

## **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  
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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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