- Ecology officers have no issues with the application. There is no plan for the removal of any vegetation.
- The proposed site is currently a car park with 22 spaces but the main car park at the school has 150 spaces with adequate parking for cars using the school. There is no issue with the loss of 22 spaces.

It was noted by the Committee that the Fire and Rescue Service commented that an access point should be created in the proposed security fencing for emergency vehicles. It was confirmed that gates will be erected to ensure entry for emergency vehicles and a condition recommended to ensure the provision.

The application was recommended for approval subject to a condition requiring that the temporary classroom is removed within two years and the site restored to use as a car park.

The recommendation was proposed by Councillor John Cooke and was seconded by the Chair. A vote was held, and the Committee voted unanimously in favour of the recommendation to grant planning permission

4. Change of use of existing disused car park to form school external recreation space and car park, land adjoining Stratford High School, Alcester Road, Stratford-upon-Avon, CV37 9NH. SDC/20CC006

Matthew Williams, Senior Planner, presented the report, confirming that the proposal was for the creation of external recreation space and a car park.

The following points were highlighted –

- The recreation area would consist of two, dual use tennis courts and the southern part of the site.
- The Committee noted that there is currently a footpath to the western side of the site and that some of the path would be closed if the application was approved.
- The northern area of the site would remain as it currently is.
- The recreation area would require the erection of a 4.1m high sports fence.
- Three CCTV cameras would be installed at a height of 4m.

- The Committee noted the hedge line that is currently on site and that a small section would need to be removed if the application was approved. The remaining hedge line would require some trimming.

It was confirmed to the Committee that no objections had been received and the ecological survey had concluded that there are no significant species on the site. The impact of development is considered to be minimal on the nearest residents.

It was noted that Councillor Jenny Fradgely had raised concerns in relation to the use of Willow Road North and the amount of traffic, especially at school drop off and pick up times. Matthew Williams confirmed that traffic in the area is a separate issue to the application but the issue is being looked at by Warwickshire County Council's road safety team. The proposed application would reduce the number of car parking spaces so there would be less traffic in the area.

Matthew Williams confirmed details of proposed amendments to the ecological and landscaping scheme condition as well as additional conditions to restrict the hours of use and to ensure that no floodlights are erected or operated on the site and to ensure that the cycle route which crosses the site is maintained open for use at all times. The Committee felt the additional conditions were fair and reasonable and agreed to include them in the recommendation.

The recommendation was proposed by Councillor John Cooke and was seconded by Councillor Neil Dirveiks. A vote was held, and the Committee voted unanimously in favour of the recommendation to grant planning permission with the agreed additional conditions.

5. Any Other Business

The Chair ended the meeting by thanking all the staff involved in supporting the Committee for all the hard work they do to ensure the meetings run smoothly.

The Chair also thanked the members of the Committee for all their support over the last twelve months, noting that it had been a difficult year for many; adding that we could be hopeful for a better 2021.

The Chair wished everyone a very merry Christmas and all the best for 2021.

Regulatory Committee – 2 February 2021

Applications Dealt with Under Delegated Powers between 4 December 2020 – 24 January 2021

Recommendation

That the Regulatory Committee notes the content of the report

Delegated Powers

C. APPLICATIONS DEALT WITH UNDER DELEGATED POWERS BETWEEN 4 December 2020 – 24 January 2021		
Application reference & valid date electoral division case officer	Site location & proposal	Decision date
<u>SDC/20CM006/SP</u> 23/04/2020 Kineton and Red Horse	Kineton Sewage Treatment Works Brookhampton Lane, Kineton Installation of a motor control centre kiosk and a lab and sludge thickening building.	Approval 4/12/2020

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Regulatory Committee – 2 February 2021

New fire and rescue training centre including 'fire house' simulator, modular training and welfare building and ancillary parking and facilities,

**On land at DEFRA Lea Marston Depot, Coton Road,
North Warwick, B76 0BX.**

NWB/19CC013

Application No.: NWB/19CC013

Advertised date: 19 September 2019

Applicant: Ms Alison Fowler,
Warwickshire County Council
Strategic Assets Governance and Policy
Warwickshire County Council
Shire Hall
Market Square
Warwick
CV34 4SA

Agent: Mr Daniel Grimley
Corporate Architecture
Venari House
1 Trimbush Way
Rockingham Road
Market Harborough
LE16 7XY

Registered by: The Strategic Director for Communities on 11
September 2019

Proposal: New fire and rescue training centre including 'fire house'
simulator', modular training and welfare building and
ancillary parking and facilities.

Site & location: DEFRA - Environment Agency Midlands, Lea Marston
Depot, Coton road, North Warwick, B76 0BX. [Grid ref:
420758.293764].

See plan in Appendix A

Recommendation

That the Regulatory Committee authorises the grant of planning permission for the fire and rescue training centre including 'fire house' simulator', modular training and welfare building and ancillary parking and facilities subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

1. Application details

- 1.1 The planning application seeks consent for the development of a training facility for the Warwickshire Fire and Rescue Service (WFRS). The facility would simulate rescue scenarios from a smoke-filled building.
- 1.2 The application site would be accessed from Coton Road some 700 m to the north, via the gated vehicular access and the internal roadway that serves the DEFRA depot. Access would be from the southern side of the red line area, with a route within the application site enabling fire appliances to circulate around the centrally placed fire training facility.
- 1.3 The development proposes the erection of a modular training building. The two-storey flat roofed building would be 5.8 m in height with a footprint area of 16.2 m by 7.3 m. The ground floor would accommodate changing rooms and wash and toilet facilities while the first floor would provide a lecture room, briefing room and a kitchen/dining facility.
- 1.4 The development also proposes the installation of a 'fire house' simulator or 'Minerva unit' which would be used to simulate real fire situations in which breathing apparatus and tactical ventilation training would be carried out.
- 1.5 Not all breathing apparatus training would require a fire. Longer duration courses and basic training courses would require relevant techniques to be taught before going into a real fire situation for example searching a building in the dark and laying lines to assist in complicated areas.
- 1.6 The fire house structure would be modular in construction comprising indoor and outdoor areas formed of steel shipping containers with external gantries, staircases, ladders and railings and various openings to allow for specific training exercises. The internal spaces simulate different sized rooms with cut outs between the containers, linked by internal staircases. Two single storey height containers 'attack boxes' would be positioned on either side of and linked to the fire house. Fixed to the structure would be LED external floodlighting to illuminate stairways and LED lighting would also be provided to light internal areas of the fire house. Amended plans submitted in October 2020

propose the addition of metal profiled cladding sheets to screen the external staircases at the upper levels.

- 1.7 The fire house would occupy a maximum footprint area of 21.3 m by 12.4 m. The highest section of the structure with 4 containers on top of each other would be 10.4 m in height with a 1.1 m high guard rail above and an LED lighting pole 2.7 m in height, giving the highest point of structure at approximately 13.2 m. The bulk of the structure would be 3 containers in height with a maximum height of 7.9 m. The attack boxes would be 4 m in height (the maximum height of the attached ladder) and would be connected to the main body of the facility by linking corridors 2.5 m in height.
- 1.8 A filtration unit would be located to the side of and linked to the fire house occupying a footprint area of 5.1 m by 12.7 m. The ductwork linking the fire house to the filtration unit would be at a height of 10 m. The highest point of the filtration unit, the flue, would stand at 12.1 m.
- 1.9 Amended plans propose the application site to be secured by 2.5 m high solid timber fencing to the southern and western boundaries. A 5.0 m solid timber fence is proposed to be erected along the northern and eastern boundaries to screen views of activity from beyond the site.
- 1.10 The fires within the fire house would be generated by lining an area of the structure with engineered wooden boards (Oriented Strand Boards/OSB) and wooden pallets with paper placed in between and ignited.
- 1.11 The fire house would be ventilated at the end of a training session by the air extraction plant which would be mounted externally on the structure. The filtration system would work by capturing the emissions in collection hoods above all exit points in the fire house ('doors' and 'windows'). The emissions would be drawn up the hoods and through the interconnecting ductwork to the filtration plant where it would go through a cleaning process to remove particulates.
- 1.12 The fires on the training facility would only be within the various compartments or 'rooms' of the fire house. All smoke would be contained within the building and extracted by the filtration system and exhumed as a powder like substance which would be disposed of off-site at an appropriately licenced facility.
- 1.13 The application details advise that to meet the WFRS's current training requirements, the fire house would be in operation 194 days per year, which amounts to some 16 days per month.
- 1.14 Training sessions would be conducted as both daytime and night-time sessions. The facility would sometimes be only in use for a daytime session; only a night-time session or sometimes would be both day and night-time. Sessions would run both during the week and at weekends.

- 1.15 The proposed hours of operation are for daytime sessions to take place between the hours of 08:00 and 18:00 and for evening sessions to be conducted between 18:00 and 22:00.
- 1.16 A standard training scenario on any one day would last for approximately an hour. It is proposed for a maximum of three consecutive hot fire scenarios to be carried out in the morning and a further three in the afternoon.
- 1.17 It is also proposed to conduct additional training sessions at night for exercise purposes and for retained fire fighter training. Night training would be unlikely to occur more than two or three times per month.
- 1.18 On submission of the planning application, the proposed development originally included the installation of a 'cold smoke house'. Amended plans were subsequently submitted removing this element of the scheme following the granting of planning consent in February 2020 for the erection of the 'cold smoke house' at the Kingsbury Water Park site (NWB/19CC010). As a result, the current application site was slightly reduced in size.

2. Consultation

- 2.1 **North Warwickshire Borough Council – Planning:** It was resolved unanimously that this Council strongly objects to the grant of planning permission in both cases (*NWBC response included comment on the Kingsbury Water Park application NWB/19CC010 which was approved in February 2020*). The Council considers that these are inappropriate developments in the Green Belt and that they cause substantial actual Green Belt harm. Harms are also caused because of their visual and landscape impact as well there being no evidence that they will not harm the biodiversity of the nature conservation interests of the two sites particularly in respect of water pollution, noise and lighting. In the final planning balance the Board considered that there were no considerations at all put forward by the County Council which would clearly outweigh the substantial cumulative harms caused, so as to amount to the very special circumstances needed to support these proposals.
- 2.2 *The amended details of the proposed development with the erection of the 5 m screen fencing, removal of the cold smoke house, and the addition of screening elements to the Minerva structure was considered by the NWBC Planning Board on 11 January 2021. NWBC maintained its strong objection to the proposed development stating:*

The Board's starting position here is the objection submitted after its first consideration of these proposals. It objected to the schemes at both the Water Park and here at Coton Road. The former now has a planning permission. The Board is therefore asked to reconsider the proposal at Coton Road, to see if its objection has been overcome.

a) Green Belt

The overall planning policy position hasn't altered. The site is in the Green Belt and this remains inappropriate development which thus carries substantial weight against the development in the final planning balance.

However, there are two matters which need to be explored to see if this conclusion should be altered. The first is a suggestion now made in the Planning Statement that this site is previously developed land. The second is whether the additional screening measures described above would reduce the actual Green Belt harm.

Previously developed land is defined in the NPPF. The description excludes land that has been developed for minerals extraction where provision for restoration has been made through development management procedures. Here the site is part of a much larger holding that has been the subject of sand and gravel extraction and a restoration scheme which has led to the construction of the lakes as seen today. Whilst on site too, the Environment Agency confirmed ongoing and future restoration works substantially for nature conservation purposes. In light of this, it is not considered that the site satisfies the definition. Even if it was concluded that it did, that does not mean that the proposal becomes appropriate in the Green Belt. The exceptions in the NPPF for such land is conditioned to that new development preserving openness and not conflicting with the five purposes of including land within the Green Belt. This proposal is for new structures within a new compound isolated from and unrelated to any other existing built development. Openness cannot be preserved – it would be lost. In these circumstances there is no need to assess any conflict with the five purposes. The proposal does not satisfy the NPPF exception.

As a consequence, the development is not appropriate development in the Green Belt and this carries substantial weight against the proposal in the final planning balance.

In terms of actual Green Belt harm, then the proposal as amended needs to be assessed against the guidance provided on whether there would be an adverse impact on the openness of the Green Belt. There is no definition of openness in the NPPF, but there is guidance set out in the National Planning Practice Guidance which recognises four different elements. The first is a spatial one. There will still be a noticeable spatial consequence because a large new compound with protruding structures is introduced to a wholly open setting. This "harm" will be substantial because of the size of the development. The second element is the visual one. Notwithstanding the additional screening there will be a clear visual impact. The compound will appear as a new large building mass with alien structures exposed above it. This will be in a rural setting and visible from the Lea Marston river bridge and the

Birmingham-Derby rail line to the south. This too will amount to substantial harm. The third element is the degree of activity associated with the site. There would be regular and significant associated human and vehicular activity as well as new lighting and noise. Although this site might be used for around 190 days in a year and with no night-time activity, this would still be substantially greater than at present. Finally, the fourth element is that the impacts would be permanent and not temporary. As a consequence, the actual Green Belt harm caused would also be substantial.

In conclusion therefore the proposal is not appropriate development in the Green Belt thus carrying substantial harm. It also carries substantial actual Green Belt harm.

b) Other Harms

There will be harm caused to the character of the landscape hereabouts. The site is within the Tame Valley Wetlands area of the 2010 North Warwickshire Landscape Assessment. This describes a flat, highly modified river corridor landscape which has been extensively worked for sand and gravel resulting in a new wetland landscape to the north of the area and remaining flood meadows, villages and pastoral land to the south. The landscape management strategies propose maintaining the predominantly unsettled character of the area and the conservation and enhancement of the remaining riverside wetland habitats. The proposal will have an adverse impact on this landscape character because of the introduction of a significantly large built compound into a presently open area. It is in a pronounced position isolated from other buildings which are shielded by vegetation. The site itself is well contained however within the setting of the wider landscape area and so the impact is going to be local without altering the overall assessment, but that local impact will be significant because of the size and appearance of the compound and structures.

There too will be a visual impact. It is agreed that this is not an area open to the public, but the site will be seen from the Lea Marston road bridge and from the railway line across open water in a setting where building structures are absent. It is agreed however that the impact will be local and transitory.

The ecological appraisal suggests that there may not be harms caused, but this depends on agreement on a number of Method Statements and Working Practices. Given the bio-diversity value of this stretch of the River Tame, the consultation responses from the County Ecologist and Natural England are material. However other Agencies do not agree because of the significance of the wetlands here and the scale and associated activity of the proposal. Weight has to be given to the fact that planning conditions and mitigation measures could remove objections and the increased level of screening is also of benefit in this

regard. However, there is still not agreement between the relevant nature conservation bodies.

The Environment Agency has not objected on drainage or flooding grounds and the Lead Local Flood Authority has no objection.

c) The Harm Side of the Planning Balance

The harm side of the final planning balance consists of the substantial Green Belt harm; the significant landscape impact and the uncertain level of ecological harm.

d) The Applicant's Case

The applicant has put forward a number of considerations which he considers have sufficient weight to clearly override the cumulative level of harm caused so as to amount to the very special circumstances necessary to support the development.

The applicant has provided more background in respect of the considerations which he believes are of sufficient weight to clearly outweigh the harms caused in Appendix K. In summary these are that the search for alternative sites - both brownfield and County owned - was not successful; the site being in a good location for the facility in respect of the Warwickshire Services ability to retain its capacity to respond to incidents in the County without taking crews and appliances out of the County and its proximity to the other two sites in providing comprehensive and compatible training; value for money in that the cost of travelling to Oldbury and to Wales for training, as now, would be removed and because the training facility will provide the wider community with an enhanced public service. The applicant was also asked to consider a re-location of the proposal elsewhere on the EA depot land closer to existing buildings as were seen on the site visit. This alternative was not followed through because it would have involved increased land works thus adding to cost and have a greater combined visual impact. It is agreed that these considerations do carry significant weight in that they would provide a significant community benefit to enable this emergency service to operate efficiently and professionally.

e) The Final Planning Balance

Members are aware that the final planning balance is an assessment of whether the considerations and benefits advanced by the applicant "clearly" outweigh the cumulative level of harm caused. If so, those considerations and benefits would amount to the very special circumstances necessary to enable support for the proposals.

