

**Planning Committee:** 06 December 2004  
**Application No:** W 04 / 1753

**Principal Item Number:** 02

**Town/Parish Council:** Warwick  
**Case Officer:** John Beaumont  
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**Registration Date:** 24/09/2004

**Expiry Date:** 19/11/2004

**Shire Foods, Tachbrook Road, Whitnash, Leamington Spa, CV31 3ER**  
Proposed plant room extension, rear canopies, flour silo, 2 cooling towers, internal office extension with insertion of new front windows and provision of front security fencing and gates. FOR Shire Foods of Warwick Ltd

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This application was deferred at Planning Committee on the 15th November 2004, to enable a site visit to take place on 27th November 2004. The report which follows is that which was presented previously, including further comments from the Highway Authority.

### **SUMMARY OF REPRESENTATIONS**

#### **Neighbours**

11 letters raising objection on the grounds of:-

- Increased traffic noise, heavy goods vehicles for delivery and distribution of product. Employees vehicles contributing to an already congested road;
- Impact on the environment in the form of emissions and visual impact;
- Potential devaluation of property due to the aforementioned.

23 letters raising the objections listed above, including reference to Tachbrook Road being the 11th busiest in Warwickshire and the following additional reasons.

- Planned shift times of 4.30 a.m. causing noise pollution/disturbance to residents;
- Impact on the environment in the form of emissions;
- The visual impact of the flour silo (11 m x 4.5 m diameter) and proposed two cooling towers;
- Previous application for a garage showroom refused due to potential increase in traffic.

A further 8 letters of objection have been received raising the above issues and that this would be an unacceptable siting, close to residential properties, potential lighting of the site to permit nighttime working, problems are already caused by this firm at their factory on Montague Road, Warwick. One of these letters was from the Principal of Warwickshire College which has new premises adjacent to the site.

James Plaskitt, M.P., has also written to draw attention to concerns expressed by his constituents and to request a site visit by the Planning Committee.

Whitnash Town Council has forwarded a copy of a petition of 101 signatures submitted to them opposing this proposed development on the grounds of increased traffic, devaluation of property, emissions brought about by the production of up to 1.2 million pies per week.

Leamington Town Council (notified as an adjoining Council): No objection.

Whitnash Town Council: No objection but comment as follows:-

1. Suggest a later start - not 6.00 a.m., but 7.30 a.m.
2. Suggest an entrance at the rear of the AP site be used as an exit and so reduce the amount of traffic on Tachbrook Road and provide access to the motorway.
3. Suggest an Environmental Impact Study be carried out on noise, smell and traffic in the area before planning permission is granted.
4. Lighting be addressed and shields fitted or downlighters installed; suggested downlighters be used.
5. Been told that lorries would be leaving the site at around 4.00 a.m. to do deliveries. This should also be taken into consideration.
6. Concern that the service road on Tachbrook Road may be used for staff car parking if inadequate provision on site; might also be used as a turnaround area.

Environment Agency: No objection subject to conditions on contamination.

Highway Authority: No objection.

Head of Environmental Health : No objection subject to noise control condition.

Warwick Town Council: (Notified as an adjoining Council) No objection

### **Additional Comments**

Highway Authority:

*" Further to my letter of 22 October 2004 regarding the above (application), I have discussed previous maintenance issues with our area maintenance team, the access having formerly served as an industrial entrance by Borg & Beck.*

*In order to minimise future highway liability costs the following is recommended which should be undertaken by the applicant prior to occupation.*

1. *The triple cover BT Box cover on the north side of the access to be replaced with a carriageway grade cover.*
2. *The radius turnout to the southern side of the access to be increased to 15 Metres.*
3. *Repairs to be carried out within the access bellmouth to industrial standard."*

### **RELEVANT POLICIES**

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) EMP5 - Employment Development in Urban Areas (Warwick District Local Plan 1995)

DP6 - Access (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP9 - Pollution Control (Warwick District 1996 - 2011 First Deposit Version)

UAP2 - Directing New Employment Development (Warwick District 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

Government Guidance on transport issues is contained in PPG13 and on pollution control in PPG23.

## **PLANNING HISTORY**

Planning permission for the erection of a production unit on this site with associated offices, car parking, service yard and landscaping with a new vehicular access was granted to Automotive Products in 1996, reference W960763. The report to the Planning Committee at that time stated the building was required as a new production facility for 'twin mass flywheel assemblies operating on a 24 hour per day basis in association with activities on the adjacent site'; it was explained the site was within the existing 'A.P.' area and was on land allocated for employment use in the Warwick District Local Plan 1995. The planning conditions did not seek to restrict either the occupancy of the unit, the hours of operation or the type of activity undertaken in the premises. A condition on the planning permission did restrict the level of noise to be created (i.e. the level of noise created should not increase the background level by more than 3 dBA measured 1 metre from the nearest noise sensitive facade).