In this case it is not considered that the benefits “clearly” outweigh the harms caused. This is because firstly, the Green Belt harm here is so substantial due to the impact of the scale and appearance of the development in a wholly rural and open setting even with the timber boundary fencing. The applicant’s consideration that alternative sites were explored is one which could well have carried more weight had it been supported by evidence of the search for a wide range of alternative sites so as to include and identify Green Belt and non-Green Belts sites; brown field and green field alternatives and sites that might already have lawful use for activity akin to that being proposed. Moreover, the criteria said to be used in filtering any sites did not include any planning criteria – only operational matters. A brownfield site is certainly to be preferred, but as explained above that is not considered to be the position here.

The second is that whilst the operational requirements of the service are recognised and it is agreed that there is a significant community benefit in having a fully trained emergency service, the NPPF explicitly recognises the Green Belt as a “protected” area and in this case because of the harms caused, it is considered that the greater community interest lies in the maintenance of the key characteristics of the Green Belt – its openness and its permanence.

The third is that there is still not agreement between the relevant nature conservation bodies on the likely harms caused.

Recommendation

That the Council continues to strongly OBJECT to this proposal for the reasons given in this report.

2.3 North Warwickshire Borough Council – Environmental Health:

Stated that there were no comments to make on the proposals.

Subsequently in response to the Noise Assessment: The report was reviewed and observations made. The EHO acknowledged that changes to the Assessment as a result of his comments would not change the conclusions of the report in terms of the likelihood of impact or noise complaint and no objection was raised.

2.4 Lea Marston Parish Council: An initial query was received from the Parish Council, but no further response to the subsequent consultations sent to the Parish Council providing details of the Protected Species Report and amended plans on 09.09.20 or 03.11.20 have been received.

- 2.5 **Nether Whitacre Parish Council / Councillor Debra Starkey:** The initial response stated 'This site is within the Green Belt where the construction of new buildings is defined by the NPPF as being inappropriate development. The proposal, a fire and rescue training centre, does not fall within any of the exceptions outlined in paragraphs 145 and 146 of the NPPF and therefore in our view carries a presumption of refusal.

Furthermore, while the buildings will not be visible from outside the Lea Marston Depot, the application site is currently free from development and their construction would clearly impact on the openness of the Green Belt here causing harm to the Green Belt.

The applicant states that the training facility will provide improved training for Warwickshire Fire and Rescue officers which will benefit the wider community in fire rescue. While this may be viewed as the special circumstances necessary to overcome harm to the Green Belt, we still have reservations about the impact of the proposal on local residents in Lea Marston and Nether Whitacre in terms of noise nuisance, disturbance and emissions from the building.

No information has been provided on how the facility will operate, the proposed hours of use or if the use of the building will produce emissions or how potential spillage from the site will be prevented from entering the adjacent river.

We are also concerned about the impact of the proposal on wildlife. The proposed location of the buildings adjacent to the River Tame and at the head of Coton Lakes (which is a significant habitat for birds) could affect wildlife through increased levels of noise and human disturbance. We are also worried about the height of the building and its impact on bird movements and the proposed lighting which may impact on nocturnal wildlife.

We would ask that both Warwickshire Wildlife Trust and Tame Valley Wetlands are consulted on the proposal as we note that they are not currently a consultee.'

In response to a consultation to provide the Protected Species Report, amended plans removing the Cold Smoke House and the proposed erection of 2.5 m screen fencing, Councillor Starkey responded: 'We are pleased to see that the "cold smoke house" has been removed. We are also happy with the proposed erection of the high close boarded fence, we feel that this will help to protect wildlife from seeing the activities within the compound when operational. We are also pleased to see that it is now proposed to use low level directional lighting to be positioned away from the river corridor.

The only query that we have is if the high level lighting which was proposed on top of the buildings has been removed?'

When advised of the consultation response from the Ecologist that there would be a recommendation for planning conditions, on 28 September 2020 Councillor Starkey further responded:
'Pleased to hear that the lighting would be conditioned and that the ecologist requires there to be no light spillage outside the site.'

In response to the consultation on 03 November 2020 for the amended plans including the screening fence increased in height to 5m, the Clerk to the Parish Council responded on 18 November 2020 stating
'Councillors appreciate the low level directional lighting and wooden fence to go around the proposed facility on the Environmental site will reduce disturbance to wildlife.

Revised plans received for a 5m high fence to be erected including a Burn House, which can clearly be seen above the fence, considerably increases the visual impact of the structure from the Bridge in Lea Marston and nearby footpath. Councillors have requested the introduction of a tree planting scheme to reduce the visual harm and address concerns around the noise from the facility during training sessions.

We understand a filtration unit is to be included as part of the Burn House to minimise the volume of smoke/emissions and odour that escape from the facility and any smell/pollution from the Burn House activities is described as negligible given the distance to residential properties, however, we would like assurance that thought has been given to prevailing winds and confirmation that Lea Marston residents have been notified of the plans so they can be convinced there will be no loss of amenity to properties, the nearest being 360m away and any noise disturbance from training which is planned for 194 days per year.'

2.6 Councillor Dave Reilly: There is insufficient information within the published documents accompanying this application online about the materials that will be used and the function and operation of this development. I am therefore unable to expand in more detail about the specific grounds for my objection. That said on the basis of what is published the grounds of my objection at this time are:

1. Green Belt. This development is within the Green Belt. Additionally, because of its open rural setting, size and design it will also impact on the Green Belt of the elevated surround communities of Whitacre Heath and Shustoke.

2. Visual amenity impact - Design. From the published plans it appears that the building will be 15 meters high and that it will be constructed from metal. The height and industrial design of this facility is not in keeping with the overriding rural nature of the proposed site.

3. Visual amenity impact - Lighting. I note that the plans show lighting at the maximum heights of this structure and around it. This location is not currently lit at night and affords dark sky views and dark night ecological environment.
4. Audible amenity impact - Air conditioning and smoke filtration assets. The plans show an industrial filtration system. The siting of this asset neighbours residential properties in Lea Marston and Whitacre Heath. Additionally, the topography of the area means that both during the day and especially at night sound travels extended distances. There is no mitigation to reduce audible impact illustrated in these published documents.
5. Audible amenity impact - operational use of the facility. There is no published information about the audible impact of the assets on the site and noise arising from the training activity that will be undertaken there.
6. Air quality impact. There is no published information about the impact or mitigation of burning materials that will take place on this site.
7. Ecological impact. Lea Marston Lakes and the wider Tame Valley are a nationally important migratory route for wetland birds. There is no recognition of this in the application. In addition the development site neighbours a Warwickshire Wildlife nature reserve and Hams Hall Environment Education Centre. There is no published information about the impact of the operation of this site during day and night time on resident and migrating ecology.
8. Ecological and public health impact - Water Drainage. I note that the application proposes a soak away for waste water. The proximity of the development next to the River Tame suggests that waste waters will be routed into the river course. The River Tame is a nationally important drinking water transitory route for times of drought. There is no information about the impact of this facility on this national contingency capability.
9. Failure to recognise residential communities of Lea Marston, Marston and Whitacre Heath in the application published materials.
10. Section 12 of the published application form incorrectly states that there is not a reasonable likelihood of an adverse biodiversity impact. It states that there are no important habitats, biodiversity features or designated sites present or nearby. This is not factually correct. A nature reserve borders the application site and Kingsbury Water Park, WCCs primary country Park lies on the course of the River Tame within a kilometre of the proposed development site.

11. Section 19 Hours of operation. The application states that hours of operation are not relevant to the proposal. I contest this in view of the close proximity of two residential communities and the nighttime sensitivity of the local ecology.

- 2.7 **WCC Fire Service Water Supply Officer:** No objection subject to the imposition of a condition for a scheme to provide adequate water supplies and fire hydrants.
- 2.8 **WCC Highways:** No objection.
- 2.9 **WCC Ecology:** As you will be aware WCC Ecological Services have been in protracted discussions with the applicant and their ecological consultants to ensure that there is sufficient data, analysis and interpretation to evaluate the impacts of this development on the onsite and surrounding biodiversity. Any significant impacts would then need to be avoided, mitigated for or as a last resort compensated for. I am satisfied that due process has been followed and that we are now in a position to support the proposal, although conditions will be required to regulate the activities on site to make it acceptable in planning terms.
- 2.10 **WCC Flood Risk and Water Management:** No objection subject to a condition requiring any permission to be carried out in accordance with the Flood Risk Assessment, Drainage Strategy and the Operation & Maintenance Manual.
- 2.11 **Environment Agency:** No objection subject to conditions relating to flood risk and water quality.
- 2.12 **Natural England:** No objection. Based on the amended plans and additional information submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.
Natural England's further advice:
Whitacre Heath Site of Special Scientific Interest
Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.
- In response to further amended plans (03.11.20): The advice provided in our previous response applies equally to this amendment.
- 2.13 **Ramblers Association:** Raised the issue of the route of public right of way apparently through the application site. This matter has been resolved as the footpath was diverted in 2008.
- 2.14 **WCC Rights of Way:** Having clarified that the footpath formerly on the site was diverted in 2008, no objection.

2.15 **RSPB:** No comments received.

2.16 **Warwickshire Wildlife Trust:** Objection.

This proposal lies entirely within a Local Wildlife Site, Lea Marston Lake SP29B9. This site of County importance for nature conservation and biodiversity should be protected from development, in line with Local Plan policy and the National Planning Policy Framework. Warwickshire Wildlife Trust objects to this planning application, as Local Wildlife Sites should be protected from development as part of the vital network of connected spaces across Warwickshire and the wider sub-region.

Response received 17.11.20

There is a clear commitment by Government to leave the environment in a better state than it inherited it and to facilitate nature's recovery via providing net gains to biodiversity. This is reflected within the NPPF (2019) and the Government's 25 Year Environment Plan.

The Wildlife Trust has concerns regarding the proposal in the Green Belt, adjacent to the River Tame, as well as a potential Local Wildlife Site and within 0.5km of a SSSI.

WWT also has serious concerns regarding the impact of noise, light pollution and the intensification of human activity on the protected species and wildlife that clearly use the area.

The application doesn't appear to fulfil all of the required tests to be an exception site in the Green Belt, and seems to contravene Local Policy LP31 Development Considerations states that development: 'Should ...avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, air quality or other pollution'.

There will also be an obvious impact on the protected species and wildlife that use the site and surrounding watercourse in terms of noise, light pollution and human activity, which it is considered will be impacted contrary to national and local policy, despite fencing mitigation.

There also appears to be limited information as to why such a facility needs to be adjacent to an important water course for protected species and in a green belt location.

Therefore, in its current form, it is the considered view of Warwickshire Wildlife Trust that this full application contravenes local and national planning policy. On balance, therefore, the Trust at this stage cannot support the application.

2.17 **West Midlands Bird Club:** No comments received.

2.18 A site notice was displayed at the entrance to the application site on Coton Road on 19 September 2019

2.19 A press notice was published in the Tamworth Herald on 19 September 2019 advertising the application as a departure from the Development Plan.

- 2.20 There are no residential properties in the immediate vicinity of the application site and therefore no neighbour notification letters were posted for this application.

3. Representations

- 3.1 An objection was received from Councillor Shelley Lebrun as the Borough Councillor for the Curdworth Ward and one letter of objection was received from a local resident making the following comments:

I strongly object to such a proposal from several points.

a) It is encroaching on The Green Belt.

b) We have extreme development in this area that has taken place over the last few years such as the development from Hams Hall industrial estate. Light pollution is incredible together with the noise that site generates.

c) the development of the High-Speed Rail.

My house on Birmingham Road will be affected by the increased noise from the existing railway line (using it at night to bring goods into the holding site) together with traffic and noise etc.

d) the development of the Clay Pigeon Shoot in Blackgreaves Lane that produces noise nearly every day of the week and the noise is above Health and Safety Standards.

All of this takes place in a Green Belt area. I strongly object to this proposal.

4. Previous Planning History

- 4.1 The application site is within an area previously excavated for sand and gravel with the subsequent creation of the Lea Marston Purification Lakes. In 2018 planning permission was granted by North Warwickshire Borough Council for a storage building, sand-bagging building, modular office and two storey modular building to replace an existing building located to the north-west of the current application site (Ref: PAP/2018/0040).

5. Assessment and Observations

Site and surroundings

- 5.1 The application site is located approximately half a kilometre north of Lea Marston and almost a kilometre south of Marston, sited within the secure gated DEFRA Environment Agency Lea Marston Depot site; a complex of lakes, mounds and woodlands with a range of buildings (offices and storage facilities) and structures south of Coton Road. The 0.2 ha application site is located on a generally level area of grassland and scrub to the west of the River Tame. The river flows over the two weirs to the south-east of the application site into the large lake to the north-east of the site. The Birmingham-Derby railway line runs along the south-eastern shore of the lake and 270 m east of the application

site. To the north and north-west of the application site are the offices and storage facilities on the DEFRA site. A concrete access road that serves the adjacent and nearby Environment Agency facilities runs around the southern and eastern boundary of the application site.

Planning Policy

- 5.2 Section 38(6) of the 2004 Planning and Compensation Act requires that planning applications are determined in accordance with the provisions of the Development Plan ‘unless material considerations indicate otherwise’.

Paragraph 11 of the National Planning Policy Framework (NPPF) February 2019 explains that there is a presumption in favour of sustainable development and what that means. What the presumption means in relation to a planning application is that:

(a) proposals which accord with an up-to-date development plan should be approved without delay; and

(b) where there are no relevant development plan policies or the policies most important for determining the application are out-of-date, then permission should be granted unless:

- the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Where the presumption in (b) applies, it is often referred to as the “tilted balance” in favour of the application.

- 5.3 Paragraph 12 goes on to explain that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 5.4 Paragraph 48 explains that authorities may give weight to relevant policies in emerging development plans according to: a) the stage of preparation of the emerging plan; b) the extent to which there are unresolved objections to relevant policies; and c) the degree of consistency of the relevant policies in the emerging plan to this Framework.

- 5.5 In this case, there is a development plan in place which has relevant policies that are considered to be up to date so far as they relate to this proposal. Therefore, the application should be determined (as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004) in accordance with those policies unless material considerations indicate otherwise. The Development Plan relevant to the proposal consists of the “saved” policies of the North Warwickshire Local Plan 2006 and the Local Plan for North Warwickshire – Adopted Core Strategy October 2014. The new Local Plan for North Warwickshire was submitted for Examination in March 2018 and brings together the adopted Core Strategy, draft Site Allocations and draft Development Management documents into one single plan. The Local Plan when adopted will replace the saved policies of the 2006 Local Plan. At present, the Local Plan is at Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and is not therefore an adopted document. While the policy document carries some weight, it is not currently part of the Development Plan. Nevertheless, the relevant policies of this Local Plan are included below.
- 5.6 The courts have made it clear that for the purposes of Section 38(6) it is enough that the proposal accords with the development plan considered as a whole. It does not have to accord with each and every policy in the plan. It is a matter of judgement for your Committee whether the proposal accords with the plan, considered as a whole, bearing in mind such factors as the importance of the policies which are complied with or infringed, and the extent of compliance or breach.

National Planning Policy Framework

- 5.7 The NPPF states that the planning system has three overarching objectives; economic, social and environmental which are interdependent and need to be pursued in mutually supportive ways. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 5.8 **Paragraph 92** of the NPPF states that to provide social, recreational and cultural facilities and services the community needs, planning policies and decisions should ensure an integrated approach to considering the location of community facilities and services.
- 5.9 The application site is located within the Green Belt. Chapter 13 of the NPPF sets out the Government’s Green Belt policies, **paragraph 143** stating that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. **Paragraph 144** continues that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green

Belt, by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 5.10 **Paragraph 163** of the NPPF states that when determining planning applications flood risk should not be increased elsewhere. Development should only be allowed in areas at risk of flooding where, in the light of a flood risk assessment it can be demonstrated that the development is appropriately flood resistant and resilient, it incorporates sustainable drainage systems unless there is clear evidence that this would be inappropriate; any residual risk can be safely managed and that safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 5.11 Chapter 15 of the NPPF relates to conserving and enhancing the natural environment, requiring that planning decisions should contribute to and enhance the natural and local environment by means including ensuring they minimise impacts on and provide net gains for biodiversity and prevent new and existing development from contributing to unacceptable levels of soil, air, water or noise pollution or land instability.

Local Plan 2006 (Saved Policies)

- 5.12 The following saved policies of the North Warwickshire Local Plan are considered to be relevant in the assessment of the proposed development.
- 5.13 **Policy CP3 – Natural & Historic Environment:** states that all development decisions will seek to protect or enhance biodiversity, natural habitats, the historic environment and existing landscape and town character.
- 5.14 **Policy CP 6 - Local Services & Facilities:** states that the Local Plan will protect and support local services and facilities across the Borough and will ensure community involvement in the consideration of the means of achieving this.
- 5.15 **Policy ENV2 - Green Belt** defines the application site as being within the Green Belt.
- 5.16 **Policy ENV3 - Nature Conservation** seeks to protect Local Nature Reserves, Sites of Importance for Nature Conservation and regionally important geological /geomorphological sites and protected species. It requires that where development is permitted that may have an effect on rare, endangered or other species of conservation importance, the Authority will use conditions and/or obligations to secure compensatory measures necessary to protect the species, reduce disturbance to a minimum and provide alternative habitats to sustain or enhance the population.

- 5.17 **Policy ENV8 - Water Resources** states that the water resources of the Borough will be safeguarded and enhanced, and development protected from floodwater by; preventing the contamination of any watercourse or aquifer, ensuring new development has satisfactory surface and foul water drainage systems by requiring, where feasible the use of Sustainable Drainage Systems (SuDS), not permitting development that would prevent maintenance access to watercourses and requiring remediation measures where pollution has already occurred.
- 5.18 **Policy ENV9 - Air Quality** seeks to safeguard and enhance the air quality of the Borough by means including:
- Not permitting development that would include hazardous substances likely to have an unacceptable risk to nearby areas and people.
 - Not permitting places of residence, employment or other noise sensitive uses if the occupants would experience significant noise disturbance.
 - Not permitting development that would create significant noise disturbance to nearby housing, schools or other noise sensitive uses.
- 5.19 **Policy ENV11 – Neighbour Amenities:** states that development will not be permitted if the occupiers of nearby properties would suffer significant loss of amenity, including overlooking, loss of privacy, or disturbance due to traffic, offensive smells, noise, light, dust or fumes. Occupiers of the development itself should also enjoy satisfactory standards of these amenities.
- 5.20 **Policy ENV 13 – Building Design:** seeks to secure satisfactory standards of design and external appearance.
- 5.21 **Policy ENV14 - Access Design:** requires safe and convenient access arrangements.
- 5.22 **Policy ENV15 - Heritage Conservation, Enhancement and Interpretation** requires the protection of heritage assets.
- North Warwickshire Adopted Core Strategy 2014
- 5.23 **Policy NW1: Sustainable Development:** requires planning applications to accord with the policies within the core strategy, and applications should be approved without delay unless material consideration indicate otherwise.

- 5.24 **Policy NW3 Green Belt:** applies the national Green Belt policy as defined by the NPPF and confirms the primary aim is to maintain the open nature of the area and that there is a general presumption against development that is inappropriate, except in very special circumstances.
- 5.25 **Policy NW10 Development Considerations:** sets out the development considerations to be addressed, including the need to avoid and address unacceptable impacts on neighbouring amenities.
- 5.26 **Policy NW13 Natural Environment:** requires proposals to protect the natural environment including landscape character, wildlife and to guard against climate change.
- 5.27 **Policy NW15 Nature Conservation:** requires the protection of flora and fauna and their natural habitat as well as sites of national and local importance.

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- 5.28 **Policy LP3 Green Belt:** The policy outlines considerations for development in the Green Belt in addition to the NPPF, including setting out the volume of extensions or replacement buildings that would be acceptable.
- 5.29 **Policy LP14 Landscape:** states that within identified landscape character areas development will conserve, enhance and where appropriate, restore landscape character as well as promote a resilient, functional landscape able to adapt to climate change. Specific landscape, geo-diversity, wildlife and historic features which contribute to local character will be protected and enhanced.
- 5.30 **Policy LP16 Natural Environment:** States that the Borough Council recognises the importance of the natural environment to the Borough's local character, identity and distinctiveness. The quality, character, diversity and local distinctiveness of the natural environment will be protected and enhanced.

Conserving the Natural Environment

Development that affects Sites of Regional and Local Importance for Nature Conservation will only be permitted where the benefits of the development outweigh the nature conservation value of the site and the contribution it makes to the Borough's ecological network. Development that damages habitats and features of importance for nature conservation will only be permitted where there are no reasonable alternatives to the development taking place in that location.

- 5.31 **LP31 Development Considerations:** Sets out the Borough Council's development considerations, including: Targeting development at brownfield land in appropriate locations reflecting the settlement hierarchy; requiring development to be adaptable for future uses and take into account the needs of all users; to avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, air quality or other pollution; and, protecting the quality and hydrology of ground or surface water sources so as to reduce the risk of pollution and flooding, on site or elsewhere.

Policy Considerations

Green Belt

- 5.32 The site is in the Green Belt. The erection of new buildings in the Green Belt is defined in the NPPF as inappropriate development.
- 5.33 Paragraph 145 of the NPPF defines from a) to g) exceptions when new buildings might not be inappropriate. In this case the exceptions cited do not apply, with the possible exception of g) which states: limited infilling or partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development.
- 5.34 The application site occupies a small area within the Lea Marston Environment Agency depot site. The depot area including the application site has been the subject of mineral extraction, and subsequent re-modelling of the area, including the formation of the adjacent lake bodies. There are a range of buildings and structures on the depot site in use by the Environment Agency including modular office buildings, storage buildings including the recently constructed Emergency Store Major Incident Response Hub; containers; plant and machinery; hardstanding and access roads. The application site is a 0.2 ha area of semi-improved grassland, surrounded by a concrete roadway which serves the built development close to the application site, including the Emergency Store, the River Tame weir and the associated plant and structures.
- 5.35 The NPPF glossary defines previously developed land as *land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously*

developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape. While areas of the wider depot site would fall within the definition of previously developed land, the land within the application site has no existing built structure that the proposal would replace and the proposed development would affect the openness of the Green Belt and for these reasons the proposal is for inappropriate development.

- 5.36 In determining the proposal, it is necessary therefore to assess the material planning considerations that have been put forward in support of the application to see if in the balance they amount to very special circumstances that outweigh all of the harms caused including the harm to the Green Belt.

Green Belt Harm

- 5.37 The NPPF makes it clear that inappropriate development in the Green Belt is always deemed to be harmful as a matter of policy and this deemed harm should always be given substantial weight. In addition to the deemed harm, it is necessary to consider the nature and extent of the actual harm that would be caused by a development having regard to the aims and purposes of the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, so the essential characteristics of Green Belts are their openness and their permanence. The five purposes of the Green Belt are:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 5.38 In order to establish the weight to be given to the actual harm, the impact of the development on the openness of the Green Belt needs to be considered.

- 5.39 The NPPF does not provide a definition of openness but it is generally taken in planning terms to be an absence of development. Planning guidance indicates four factors that should be considered in relation to impact on openness: the spatial dimension, the visual dimension, the level of activity associated with a development and finally the duration or permanence of the development.

- 5.40 First, the spatial dimension. The application site is a small area of open grassland within the larger DEFRA depot area. The proposed buildings and structures, while not extensive in footprint, would introduce a built form on a site where there currently is none and would therefore not

preserve the openness of the Green Belt in this area resulting in moderate harm.

- 5.41 Secondly, in terms of the visual impact on the openness of the Green Belt the development would introduce a built form up to 10 metres in height with ancillary structures (poles, railings and flue) up to 13 metres high.
- 5.42 There are limited public views of the application site from areas beyond the depot boundaries. One view is afforded from the Birmingham Road looking north towards the Lea Marston Depot and the application site from the road bridge where it crosses the River Tame. The application site from this point is seen behind the concrete structure of the weir and the large metal gantry structure that spans the river at that point. The proposed development would be surrounded by a 5 m high timber fence with elements of the Minerva unit and the filtration system visible above the fence height. There is a distance of 350 metres between the road bridge and the application site. The public footpath over the Birmingham Road bridge would afford both a pedestrian and a motorist a view towards the application site.
- 5.43 A second viewpoint is from the public highway, on Coton Road, to the north of the lake body. The view is limited as a result of the vegetation between the highway and the lake and the lack of public footpath from which to view. The occupants of a vehicle stationary waiting at the traffic lights on the narrow one-way section of Coton Road do have an opportunity to look towards the application site. The development would be over 700 metres from this public viewpoint and would be significantly screened by the vegetation along the highway.
- 5.44 Occupants of trains on the Birmingham-Derby rail line which runs to the south and east of the application site could also have limited views of the application site across the body of the lake.
- 5.45 Given the distance between the public viewpoints; the screening of the proposed development by vegetation and by other existing built forms on the depot site close to the application site, it is considered that the level of harm to openness of the Green Belt in relation to the visual impact is limited.
- 5.46 The third consideration on the openness of the Green Belt is the level of activity that the proposed development would generate. There would be a level of disturbance and activity generated during the construction phase of the development which would have a moderate impact. On completion of the fire training facility there would be a level of activity within the confines of the compound area in the form of the vehicular movements of the Fire Appliances and human activity during the fire training exercises. However, the proposed erection of the 5 m high timber fencing along the southern and eastern boundaries of the application site and the addition of metal cladding panels to the

Minerva unit would screen any human activity on the outside staircases or gantries of the structure during training or maintenance and would reduce the impact of activity on the openness of the Green Belt to a limited level of harm.

- 5.47 The final of the four considerations on openness would be the duration of the development, which would be permanent. This consideration adds to the weight to be given to the other aspects of harm.
- 5.48 The proposed development should also be assessed against the five purposes of Green Belt to determine if there is harm as a result of conflict with the any of the purposes. In this case, the application site is not located next to or part of a large built-up area and does not therefore serve the purpose of checking the unrestricted sprawl of a large built-up area or prevent neighbouring towns merging into one another. The site does not preserve the setting or character of an historic town nor would the location of the development in this area discourage urban regeneration. The Lea Marston depot site and the surrounding area of lakes do serve as a part of a swathe of land that helps safeguard the countryside from encroachment. The proposed development would, however, be in proximity to the existing adjacent man-made surfaces, structures and plant on the depot site and would be bounded by a concrete drive. It would not encroach into general countryside. For these reasons, it is concluded that any conflict with this purpose does not add materially to the harm caused by loss of openness.
- 5.49 In terms of Green Belt harm therefore there is the substantial harm caused by definition and moderate actual harm to openness.

Other Harms

5.50 Visual and Landscape Impact

A Landscape and Visual Appraisal was submitted to support the planning application. In landscape terms the site is located within the 'River Valley Wetlands' Landscape Type of the Arden Landscape Character Area. The area is defined as a highly modified rather degraded river valley landscape strongly influenced by sand and gravel extraction and other industrial activities.

- 5.51 The application site is an area predominantly of unimproved grassland with a few native trees, located within the Environment Agency's Lea Marston depot off Coton Road. The site is not covered by any landscape designations and there are no Tree Preservation Orders (TPO) on the trees on site. The River Tame runs along the site's eastern boundary. The surrounding landscape is composed of woodland/tree copses/tree belts, open water bodies associated with the River Tame and agricultural land. Land levels to the west of the site are higher and the surrounding wooded areas visually enclose and

restrict medium and long-distance views into the application site. There are limited views into the depot site when viewed from the bridge over the River Tame on the Birmingham Road, to the south. The site is seen in association with the infrastructure of the EA's depot, with security fencing, concrete structures, storage building, modular buildings and the screening gantry equipment adjacent to the weirs to the south of the application site. While the proposed development would alter the local landscape by the replacement of un-improved grassland and would result in a physical and visual increase in new built development, in the context of the existing character of the EA depot there would be only a small change. It is concluded that the harm to landscape and visual harm would be limited and the development acceptable in the light of policies CP3 of the Local Plan 2006 and NW13 of the Core Strategy.

Impacts on Amenity

- 5.52 It is necessary to consider whether the operation of the proposed development would have an impact on amenity as a result of the noise, light or air pollution.

Noise Impact

- 5.53 To address the potential impact of noise from the proposed training facility, a Noise Assessment was carried out. The Assessment measured background noise levels against which to assess the impact of predicted sound levels on local sensitive receptors. The nearest noise receptors to the Minerva site are dwellings on the eastern edge of Lea Marston village approximately 400 m to the south and properties east of Haunch Lane approximately 500 m west of the site.
- 5.54 The Noise Assessment advises that of training exercises at the Minerva Unit/Fire House the greatest potential for significant noise levels to impact off site would be as a result of the large scale breathing apparatus exercises which could involve the operation of six to eight portable water pumps. The Assessment concludes that the operation of the Minerva site would be most unlikely to give rise to any adverse impacts due to noise.
- 5.55 North Warwickshire Environmental Health Officer raised no objection to the Noise assessment, but commented on inaccuracies in the report, concluding that a minor rewrite of the Noise Assessment to correct those inaccuracies would be unlikely to overturn the conclusions of the Assessment. The development is considered to accord with saved policy ENV9 of the Local Plan 2006.

Odour and Air Quality Impact

- 5.56 An Air Quality Assessment was submitted with the application to determine the potential impact of the proposed Minerva unit on air quality. The Minerva unit is designed to provide a real fire training facility with a smoke filtration system. The training would involve lighting a fire within the unit to generate smoke to enable firefighters to practise using breathing apparatus and equipment in a realistic setting. The emissions that exit the Minerva unit would be captured and filtered through a wet scrubber designed to remove odours from the emissions. A certain amount of odour would remain in the burn house as a result of the carbonaceous fires however, it is considered unlikely that odour would be detectable at the site boundary.
- 5.57 The nearest residential properties to the burn house are approximately 360 m to the south-west of the proposed site. Given the separation distance the Air Quality Assessment concludes that loss of amenity as a result of an increase in odour levels from the burn house is low.
- 5.58 The application site is within a predominantly rural location where existing pollutant concentrations would be expected to be well below the relevant Air Quality Objectives (AQO). The Air Quality Assessment concludes that in the future air quality concentrations would be expected to remain well below the AQOs and the Environmental Assessment Levels (EALs).
- 5.59 The North Warwickshire Environmental Health Officer raised no objection to the proposed development in relation to odour or air quality. The development accords with saved policy ENV9.

Light Pollution

- 5.60 The training facility would require illumination as evening training sessions are to be included within the proposed use. A condition is recommended by the County Ecologist requiring that the approach road is not to be lit and that all lighting must be contained within the site - i.e. zero additional lux above current background levels. This would ensure that there are no impacts on bat commuting or foraging routes or the water body Local Wildlife Site.

Ecological Impact

- 5.61 The application site is located within the Lea Marston Lakes Local Wildlife Site (LWS) and the River Tame which flows up to Cotton pools LWS and is therefore an integral link in the chain of wetlands within the Tame Valley Living Landscape Area and one of Warwickshire's main wildlife corridors. The lake is a nationally significant overwintering bird site with importance for certain bird populations such as gadwall.

- 5.62 The application site is predominantly an area of species-poor, semi-improved grassland which has been left largely unmanaged. The proposed scheme would require much of the application site to be hard surfaced to provide circulation and parking space for fire tenders. The erection of the proposed Minerva unit, the adjacent filtration system and the two-storey modular training and welfare building would result in an increase in noise and activity to this area of the DEFRA site.
- 5.63 The area in the vicinity of the application site is not without significant levels of activity. The Environment Agency has an existing facility adjacent to the lake, 30 m to the south of the application site which generates activity in this area of the DEFRA site. The EA structure, installed during the 1980s, was used to screen floating debris from the River Tame and is now used for water sampling equipment and to test flood equipment. The railway line to the east of the lakes is in frequent use.
- 5.64 The County Ecologist requested winter and summer bird surveys be conducted to identify the bird populations using the area and to understand the potential impacts of the proposed development. The Protected Species Report subsequently submitted detailed the breeding birds, wintering birds and otter surveys undertaken.
- 5.65 In respect of the breeding birds a total of six breeding survey visits were undertaken between April and June 2020. The results indicated that the LWS site supports a breeding bird community comprised of species that are relatively common and widespread in Warwickshire and typical of the habitats present (principally woodland, grassland and open waterbodies). There are notable species which have the potential to be impacted by the proposed development and include Cetti's warbler. Large numbers of waterfowl including tufted duck and mute swan are known to breed at nearby designated sites.
- 5.66 In relation to breeding birds the report concludes that the limited area of semi-improved grassland that would be cleared to accommodate the proposed development would have no impact on the nesting birds close to the site. However, construction works could cause disturbance to nesting birds (including water birds) in the vicinity of the site and for this reason it recommends that construction works are undertaken outside the bird nesting season (1st March – 31st August) or completed using sensitive working methods to reduce or mitigate the impact.
- 5.67 In relation to wintering birds the report states that the waterbody was surveyed. The waterbody is divided into two sections by the central man-made spit. There is a water weir at both the entrance and the exit of the waterbody. The report describes that water birds tended to congregate close to the inflow at both weirs to the east of the application site, the closest weir being approximately 10 m from the site boundary. The survey notes that the presence of EA personnel and

others close to the weir caused birds to move away from the disturbance.