Subsequently, an application for a change of use from warehouse/production unit to motor vehicles showroom was refused in October 2003, reference W20031280 for the following reasons:-

1. The site is located on the western side of Tachbrook Road within a designated Employment Area wherein Policy (DW) EMP5 of the Warwick District Local Plan presumes against proposals for non-employment uses. The proposals entails the change of use of the present building to a car showroom with ancillary offices and a vehicle cleaning area with the external display of vehicles for sale. Whilst noting the circumstances contained in the submitted application, the District Planning Authority do not consider that these justify a departure from Policy (DW) EMP5 to permit a primarily vehicle retailing operation and the consequent loss of employment premises from a designated Employment Area.
2. The Highway Authority have raised objections to the proposal on the grounds that insufficient details have been submitted to demonstrate that any potential increase in traffic flow into and out of the site that would be generated by the proposals and the manoeuvring of vehicle transporters would not have an adverse impact on the highway safety of Tachbrook Road. The proposal would thereby be contrary to Policy (DW) ENV3 of the Local Plan which requires all development proposals to, inter alia, provide satisfactory vehicular access and not to compromise the safe movement of free flow of traffic, or the safe use of roads by others.

## **KEY ISSUES**

### **The Site and its Location**

This is an existing modern production building with a frontage to and access off Tachbrook Road, Leamington Spa; the building is set back some 44 m from the Tachbrook Road itself. The frontage to the site has been landscaped and has 65 car parking spaces with an area for cycle storage; a further 8 car parking spaces are shown within a rear service yard. To the north and west of the site is land within the A.P. factory site; to the east of the site is a row of semi-detached houses, set behind a service road, overlooking the site, whilst to the south is a balancing pond, an area of vacant employment land and the new Warwickshire College building.

### **Details of the Development**

This is an amended application. As amended, the proposal entails:-

- The erection of a flour silo, 11 m tall on the rear of the building; the building itself is some 9.5 m in height at the ridge;
- The siting of two water cooling towers on a new canopy at the rear of the building; these would not exceed the ridge height of the building;
- A new rear canopy over the access to the loading area;
- A new plant room and cooling tower on the south side of the building not exceeding some 4.5 m in height;
- A new first floor office area some 7 m by 17 m with windows on the south side of the front elevation.
- A new security fence and gates to the site frontage. This would be a 2.1 m high, dark green chain link fence which has been repositioned to be set adjacent to the front car parking area to the rear of the mounded, landscaped frontage (i.e. some 8 m to the rear of the adjacent pavement).

### **Assessment**

This is an existing industrial production unit within an area allocated for employment use in Warwick District Local Plan 1995. The planning permission granted for this building in 1996 did not restrict its use or occupancy so its use by Shire Foods for food production would not require planning permission; indeed the applicants have confirmed that they will move their operations to these premises whether this application is approved or not. Hence whilst being conscious of the objections raised to this application by local residents to the principle of the use of this building for food production, I do not consider that is a matter which can properly be considered in the context of the present application. Government guidance in PPG23, Planning and Pollution Controls also advises that the planning system should not be operated so as to duplicate other controls available under other legislation; in this instance I consider those operated by the Head of Environmental Health with regard to odour and noise nuisance are of particular relevance.

I consider that the works the subject of the present application would not in themselves adversely affect the character or appearance of this building or its impact on the streetscene. Given the existing size of this building and its setback from the highway, behind a landscaped frontage, I do not consider the visual impact would be such as to justify refusal. The proposed security fence has also been relocated to the rear of the mounded, landscaped buffer screen at the front of the building and I consider it would be acceptable in that location whilst providing reasonable security to the site. I note no objections have been raised by the Head of Environmental Health or the Highway Authority and hence I consider that on planning grounds the proposed development, as amended, would be acceptable.

### **REASON FOR RECOMMENDATION**

The proposal is considered to comply with the policies listed above.

### **RECOMMENDATION**

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing nos 04-23-02A and 04-23-03C deposited with the District Planning Authority on 8th October 2004 and drawing no.

04-23-01B deposited with the District Planning Authority on 27th October 2004, and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.

- 3 No development shall take place until details of all external facing materials have been submitted to and approved by the District Planning Authority. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
  
  - 4 The level of noise from the development hereby permitted measured one metre from the facade of the nearest noise sensitive premises shall not exceed the background level by more than 3 dBA. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan.
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