- 5.68 The report recommends that work should ideally be undertaken between September and October to also avoid the most sensitive times with respect to wintering birds. The report further concludes that the erection of a 2.5 m high solid fence (now proposed to be 5 m high), prior to any construction works or operation activities on the application site would mitigate any human presence that would disturb birds close to the weir and the main area of the waterbody beyond. Birds located on the waterbody beyond the central man-made spit would be screened by the fence and the existing vegetation on the spit and would be unlikely to be affected by human activity. In addition, as the waterbody is part of a larger complex of waterbodies providing foraging and resting opportunities for the wintering birds, they would be able to move away from noise or human presence to alternative habitat less than 500 m from the site and are unlikely to be significantly impacted.
- 5.69 In relation to otters, the report describes that locations within the survey area suitable for otter rest sites are restricted to the undisturbed spit of land and an area of dense scrub approximately 200 m south of the application site. The proposed development is concluded to be unlikely to disturb an otter shelter or rest location. However, as otters are found to move through the area recommendations are made on working practices and design to ensure the area remains suitable for otter. These measures would include erection of a solid fence around the site prior to construction and controlling the use of lighting during both construction and operation to avoid light spill onto the river corridor.
- 5.70 In response to the Protected Species Report, the County Ecologist advised that there is a potential that regionally and nationally important species would be disturbed by the activities on the application site; primarily through humans being visible as they use the facility. This, however, can be fully mitigated for by the erection of a suitably sized fence at a height to screen human activity as well as construction and operational constraints regulated using conditions.
- 5.71 In relation to otters the County Ecologist concluded that there is a potential for otters to be disturbed on the spit, however, this would be mitigated for through the erection of a suitable sized fence to screen human activity during construction and operation activities.
- 5.72 The application site is suitable for reptiles and amphibians which are likely to be present. As the site is a small area (0.2 ha) within a much larger area with suitable habitat for these protected species, a suitably worded condition for avoidance measures is recommended.
- 5.73 While no Biodiversity Net Gain assessment has been carried out for the site, it has been noted that there will be a loss and that this will need compensation which is recommended to be covered by condition.

- 5.74 The County Ecologist also recommended conditions requiring:
- the approach road not to be lit and that all lighting must be contained within the site - i.e. zero additional lux above current background levels. This will ensure that there are no impacts on bat commuting or foraging routes or the waterbody Local Wildlife Site.
 - No visible persons are to be allowed above the fence line for training purposes associated with the training facility - to reduce the impact of human visual disturbance on the Local Wildlife Site.
 - Any airborne and waterborne particulates generated through the operation of the development other than vehicular movements are to be captured and disposed of off-site or in sensitive manner - to avoid impacts onto or into the Local Wildlife Site.
- 5.75 It is concluded that the recommended planning conditions would ensure that there are no unacceptable ecological impacts as a result of the proposed development. The development, subject to those planning conditions is considered to accord with policies CP3 and ENV3 of the Local Plan 2006 and policies NW13 and NW15 of the Core Strategy.

Flood Risk

- 5.76 The EA Flood Map indicates that the majority of the application site is located within Flood Zone 1, however the southern area of the site is within Flood Zone 2 with a medium risk of fluvial flooding. A Flood Risk Assessment (FRA) has been submitted for this reason, as required by the NPPF, to demonstrate how flood risk to the proposed development and any potential increased flood risk to third parties due to the development, would be managed over the lifetime of the development, taking climate change into account.
- 5.77 The FRA describes the site as an area of grassland with a shallow slope across the site from the south-west corner to the north-east corner with a fall of 1.43 m across the site, draining to the north-east directly into the River Tame. The site is undeveloped and has no formal drainage features.
- 5.78 The NPPF requires a Sequential Test when considering proposed development with the aim of steering new development to areas with the lowest probability of flooding. The proposed fire training facilities are classified by the NPPF as 'less vulnerable' and would therefore be compatible with sites in Flood Zone 1 and 2. The majority of the development, including all the buildings and the associated filtration plant would be located on the area within Flood Zone 1 and therefore considered to meet the requirements of the Sequential Test.

- 5.79 The application site is shown in the EA surface water flood risk map as being at very low risk of surface water flooding, while groundwater flooding mapping shows the site does not have a significantly high risk of groundwater flooding.
- 5.80 A Drainage Strategy was submitted to detail the management of surface water drainage within the application site to prevent any likelihood of flooding of the proposed development or the surrounding area.
- 5.81 The foul water discharge from the proposed welfare building is proposed to be treated on site and discharged to the surface water system before discharging to the River Tame.
- 5.82 Both the Lead Local Flood Authority and the Environment Agency have stated that they have no objection to the proposed development, subject to the imposition of the recommended planning conditions. The development is considered to accord with saved Policy ENV8 of the Local Plan 2006.

Highways

- 5.83 The Highway Authority stated that there was no objection to the proposed development. There is no alteration proposed to the access to the Lea Marston Depot site as a result of the proposed development. There is adequate parking available with the depot area and parking and vehicle circulation space is available within the application site for the emergency vehicles required for the proposed training sessions.

Heritage

- 5.84 There are no heritage assets on or in the immediate vicinity of the application site. The closest listed building is the Grade II Listed Ivy Cottage in School Lane, over 450 metres to the south-west. The application site and the listed building are not seen in the same context. There is considered to be no material harm to heritage. The proposed development would be in accordance with Policy ENV15 of the Local Plan 2006.

The Harm Side of the Planning Balance

- 5.85 In overall terms in considering the matters above, the harm side of the balance comprises deemed policy harm to the Green Belt which must always be given substantial weight with limited to moderate actual harm to the openness / encroachment of Green Belt but with very limited weight for all other harms.

The Applicant's Case

- 5.86 The provision of appropriate fire and rescue training facilities are required to be provided by Fire Authorities as stipulated by the Fire Services Act 2004, Civil Contingencies Act 2004 and the Health & Safety at Work Act 1974. The government sets out its expectations in the Fire and Rescue Service National Framework for England, with priorities being for Fire Authorities to: Develop and maintain a workforce that is professional, resilient, skilled, flexible and diverse. In addition, they are expected to collaborate with emergency services and other local and national partners to increase the efficiency and effectiveness of the service they provide.
- 5.87 In order to achieve their objectives, WFRS require high quality and fit for purpose training facilities. WFRS currently use training facilities at Dunchurch and Bedworth but those facilities are limited and not suitable to provide the full range of training required and as a result it sends staff as far as North Wales for specific training.
- 5.88 In 2012 the WFRS began an extensive process to identify a suitable site to develop a training facility within Warwickshire. A large new facility with all training facilities located on a single site, together with a replacement fire station was proposed on a site in Southam and planning permission subsequently granted in 2017. The applicant advises that despite an extensive value engineering exercise the costs of implementing the approved facility significantly outweighed the funding available and an alternative site was required.
- 5.89 As an alternative to the solution at Southam, the applicant decided to locate the training facilities on a number of smaller sites in close proximity to each other. The former Kingsbury Outdoor Pursuits Centre was identified as an existing redundant building and a climbing tower that would be suitable for elements of the Fire Service training requirements including the 'cold smoke house' and a road collision training simulator. The identification of this suitable site led the search to find other sites in close proximity to Kingsbury Water Park that would satisfy the remaining training requirements. While a number of sites were considered the DEFRA depot site at Lea Marston and Kingsbury Weir were considered the most appropriate.
- 5.90 The provision of the Minerva Unit / fire house as proposed in the current planning application, in addition to the proposed water rescue training facilities within a 2 km drive at Kingsbury Weir (NWB/19CC012) and the cold smoke house training facility, approved in February 2020 (NWB/19C010) at the Kingsbury Water Park only 3 km distant, would together provide a wide range of training facilities. Provision of the combined facilities would retain firefighters and emergency vehicles within the County, rather than travelling as far as North Wales, bringing economic and environmental benefits of reduced travel.

- 5.91 The WFRS already carry out some limited shared training on the Lea Marston Depot site in partnership with DEFRA. The two organisations would continue to work in partnership making use of the existing facilities on site, including the major incident response unit and to expand their joint training exercises. The sharing of resources and training would bring benefits to both organisations.
- 5.92 Provision of sustainable, economically viable training facilities within the County and particularly in an area that enables a full range of training including major incident scenarios in conjunction with other emergency service providers would bring substantial health and safety benefits to both firefighters and the wider community of Warwickshire. It is considered that the benefits provided by the proposed development do carry substantial weight.

The Final Planning Balance

- 5.93 In determining the planning application, Members must assess where the final balance lies between the identified harms on one side and the benefits of the scheme put forward by the applicant. In this case as a result of the definitions in the NPPF, there is substantial deemed harm to the Green Belt, but on consideration of the specifics of the application site the actual harm is concluded to be limited. The benefits of the proposed training facility, with the retention of firefighters in the locality during training; the economic and environmental benefits of reduced travel and the increase in skills and abilities of Firefighters as a result of improved training are considered to be substantial and to clearly outweigh the harms. As such they would be the very special circumstances required by paragraphs 143 and 144 of the NPPF to support the development.
- 5.94 Development within the Green Belt, which by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt is required by the Town and Country Planning (Consultation) (England) Direction 2009 to be referred for consultation to the Secretary of State for Housing, Communities and Local Government where the local planning authority does not propose to refuse the application.

6. Conclusions

- 6.1 The proposed development does not accord with the Development Plan in respect of Green Belt issues and Green Belt policy in so far as it is inappropriate development. However, the development implemented in accordance with the recommended planning conditions would be considered acceptable when examined against other policies of the Development Plan relating to the natural environment, nature conservation, neighbour amenity, heritage, air quality, drainage and access issues.

6.2 As set out above, it is considered that on balance very special circumstances have been demonstrated that outweigh the harm to the Green Belt that would result from the proposed development. The application is recommended for approval subject to the planning conditions below.

6.3 If the Committee are minded to support the proposed development subject to the recommended conditions, the application will need to be referred to the Secretary of State under the 2009 Direction.

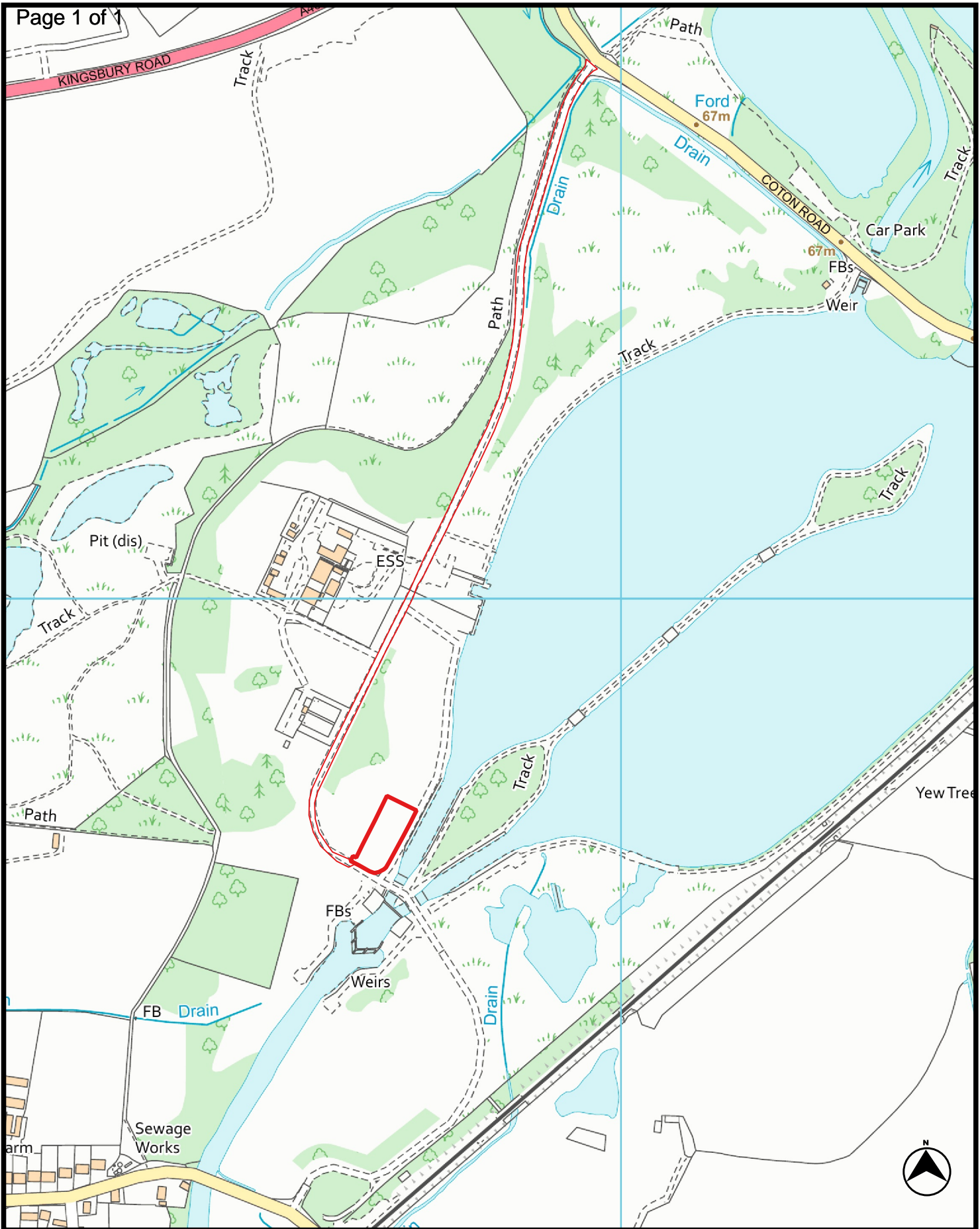
7. Supporting Documents

7.1 Submitted Planning Application – Planning reference NWB/19CC013

7.2 Appendix A – Map of site and location.

7.3 Appendix B – Planning Conditions.

	Name	Contact Information
Report Author	Sally Panayi	sallypanayi@warwickshire.gov.uk 01926 41 2692
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Portfolio Holder	Cllr Jeff Clarke	



Application No: NWB/19CM013
DEFRA Lea Marston Depot, Cotton Rd, B76 0BX
New fire and rescue training centre, welfare building, ancillary parking and facilities

Regulatory Committee 02 February 2021
 Scale 1:5000 Drawn by: SP Dept: Communities

Warwickshire County Council
 Shire Hall
 Warwick, CV34 4SA
 Telephone (01926 410410)
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Appendix B

New fire and rescue training centre including 'fire house' simulator, modular training and welfare building and ancillary parking and facilities,

**On land at DEFRA Lea Marston Depot, Coton Road,
North Warwick, B76 0BX.**

NWB/19CC013

Planning Conditions.

1. The development hereby approved shall be commenced no later than 3 years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

2. The development hereby permitted shall be carried out in accordance with the application forms, Design and Access Statement Rev C dated October 2020 and the following plans and documents:

- Location Plan – 4854/GD/19/001C;
- Location Plan – 4854/GD/19/002B;
- Proposed Site Plan – 4854/G/19/003 Rev G;
- Proposed Fencing – 4854/G/19/006 Rev A;
- Proposed Elevation from Lake – 4854/G/19/007;
- Drawing number 4854/G/19/005 – Proposed Training Building Elevations;
- Drawing number 4854/G/19/004 – Proposed Training Building Floor Plans;
- Drawing number EN-472-P1 Rev C 1 of 8,
- Drawing number EN-472-P1 Rev C 2 of 8,
- Drawing number EN-472-P1 Rev C 3 of 8,
- Drawing number EN-472-P1 Rev C 4 of 8,
- Drawing number EN-472-P1 Rev C 5 of 8,
- Drawing number EN-472-P1 Rev C 6 of 8,
- Drawing number EN-472-P1 Rev C 7 of 8,
- Drawing number EN-472-P1 Rev C 8 of 8,
- Drawing number EN-472-P2 Rev F- Carbonaceous & BA Training Facility Filtration Overhead Ducting;
- Flood Risk Assessment_Minerva Fire and Rescue Training Facility_42234-WOOD-XX-XX-RP-OW0003_S0_rev P02 dated 15 September 2020;

- Drainage Strategy Warwick Fire Stations: Lea Marston Depot_071300-CUR-00-XX-RP-C-0002_rev V01 dated 15 September 2020;
- Email from applicant_NWB/19CC013 – DEFRA site, Lea Marston_dated 22/10/2020(re - drainage)
- SuDs Operations and Maintenance Manual_Warwick Fire Stations: Lea Marston Depot_071300-CURLM-XX-RP-C-00004_rev V01;
- Landscape and Visual Appraisal: Minerva Site, Lea Marston, Kingsbury, prepared by Wood, dated October 2019;
- Preliminary Ecological Appraisal: WFRS Training Facilities, Minerva Site, Warwickshire prepared by Wood dated October 2019;
- Protected Species Report – Otter and Birds: 42234-WOOD-XX-XX-RP-OE-0015-A Rev P01.2 prepared by Wood, dated 13 August 2020
- Air Quality Assessment – New Training Facility for Warwickshire Fire Service – Minerva Site by Wood dated October 2019;
- Technical note: Fire Services Training Facilities: Minerva & Weir Sites – Noise prepared by Wood, dated November 2019;
- Email from agent Daniel Grimley dated 07 August 2020 giving Wood responses to Environmental Health Officer comments on Noise Assessment (Technical Note).

and any samples or details approved in accordance with the conditions attached to this permission, except to the extent that any modification is required or allowed by, or pursuant to, these conditions.

Reason: In order to define the scope of the permission and in the interest of clarity.

3. The development hereby permitted shall not commence until details of the metal screening panels to be used for the screening of the Minerva unit have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in strict accordance with the approved details and thereafter retained and maintained in accordance with those approved details unless the County Planning Authority gives prior written approval to any subsequent variations.

Reason: To ensure a satisfactory appearance of the development.

4. The development hereby permitted shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the County Planning Authority. The agreed Construction and Ecological Management Plan shall thereafter be implemented in full.

Reason: To ensure that protected species are not harmed by the development. (In discharging this condition, the County Planning

Authority expect to see details concerning pre-commencement checks for bats, breeding birds and otter and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site).

5. Within 3 months of the commencement of the development hereby permitted a detailed Landscape and Ecological Management Plan shall be submitted to and approved in writing by the County 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. Such approved measures shall thereafter be implemented in full.

Reason: To ensure that mitigation measures to protect the Local Wildlife Site and protected and important species are maintained and habitat is maintained to deliver a net biodiversity gain in accordance with NPPF. (The plan should include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles).)

6. The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved in writing by the County Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details and the fittings and columns shall be maintained in accordance with the approved details or any variations approved in writing by the County Planning Authority.

Reason: To ensure that mitigation measures to protect the Local Wildlife Site and protected and important species are maintained and habitat is maintained to deliver a net biodiversity gain in accordance with NPPF. (Note: In discharging this condition, the County Planning Authority expects all lux resulting from the lighting fixtures are contained within the site boundaries.)

7. Before the commencement of development, the net biodiversity impact of the development shall have been measured in accordance with the DEFRA biodiversity offsetting metric as applied by Warwickshire County Council ('the County Council') in the area in which the site is situated at the relevant time and, if the measures for on-site mitigation approved in accordance with Condition 3 of these conditions are not sufficient to prevent a net biodiversity loss, arrangements to secure measures on another site which ensure that there is no net biodiversity loss as a result of the development shall have been submitted to and approved in writing by the County Planning Authority. The approved arrangements shall thereafter be implemented in full.

Reason: To ensure a biodiversity net gain in accordance with the NPPF.

8. The development hereby permitted shall not commence until an Occupation Management Plan is submitted to and approved by the County Planning Authority that sets out operational procedures aimed at avoiding and mitigating impact on the adjacent Local Wildlife Site from the sight or sound of human activity. The development shall be carried out and operated in full accordance with such approved details unless otherwise agreed by the County Planning Authority.

Reason: To ensure that mitigation measures to protect the Local Wildlife Site and protected and important species are delivered in accordance with the Local Plan. (Note: In discharging this condition the County Planning Authority expects the plan to cover the limiting of any part of any person or persons to appear above the 5m exterior fencing for training purposes plus regular inspections and repair times of the 5m fence and any other mitigation measure that would eliminate or reduce impacts on the Local Wildlife Site.)

9. The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site has been submitted to and approved in writing by the County Planning Authority. The approved scheme shall be implemented in full prior to use of the development to the satisfaction of the County Planning Authority.

Reason: In the interests of Public safety from fire and the protection of Emergency Fire Fighters.

10. The development hereby permitted shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) undertaken by Wood Environment & Infrastructure Solutions UK Limited dated September 2020 reference 42234-WOOD-XX-XX-RP-OW-0003_S0_P02, and Drainage Strategy & Operation & Maintenance Manual and in particular the following mitigation measures detailed within the documents:

- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rainstorm to 2 l/s for the site.
- Provide provision of surface water attenuation storage as stated within the Drainage Strategy of 135m³ and/ or in accordance with 'Science Report SC030219 Rainfall Management for Developments'.
- Surface water is to be provided via a minimum of two trains of treatment and water from training exercises is to be collected separately using the proposed Firewater Tank for disposal in

accordance with the submitted SuDs Operation and Maintenance Manual.

- All new buildings and flood sensitive development shall be located outside of the flood plain.
- Finished floor levels shall be set in accordance with Table 5.1 of the Flood Risk Assessment.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme.

Reason: To prevent the increased risk of flooding to the development and future occupants; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

11. There must be no additional buildings, structures (including gates, walls and fences), storage areas or raised ground levels within 8 metres of the top of the bank of the River Tame, unless agreed otherwise in writing by the County Planning Authority.

Reason: To maintain access to the watercourse for maintenance or improvements to provide for overland flood flows and to avoid adverse impact on flood storage.

12. Other than incremental amounts of other fuel to aid ignition, the Minerva unit / Fire house shall only burn clean pallet wood and type 2 OSB board.

Reason: In the interest of public amenity.

13. The Filtration Unit shall be maintained in accordance with the manufacturer's specifications. No fires shall be undertaken unless the filtration unit is fully operational.

Reason: In the interest of public amenity.

14. The burn house shall only be used between the hours of 08:00 to 22:00 Monday to Friday, and between the hours of 08:00 and 18:00 on weekend days and shall not be used on more than 4 weekend days per calendar month. There shall be no activity on bank holidays.

Reason: In the interest of public amenity.

Notes

LLFA

Any connection or alteration to a statutory main river will require an Environmental Permit from the Environment Agency.

Development Plan Policies Relevant to the Decision.

North Warwickshire Local Plan 2006 (Saved Policies)

Policy CP3 – Natural & Historic Environment

Policy CP 6 - Local Services & Facilities

Policy ENV2 - Green Belt

Policy ENV3 - Nature Conservation

Policy ENV8 - Water Resources

Policy ENV9 - Air Quality

Policy ENV11 – Neighbour Amenities

Policy ENV 13 – Building Design

Policy ENV14 - Access Design

Policy ENV15 - Heritage Conservation, Enhancement and Interpretation

North Warwickshire Adopted Core Strategy 2014

Policy NW1: Sustainable Development

Policy NW3 Green Belt

Policy NW10 Development Considerations

Policy NW13 Natural Environment

Policy NW15 Nature Conservation

Compliance with the Town and Country Planning (Development Management Procedure) (England) Order 2015

In considering this application the County Council has complied with Paragraph 38 contained in the National Planning Policy Framework (NPPF) 2019.

Regulatory Committee - 2 February 2021

Proposed erection of modular classroom to replace existing modular building; car parking and associated works

**Henley-in-Arden C of E Primary School,
Arden Road, Henley-in-Arden, B95 5FT.**

SDC/20CC009

Application No.: SDC/20CC009

Advertised date: 04 December 2020

Applicant: Mr Craig Cusack
Warwickshire County Council
Shire Hall
Warwick
CV34 4RL

Agent: Mr Chris Robertson
YMD Boon Ltd
6b Anson House
Compass Point
Market Harborough
LE16 9HW

Registered by: The Strategic Director for Communities on 19 November 2020

Proposal: Proposed erection of modular classroom to replace existing modular building; additional car parking and associated works.

Site & location: Henley-In-Arden Cof E Primary School,
Arden Road,
Henley-In-Arden. [Grid ref: 415561.265917].

See plan in Appendix A

Recommendation

That the Regulatory Committee authorises the grant of planning permission for the proposed erection of a modular classroom to replace the existing modular building, the provision of car parking and associated works, subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

1. Application details

- 1.1 The application seeks approval for the removal of an existing temporary classroom at Henley-in-Arden Primary School and the erection of a larger modular building in the same location for use as a Special Educational Needs and Disabilities (SEND) Unit.
- 1.2 The proposed building would be a single storey flat roof classroom with a footprint area of 22.8 m by 9.3 m (212 m²); larger than the existing building which has a footprint area of 15 m by 8 m (120m²). The building would be clad with vertical timber cladding panels on all elevations of the building, with white powder coated aluminium fascia and white doors and window frames.
- 1.3 Internally the building would provide two classrooms, each 42 m² in area, one for Key Stage 1 pupils and the other for Key Stage 2. In addition, the building would provide a 10m² staff room, a small group teaching room 10 m², kitchen, calm room, 5 toilets including one disabled toilet, a therapeutic area, storage space and circulation space.
- 1.4 The building would be separated from the remainder of the school site by a 1.2 m high palisade fence. An external play area to the east of the building would be included within the fence area, separating it from the school playing field to the east.
- 1.5 The proposed SEND unit would accommodate a total of 14 pupils with one teacher and three teaching assistants.
- 1.6 The number of staff at the school would remain the same as the present requirement of 20. There would be an overall decrease in pupil numbers at the school from the current 143 down to 141 pupils.
- 1.7 Two trees, a bird cherry and an alder, growing in the playground area immediately to the north of the existing building would be required to be removed to accommodate the larger classroom building.
- 1.8 An area of grass to the east of the entrance gates is proposed to be removed to create an additional area of hardstanding to accommodate 5 car parking spaces including one disabled space. The greater area of hardstanding would increase the circulation area for vehicular and pedestrian traffic at the front of the school building.

2. Consultation

- 2.1 **Stratford on Avon District Council - Planning:** No comments received.
- 2.2 **Stratford On Avon District Council - Environmental Health:** No comments received.
- 2.3 **Beaudesert & Henley-in-Arden Joint Parish Council:** No comments received.
- 2.4 **Councillor John Horner:** No comments received by 22 January 2021.
- 2.5 **WCC Equality and Diversity Team:** No comments to make on this application.
- 2.6 **WCC Highways:** No objection.
- 2.7 **WCC Archaeology:** No archaeological comments to make on this application.
- 2.8 **WCC Ecology:** No objection raised. It is recommended that informative notes relating to protected species be attached to any permission granted.
- 2.9 **WCC Fire and Rescue Service:** No comments received.
- 2.10 A site notice was displayed at the entrance to the school site on 02 December 2020.
- 2.11 The 25 nearest residential properties were individually notified on 04 December 2020.

3. Representations

- 3.1 Two responses received from neighbouring residents stating the following concerns and objections.
 - Concern at overlooking as their back garden and bedroom window look right onto the proposed classroom.
 - The proposed building is double the size of the existing, not 'of a similar dimensions and scale' as described in the application. The building will be detrimental to the environment.
 - The development is unjustified when the school is currently only used at 75% of its design capacity.

- Two mature trees, a wild cherry and an alder will require cutting down – they are healthy and support local wildlife including a refuge for the scarce and diminishing bat population.
- The fact that 6 sapling trees are to be planted is scant consolation as they will not become mature for many years.
- Object to the proposal to tarmac over pleasant greenery to provide 5 car parking spaces.
- Object to any increase in parking given the highly dangerous access via Arden Road.
- The school gate is only just wide enough for single vehicle access and does not allow vehicles to pass during access. The developers' proposal of allowing parents to drop off children within the school boundary would result in total gridlock and would be extremely hazardous to the safety of children and parents alike.
- The developer has acknowledged that parents will be allowed to traverse the already extremely hazardous and over congested stretch of Arden Road between Castle Road and the single vehicle width school entrance gate to drop their children off within the school despite the lack of a safe drop off area. They will then turn around within the school boundary and drive out at the same time the 13 or so other parents are attempting to drop their children off. The developers claim that this will not be a problem as the traffic flow has not increased. This is simply absurd and would create a disaster with 14 parents' vehicles (28 traverses in the morning and 28 in the afternoon, a total of 56) per day.
- The old chestnut that this won't ever be a problem as these parent movements will take place during 'off peak periods' is also rolled out. This densely congested stretch of Arden Rd simply does not have an off-peak period between 0830 to 1530. It is even later than that with the advent of after school clubs at the adjoining St. Mary's primary school. Waste disposal trucks, school meal vehicle delivery trucks, Laundry trucks, parcel delivery vans, etc consistently traverse the entrance gates throughout the day. With or without the SEND unit it is claimed the 2 schools are planning to stagger start and finish times anyway!
- I would strongly urge the planning department to reject these proposals for the benefit of the local environment, appearance of the school, the conservation of local wildlife and most importantly the health and safety of local children.
- Whilst provisioning of a SEND unit along the lines proposed may be a prestigious facility for the School and of benefit to its pupils sadly the installation of such a facility given the limitations of the access

infrastructure and the existing environment leads me to passionately believe that an alternative School site should be sought. To do otherwise will indeed present a most serious threat to children's safety.

4. Previous Planning History

- 4.1 There have been a number of planning applications for extensions to the school buildings, determined by both the County Council and the District Council. The most recent application for a single storey flat roofed extension in 2013 was approved by Stratford-on-Avon District Council (Ref: 13/01121/FUL). The temporary building to be removed and replaced by the proposed SEND unit was approved by Stratford District in 2000 (Ref: 00/01592/FUL)

5. Assessment and Observations

Location

- 5.1 Henley-in-Arden Church of England School is located in Arden Road, on the north-eastern edge of the settlement, in a predominantly residential area over 400 metres to the east of the High Street (A3400). To the north of and adjacent to the school grounds is Henley Mount / Beaudesert Castle, a hill and the site of a former motte and bailey. A public footpath (SD207) runs along the boundary of the school grounds, giving access onto the hillside and affording views into the school grounds from this public viewpoint.
- 5.2 The school is accessed from the single vehicular and pedestrian entrance from Arden Road. The road at this point is a no-through road, serving both Henley in Arden Primary School and the neighbouring St Mary's Catholic Primary School. Henley School has a car park area to the west and south of the main school buildings. The school's playing field is positioned to the east of the school buildings. The houses and bungalows in Castle Road and Castle Close have rear gardens and rear elevations facing towards the school playing field, the school buildings and the application site. The school's tarmac playground area is located to the north of the school buildings and to the west of the playing field.

Planning Policy

- 5.3 Paragraph 11 of the National Planning Policy Framework (NPPF) February 2019 explains that there is a presumption in favour of sustainable development and what that means. What the presumption means in relation to a planning application is that:
- (a) proposals which accord with an up-to-date development plan should be approved without delay; and

- (b) where there are no relevant development plan policies or the policies most important for determining the application are out-of-date, then permission should be granted unless:
- the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Where the presumption in (b) applies, it is often referred to as the “tilted balance” in favour of the application.

- 5.4 **Paragraph 12** goes on to explain that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 5.5 **Paragraph 48** explains that authorities may give weight to relevant policies in emerging development plans according to: a) the stage of preparation of the emerging plan; b) the extent to which there are unresolved objections to relevant policies; and c) the degree of consistency of the relevant policies in the emerging plan to this Framework.
- 5.6 In this case, there is a development plan in place which has relevant policies that are considered to be up to date so far as they relate to this proposal. Therefore, the application should be determined (as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004) in accordance with those policies unless material considerations indicate otherwise. The Development Plan relevant to the proposal consists of the Stratford-on-Avon District Council Core Strategy (Adopted July 2016). The Beaudesert and Henley-in-Arden Neighbourhood Development Plan is emerging policy, currently in Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended), having reached pre-consultation stage, but is not yet a part of the Development Plan for the application site.

National Planning Policy

- 5.7 The NPPF states that the planning system has three overarching objectives; economic, social and environmental which are interdependent and need to be pursued in mutually supportive ways. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 5.8 **Paragraph 91** of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction; are safe and accessible, so that crime and disorder, and the fear of crime do not undermine the quality of life or community cohesion.
- 5.9 **Paragraph 94** of the NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:
- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
 - b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.
- 5.10 **Paragraph 109** of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.11 **Paragraph 127** of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive, sympathetic to local character and create places that are safe, inclusive and accessible.
- 5.12 **Paragraph 170** states that planning decisions should contribute to and enhance the natural and local environment by means including minimising impacts on and providing net gains for biodiversity.

Stratford-on-Avon District Council Core Strategy (Adopted July 2016)

- 5.13 **Policy CS1 Sustainable Development:** states that the Council supports and will apply the principle that planning to secure a high-quality environment, managed economic growth and social equity are of equal importance. All development proposals should contribute towards the character and quality of the District and to the well-being of those who live and work in and visit the District. Development should

be located and designed so that it contributes towards the maintenance of sustainable communities within the District.

- 5.14 **Policy CS2 Climate Change and Sustainable Construction - B. Sustainability Standards in Buildings:** states that the Council will encourage high standards of sustainability to ensure that development minimises its impact on the environment. The Council will promote an 'energy hierarchy' in seeking to achieve carbon dioxide emissions reduction.
- Non-Residential Development:** All non-residential development should be compliant with BREEAM 'Good' standard until such time as this is superseded by the equivalent standards in the Building Regulations. Developers should seek to exceed these standards where it is viable to do so.
- 5.15 **Policy CS.4 Water Environment and Flood Risk** – states that all development proposals will take into account, dependent on their scale, use and location, the predicted impact of climate change on the District's water environment. Measures will include sustainable use of water resources, minimising water consumption, protecting and improving water quality, and minimising flood risk from all sources, as set out in the most up-to-date Strategic Flood Risk Assessment (SFRA).

B. Surface Water Runoff and Sustainable Urban Drainage Systems – states that all development proposals should ensure there is no increase in the rate of surface water runoff from the site as a result of development and, where possible, should seek to reduce the rate of surface water runoff generated from the development to the equivalent Greenfield runoff rates.

Sustainable Urban Drainage Systems (SUDS) will be proportionately incorporated in all scales of development, supported by a groundwater risk assessment. Infiltration SUDS will be promoted where it is practical. Where evidence is supplied to demonstrate that infiltration SUDS are not applicable, the SUDS hierarchy will be followed. Where SUDS are proposed, arrangements will be put in place for their whole life management and maintenance. Making space for water should be incorporated into the design layout to allow for a full range of SUDS measures.

- 5.16 **Policy CS.6 Natural Environment:**

A. Biodiversity states that proposals will be expected to minimise impacts on biodiversity and, where possible, secure a net gain in biodiversity by safeguarding and, where possible, enhancing existing habitats.

Where a development will have a negative impact on a biodiversity asset, mitigation will be sought in line with the mitigation hierarchy. Impacts should be avoided and if this is not possible mitigated. Where there would be a residual impact on a habitat or species and mitigation cannot be provided on site in an effective manner, developers will be required to offset the loss by contributing to appropriate biodiversity projects elsewhere in the area. Where an impact cannot be fully mitigated or, as a last resort, compensated for, then planning permission will be refused.

5.17 Policy CS.8 Historic Environment:

A. Protection and Enhancement – states that the District’s historic environment will be protected and enhanced for its inherent value and for the enjoyment of present and future residents and visitors.

Priority will be given to protecting and enhancing the wide range of historic and cultural assets that contribute to the character and identity of the District, including designated heritage assets such as Listed Buildings and Conservation Areas.

5.18 Policy CS.9 Design and Distinctiveness:

B. Ensuring High Quality Design – states that high quality design will be achieved by ensuring that all development is:

1. Attractive: Proposals will be of a high-quality architectural design and include appropriate landscaping.
2. Sensitive: Proposals, including layout and orientation, will be sensitive to the setting, existing built form, neighbouring uses, landscape character and topography of the site and locality.
5. Environmentally Sustainable: Proposals will respond to climate change. Measures should include energy efficiency technologies, low carbon and renewable energy sources, the use of local materials where possible, effective water management and flood protection, and appropriate landscaping.
8. Healthy: Proposals will ensure a good standard of space and amenity for occupiers. Occupants of new and neighbouring buildings will be protected from unacceptable levels of noise, contamination and pollution, loss of daylight and privacy, and adverse surroundings.

5.19 Policy AS.4 Henley-in-Arden: The Council will apply the following principles in considering development proposals and other initiatives relating to the Henley-in-Arden area. It will assess the extent to which each of these principles is applicable to an individual development proposal. Developers will be expected to contribute to the achievement of these principles where it is appropriate and reasonable for them to do so, taking into account the provisions of the Infrastructure Delivery Plan.

A. Environmental

1. Protect the historic character and appearance of the town and the open spaces within it.
2. Improve the appearance of and access to Henley railway station.
3. Enhance the biodiversity value of the disused railway line to the north of the town.
4. Protect existing woodland and reverse fragmentation through new planting and restoration of connections between woodland.
5. Strengthen connections to nearby green infrastructure assets such as the Stratford-upon-Avon Canal, Austy Wood and Bannam's Wood.
6. Investigate the removal of weirs and/or the provision of fish passes on the River Alne through the town.

B. Social

1. Improve public transport services in the area, including bus services to Redditch and Warwick.
2. Improve facilities at the railway station, including additional car parking and a pedestrian bridge.
3. Manage Beaudesert Mount sensitively as a popular recreational attraction.
4. Provide additional parks, gardens and amenity greenspace given the shortfall against the standard set out in Policy CS.25 Healthy Communities.
5. Provide additional play spaces for children and young people given the shortfall against the standard set out in Policy CS.25 Healthy Communities.
6. Provide additional allotments/community orchards given the shortfall against the standard set out in Policy CS.25 Healthy Communities.

C. Economic

1. Provide scope for employment uses in the town, including small workspace units, to support local job opportunities.
2. Encourage the provision of further shops in the town centre.
3. Promote the town as a visitor attraction, including for coach tours.
4. Support the reinstatement of Henley Market on an appropriate site.

Need

- 5.20 Henley-in-Arden Primary School is a single form entry primary school with a PAN of 30, which equates to a capacity of 210 pupils. The school also has nursery places for children, with 9 nursery age children currently attending the school. Henley-in-Arden is a settlement surrounded by Green Belt with no large areas of new housing development. As a result, the numbers of Primary age children in the school catchment area is not increasing but has decreased over the last few years.

- 5.21 In 2016 there were 198 pupils attending the school, in 7 classes. By September 2020 the school roll had fallen to 136 children, not including nursery pupils. There are currently 25 pupils in each of Year 5 and Year 6; too many pupils to combine into a single class (maximum of 30 pupils), as a result there are currently 5 classes at the school. When the current pupils in years 5 and 6 have left to go to Secondary School, the number of classes will reduce to 4, combining Nursery and Reception; Years 1 and 2; Years 3 and 4 and Years 5 and 6. There is capacity within the main school buildings to accommodate the number of students on the school roll.
- 5.22 The existing temporary classroom which is currently surplus to the school's needs is being used for the next few months by a class of pupils from the neighbouring St Mary's Catholic Primary School.
- 5.23 The proposed Special Educational Needs and Disabilities (SEND) unit would be a new and additional facility on the primary school site. The unit would provide school places for 14 pupils with the appropriate surroundings and facilities to meet their special educational needs. The unit would be staffed by 1 teacher and 3 teaching assistants.
- 5.24 The future reduction in the number of classes at the primary school would result in a reduction in teacher numbers. The proposed development would not therefore result in an increase in overall staff or pupil numbers on the school site, above the current level.

Amenity Issues

- 5.25 The proposed SEND unit would be located to the east of the main school buildings replacing the existing temporary classroom. The building would be viewed from the rear elevations and rear gardens of houses and bungalows of Castle Road and Castle Close. The closest properties are houses numbered 3 and 4 Castle Road. There is currently a separation distance of some 37 metres between the rear elevation of the dwellings and the side elevation of the existing building. The proposed building has a larger footprint area, with the result that the southern / side elevation of the new building would be approximately 7 metres closer to the houses in Castle Road with a separation distance of some 30 metres.
- 5.26 There are currently two high level windows and the entrance door in the south elevation of the existing modular building facing towards Castle Road. Two windows, each serving a classroom are proposed in the south facing elevation of the SEND unit. A comment was received expressing concern at overlooking between the classroom and the residential properties. Stratford-on-Avon District Council's Development Requirements Supplementary Planning Document (SPD) states that the back-to-back separation distance between two residential buildings of either 1.5 or 2 storeys high are required to be a minimum of 21 metres and where dwellings are 2.5 or 3 storeys in height a separation

distance of 27 metres is required. While this guidance is for residential rather than non-residential development, it has been used in this context to provide a benchmark to indicate a separation distance that is considered acceptable to avoid overlooking of neighbouring premises. Given that the distance between the rear elevation of the closest residential dwelling and the classroom is 30 metres there is not considered to be overlooking to a degree that would warrant a recommendation of refusal or a recommendation for a condition requiring the classroom windows to be obscured glazed. There is no loss of light to neighbouring dwellings as a result of the development. Replacement trees are proposed to be planted in the area between the southern elevation of the SEND unit and the rear gardens of Castle Road, which would provide increasing screening between the properties over time.

- 5.27 While the replacement building is larger than the existing temporary classroom, it is considered that the scale of the building, the proposed design and the use of timber cladding as a finish for the building is acceptable and would make a positive contribution to the appearance of the school site from nearby public viewpoints. The development is considered to comply with policy CS.9 of the Core Strategy.
- 5.28 The proposed extended car park area would be to the east of the school entrance gate and adjacent to the school's southern boundary. The site is currently an area of grass. An electricity substation is located to the south of the school grounds. Two detached dwellings have recently been constructed following approval by Stratford District Council on the site of a former Council garage court which previously occupied the land around the substation. The rear elevations of these new properties face towards the school. The property on the junction of Castle Road and Arden Road is separated from the school grounds by the substation. The second new house has a rear garden that extends to the school boundary which is marked by both a 1.8 m high close boarded fence and the school's 2 m high green wire mesh security fencing.
- 5.29 Amended plans were submitted indicating the position of the 5 car spaces moved a distance to the east by a sufficient degree to ensure that construction of the hardstanding area would not have an adverse impact on the root protection area of the multi-stemmed sycamore tree growing next to the entrance gates.
- 5.30 The impact of the development and use of the additional area of hardstanding on the adjoining dwellings is not considered to be significantly greater than the use of the existing hardstanding area for parking and would not result in a detrimental impact to a degree that would warrant a recommendation to refuse the application.

Environmental Issues

Ecology

- 5.31 The school site is characterised by buildings, hardstanding areas, scattered trees with the playing field providing a large area of grass. To the north of the school is the Local Wildlife Site of Beaudesert Mount which is characterised by woodland, scrub and grassland.
- 5.32 The proposed development requires the removal of two trees on the northern side of the existing temporary building, a bird cherry tree and an alder. A local resident objected on the grounds that the loss of the two trees would have an impact on bat activity and wildlife in general. The Preliminary Ecological Appraisal (PEA) submitted with the application states that bats might use the tree line along the northern boundary for foraging and navigation and that bat activity would be expected within the Local Wildlife Site to the north of the school site, however, the report advises that no impact on bats is expected as a result of the development. Similarly, in relation to nesting birds the PEA concludes that no impact on birds is anticipated.
- 5.33 The Tree Survey Report submitted with the application indicates that a total of 6 trees would be planted to compensate for the loss of the two trees to be removed; to replace two other trees recently felled within the grounds and to provide a net gain in canopy cover on the school site. The location of the additional trees in an area to the south of the proposed building would have the benefit of providing in time a vegetation screen between the school buildings and the neighbouring gardens and residential properties. A condition is recommended to ensure the provision and maintenance of the new tree planting in accordance with the detail set out in the Tree Protection Plan and in Table 2 of the Tree Survey Report (Condition 5).
- 5.34 The County Ecologist recommended that the proposed works are carried out outside the bird nesting season. If that is not possible, then the site must be checked for nesting birds by a qualified ecologist immediately prior to work commencing. While the PEA concludes that protected species are unlikely to be impacted by the proposals, it is recommended that informative notes relating to bats and hedgehogs are attached to any permission granted.
- 5.35 The amended plan indicates the proposed car park spaces moved slightly to the east, in order to reduce any impact on the sycamore tree growing next to the entrance gates. An objection was received from a local resident on the loss of the area of grass in order to create the additional hardstanding for the 5 car spaces. No objection was made by the Ecologist to the removal of the area of grass. It is considered that the measures recommended in the PEA including the enhancement of biodiversity by the changes to grass cutting regimes elsewhere on the school site and the installation of habitat boxes would overcome the ecological impact of the removal of this area of grass.

The proposed development is considered to accord with the requirements of Policy CS.6.

Highway Issues

- 5.36 The residential roads surrounding the school are narrow and as is the case for schools generally across Warwickshire and indeed across the country, the area experiences traffic congestion at peak times. Arden Road is a no-through road in the section to the north of the junction with Castle Road. There is yellow lining on the road surface with 'School Keep Clear' zigzags which run some 50 metres along the western length of the road to the junction with Mount Road to avoid vehicles parking in this area close to the school entrance. Access for vehicles and pedestrians to the school is via the entrance gate on Arden Road. No alteration to the access is proposed as part of the proposals.
- 5.37 The enlargement of the area of hardstanding to the south of the school buildings and the location of 5 car parking spaces adjacent to the southern boundary of the school site is intended to make it easier for the flow of pedestrian and vehicular traffic in this area of the site.
- 5.38 The Design and Access Statement informs that the proposed development would not result in an increase in staff or pupil numbers attending the school site.
- 5.39 As stated above traffic congestion associated with the school is primarily at peak times when parents are delivering or collecting children from school. A local resident comments that this stretch of Arden Road does not have an 'off peak' period between 08:30 and 15:30 as a result of the deliveries to the school, including waste collection, laundry trucks etc and that the after-school clubs at the neighbouring St Mary's Primary further extend the peak period. While it is acknowledged that there are deliveries and vehicle movements associated with the schools throughout the school day, they do not represent a 'peak'. The school are proposing to stagger the start /drop-off times in order to reduce the levels of traffic at peak times. The benefit of having differing start and finish times for various classes or age groups and the operation of after-school clubs is to avoid vehicles arriving / departing at the same time, thereby spreading the traffic over a greater time period in order to reduce the peak levels of activity with the benefit of improving traffic flow and safety.
- 5.40 In response to an objection received from a neighbouring resident, the applicant advised that parents of pupils attending the SEND unit would be able use the extended hardstanding area within the school grounds to drop their children off during off-peak hours. The start times for the SEND unit would differ from the main school, with pupils attending the unit arriving at staggered times. The circulation area afforded by the increased hardstanding area is considered acceptable to enable

vehicles delivering pupils to park safely and to manoeuvre and leave the premises without conflict. A condition is recommended for a School Travel Plan outlining details to promote sustainable transport choices including the use of the staggered school times, to be submitted within 6 months of occupation of the SEND unit (condition 7).

- 5.41 The County Highway Authority have commented that they have no objection to the proposed development. It is noted that there is a current planning application with Stratford-on-Avon District Council for the erection of a replacement modular classroom at the neighbouring St Mary's School. If the two planning applications are approved it would be possible that both developments could be under construction at the same time. A condition is recommended for a Construction Management Plan to ensure the safety of users of the school site, local residents and highway safety during the implementation of the development (condition 4).

Flood Risk and Drainage

- 5.42 The school lies within Flood Zone 1 where there is considered to be no risk of fluvial flooding.
- 5.43 Surface water and foul drainage exists on site serving the existing building. The replacement building would be linked to that existing main drainage.

Accessibility

- 5.44 The Design and Access Statement advises that the development would meet the requirements of Part M of the Building Regulations and the requirements of the Disability Discrimination Act. There would be level access thresholds throughout the building.

Sustainable Design

- 5.45 The building would be constructed to meet current Building Regulations that satisfy the requirements of Policy CS.2 for Non-Residential Development.

Heritage

- 5.46 The Henley-in-Arden Conservation Area runs along the northern boundary of the school site. The Conservation Area includes Beaudesert Castle, site of a motte and bailey castle and fishponds, an Historic England Scheduled Monument site located immediately to the north of the school grounds. The raised ground of the Monument site affords views into the school from a footpath that runs along the top of the hill in addition to a public footpath that runs beside the school boundary fence. The views into the school grounds are however

significantly screened by the vegetation on the slopes of the hill and around the boundary of the school.

- 5.47 There are a large number of listed buildings on the High Street of Henley-in-Arden and two located closer to the school, in Beaudesert Lane to the north-west of the school. The Grade I listed mid-12th Century Church of St Nicholas, and Grade II listed Manor House are located over 290 metres and neither of the Listed properties are seen in the context of the school site.
- 5.48 The proposed classroom is to replace an existing temporary building. While the footprint area of the new building would be larger than the existing, it would be located in the same area as the existing and would not significantly alter the appearance of the school site when viewed from the neighbouring Conservation Area and Scheduled Monument. The County Archaeologist stated that there were no archaeological comments to make. The proposed development is not considered to have an adverse impact on the setting of the designated heritage assets in the area and to accord with Policy CS.8 of the Core Strategy.

6. Conclusions

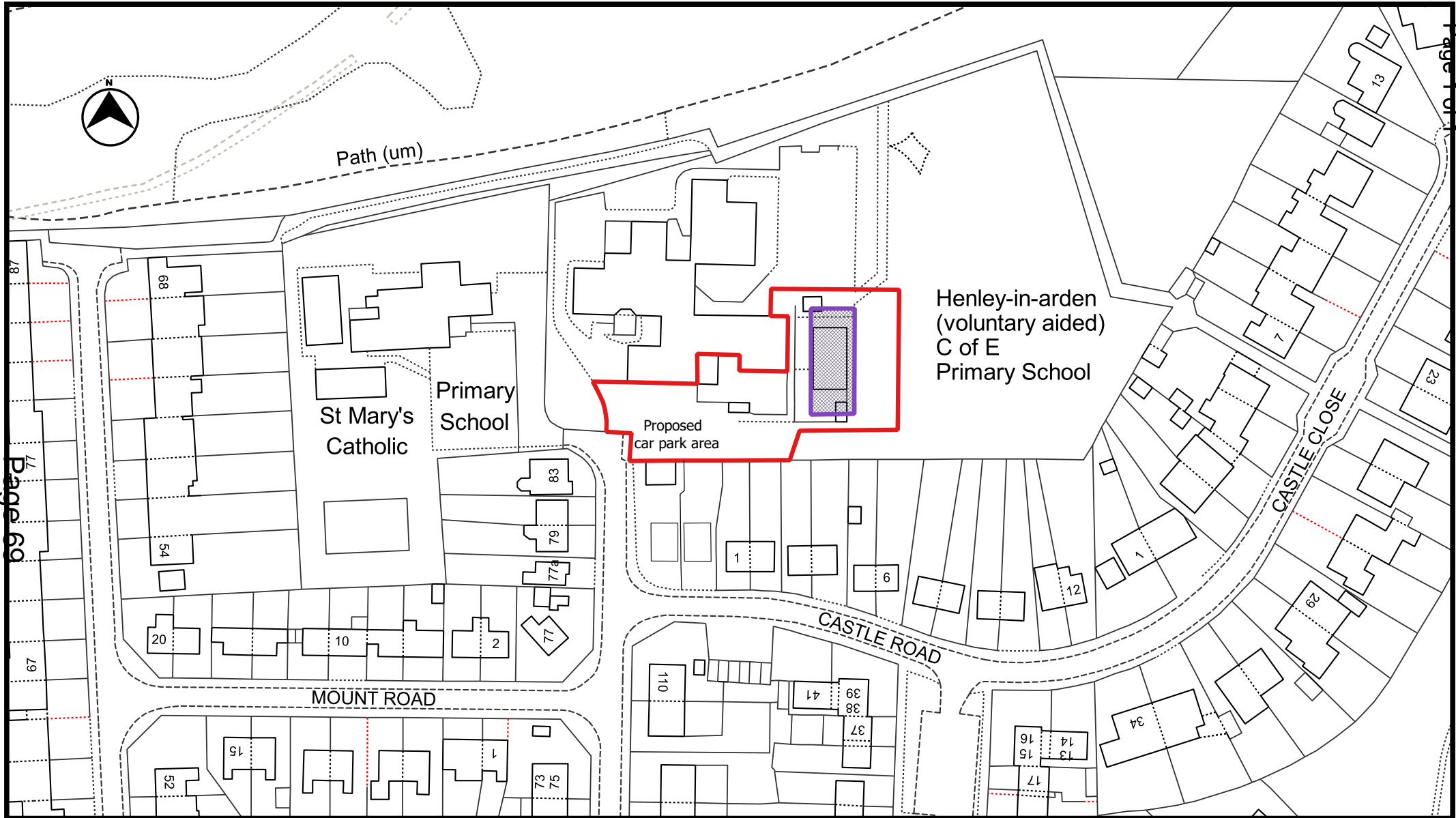
- 6.1 There are views into the school site from the adjacent public footpath which marks the Conservation Area boundary and from the footpath that runs along the top of scheduled monument of Beaudesert Castle. However, the views are screened to a degree by vegetation and the replacement building would be seen in association with the main buildings on the school site. It is considered that the development would result in no material harm to the significance of the nearby heritage assets and to accord with Policy CS.8.
- 6.2 The design of the building and choice of materials are considered to be acceptable. The impact on the visual amenity of neighbouring residential properties in terms of appearance and overlooking is not considered to be to a degree that would warrant a recommendation of refusal and to accord with Policy CS.9.
- 6.3 It is considered that the proposed development complies with the requirements of the development plan and that there are no other material considerations that would justify refusal. It is therefore recommended that the application be approved subject to the conditions in Appendix B below.

7. Supporting Documents

- 7.1 Submitted Planning Application – Planning reference SDC/20CC009
- 7.2 Appendix A – Map of site and location.
- 7.3 Appendix B – Planning Conditions.

	Name	Contact Information
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Strategic Director for Communities	Mark Ryder	
Portfolio Holder	Cllr Jeff Clarke	

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Application No: SDC/20CC009
Henley-in-Arden C of E Primary School
Erection of replacement modular classroom, additional car parking and ancillary works

Regulatory Committee 02 February 2021
 Scale 1:1250 Drawn by: SP Dept: Communities

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 Shire Hall
 Warwick, CV34 4SA
 Telephone (01926 410410)
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Appendix B

Proposed erection of modular classroom to replace existing modular building; additional car parking and associated works, Henley-in-Arden C of E Primary School, Arden Road, Henley-In-Arden, B95 5FT.

SDC/20CC009

Planning Conditions.

1. The development hereby approved shall be commenced no later than three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the application form and with the details shown on drawings and documents:

- Design and Access Statement by YMD Boon Ltd dated 13.11.2020;
- Preliminary Ecological Appraisal by Ecology Resources Ltd dated Sept 2020;
- Pre-Development Tree Survey Report by Ecology Resources Ref: 20101, Issued 15.09.20;
- Tree Constraints Plan Henley-in-Arden School Drawing No: 20101-01 Rev B;
- Tree Protection Plan Henley-in-Arden School Drawing No:20101-02 Rev B;
- Location Plan: J4600-01;
- Site Plan: J4600-10 (excluding the detail of the car parking spaces);
- Proposed plan: J4600-30 Rev A;
- Proposed plan: J4600-31;
- Proposed elevations: J4600-51

and any samples or details approved in accordance with the conditions attached to this permission, except to the extent that any modification is required or allowed by or pursuant to these conditions.

Reason: In order to define the exact details of the planning permission granted and to secure a satisfactory standard of development.

3. The development hereby permitted shall not commence until details of all external materials and external colour samples to be used for the development have been submitted to and approved in writing by the County Planning Authority. The development shall then be carried out in accordance with the details (or any variation) so approved.

Reason: To ensure the satisfactory appearance of the completed development.

4. The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason: In the interest of highway safety.

5. No development shall take place until adequate measures have been taken to protect existing trees during development. A suitable barrier shall be erected adjacent to the trees before work starts. This fenced area shall include a buffer zone of at least 2 metres between the development and the nearest edge of the tree's canopy. No vehicles, plant or equipment shall enter and no materials shall be stored within this buffer zone.

Reason: To ensure the protection of existing trees during development.

6. The development shall be implemented in accordance with the replacement tree planting scheme as detailed in Table 2 of the Pre-Development Tree Survey Report and drawing number 20101-02 Rev B Tree Protection Plan or any variation submitted to and approved in writing by the County Planning Authority, and planting shall be carried out:

- a) Before the end of the current or first available planting season following practical completion of the development hereby permitted: or
- b) In accordance with a timetable agreed in writing with the County Planning Authority.

Any such trees that are removed, die or become, seriously damaged or defective within five years of planting shall be replaced with specimens of a similar size and species as originally required.

Reason: To ensure the provision of the amenity afforded by trees in respect of the proposed development.

7. Within 6 months of the first occupation of the SEND unit a Green Travel Plan to promote sustainable transport choices to the site shall have been submitted to and approved in writing by the County Planning Authority. The measures (and any variations) so approved shall be implemented at all times. The Plan shall:
- (i) specify targets for the proportion of pupils, employees and visitors travelling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels;
 - (ii) set out measures designed to achieve those targets together with timescales and arrangements for their monitoring, review and continuous improvement;
 - (iii) identify a senior manager of the school with overall responsibility for the plan and a scheme for involving staff, pupils and visitors of the school in its implementation and development.

Reason: In order to minimise traffic, congestion and potential parking issues in and around the school site and to preserve highway safety.

Notes

Ecology notes:

- Bats can be found in many buildings, even those that initially appear to be unsuitable or have been subject to a bat survey and found no evidence. Therefore, if any evidence of bats is found on site, work should stop while a bat survey is carried out by an experienced bat worker, and any recommendations made following the survey are undertaken. It should also be noted that as bats are a mobile species and can move into a property with potential access at any time. Bats and their roost sites are protected under the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 and are also deemed European Protected Species.
- In view of the nearby records and suitable habitat, care should be taken when clearing the ground prior to development and when storing materials on site. If evidence of specially protected species such as reptiles or amphibians is found (great crested newt, grass snake, common lizard or slow worm), work should stop while WCC Ecological Services (01926 418060) or Natural England (02080 261089) are contacted. If common amphibians are found during works, these should be moved carefully to a suitable habitat outside of the construction area. Reptiles and amphibians are protected to varying degrees under the Wildlife and Countryside Act 1981 (as amended) and great crested newts are additionally deemed European Protected Species under the Conservation of Habitats and Species Regulations 2017.

- In view of the nearby hedgehog record and suitable habitat, care should be taken when clearing the ground prior to development. If any hedgehogs are found, these should be moved carefully to a suitable adjacent habitat. Hedgehogs are of high conservation concern and are a Species of Principal Importance under section 41 of the NERC Act.
- Where possible enhancements should be incorporated into the development to improve the habitats and opportunities for the local wildlife and increase biodiversity. Examples of such enhancements are; bat and bird boxes which can be used by a variety of species, planting native species hedges, wildflower planting and habitat piles of rubble, logs and earth which can be used by reptiles, amphibians and invertebrates. The WCC Ecological Services (tel: 01926 418060) would be pleased to advise further if required.

Development Plan Policies Relevant to the Decision.

Stratford-on-Avon District Council Core Strategy (Adopted July 2016)

Policy CS1 Sustainable Development

Policy CS2 Climate Change and Sustainable Construction

Policy CS.4 Water Environment and Flood

Policy CS.6 Natural Environment:

Policy CS.8 Historic Environment:

Policy CS.9 Design and Distinctiveness

Policy AS.4 Henley-in-Arden

Compliance with the Town and Country Planning (Development Management Procedure) (England) Order 2015

In considering this application the County Council has complied with paragraph 38 contained in the National Planning Policy Framework.

Regulatory Committee – 2 February 2021

**Segregation fencing and vehicular access gates
between the existing Hydrotherapy Pool building and
the Pears Centre site
at Former RNIB Pears Centre for Specialist Learning,
Wheelwright Lane, Ash Green, Bedworth. CV7 9RA**

NBB/20CC005

Application No.: NBB/20CC005

Advertised date: 17 September 2020

Applicant(s) Mr Craig Cusack
Warwickshire County Council
Shire Hall
Warwick
CV34 4RL

Agent(s) Mr Steve Buckley,
Warwickshire County Council
Design and Major Projects,, Shire Hall
Warwick

Registered by: The Strategic Director for Communities on 14
September 2020

Proposal: Segregation fencing and vehicular access gates
between the existing Hydrotherapy Pool building and the
Pears Centre site.

Site & location: RNIB Pears Centre For Specialist Learning,
Wheelwright Lane, Ash Green, Bedworth, CV7 9RA.
[Grid ref: 433614.284384].

See plan in Appendix A

Recommendation

That the Regulatory Committee authorises the grant of planning permission for segregation fencing and vehicular access gates between the existing Hydrotherapy Pool building and the Pears Centre site, subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

1. Site and Surroundings

- 1.1 The Pears Centre is located within the Nuneaton and Bedworth Borough Council area, approximately half a mile from the Coventry City boundary. It has good road access from the A444 Phoenix Way.
- 1.2 In December 2019 the Pears Centre was bought from the Royal National Institute of Blind People (RNIB) by Warwickshire County Council, with the intention of converting it to a Special Educational Needs and Disabilities (SEND) school. The Centre is currently unoccupied except for security and maintenance staff.
- 1.3 The Centre was previously an RNIB educational facility, comprising a school building, five residential bungalows, an administration office building, and a hydrotherapy pool building. The present planning application relates only to fencing off the hydrotherapy pool building and its immediate surrounds, prior to its transfer to the adjacent Exhall Grange Specialist School.
- 1.4 Overall, the Pears Centre is approximately 250 metres East to West, and 150 metres North to South, rising gently from the main gate in the East to the application site in the West. The application site is 0.33 hectares, approximately 35 metres East to West and 60 metres North to South, located in the South West corner of the Pears Centre site.
- 1.5 Exhall Grange Specialist School is to the South of the site, a private section of Blackberry Lane is to the West beyond the Pears Centre boundary, and there is open space to the immediate North and East of the application site, within the Pears Centre. There is a sports field on the other side of Blackberry Lane.
- 1.6 There is existing dark green metal security fencing around the Pears Centre boundary, with a padlocked gate to Blackberry Lane within the application site. The purpose of the security fencing is to both keep special needs occupants in, and to keep others out.

2. Application Details

- 2.1 The Pears Centre conversion to a SEND school is planned in three phases:

Phase 1: Hydrotherapy Pool fencing - this planning application.

Phase 2: School conversion - planning application NBB/20CC008 validated on 12 November 2020 that includes primarily car parking, sports pitch, multi-use games area (MUGA), fencing and landscaping. The existing school building would not be altered externally.

Phase 3: Conversion of residential bungalows, and office to administration building. No planning application made as yet.

- 2.2 The area to be fenced off and transferred to the adjacent Exhall Grange School is 0.33 hectares. The proposed dark green fencing on the northern and eastern sides would be 2.75 metres high security mesh metal fencing panels, set into the ground by a further 0.25 metres. The proposed fencing would meet with existing security fencing on the other sides of the area. The weld mesh of the fencing would be 12.7 cm deep and 76.2 cm wide.
- 2.3 There would be two pairs of security double gates in this proposed fencing. One pair on the northern side, and one on the eastern side. There would be a single pedestrian security gate added to the existing fencing on the southern side. Gates would match the fencing. The existing emergency (fire and emergency maintenance) security gate into Blackberry Lane would remain. All security gates are normally locked. Both the Pears Centre and Exhall Grange School remain in WCC overall ownership, emergency gate locks are usually very similar, and would be controlled by WCC.

3. Consultee Responses

3.1 Ecology

Recommended Notes on Great Crested Newts, Hedgehogs, and Biodiversity Enhancement.

3.2 Highways

Objection. The proposed fencing will close access to the car park in the North West corner of the Pears Centre. If the Pears Centre opens, where are the vehicles going to park? Could an access track be conditioned around the fencing so that an all-weather access is retained to the parking area?

4. Representations (Neighbours)

- 4.1 Two site notices were posted on 17 September 2020. One at the main gate to the Pears Centre in Wheelwright Lane, and one on the padlocked gate in Blackberry Lane.
- 4.2 28 nearest residential properties to the Pears Centre were individually notified on 16 September 2020.
- 4.3 One objection was received on behalf of a nearby landowner, on the basis that he had no formal notice served on him (he had seen the site notice). This was rectified, and no specific objection to the proposal has been received.

5. Planning Policy

- 5.1 Paragraph 11 of the National Planning Policy Framework (NPPF) February 2019 explains that there is a presumption in favour of sustainable development and what that means. What the presumption means in relation to a planning application is that proposals which accord with the development plan should be approved without delay and, where the development plan is absent, silent or relevant policies are out-of-date, then permission should be granted unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in the NPPF indicate development should be restricted.

Paragraph 12 goes on to explain that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

- 5.2 In this case, there is a development plan in place which has relevant policies that are considered to be up to date so far as they relate to this proposal. Therefore, the application should be determined (as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004) in accordance with those policies unless material considerations indicate otherwise. The Development Plan relevant to the proposal consists of the Nuneaton and Bedworth Borough Plan 2011 – 2031 (adopted June 2019).

- 5.3 The courts have made it clear that for the purposes of Section 38 (6) it is enough that the proposal accords with the development plan considered as a whole. It does not have to accord with each and every policy in the plan. It is a matter of judgement for your Committee whether the proposal accords with the plan, considered as a whole, bearing in mind such factors as the importance of the policies which are complied with or infringed, and the extent of compliance or breach.

National Planning Policy

- 5.4 The National Planning Policy Framework (NPPF) states that the planning system has three overarching objectives; economic, social and environmental which are interdependent and need to be pursued in mutually supportive ways. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 5.5 **Paragraph 108** of the NPPF states that in assessing specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 5.6 **Paragraph 109** of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.7 **Paragraph 127** of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive, sympathetic to local character and create places that are safe, inclusive and accessible.
- 5.8 **Paragraph 163** of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.
- 5.9 **Paragraph 170** states that planning decisions should contribute to and enhance the natural and local environment by means including minimising impacts on and providing net gains for biodiversity.

Nuneaton and Bedworth Borough Plan 2011 – 2031 (adopted June 2019)

- 5.10 **Policy DS1 – Presumption in favour of sustainable development** - When considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). It will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
- 5.11 **Policy DS3 – Development principles** – requires that all new development is sustainable and of a high quality. New development within the settlement boundaries will be acceptable subject to there being a positive impact on amenity, the surrounding environment and local infrastructure.
- 5.12 **Policy BE3 – Sustainable design and construction** – requires that development proposals are designed to a high standard and contribute to local distinctiveness and character by reflecting the positive attributes of the neighbouring area.

6. Previous Planning History

6.1 Nuneaton and Bedworth Borough Council applications:

Ref: 011929. New school and children’s home for RNIB. Approved December 2007

Ref: 012762. Amendment to approval 011929. Approved December 2008

Ref: 033771. Hydrotherapy Pool. Approved January 2016

7. Assessment and Observations

Site and Surroundings

- 7.1 The site is predominantly grassland, with the recently built Hydrotherapy Pool in its North East Corner. The building is a modern pleasant design with an approximate footprint of 14 metres x 17 metres. The design is timber clad, with two interlocking monopitch roofs. The proposed dark green metal security fencing would blend with existing security fencing. There would be little appreciable difference to views from outside the Pears Centre. The proposal accords with Policy DS3 - Development principles.

Amenity Issues

- 7.2 There would be no adverse impact on nearby residents or other neighbours. The proposal accords with Policy DS1 - When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).

Ecology

- 7.3 The recommendation that it is sufficient to attach Notes on Great Crested Newts, Hedgehogs, and Biodiversity Enhancement indicates that the proposal is compliant with Paragraph 170 of the NPPF which states that planning decisions should contribute to and enhance the natural and local environment by means including minimising impacts on and providing net gains for biodiversity.

Flooding

- 7.4 The site is not within an area at risk of flooding. The proposal is compliant with Paragraph 163 of the NPPF which states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

Ground Contamination

- 7.5 The submitted Intrusive Environmental Liability Review for the wider Pears Centre assessed that the application site was a low risk for contaminants. It referred to the need for caution however as contaminants were present during previous building operations within the Pears Centre, and a Note will therefore be included in the permission that advises of the action to be taken if any contaminants are suspected.

Access and Highway Issues

- 7.6 The Highway Authority objection is that the proposed fencing will close access to the car park in the North West corner of the Pears Centre. It queried that if the Pears Centre opens, where are the vehicles going to park? And could an access track be conditioned around the fencing so that an all-weather access is retained to the North West parking area?
- 7.7 The reason this car park in the North West of the Pears Centre was so well used when the RNIB use was in operation, is that it was the only major parking area in the whole of the Pears Centre. It is unfortunately also by far the most remote location from any of the buildings within the Pears Centre, apart from the Hydrotherapy Pool building.

- 7.8 There has now been a planning application submitted for Phase 2 of the Pears Centre project, relating to the School Conversion, Ref: NBB/20CC008. This proposes a new car park for 30 cars in front of the existing school building, and an additional 13 car park spaces near the main entrance from Wheelwright Lane, opposite the administration building. It also, significantly, proposes a sports pitch and Multi Use Games Area (MUGA) immediately to the North East of the Hydrotherapy Pool building, that would not leave room for any access route around the proposed Hydrotherapy Pool or its fencing.
- 7.9 In addition to the car parking already proposed in the Phase 2 planning application, there is also scope, if it is subsequently thought necessary, to bring the existing North West car park back into use by revisions to the Phase 2 planning application, and/or through the anticipated Phase 3 planning application for the residential area of the complex, the buildings of which are nearest to the North West car park.
- 7.10 This means that the Phase 2 and 3 applications are capable of providing sufficient alternative car parking. However, the Pears Centre school has the benefit of an existing planning permission and could, in principle, be re-opened without any further planning permission being obtained and implemented, with the fence cutting off access to the North West car park. There would then be insufficient car parking for the Pears Centre school, and that would lead to parking in the road. It has therefore been agreed that a condition that the Pears Centre shall not be used unless arrangement for on-site parking have been approved by the County Planning Authority and implemented.
- 7.11 The proposal accords with Paragraph 109 of the NPPF which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. It also accords with Policy DS1 - Presumption in favour of Sustainable Development.

8. Conclusions

- 8.1 The proposal would enable the Exhall Grange Specialist School to access a modern, recently built aromatherapy pool, that is no longer used by the Pears Centre and is surplus to current requirements.
- 8.2 The proposal meets NPPF and local plan policies. There have been no objections to the proposal from members of the public. Objections by the Highway Authority relating to car parking have been overcome by a condition requiring that the Pears Centre shall not be used unless arrangement for on-site parking within the Pears Centre have been approved by the County Planning Authority and implemented.

8.3 The proposal is recommended for approval with conditions related to:

1. Three-year time limit for commencement.
2. Approved documents
3. Ensuring that on-site car parking within the Pears Centre is adequate.

Advisory Notes are included that relate to:

1. Great crested newts
2. Hedgehogs
3. Biodiversity enhancement
4. Land contamination

9. Supporting Documents

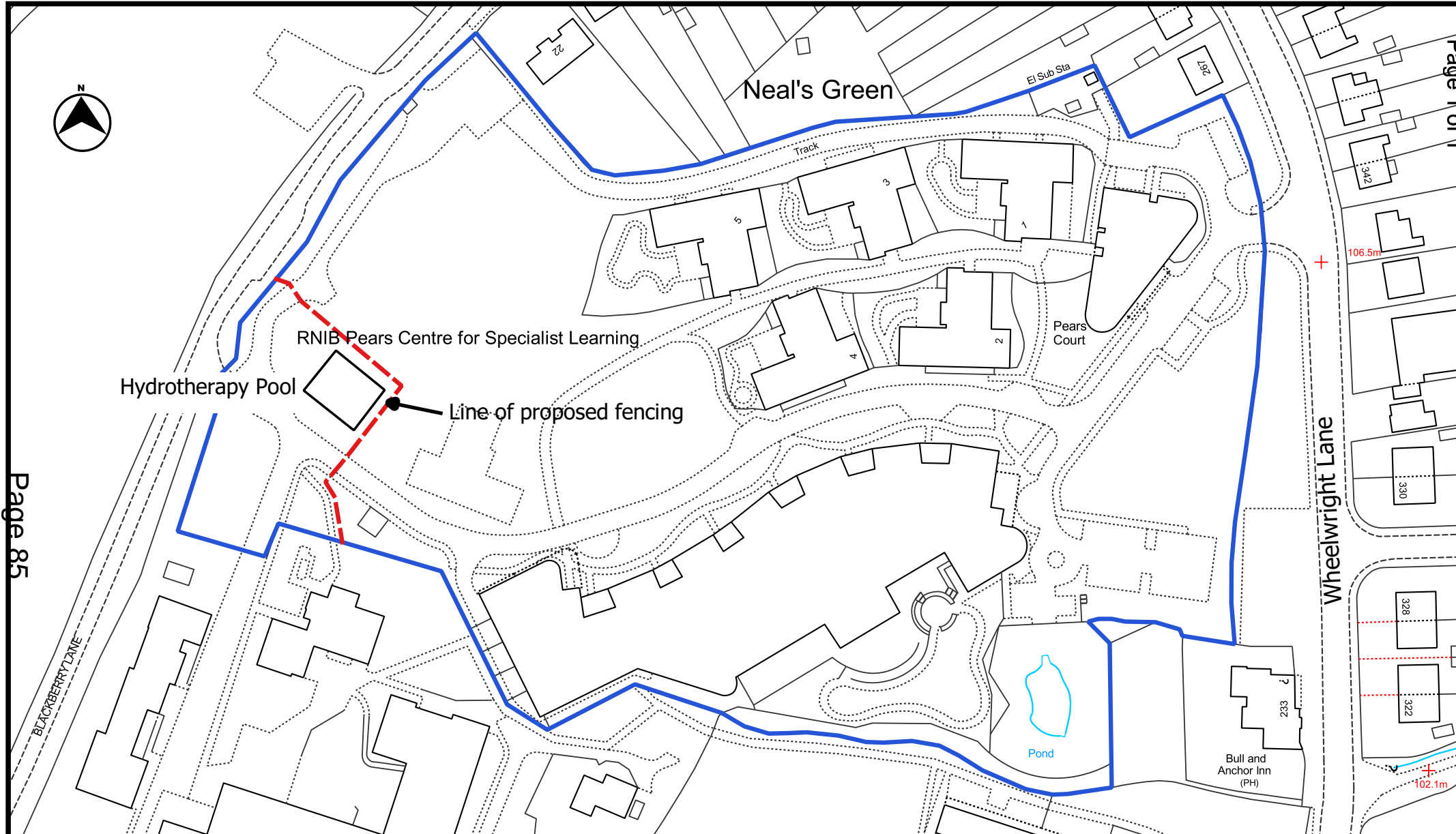
9.1 Submitted Planning Application – Planning reference NBB/20CC005

9.2 Appendix A – Map of site and location.

9.3 Appendix B – Planning Conditions.

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Application No: NBB/20CC005
RNIB Pears Centre, Wheelwright Lane Ash Green, Bedworth
Erection of fencing between hydrotherapy pool and Pears Centre site

Regulatory Committee 02 Feb 2021
 Scale 1:1250 Drawn by: SP Dept: Communities

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Appendix B

Segregation fencing and vehicular access gates between the existing Hydrotherapy Pool building and the Pears Centre site at Former RNIB Pears Centre for Specialist Learning, Wheelwright Lane, Ash Green, Bedworth. CV7 9RA

NBB/20CC005

Planning Conditions

1. The development hereby approved shall be commenced no later than three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall carried out in accordance with the details shown on the following drawings and documents:
 - (a) The application form, dated 14 August 2020
 - (b) Location Plan, Drawing No. 122407/HP Fen/05, dated August 2020
 - (c) Proposed Site Block Plan, Drawing No. 122407/HP Fen/02, dated August 2020
 - (d) Proposed Part Site Block Plan, Drawing No. 122407/HP Fen/03, dated August 2020
 - (e) Proposed 358 Mesh Fencing, Drawing No. 122407/HP Fen/04, dated August 2020
 - (f) Design and Access Statement, Revision A, dated 20 October 2020

and any samples or details approved in accordance with the conditions attached to this permission, except to the extent that any modification is required or allowed by or pursuant to these conditions.

Reason: In order to secure a satisfactory standard of development.

3. Following installation of the fencing hereby permitted, the Pears Centre shall not be used unless arrangement for on-site parking have been approved by the County Planning Authority and implemented.

Reason: To avoid the loss of car parking provision within the Pears Centre.

Notes

Great Crested Newts Note

In view of the pond nearby and records from 2016, care should be taken when clearing the ground prior to development. Holes should be back-filled the same day. If evidence of great crested newts is found during development, work should stop immediately while Natural England are contacted on 02080 261 089 for advice on the best way to proceed. Great Crested Newts and their habitat (aquatic and terrestrial areas) are protected under the 1981 Wildlife and Countryside Act, the Countryside and Rights of Way Act 2000 and the Conservation of Habitats and Species Regulations 2017 the latter of which makes them a European Protected Species. Where newts are present a license might be necessary to carry out the works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 02080 261089

Hedgehogs Note

In view of the nearby hedgehog records and suitable habitat, care should be taken when clearing the ground prior to development, particularly piles of deadwood /leaves /bonfire mounds. If a hedgehog is found, work should stop until WCC Ecological Services is contacted. Hedgehogs are of high conservation concern and are a Species of Principal Importance under Section 41 of the NERC Act. Habitat enhancement for hedgehogs can easily be incorporated into development schemes, for example through provision of CD sized gaps in fencing and purpose-built hedgehog shelters. More details can be provided by the WCC Ecological Services if required.

Biodiversity Enhancement Note

Where possible enhancements should be incorporated into the development to improve the habitats and opportunities for the local wildlife and increase biodiversity. Enhancements could include bat and bird boxes which may be used by a variety of species, native species planting and enhancement of existing of hedges and wild flower planting, habitat piles of rubble, logs and earth which can be used by reptiles, amphibians and invertebrates are also welcomed. The WCC Ecological Services (Tel: 01926 418060) would be pleased to advise further if required.

Land Contamination Note

Should any obvious evidence of unexpected contamination be encountered during any development or maintenance works, it should be reported to a competent engineer so that an inspection can be made, and appropriate sampling and assessment work be carried out. Similar should be advised within an Operation and Maintenance Manual prepared for the site's ongoing use.

Development Plan Policies Relevant to the Decision

Nuneaton and Bedworth Borough Plan 2011-2031 (Adopted June 2019)

Policy DS1 - Presumption in favour of sustainable development

Policy DS3 - Development principles

Policy BE3 - Sustainable design and construction

Management Procedure) (England) Order 2015

In considering this application, the County Council has complied with Paragraph 38 contained in the National Planning Policy Framework, that requires local planning authorities to work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.

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